

**BUSINESS SUPPORT
OVERVIEW AND SCRUTINY COMMITTEE
7 FEBRUARY 2013
HEALTH AND SAFETY MANAGEMENT**

Report from: Tricia Palmer, Assistant Director, Organisational Services

Author: Carrie McKenzie, Head of Organisational Change

Summary

The Institute of Occupational Safety and Health (IOSH) released a guidance paper entitled 'Think about health and safety – what elected members of local authorities need to know'. Members attended a training session on 28 November to discuss the guidance information. This report provides further clarification on the guidance issued and outlines the management of Health and Safety within Medway Council.

1. Budget and Policy Framework

1.1 It is within the committee's terms of reference to make recommendations on matters relating to health and safety, and it is requested that Members review the information outlined below and in Appendix 1.

2. Background

2.1 This report is provided to give an overview of the responsibility of elected Members in relation to health and safety matters following the publication by IOSH (Institute of Occupational Safety and Health) of 'Think about health and safety, what elected members of local authorities need to know' – Appendix 1.

2.2 The report also provides information on the current health and safety reporting mechanisms and committees within the council. These are in place to ensure decisions being made are done so with the advice from the experts within the corporate health and safety team and therefore minimising any risk to the council.

3. Role of elected Members in Health and Safety

3.1 Members are not responsible for managing health and safety services on a day-to-day basis – this responsibility lies with officers in charge of service provision.

3.2 In Medway the Chief Executive, being at the top of the organisational hierarchical structure has overall responsibility for health and safety. It is a requirement of all local authorities to have qualified Health and Safety Advisors to provide professional advice to officers and Members.

4.0 Current Health and Safety management

4.1 The corporate health and safety team are responsible for providing professional guidance across the council on all matters. The team has two fully qualified IOSH Officers and two trainee health and safety officers currently studying for their IOSH qualification.

4.2 The guidance and support comes in various forms such as:

- developing a comprehensive suite of legislative and procedural documentation, available to all officers and Members via the intranet, which is regularly reviewed and updated in line with legal requirements;
- face-to-face advice on specific issues;
- a regular programme of on-site audit visits to all council buildings e.g. schools and external units;
- spot checks in some areas including care homes;
- taking an active role in the Kent-wide Health and Safety Officers Group;
- being the lead official council liaison with the Health and Safety Executive (HSE) to ensure a co-regulator partnership is in place.

4.3 Service managers are required to take an active role in health and safety within their teams and are also required to highlight any risks to the directorate health and safety committees.

4.4 Each directorate has a health and safety committee which meets on a monthly basis. The committee is chaired by a member of the senior management team and is minuted. These committees are extremely important to ensure the safe running of the council. Their role is varied and covers a number of areas. They discuss any impending decisions for the directorate, discuss the health and safety implications, seek professional advice and guidance from the health and safety team and if necessary obtain and discuss further professional advice from outside of the council. The committee are also presented with monthly statistics on audits undertaken, spot checks and accident reporting data. The monthly scrutiny of this data allows the directorate to spot any trends and take action efficiently and appropriately.

4.5 The council also has a Corporate Health and Safety Committee, which meets every three months. The role of the corporate committee is to look at any issues that have been highlighted by the directorate committees for further discussion. The corporate committee also scrutinise a breakdown of the health and safety data across all the directorates. The data is presented by the corporate health and safety team with a red, amber or green status to ensure immediate visibility of any potential issues or trends. This committee is chaired by the Assistant Director for Organisational Services, who reports directly to the Chief Executive.

4.6 The IOSH guidance states that the key to successful health and safety management is to get strong, committed leadership and involve people in decisions that could affect them whilst acting on the advice of properly qualified and experienced health and safety professionals. The management of the health and safety service and the robust committee process ensures the council meets all of these objectives.

5.0 Questions arising from elected Member training 28 November

5.1 A number of questions arose at the training and Members were advised the responses would be detailed within this report.

5.2 Dealing with contractors

5.2.1 The council has a *Managing Contractors Policy*. This requires all contractors to be CHAS accredited (this is a Contractor health and safety scheme operated by Merton Council). Managers, when formulating contract specifications are asked to follow this policy requirement. This scheme checks each contractor annually to ensure that they are health and safety compliant. It is then the responsibility of the manager of each contract to monitor the contractor's compliance to meet the council's legal duty of care. This system of management of contractors works well.

