

COUNCILLOR ON LINE TRAINING

UNDERSTANDING HEALTH AND SAFETY

A decorative graphic at the bottom of the slide consisting of a light green trapezoidal shape pointing downwards, which is overlaid on a yellow trapezoidal shape pointing upwards. The two shapes meet at a white line that forms a central V-shape.

WHAT IS AVAILABLE?

The on-line training materials have been prepared to assist you in developing your information and knowledge base as a Councillor.

The materials cover 7 distinct subject areas of which 'Health and Safety' is one. The other materials cover Induction, the Code of Conduct, the Council as an Employer, Understanding the Law, Understanding Local Government Finance and Diversity and Inclusion.

LET'S GET STARTED

This module is about the 'Health and Safety' and it covers the following key elements:-

- ▶ How to manage health and safety within your Council
- ▶ Relevant legislation you should be aware of
- ▶ The need for a 'competent' person to carry out certain health and safety tasks
- ▶ Accidents, Reporting and Investigation
- ▶ Risk Assessments
- ▶ Sources of Advice

PURPOSE OF THE MODULE

To enable you to understand:-

- ▶ The main responsibilities the Council has for health and safety
- ▶ The importance of ensuring a safe working environment
- ▶ The benefits of good health and safety compliance

THREE KEY REASONS TO MANAGE SAFELY

Moral – The effects on a victim of an accident, having to tell the family/families about serious injuries or even fatalities

Financial – Loss of possible earnings for the victim, losses to the Council, dealing with insurance claims, replacing staff

Legal – Need to demonstrate compliance with legislation/show you have respected the duty of care – possible prosecution by the HSE

WHAT GUIDES YOU?

- ▶ A wealth of legislation that you need to be aware especially if your Council provides facilities and services (e.g. Management of Health and Safety Regulations)
- ▶ Depending on the work of the Council you may need to consider engaging professional health and safety advice or train some of your staff to be able to undertake things like risk assessments

The Health and Safety Executive's website provides excellent guidance - <http://www.hse.gov.uk/>

THE LAW SETS BOUNDARIES

- ▶ Acts of Parliament and Approved Codes of Practice
- ▶ The Health and Safety at Work Act 1974
- ▶ Regulations such as Manual Handling Regulations 1992, Asbestos Regulations 2000 and the Health and Safety Executive's Stress Management Code of Practice

Guidance on legislation can be found on the Health and Safety Executive's website

<http://www.hse.gov.uk/>

THE PRINCIPLE OF 'REASONABLY FORESEEABLE'

The law attempts to be fair by requiring your Council to be responsible for reasonably foreseeable risks e.g. If an incident happens and your Council was obviously aware of the hazards which could cause an accident then it is regarded as foreseeable and your Council would have been expected to have taken appropriate precautions to prevent the accident.

NOT REASONABLY FORESEEABLE

If an accident has occurred due to factors which following a risk assessment were not obvious your Council could not be expected to have done anything to prevent the accident.

Your Council will however have to demonstrate if called to account that it did take action to risk assess a process or activity.

THREE SIMPLE TESTS TO DETERMINE IF A RISK IS REASONABLY FORESEEABLE

Common Knowledge – What a person could assess as a potential problem e.g. pot hole, badly stacked boxes and items blocking fire exits

Industry Knowledge – Relates to manufacturer's information e.g relating to use of substances such as paint or cleaning materials

Expert Knowledge – Advice that has been received from advisers highlighting matters of concern that should be managed upon receipt of the advice

FORESEEABLE/PRACTICABLE?

Your Council is required to ensure that all reasonably foreseeable risks are assessed and to reduce these risks so far as is reasonably practicable.

Reasonably practicable means that where a risk has been identified, providing remedial action is not cost prohibitive, such action must be taken. If the hazards identified are measured as low risk but the cost to put things right is exorbitant then the Council would not be required to take such action as this would be unreasonable. As a general guide, the Council must try to identify all significant risks and take remedial action where the risks outweigh the cost factor.

LEGISLATION

It all started with the Health and Safety at Work Act 1974. This general legislation required employers to provide safe access and egress to premises; provide information, instructions and training to enable everyone to work safely; provide safe machinery and maintenance of the same; and provide a safe working environment.

