



Doncaster Council

Report

Date: 19th July 2018

To the Members of the
Council

Health and Safety Reporting Arrangements – Review and Proposal

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Nigel Ball	ALL	No

EXECUTIVE SUMMARY

1. The purpose of this report is to provide assurance of the Council's compliance with current Health and Safety Regulations and Guidance, which requires continual review of the organisation's Health and Safety arrangements, embedding effective communication at all levels and mitigating potential risk.
2. Therefore a review of the Council's current Health and Safety reporting arrangements has been undertaken, with proposed changes to the current arrangements, to strengthen governance, to provide a more proactive strategic approach and clearer accountabilities.

EXEMPT REPORT

3. N/A

RECOMMENDATIONS

4. To approve the revised arrangements in respect of those functions, previously undertaken by the Joint Safety Committee and to note that Part 3 of the constitution will be amended to reflect the revised arrangements relating to Corporate Health & Safety.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

5. The Council is required to discharge its duty under the Health and Safety at Work Act 1974 in a responsible and proportionate manner with regard to all Council undertakings.

BACKGROUND

6. Current Council arrangements include Directorate Health and Safety Liaison Groups that feed into a Joint Safety Committee, which in turn feeds back to Directorate H&S Liaison Groups. This structure provides limited governance and does not enable structured management accountability for strategic Health and Safety issues. Trade Union representation is in attendance at both the Liaison and Committee meetings, but with limited communication beyond this level of reporting. The current structure does not meet best practice or a benchmarking critique undertaken with other Local Authorities. Therefore current arrangements expose the Council to potential governance, reputational and financial risks in the event of an incident.

OPTIONS CONSIDERED

7. To achieve a more strategic approach, it is proposed that current Directorate Liaison Groups become Directorate Health and Safety Committees with a focus on both operational reporting and strategic improvements. These Committees will be chaired by Assistant Directors, with Trade Union and employee representation, attended by the Health & Safety Manager or Advisor and other specialists when required.

Key issues from the Directorate H&S Committees will report quarterly to the Directors meetings, Portfolio Holder and Executive Board with feedback, actions and outcomes fed back to Directorate Committees. As a safeguard, any unresolved health and safety collective issues will now have the scope, in line with the Council's Industrial Relations Framework, to be escalated to the next level for resolution in a fair and timely manner. There will also be a quarterly Health & Safety Surgery with the Portfolio Holder and Health & Safety Manager, for Ward Members to raise Health and Safety concerns directly with the Council's H&S Team. Issues raised will be reported quarterly to Directors by exception.

REASONS FOR RECOMMENDED OPTION

8. A new structure is proposed to modernise and provide a more strategic approach to the Council's current Health and Safety reporting and consultation structure, as well as bringing it in line with Health and Safety Executive guidelines and other Local Authority best practice. The new structure will strengthen overall governance, remove duplication, improve efficiency, enhance effective communications, embed management accountability and provide strategic direction for Health and Safety at all levels across the Council. It will also provide appropriate separation of Officer and Councillor responsibilities.
9. These new governance arrangements will establish clearer accountability, a proactive and strategic approach to continual improvement, effective consultation and communication at all levels. Therefore the new structure will provide a direct link to all employee and governance levels at both strategic and operational levels for Health and Safety issues.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

10.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<p>Sharing Health and Safety best practice, successes, challenges and experiences with partners, stakeholders and SME's to promote the development of local economy and business growth.</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>Providing a first class Health and Safety Strategy, H&S reporting structure and Management System, in line with current best practice. Which enables our employees to undertake their activities safely in the public domain, promoting the development of Doncaster as an attractive and secure place to live.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>Providing comprehensive Health and Safety Services for schools and supporting schools in providing a safe environment to ensure we can prepare young people for fulfilling lives.</p>

	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>Supporting and advising Council employees to ensure that they have the ability, training and H&S systems in place to offer support to our most vulnerable residents, whether children, adults, disabled people, families, older people.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>The Health and Safety Section utilises all available technology and software to become more efficient and flexible. Providing solutions that enable employees and managers access to essential Health and Safety information relevant to Service needs, which provides a proactive and safer working environment for Council employees in the public domain</p>

RISKS AND ASSUMPTIONS

11. If the Council does not modernise and provide a more strategic approach to the Council's current Health and Safety reporting and consultation structure, as well as bringing it in line with HSE guidelines and other Local Authority best practice, the Council could be at risk of challenge on overall governance, management accountability. Also, the overall strategic direction for Health and Safety at all levels across the Council, which could be put into question.
12. By implementing new governance arrangements it will establish clearer accountability, a proactive and strategic approach to continual improvement, effective consultation and communication at all levels. Therefore the new structure will provide a direct link to all employee and governance levels at both strategic and operational levels for Health and Safety issues.

LEGAL IMPLICATIONS [Officer Initials...SRF... Date...3/7/2018.....]

13. The Council is bound by the Health and Safety Act 1974 ('the Act') which sets out the general duties of employers to secure, so far as reasonably practicable, the health, safety and welfare of its employees and others who may be affected by the Council's activities including clients, service users and the general public. In addition, and linked to the Act are other legislative requirements including the Safety Representative and Safety Committee Regulations 1977 (as amended). The revised structure meets the requirements of the law and mirrors good practice elsewhere.

As a result of these proposals, Section 3.8.2 of Part 3 of the Council's Constitution (Terms of Reference of Committees and Sub-Committees) will need to be revised by removing the Terms of Reference for the Joint Safety Committee.

FINANCIAL IMPLICATIONS [Officer Initials..RT... Date.....03/07/2018.....]

14. There are no financial implications associated with this report. All work will be covered by the team and within the current staffing budget.

HUMAN RESOURCES IMPLICATIONS [Officer Initials.. AC... Date 03/072018.]

15. In line with the Council's Industrial Relations Framework, any unresolved health and safety collective issues will now have the scope, to be escalated to the next level for resolution in a fair and timely manner.

TECHNOLOGY IMPLICATIONS [Officer Initials ..PW... Date. 25/06/18.....]

16. There are no technology implications in relation to this report.

HEALTH IMPLICATIONS [Officer Initials...KH.....Date ...26.6.18.....]

17. Adverse employment and working conditions damage health and can contribute to health inequalities for employees, including those in temporary or manual roles. Providing proactive and fit for purpose health and safety governance can have a positive effect on the health of employees and the safety of the public. In addition to being improvement focussed, the new system is intended to enhance communication and consultation at all levels. It is recommended that the consultation and involvement of the employees and unions is continued in order to ensure that the employee voice is recognised and utilised.

EQUALITY IMPLICATIONS [Officer Initials...SW... Date...03/07/2018.....]

18. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. There are no specific equality implications arising from this report. However, any activities arising from this report will need to be the subject of separate 'due regard' assessments.

CONSULTATION

19. An internal consultation process on the proposals has been undertaken.

20. The consultation has gone beyond the minimum legal requirements to ensure engagement takes place with all stakeholders who have an interest in Health and Safety.
21. Discussions have been undertaken with a range of stakeholders including the Mayor, Cabinet Members, relevant Portfolio Holder, Directors and Members of the current Joint Safety Committee.
22. In addition, there was an open invitation to Health and Safety groups to put to their views forward. Consultation has also taken place to explore other local authority's Health and Safety reporting structures.
23. Once approved full communication will go out to all parties, to ensure changes are embedded appropriately.

BACKGROUND PAPERS

24. None

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