5.3 Enforcement action

5.3.1 The council has only had one legal claim in the last five years, resulting in a fine for the council and payment to an employee.

5.3.2 In 2010 there was an HSE inspection in relation to asbestos in schools. No issues of risk to employees and pupils were found, but the council was required to improve its training of staff in schools in relation to the management of asbestos. A new programme of training is now in place.

5.4 Legal obligations

5.4.1 The council has legal obligations to manage health and safety within the authority and employs two competent chartered safety advisors to provide advice to managers across all council buildings. The Health and Safety Team carry out audits of council work places as wells as investigations following

accidents/incidents. The audit results, together with action plans are sent to managers and Assistant Directors to action where appropriate and a follow-up visit is arranged. The audit programme is on-going and sites are audited every three years.

5.5 Elected Members influence on Health and Safety

5.5.1 The Employment Matters Committee is responsible for the health, safety and welfare of employees and issues of concern can be reported to this committee.

5.5.2 Any matters relating to health and safety other than in the council's capacity as an employer would be reported to the Licensing and Safety Committee.

5.6 Elected Members role in health and safety strategy

5.6.1 Members are required to keep a strategic view of health and safety when making decisions and the publication of the IOSH guidance (attached) assists with this strategic overview. The role of Members is not to have responsibility for the detailed elements of health and safety within local authorities. This is the responsibility of officers.

5.6.2 When making strategic decisions some of these will inevitably have health and safety implications. Committee reports presented to Members have a specific section detailing risks. Within this area officers are required to highlight any health and safety risk along with the mitigation in place to minimise these.

5.7 Communication of the Health and Safety Policy

5.7.1 All health and safety related policies are available on the *Just4you* intranet site. This can be accessed by all employees and elected Members.

5.7.2 Training on the management of health and safety and service specific health and safety training is available via the corporate programme through I-Share.

5.8 Health and Safety advice

5.8.1 The council has two fully qualified health and safety advisers, who report to the Assistant Director, Organisational Services who is the lead senior officer.

5.9 Training for employees and managers

5.9.1 As part of all officers' induction into the council they are required to undertake basic health and safety training. Officers with management responsibility are required to undertake additional corporate training as well as any training which is specific to their technical area of expertise. All trainers are qualified and CHAS accredited.

6. Risk management

- 6.1 One of the greatest risks to any local authority is a successful claim for corporate manslaughter. The Corporate Manslaughter and Corporate Homicide Act came into force in 2008 and covers both public and private sectors. Essentially the act allows legal proceedings to be taken against any organisation who have placed lives at risk for not giving due consideration to health and safety. IOSH states that juries considering these cases will not only look to see whether health and safety advice had been followed but also will consider whether organisations had proper procedures in place to mitigate any risk to health and safety, such as qualified health and safety advisors, health and safety committees and a robust training programme. The council fulfils these requirements.
- 6.2 The council has a thorough approach to health and safety which flows throughout the organisation at every level. Officers at all levels are supported by the corporate health and safety team to ensure health and safety is effectively managed throughout projects. The council takes a risk management approach to health and safety by assessing and effectively monitoring high risk areas.
- 6.3 The management of health and safety at the council is evidence that there is proper attention given to health and safety through all aspects of the organisations business.

7.0 Financial and legal implications

- 7.1 An employer (either a company or an individual) can be prosecuted in England and Wales by the Health and Safety Executive (HSE), a local authority, a fire authority or the Crown Prosecution Service on behalf of the Crown.
- 7.2 An employer can be prosecuted for breach of a wide range of statutory duties.
- 7.3 Section 33 of the Health and Safety at Work etc Act 1974 sets out the offences and maximum penalties under health and safety legislation. With effect from 16 January 2009, s.33 was amended by the Health and Safety (Offences) Act 2008 to:
- raise the maximum fine that may be imposed in the lower courts to £20,000 for most health and safety offences;
 - make imprisonment an option for more health and safety offences in both the lower and higher courts; and
 - make certain offences that are currently triable in only the lower courts triable in either the lower or higher courts.
- 7.4 The Health and Safety (Offences) Act 2008 does not apply to offences committed before it came into force.

