

Somerset Council

Human Resources Committee  
– 10 October 2023

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## Approval Process for Somerset Council Health and Safety Policies

Executive Member: Cllr Theo Butt Philip, Lead Member for Transformation and Human Resources.

Lead Workforce Officer: Sari Brice - Strategic Manager HR Practice.

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<i>Please complete sign off boxes below prior to submission to Democratic Services</i>			
	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
<b>Report Sign off</b>	Legal	Jill Byron	29/09/2023
	Corporate Finance	Jason Vaughan	18/09/2023
	Human Resources	Sari Brice	29/09/2023
	Executive Member	Theo Butt Philip	28/09/2023
	Monitoring Officer	David Clark	18/09/2023
	<b>Summary:</b>	<ul style="list-style-type: none"><li>• <b>The Statement of Intent</b> outlines an organisational commitment to undertake our business operations in a way that prevents injury or illness to employees, visitors, contractors, and the public who may be impacted by our operations and activities. Responsibilities and arrangements for managing particular risk areas will be addressed by way of individual policies which will be submitted to the HR Committee for approval when existing council H&amp;S policies are reviewed.</li><li>• <b>The Working Safely at Height</b> Policy outlines Somerset Council's commitment to ensuring compliance with <i>The Working at Height Regulations 2005</i>. In doing so, the policy clearly defines responsibilities placed on employees across all levels of the organisation. Changes to the Council's current policy were deemed minimal, with no significant change in established practice.</li></ul>	

- **The Safety Action Notice** Policy sets out the approach The Council will administer, when taking action to address identified or reported noncompliance, hazards, or serious risks to H&S. This action will be in the form of a Safety Action Notice (SAN) which is modelled on *Health and Safety at Work etc Act 1974* regulatory enforcement procedures as used by the Health and Safety Executive (HSE). There are two levels of SAN, these being an Improvement SAN and Prohibition SAN. Changes to the Council's current policy were deemed minimal, with no significant change in established practice.
- **The New and Expectant Parents** Policy sets clear responsibilities to manage and reduce the risk to new and expectant parents at work. Beyond the moral need for this policy, there is also a clear statutory requirement under the Management of Health and Safety at Work Regulations 1999. Changes to the Council's current policy were deemed minimal, with no significant change in established practice. However, consistent with changes to HR Policy, the term 'New and Expectant Mothers', which is used extensively throughout the document, was replaced with 'New and Expectant parents' to ensure the policy wording is inclusive to all employees who are pregnant, have given birth in the last 6 months, and those breastfeeding, including transgender and non-binary people.
- **The Confined Spaces** Policy is a new policy to the continuing authority. During the LGR process, The Health and Safety Service identified a need for this new policy owing to activities undertaken by operational teams transferring from predecessor district organisations. The policy clearly defines responsibilities to achieve compliance with requirements of *The Confined Spaces Regulations 1997*. The policy endeavours to formalise the Council's arrangements for managing risks associated with confined space working.
- **The Working Outside in the Sun and Extremes of Heat and Cold** Policy is intended to replace the continuing authorities Sun Protection Policy. As the title suggests, the current policy places great importance on the need for suitable and sufficient sun protection. However, during the review, it was determined there is an absence of clearly documented responsibilities for managing risks associated with outdoor working in the extremes of heat and cold.

	<p>Therefore, the policy was adapted to ensure the Council has robust arrangements for managing and assessing these activities.</p> <ul style="list-style-type: none"> <li>• <b>The Water Assets</b> Policy is a new policy for the continuing authority. During the LGR process H&amp;S colleagues representing former district councils highlighted the importance of developing a water assets policy to ensure the council has clearly defined procedures for their management and the management of employees who may work near the Council’s water assets. The responsibilities articulated in the policy are considered acceptable in the context of ensuring compliance with <i>The Health and Safety at Work etc Act 1974</i>.</li> <li>• <b>The Biological Agent (Infection Control and Blood-Borne Virus)</b> Policy is a revision of the Council’s current Blood-borne virus policy. No significant impacts or changes to existing working practices were identified during the review.</li> </ul>
<p><b>Recommendations:</b></p>	<p>The members of the HR Committee are asked to:</p> <ul style="list-style-type: none"> <li>• Approve the Somerset Council Health and Safety Statement of Intent (Attached) – Members are reminded that owing to the importance and statutory requirement associated with this document. Duncan Sharkey and Bill Revans signed the document 31 March 2023. The policy is submitted for approval to ensure the H&amp;S Service has followed the council’s process as much as reasonably possible.</li> <li>• Approve the following policies.             <ul style="list-style-type: none"> <li>• Safety Action Notices</li> <li>• Confined Spaces</li> <li>• New and Expectant Parents</li> <li>• Working Safely at Height</li> <li>• Biological Agent (Infection Control and Blood-borne Viruses)</li> <li>• Water Assets</li> <li>• Working Outside in the Sun and Extremes of Heat and Cold</li> </ul> </li> <li>• Agree to give delegated authority to the Corporate Health and Safety Unit to publish and update guidance documents when necessary.</li> </ul>

