Health and Safety Policy

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Policy Purpose:

The health and safety policy sets out the general principles and approach that the council will follow in respect of health and safety legislation for premises and activities for which the Meriden Parish Council is responsible.

1. Aims of the Health and Safety at Work Policy

1.1. A safe place of work and a safe working environment with adequate facilities for welfare at work.

1.2. Arrangements for considering, reporting and reviewing matters of Health and Safety at work, including regular risk assessments of working activities.

1.3. Systems of work that are safe and without risk to health.

1.4. Safe arrangements for the use, handling, storage and transport of articles and substances.

1.5. Obtaining specialist technical advice and assistance on matters of Health and Safety when necessary.

1.6. Sufficient information, instruction and training of employees, contractors and voluntary helpers to carry out their work safely.

1.7. With regards to training courses, for Employees of the Council or Council Members, the Council shall cover the costs for such courses as necessary.

1.8. Care and attention to the health, safety and welfare of employees, contractors, voluntary helpers and members of the public who may be affected by the Council's activities.

1.9. Safe places of work and safe access to them.

1.10. Safe public areas, where these are under Parish Council control.

1.11. Ensure that all contractors employed by the Parish Council embrace the same standards which the Council sets for itself.

1.12. Co-operate with all relevant authorities.

1.13. Ensure that no new machinery or process is introduced without adequate guidance for any person who may be required to use such machinery or process.

1.14. The Council shall assist the Clerk of the Parish Council to carry out audits and reviews of all operations to ensure compliance with the above.

1.15. All Employees, Councillors and Volunteers of Meriden Parish Council will, at the Council's expense, be provided with any appropriate PPE in carrying out their duties for the Parish Council. The Employee/Councillor/Volunteer is responsible for ensuring the PPE is used, in date (where necessary) and in good condition, they shall inform the Chair if they require replacement PPE.

1.16. The Council, at its expense, shall replace Employee/Councillor/Volunteer PPE as and when necessary.

1.17. The Council shall provide, at its expense, appropriate firefighting and first aid facilities.

1.18. The Council shall ensure, at its expense, that all firefighting equipment and first aid facilities are appropriately maintained, serviced and replaced as necessary.

1.19. All Statutory tests deemed to be required by the Council will be carried out at specified intervals and records kept.

2. Responsibilities

All employees, contractors, Councillors and Voluntary Helpers will:

1.1. Take reasonable care for their own health and safety, to use appropriate personal protective clothing and, where appropriate, ensure that appropriate first aid materials are available.

1.2. Take reasonable care for the health and safety of other people who may be affected by their activities.

1.3. Not intentionally interfere with or remove guards, safety devices or other equipment provided for health and safety.

1.4. Co-operate fully with the aims and requirements of this Health and Safety at Work Policy.

1.5. Read and fully comply with the Council's Health and Safety Risk Assessment.

1.6. Not misuse any plant, equipment tools or materials so as to cause risks to health and safety.

1.7. Report any accidents or hazardous incidents to the Clerk and Chair of the Council.

1.8. Report any 'near misses' to the Clerk and Chair of the Council.

1.9. Any Contractors, Sub-Contractors or Voluntary Helpers of the Parish Council carrying out work of any kind shall ensure that their undertakings meet the health and safety requirements of the Parish Council and of any current Health and Safety Laws and Regulations in all aspects.

1.10. All Contractors and Sub-Contractors shall ensure they use, wear and maintain appropriate personal protective equipment (PPE) in carrying out their duties for the Parish Council. This shall be at the Contractor/Sub-Contractors expense.

1.11. All Contractors and Sub-Contractors should carry a form of personal identification whilst undertaking their duties for the Parish Council.

1.12. No one shall work for the Council under the influence of alcohol or drugs.

1.13. Smoking shall only be undertaken by individuals outside, during their breaks and in a designated area away from their working area. This shall also be away from the breathing space of anyone who does not wish to inhale passive smoke.

1.14. Ensure that Employees/Volunteers/Councillors take regular rest and comfort breaks in their duties, complying with any statutory laws regarding such breaks.

1.15. Employees shall ensure they take full opportunity of holiday entitlement away from their work as laid down by statutory law in co-operation with the Council.

1.16. Employees shall ensure the Chair and/or Clerk is made aware of their holiday dates.

The Clerk has the responsibility for determining the Council's Health, Safety and Welfare policies and procedures; they must ensure they comply with all current legislation. The Clerk will:

1.17. Seek assistance from the Chair, other members of the Council, and from external specialists and sources as required.

1.18. Advise the Council on the resources and arrangements necessary to fulfil the Council's responsibilities with regards to health and safety.

1.19. Make effective arrangements to implement the Health and Safety at Work Policy.

1.20. Ask Council members to ensure that matters of Health and Safety are regularly discussed at meetings of the Parish Council when relevant and required.

1.21. Work with Council members to ensure that regular risk assessments are carried out on working practices, with subsequent consideration and review of any necessary corrective/protective measures.