7.5 Clearly the Council is fully aware of the legal implications of health and safety, and through robust management, training and effective use of health and safety committees with the trade unions it seeks to mitigate any risks. The council's aim is to provide a healthy and safe environment for its workforce and to ensure that the public are protected from any risks whilst receiving council services.

8.0 Recommendation

8.1 The committee is requested to note the report.

Lead officer contact

Carrie McKenzie, Head of Organisational Change

Tel. No: (01634) 332261 Email: carrie.mckenzie@medway.gov.uk

Background papers

Think about health and safety – what elected members of local authorities need to know - IOSH (Attached as Appendix 1)

Xperthr - *Criminal liability for health and safety breaches*

Think about health and safety

What elected members of local
authorities need to know





Who are we?

The Institution of Occupational Safety and Health (IOSH) is the world's biggest professional health and safety organisation. With more than 35,500 members, we play a vital role in providing advice to both public and private sector employers on effectively managing health and safety. IOSH has charitable status, is incorporated by Royal Charter, and has over 13,000 Chartered Safety and Health Practitioners.

Chartered Members develop strategies to cut down injury and ill health. This not only helps to prevent unnecessary suffering, but also increases profit margins and competitiveness and, in the public sector, frees up resources and leads to better services.

If you'd like to learn more about IOSH, or are interested in supporting one of our campaigns, please call our Communications team on 0116 257 3189.

Why do you need to think about health and safety?

“The [health and safety] failings were not only at the lowest levels... those failings went all the way, I am afraid to say, to the top of the council in terms of its serving officers. It is likely they went beyond the officers to the councillors”

– Mr Justice Burnton, judge in the case against Barrow Borough Council following the deaths of seven people (2006)

“All elected members still have a responsibility for ensuring health and safety within the authority”

– Joyce Edmond-Smith, Health and Safety Commission, urging elected members to take their health and safety responsibilities seriously (2003)

“There was a written policy on health and safety, which as a matter of drafting was a thing of... some beauty. If it had existed beyond its existence on paper, it would have very substantially mitigated the blameworthiness of those representing the Borough”

– Mr Justice Burnton (2006)

“We want to focus our attention on practical steps that protect people from real risks that can lead to injury and even death – we do not want to stop people from living their lives”

– Geoffrey Podger, Chief Executive, Health and Safety Executive, urging local authorities to join the ‘Sign up to sensible risk’ campaign (2007)

Playing a key role in local communities

As a councillor of a local authority you may be unclear about your role in relation to health and safety. This IOSH booklet provides some timely and pertinent prompts to help you think through the issues you may need to consider in your local authority (LA).

The role of local authorities in relation to health and safety is multifaceted:

- > LAs are the Health and Safety Executive's partners as regulators of workplaces, seeking to ensure that dutyholders manage workplaces in a way which assures the health and safety of their workforce and those affected by work activities
- > LAs are major employers and therefore have a more direct concern for ensuring that the senior management team as dutyholders themselves are assuring the health and safety of employees and those affected by the way the LA delivers services
- > LAs are major purchasers of services from other organisations and as such have a great opportunity to influence health and safety standards within those contracted supplier organisations.

As your partners, your regulator and the regulators of those to whom you contract activities, we in the HSE are here to support you, to offer advice and guidance.

We welcome this contribution from IOSH to help you find your way through a complex multidimensional role.

[Judith Hackitt CBE, Chair, Health and Safety Executive](#)

A safe and healthy workforce is a prerequisite to the delivery of excellent services to local communities. As elected members you have a significant part to play in securing the health and safety of your council's workforce.

This booklet is designed specifically for local authority elected members and gives good guidance on the action which members, and particularly portfolio holders, should be taking to ensure that employees, service users, clients and members of the public are not put at risk.

The Local Government Association and Local Government Employers fully support this initiative by IOSH and I commend this booklet to you.

[Sir Steve Bullock, Chair, Local Government Association Human Resources Panel and Local Government Employers Board](#)

Elected members have a key role to play in ensuring the health, safety and wellbeing of entire communities.

Your decisions have a major influence on both local authority staff and the public, so I would urge you to read this booklet and take the many important messages on board.