LEGISLATION

There are many other regulations which support the Health and Safety at Work Act 1974 including:-

- ▶ COSHH Regulations 2002 (Control of Substances to Hazardous to Health – require safe storage and handling of hazardous substances)
- ▶ Asbestos Regulations 2005
- ▶ Electricity at Work Regulations 1989 (Control of electric power supply in a safe manner)
- ▶ Fire Safety Order 2006 (A comprehensive set of regulations relating to fire safety in premises)
- ▶ First Aid Regulations 1981 (Legal requirements for first aiders based on number of staff in premises)

THE COMPETENT PERSON

The Management of Health and Safety Regulations require many Councils to have:-

- ▶ A competent health and safety person either employed directly or having access to an external person
- ▶ A competent person is someone who is an accredited member of the Institution of Occupational Safety and Health (IOSH)
- ▶ Such a person will be able to introduce a robust health and safety system in line with Health and Safety Guidance 65 –

<http://www.hse.gov.uk/pubns/books/hsg65>

DOES MY COUNCIL NEED A HEALTH AND SAFETY POLICY?

Yes it is a legal requirement (Health and Safety at Work Act 1974, Section 2(3)).

The policy should state the Council's commitment to health and safety, how it will comply with its legal requirements and how it will seek to continually improve in this area. It will also need to cover how its responsibilities will be managed and what objectives does it set itself in this regard.

PLANNING AND IMPLEMENTATION

Effective Risk Assessment is the key.

- ▶ For every job of work undertaken there needs to be a risk assessment which confirms that a safe work place has been created for those involved e.g. grass-cutting, litter picks, village fete etc.
- ▶ For each task identified linked to a function, use of machinery or equipment the individual activities should be written down as well as the associated hazards to determine the level of risk. Counter measures will then need to be determined and monitored on a frequency depending on the level of risk

For an example of a risk assessment pro forma:

<http://www.hse.gov.uk/pubns/indg163.pdf>

MONITORING AND REVIEW

Ways in which a Council can monitor and review include:-

- ▶ Undertake inspections (e.g. Walk around Council sites and report on findings)
- ▶ Set up a Health and Safety Committee to steer compliance with requirements
- ▶ Investigate accidents and incidents and report findings to the Council (Need to record accidents in an accident book)

TRAINING ARRANGEMENTS

Some examples of training useful for the Council and employees include:-

- ▶ Basic safety induction
- ▶ Managing safely - risk assessment training
- ▶ Manual Handling
- ▶ First Aid
- ▶ Fire
- ▶ Stress Management

BENEFITS OF AN EFFECTIVE APPROACH TO HEALTH AND SAFETY

- ⌘ Reduce accidents
- ⌘ Maintain a healthy workforce
- ⌘ Improve attendance at work
- ⌘ Reduce staff turnover
- ⌘ Reduce training costs of new staff
- ⌘ Reduce personal injury claims
- ⌘ Improve the efficiency of the workforce
- ⌘ Reduce insurance costs (or at least stop them rising)
- ⌘ Improve the Council's image as an employer

Learning Activity - If you think Health and Safety is expensive try having an accident or staff illness!

What are the hidden costs of an accident?

HIDDEN COSTS OF AN ACCIDENT

- ▶ Replacement of equipment used at the scene of the accident.
- ▶ Injured/ill staff member's/member of the public's time off work.
- ▶ Training replacement worker.
- ▶ Hiring of temporary staff.
- ▶ Rise in Insurance premiums. Time for accident investigation
- ▶ Time for witness statements.
- ▶ Preparing accident reports
- ▶ Lay Inspections
- ▶ Court appearances.
- ▶ Legal Fees (including any fines and/or civil settlements)

For every £1 an incident/accident costs,
indirect costs are estimated to be as high as £30.!!!

SOURCES OF ADVICE

- ▶ One Voice Wales
- ▶ Society of Local Council Clerks
- ▶ ACAS
- ▶ Health and Safety Executive

NOW TEST YOURSELF

Try to answer the following :-

- 1) What are the three key reasons for managing safely?
- 2) How would you define the concept of 'reasonably foreseeable'?
- 3) What are the three tests for determining whether a risk is foreseeable?
- 4) Why is it necessary to risk assess functions, use of machinery or equipment?
- 5) In what ways can a Council ensure that health and safety arrangements are reviewed and monitored?

WHAT NEXT?

Now that you have a basic understanding of Health and Safety, you are strongly recommended to ask your Council to provide you with the opportunity to attend a training course on this subject.

The training offered by One Voice Wales is interactive and explores all elements of the Council's health and safety role in the depth that you would expect from your representative body. It will also give you the opportunity to engage with other Councillors enabling you to share experiences and learn from your peer group.