1.22. All contractors shall either supply a written method statement and risk assessment (RAMS) prior to starting work or carry out an 'on-the job' set on RAMS they complete themselves on the day they commence work.

1.23. Ensure that all Contractors have relevant Employers Liability and Public Liability Insurance in place prior to starting work.

1.24. Keep on file (electronic if possible) any current copies of Contractor's insurance, RAMS.

1.25. Make effective arrangements to ensure those Contractors or voluntary helpers working for the Parish Council comply with all reasonable Health and Safety at Work requirements.

1.26. Ensure that work activities by the Council do not unreasonably jeopardise the health and safety of members of the public.

1.27. Give all contractors a copy of the Council's Health and Safety Policy.

1.28. Maintain a Health and Safety Accident Book (may be an electronic file) of any notified accidents, incidents and near misses.

1.29. If an accident or hazardous incident occurs, the Clerk will take immediate action to prevent a recurrence of a further accident and provide full details in the 'Accident Book'.

1.30. If a 'near miss' occurs, the Clerk (with assistance from Parish Council members if necessary) will investigate the matter as soon as is practically possible, they will then take any appropriate steps to reduce the risk of it occurring again. Full details will be recorded in the Accident Book.

1.31. Act as the contact and liaison point for the Health and Safety Inspectorate.

1.32. Provide a report to the Parish Council at the next meeting of the Council following any accident, incident, and near miss, detailing the facts of the matter which has occurred, and any subsequent steps taken to ensure the matter does not occur again or has reduced the risk as far as is practically possible.

1.33. Shall carry out a vigorous vetting of all who tender for the work on behalf of the Council to ensure that they have a similar regard for Health, Safety and Welfare as the Council.

1.34. Shall ensure that risk assessment(s) for all work activities are in place.

1.35. Shall ensure that the work methods listed in risk assessments are designed to reduce the risks associated with the activities.

1.36. Shall ensure that all information, instructions and training will be made available for all employees, volunteers and Councillors regarding any machinery and process used by them on behalf of the Council.

1.37. Will ensure that regular reviews and audits of health and safety documentation, policies, rules and procedures take place as and when necessary. This shall also apply to health and safety documentation, policies, rules and procedures of all Contractors and Sub-contractors.

3. Supporting Information

The Health and Safety Executive (HSE) advises that over 200 people lose their lives at work in the UK each year. Additionally, about 150,000 non-fatal injuries are reported and an estimated 2 million people suffer from ill health caused or made worse by their work. Local Councils are made up of over 80,000 Councillors and employ over 25,000 staff and have a legal responsibility to ensure the safety of its employees and others.

The Health and Safety at Work etc Act 1974 imposes duties on employers, the self-employed and employees to protect health and safety.

The duty is set out in clear language in section 2 of the Health and Safety at Work etc Act 1974 which states:

"(1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

(2) Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends include in particular:

- *the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;*
- *arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;*
- *the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;*

- *so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;*
- *the provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work."*

Notably, the Employers' Health and Safety Policy Statements (Exception) Regulations 1975/1584 confirms that employers with fewer than 5 employees are exempt from the s.2(3) duty. Although many local Councils will have fewer than 5 employees, it is recommended, as a matter of good practice, that **all** councils should have written policies in place.

Duties to Non-Employees (this would include Contractors)

Sections 3(1) and 3(3) of the Act states as follows:

> *"It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, **that persons not in his employment** who may be affected thereby are not thereby exposed to risks to their health or safety."*
>
> *"In such cases as may be prescribed, it shall be the duty of every employer and every self-employed person, in the prescribed circumstances and in the prescribed manner, to give to persons (not being his employees) who may be affected by the way in which he conducts his undertaking the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their health or safety."*

A "self-employed person" is defined as an individual who works for gain or reward or otherwise than under a contract of employment, whether he employs himself.

Local Councils commonly enter into contracts for the provision of services (e.g. the execution of repairs and improvements) and should ensure that they (i) do not expose Contractors to risks to their health and safety and (ii) such Contractors do not expose non-employees (e.g. visitors/public) to risks to their health and safety. On a practical level, local Councils should ensure all their independent contractors are competent to undertake the work and request that they have public liability insurance cover.

Section 4 of the Act confers additional duties on local Councils by:-

1. Imposing on persons duties in relation to those who:-

(a) are not their employees**;** but

(b) use non-domestic premises made available to them as a place of work or as a place where they may use plant or substances provided for their use there, and applies to premises so made available and other non-domestic premises used in connection with them.

2. It shall be the duty of each person who has, to any extent, control of premises to which this section applies or of the means of access there to or egress there from or of any plant or substance in such premises to take such measures as it is reasonable for a person in his position to take to ensure, so far as is reasonably practicable, that the premises, all means of access there to or egress there from available for use by persons using the premises, and any plant or substance in the premises or, as the case may be, provided for use there, is or are safe and without risks to health.

Non domestic premises are premises not occupied as a private dwelling (including garden, yard, garage and outhouse).