<p><b>Reasons for Recommendations:</b></p>	<p>Section 2(3) of <i>The Health and Safety at Work etc Act 1974</i> places a statutory duty on Somerset Council to prepare a written health and safety policy. The policy must be revised as necessary and be brought to the attention of employees.</p> <p>Owing to the Local Government Reorganisation, a review is necessary to ensure the newly formed Somerset Council has outlined its commitment, aspirations, and arrangements regarding the management health and safety within the organisation.</p> <p>As the most senior individuals in the Council, the Chief Executive and Leader of the Council have signed the Statement of Intent.</p> <p>Guidance supports policy, outlining practical steps to achieve legal compliance, while also reflecting organisational working practices considered pertinent to each policy. Section 2, (2), (C), of the Act prescribes the need for the provision of information, instruction, and training as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of Somerset Council employees. The development of comprehensive guidance is a contributing element of our endeavour to demonstrate compliance with Section 2, (2), (C).</p> <p>The intention of the Corporate Health and Safety Unit (CHSU) is to produce supporting guidance for the majority of policies we publish. The CHSU propose the guidance documents are brought to the attention of HR Committee for awareness purposes but are not subjected to a formal review and approval process by the HR Committee, thus allowing for greater flexibility to update guidance as and when the need arises. Examples may include revisions due to changes in national guidance, following findings of accident investigation, following feedback from employees affected by the guidance.</p>
<p><b>Links to Priorities and Impact on Service Plans:</b></p>	<p>Part of the People Workstream for Local Government Reorganisation.</p>
<p><b>Financial, Legal and HR Implications:</b></p>	<p><b>Financial</b> – Broadly speaking there are no unforeseen financial implications associated with the health and safety policies. Each of the five local authorities had a statement of intent and policy arrangements which outline a commitment to manage its activities in a safe and legally compliant manner, so far as is reasonably practicable (SFAISRP). There is of course a cost</p>

	<p>associated with that endeavour, however it's a well-known and understood legal requirement.</p> <p>Specifically, The Statement of Intent states <i>"so far as is reasonably practicable, the Council will strive to attain the highest possible standard of health and safety (H&amp;S) management in all its operations"</i></p> <p>Therefore, in seeking to achieve the highest possible standards of health and safety, SFAIRP enables the council to assess the degree of risk against the financial cost, time, effort and impact associated with managing the risk.</p> <p><b>HR</b> – The new policies being drafted will apply to all employees regardless of whether they have transferred into Somerset Council or have remained employed by the continuing authority.</p> <p>The requirements placed on employees will be in accordance with statutory duties placed on them under Section 7 of <i>The Health and Safety at Work etc Act 1974</i>. Policies are subject to trade union consultation, and review by the Health, Safety, and Wellbeing Steering Group, thus ensuring the impact of each policy review is scrutinised to ensure expectations placed on employees are reasonable.</p> <p><b>Legal</b> – Health and Safety Policies are reviewed to ensure Somerset Council remains compliant with legislative requirements.</p>
<p><b>Equalities Implications:</b></p>	<p>The Statement of Intent commits Somerset Council to ensuring the provision of a workplace where employees feel safe, supported, and free to raise concerns and feel included regardless of race, religion, gender, political beliefs, or abilities.</p> <p>The Council's duty under Section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions. Following consultation with Somerset Council's Equalities in Employment Officer, where required, a full Equality Impact Assessment will be completed for Health and Safety policies.</p>
<p><b>Risk Assessment:</b></p>	<p>N/A</p>
<p><b>Scrutiny comments / recommendation (if any):</b></p>	<p>N/A</p>

## **Background**

Local Government in Somerset was reorganised with the formation of a single unitary authority covering the work of the County Council and four District Councils (Mendip, Sedgemoor, Somerset West & Taunton, and South Somerset). Owing to the forming of Somerset Council, work has begun to review and consolidate health and safety policies from across the five local authorities.

In consultation with the LGR JNF trade Union Group and People Workstream, in August 2022 it was agreed existing County Council H&S policies would supersede district policies. It was also agreed that reviews of SCC policies would include a comparison of district policies.

For each policy a fundamental set of principles are being applied – (i) that they are legally compliant, (ii) align with best practice and (iii) are as concise and user-friendly as possible. Where possible, detailed process and guidance is being moved into guides/supporting documents to assist with keeping the policies as concise as possible.

Policies under review are examined by health and safety professionals from across the former five organisations before a newly drafted policy is then issued to Trade Unions for consultation.

In addition to the trade union consultation, policies are submitted to the Council's Health, Safety, and Wellbeing Steering Group (HSWSG). Membership of the HSWSG captures representatives from across the Council's seven directorates. This includes a mixture of Trade Union appointed H&S Representatives, Service Directors, Strategic and Service Managers.

Once policies have been through the union consultation process, a process is required for each to be formally approved for implementation.

In October 2022 HSWSG members acknowledged their role in reviewing H&S policies. However, members also cited concerns at the absence of a formal approval process and requested clarification.

In November 2022, it was confirmed, following the process of trade union and HSWSG consultation, newly drafted policies would be submitted to the HR Committee for approval before being adopted by the organisation.

Under the Council's Constitution the HR Committee has a role in terms of signing off Health and Safety Policies. The relevant extract is below:

*“To discuss the conditions of service, hours of employment, remuneration, training and health, safety and welfare at work of employees of the Council within the terms of overall Council HR Policies and Procedures and make recommendations as necessary.”*

It is the understanding of the CHSU that a historical decision was taken not to approve H&S policies at HR Committee owing to the fact H&S policies were considered guidance. However, there is a clear expectation from the Health and Safety Executive that a suitable and sufficient policy will contain a Statement of Intent, responsibilities for health and safety, and the arrangements for carrying out the policy. We believe an influencing factor in the decision to withhold H&S policies from the HR Committee, was due to the volume of guidance in the documents which made it challenging to differentiate policy requirements from guidance, this belief influenced our decision to remove guidance from policy.

Therefore, to avoid any confusion, and ensure Somerset Council adopts and embeds appropriate arrangements for managing health and safety, the Health and Safety Service request the HR Committee approve new policy and changes to existing policy.

### Policy Approval Process

The Health and Safety Service has established a policy review [forward plan](#) which we have aligned with HR Committee meetings to ensure drafted policies are ratified by the Committee prior to being published. The process followed is outlined below.

