

# Somerset Council

## Human Resources Committee

– Tuesday 26 March 2024

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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.

Author: Daniel Thomas – Strategic Manager Health and Safety.

<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	David Clark	05/12/2023
	Corporate Finance	Nicola Hix	22/01/2024
	Human Resources	Sari Brice	21/12/2023
	Executive Member	Theo Butt Philip	21/12/2023
	Monitoring Officer	David Clark	05/12/2023
	<b>Summary:</b>	<ul style="list-style-type: none"><li>• <b>The Food Safety Policy</b> At the June Health, Safety, and Wellbeing Steering Group Jo O'Callaghan (Strategic Manager Education Ops) queried the ownership of Somerset Council's Food Safety Policy. It was noted that although published on the H&amp;S Website, the policy was drafted by a disbanded group, as such, the policy hasn't been updated in several years and was deemed not fit for purpose. Subsequently it was agreed H&amp;S would work with the SSE Senior Catering Advisor to review and update the policy.  The main objectives for the review were to include the latest allergen advice for PPDS foods (pre-packed for direct sale) also known as Natasha's law. It was also felt that clarification was needed to explain who in the Council the Food Safety Policy was aimed at. In the opening paragraph 'Policy on a Page', examples have been added of school meal provision, library cafes, outdoor centres, and the local pantry network.  Other changes to the policy are the Devon and Somerset trading standards are now called the Heart of the Southwest trading standards service. Following unitary, citations of District Council officers have been changed to Food Safety Officers from Somerset Council's Environmental Health team. References have been removed for the Somerset Council</li></ul>	

Food Safety Group as this no longer exists. The policy has also been split into two parts, policy and a separate guidance document.

Review of the draft policy has been undertaken by Natalie Spicer, Senior Catering Advisor, Contract Support Service (Schools), Rachael Holden, Group Manager at the Heart of Southwest Trading Standards Service and Emily Vining, Public Health Manager and Lead. Prior to bringing this policy to HR Committee, the council's LGR JNF Group and Health, Safety, Wellbeing Steering Group were consulted, there were no requests for further changes from either group.

- **The Legionella Policy**

This was a review of the legacy County Council Legionella Policy. Compliance specialists representing Strategic Asset Management and Housing Services were involved in the review.

Responsibilities and procedures specific to Housing Services were added to the policy.

Timescales were established for addressing identified risks arising from Legionella Risk Assessments published by external competent contractors pertaining to the management of our strategic assets.

- Remedial work identified as high risk to be actioned within 20 working days of report being issued to Somerset Council
- Remedial work identified as medium risk to be actioned within 40 working days of report being issued to Somerset Council
- Low risk works are for awareness/ periodic review only.

References and responsibilities were added pertaining to the Legionella Working Group. The Group was established by Strategic Asset Management to maintain an ongoing dialogue around legionella issues.

Legionella risk assessment review periods were extended by 12-months, this change was requested by Strategic Asset Management, a risk-based rationale was provided and approved by the Council's designated Responsible Person Oliver Woodhams. Updated frequencies are captured on page 23 of the Legionella Guidance document.

- **The Slips and Trips (Same Level Falls) Policy**

This was a review of the legacy County Council Policy. The Slips and Trips (Same Level Falls) Policy outlines Somerset Council's aims to conduct its activities so that no person suffers harm whilst

	working in or moving around premises and other work environments which are the responsibility of the Council. Changes to the Council's current policy were deemed minimal, with no significant change in established practice.
<b>Recommendations:</b>	Members of the HR Committee are asked to approve and confirm the following H&S policy reviews: <ul style="list-style-type: none"> <li>• Food Safety Policy</li> <li>• Slips and Trips (Same Level Falls) Policy</li> <li>• Legionella Policy</li> </ul>
<b>Reasons for Recommendations:</b>	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.  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.
<b>Links to Priorities and Impact on Service Plans:</b>	Part of the People Workstream for Local Government Reorganisation.
<b>Financial, Legal and HR Implications:</b>	<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 (SFAIRP). There is of course a cost 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</p>

	<p>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>
<b>Equalities Implications:</b>	<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>
<b>Risk Assessment:</b>	N/A
<b>Scrutiny comments / recommendation (if any):</b>	N/A

## 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 consultation process, policy approval is requested from Chair of the Health, Safety, and Wellbeing Steering Group (Alyn Jones) and the elected member portfolio holder (Theo Butt Philip).

### 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 brought to the attention of HR Committee prior to being published. The process followed is outlined below.

