

Report for:	Shadow Executive
Meeting Date:	31st March 2020

Title of Report:	Buckinghamshire Council Health and Safety Policy
Shadow Portfolio Holder	Cllr Katrina Wood
Responsible Officer	John Reed
Report Author Officer Contact:	Caron Owens, 01296674412, carowens@buckscc.gov.uk
Recommendations:	That the Shadow Executive considers the report; approves the adoption of the new Safety Policy and appoints an interim Member from the Planning, Growth and Sustainability Portfolio to be the Health and Safety Champion.
Corporate Implications:	The draft policy has been sent to the Legal Officer to address any legal concerns. There are not any direct financial implications as a result of implementation of the Policy
Options: (If any)	To adopt the Safety Policy.
Reason:	It is a legal (statutory) requirement under the Health and Safety at Work etc. Act for the employer to have a written Safety Policy in place. Health and Safety Executive guidance also recommends that there is; a statement of intent from the most senior officer in the new Council (Chief Executive) and responsibilities and arrangements for health and safety.

1. Purpose of Report

- 1.1 Further to a report that was taken to the Chief Executive Implementation Group on 8th January and the Resources programme Board on 26th June it was identified that there is a legal requirement to have a new health and safety policy statement in place for Buckinghamshire Council, to be effective from 1st April 2020.
- 1.2 To consider and approve the Draft Buckinghamshire Safety Policy.

2. Content of Report

- 2.1 The legal requirement to write a policy is included in the Health and Safety at Work etc. Act 1974.



- 2.2 Each existing council currently has its own existing health and safety policies however one overarching Corporate Safety Policy is required for the new Council prior to vesting day.
- 2.3 In developing the Policy the Property Health and Safety Group have focused on the need to have: a Statement of intent from the Chief Executive, outlining how responsibilities will be discharged and arrangements put in place in manage health and safety. Further down the line there will be Statement of Governance for Corporate Directors to sign which will be cascaded down through each tier to ensure organisational compliance. There will also be a structure and tools of reference detailing consultation arrangements to meet the requirement to consult on health and safety matters.
- 2.4 Existing reporting systems, policies and methods are likely to remain in place and the vast majority of operational health and safety arrangements will remain valid and continue after vesting.


3. Financial Implications

- 3.1 No direct financial implications.

4. Legal Implications

- 4.1 As a corporate body, the Council will have a legal duty to ensure, so far as is reasonably practicable:-
 - 4.1.1 The health, safety and welfare at work of its employees; and
 - 4.1.2 The health and safety of other persons so far as they may be affected by either the activities of the Council workforce or the condition of premises and/or facilities made available for use by any organisation or individual member of the public.
- 4.2 The Management of Health and Safety at Work Regulations 1999 places a duty on employers to assess and manage risks to their employees and others arising from work activities.
- 4.3 Health and Safety Committees' are generally established under the Safety Representatives and Safety Committees Regulations 1977 (as amended). Section 2(6) of the Act requires employers to consult with safety representatives with a view to the making and maintenance of arrangements which will enable the organisation and employees to co-operate effectively in promoting and developing measures to ensure the health and safety at work of the employees, and in checking the effectiveness of such measures.

5. Other Key Risks

- 5.1 Legal – There is a legal requirement to have a written policy for managing health and safety. Without a Health and Safety Policy we are exposing Buckinghamshire Council to enforcement action.
 - 5.2 Financial – There is a financial risk if we do not have a Safety Policy as our ability to defend insurance claims and meet our requirements as an employer will be reduced.
 - 5.3 Moral- We have a social and moral responsibility towards our employees and anyone else affected by our undertakings to ensure that we run our activities in a
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safe manner. An effective health and safety culture is led from the top of the organisation and without a formal commitment to health and safety from the Chief Executive and Directors a positive safety culture integral to the success of the organisation will not be established.

6. Dependencies

- Programme Board Monitoring Officer
- Programme Board S151 Officer
- Programme Lead

7. Consultation

7.1 The policy has been formulated by the Corporate Health and Safety Work-stream.

The advice of the Legal officer was sought from Catherine Herries-Smith who has confirmed that the policy is sound and in line with the law and good practice.

8. Communications Plan

8.1 The policy will be communicated to all employees in conjunction with the PMO Communications Team.

9. Equalities Implications

9.1 Advice has been sought from Maria Damigos Specialist Project Lawyer (MDamigos@aylesburyvaledc.gov.uk) who confirmed that an Equalities Impact Assessment was not needed at this time.

10. Data Implications

10.1 Advice has been sought from Jennifer Griffin the Information, Strategy and Governance Manager.

11. Next Steps

11.1 If agreed by ISE the draft Policy will be adopted and signed by the Chief Executive in April 2020.

11.2 Recognised Trade Unions have been consulted on the policy when it was taken to the monthly HR Services trade union meeting and the Corporate Health, Safety and Wellbeing meeting on 10th December. The policy will be communicated to all employees in conjunction with the PMO Communications Team.