Local Councils regularly employ people to provide services (e.g. catering, repair work, grass cutting) to them in land or premises which they own or manage (e.g. recreational facilities, parks, and burial grounds) and should take note of the effect of section 4 above.

Duty of Employees

1. Section 7 of the Act states that it shall be the duty of every employee while at work:
   (i) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and
   (ii) as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with.

Regulations and Codes of Practice

The 1974 Act is supplemented by a number of Regulations and Codes of Practice. A brief outline (only) is provided below. Councils who believe that Regulations or Codes apply to them should seek further information from the HSE.

1 Management of Health and Safety at Work Regulations 1999 (as amended)

Regulation 3 (of the above) requires employers to carry out "Risk Assessments". A Risk Assessment has been described as "nothing more than a careful examination of what, in your work, could cause harm to people. Risk assessment should be a practical exercise, aimed at getting the right controls in place." Further information is provided in a leaflet published by the HSE called 'Five Steps to Risk Assessment'. To demonstrate how straightforward this exercise can be, the 5 steps are summarised as follows:-

Step 1 - Identify the hazards
Step 2 - Decide who might be harmed and how
Step 3 - Evaluate the risks and decide on precautions
Step 4 - Record the findings and implement them
Step 5 - Review the risk assessment and update if necessary

Regulation 7 requires employers to appoint one of more competent persons (who may or may not be in the Council's employment) to assist them in undertaking the measures they need to take to comply with statutory requirements imposed upon them. Employers should ensure that the number of persons so appointed, the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the undertaking, the risks to which employees are exposed and the distribution of those risks throughout the undertaking.

2 The Workplace (Health, Safety and Welfare) Regulations 1992

These Regulations cover a number of diverse issues including:

(i) ventilation;
(ii) temperatures in indoor workplaces;

(iii) work in hot or cold environments;

(iv) lighting;

(v) cleanliness and waste materials;

(vi) room dimensions and space;

(vii) workstations and seating;

(viii) maintenance;

(ix) falls into dangerous substances;

(x) transparent or translucent doors, gates or walls and windows;

(xi) windows doors and gates;

(xii) escalators and moving walkways;

(xiii) sanitary conveniences and washing facilities;

(xiv) drinking water;

(xv) accommodation for clothing and facilities for changing; and

(xvi) facilities for rest and to eat meals.

Further information can be found in the HSE publication 'Workplace Health, Safety and Welfare - A Short Guide for Managers'

3 Personal Protective Equipment at Work Regulations 1992

Personal Protective Equipment's is defined by the Regulations as:

> *"all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects him against one or more risks to his health or safety."*

The main requirement of the regulations is that personal protective equipment is to be supplied and used at work wherever there are risks to health and safety that cannot be adequately controlled in other ways. Further information in respect of these Regulations can be found in a leaflet published by the HSE called 'A Short Guide to the Personal Protective Equipment at Work Regulations 1992'.

4 Manual Handling Operations Regulations 1992

Manual handling is transporting or supporting loads by hand or using bodily force. The HSE advises that manual handling causes more than a third of all over-three-day injuries reported each year to HSE and local authorities.

The regulations require employers to:

(i) avoid the need for hazardous manual handling, so far as is reasonably practicable;

(ii) assess the risk of injury from any hazardous manual handling that cannot be avoided; and

(iii) reduce the risk of injury from hazardous manual handling, so far as is reasonably practicable.

The HSE has published a leaflet called ‘Getting to Grips with Manual Handling’.

There are a number of other Regulations which may be relevant to local councils. These include:

(i) The Work at Height Regulations 2005;

(ii) The Electricity at Work Regulations 1989;

(iii) The Provision and Use of Work Equipment Regulations 1998;

(iv) The Lifting Operations and Lifting Equipment Regulations 1998;

(v) The Confined Spaces Regulations 1997;

(vi) The Health and Safety (First Aid) Regulations 1981;

(vii) The Regulatory Reform (Fire Safety) Order 2005; and

(viii) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

Consultation with Employees and Safety Representatives

Two sets of Regulations govern how and when employers should consult with their employees. These are:

(i) The Health and Safety (Consultation with Employees) Regulations (HSCER) 1996; and

(ii) The Safety Representatives and Safety Committees Regulations (SRSCR) 1977.

Further details can be found in the HSE publication ‘Consulting Employees on Health and Safety Law’.

Health and Safety Enforcement

Inspectors from the Health and Safety Executive (HSE) or local authorities enforce Health and Safety law. Inspectors have broad powers and:

(i) have powers of entry:

(ii) can serve improvement notices;

(iii) can serve prohibition notices;

(iv) can serve a notice requiring information; and

(v) can commence criminal proceedings for breaches of the duties and obligations set out in the Act or the regulations (as set out above).

Insurance

Local Councils are required by the law to insure against liability for injury or disease to their employees arising out of their employment under the provisions of the Employers' Liability (Compulsory Insurance) Act 1969. Full details of the Act are set out in the HSE's publication 'Employers' Liability (Compulsory Insurance) Act 1969 - A Guide for Employers'.