The wealth of information in here will help you make the right decisions to ensure no-one is put at serious risk.

The booklet is fully endorsed by CoSLA, and I hope you will see it as an invaluable supporting resource for your role.

[Councillor Michael Cook, Strategic Human Resource Management Spokesperson, Convention of Scottish Local Authorities](#)

Making a difference to health and safety in your authority

Do you know the risks the people in your authority face? Are you setting the right strategy and budget? Do the decisions you make as an elected member mean that people are at risk?

Since the introduction of the Local Government Act 2000 and the Local Government in Scotland Act 2003, the role of elected members has changed for good, and for the good. Councillors have far more power and responsibility than before.

You're not responsible for managing health and safety services on a day-to-day basis – this is down to the officers in charge of service provision. But it's vital for you to understand the strategic way in which you can and do affect health and safety management in your authority – by what you say, what you do and what you decide. It's also important that you're aware of your potential liabilities as a body – and as an individual – in terms of both criminal and civil law.

As someone who has spent more than 40 years working in the local authority sector, I'd like to remind you that as a decision-maker in perhaps the largest employer in your county, district or borough, you can have a significant influence on health and safety standards not just for your own workers, but for the contractors and suppliers working for you too. On top of this, thousands of members of the public can be affected by what you decide.

And don't forget that getting health and safety management right reaps other rewards. It's no coincidence that organisations with an excellent safety record are also the most efficient – the operational discipline which delivers great safety also delivers efficiency.

Ray Hurst, Immediate Past President, Institution of Occupational Safety and Health

Think about health and safety is supported by



This document is based on work carried out by the IOSH Public Services Group.

Take time to think about health and safety

We know that as an elected member of a local authority you have a huge range of responsibilities to juggle. But taking a little time to think about how you and your colleagues manage health and safety is well worth doing. After all, we're talking about your most valuable 'resource' – people.

The UK has over 400 local authorities, employing more than 2 million people. While health and safety standards in authorities are generally good, too many employees are still injured, made ill or even killed as a result of their work.

Local authorities are complex organisations. And while no two authorities are structured or function in exactly the same way, at the core of every authority are its elected members. Put simply, elected members make decisions that impact on a wide range of workplaces – civic offices, schools, leisure centres, sports halls, town halls, sheltered housing complexes, children's homes, multi-storey car parks and so on.

As well as their own employees, local authorities are also responsible for the health and safety of contractors they engage to help them provide services – from refuse collection to personal care – in addition to the major construction and maintenance projects they manage and finance. In a typical year, the public sector spends over £35 billion on construction.

And, of course, it doesn't stop there – on top of employees and contractors, millions of service users and customers are affected. Authorities may also enforce health and safety in other workplaces, and have to fund and staff this properly too.

Local authorities, and those elected to govern them, have huge responsibilities to the people in their community, not just those who work for them.

Your role

Elected members provide their authority with leadership, direction and strategy, and allocate budgets to enable

services to be delivered to the local community. It's these strategies that are then implemented, through paid officers, using the budget that's been allocated.

As an elected member, because of the influence you have on budget and policy decisions, you can affect how health and safety is managed. If a cabinet or executive system operates in your authority and you're a member, you'll have both individual and collective governance responsibilities. And if you have health and safety as a specific part of your portfolio, you'll need to act as 'champion' and lead in this area. This means making sure the authority has the right health and safety policy and strategy, objectives are set and delivered, and that you keep the cabinet or executive informed of issues. You also need to make sure that the authority has access to competent health and safety advice, the right resources, and that employees and their representatives are fully engaged.

Having a health and safety 'champion' doesn't diminish the responsibilities of others at this level – everyone has a key role and must fulfil it properly. As an individual cabinet or executive member you can be held personally liable under the Health and Safety at Work Act if your failure means that the authority commits an offence. And if your individual behaviour is grossly negligent and causes death, you may be personally liable under common law.

Think about health and safety

This free booklet looks at the impact of getting health and safety wrong and how to get it right. We've also developed a PowerPoint presentation for health and safety professionals to use as part of training sessions for elected members. The presentation is at www.iosh.co.uk/electedandsafe.

Who is responsible for health and safety?

In most local authorities, the chief executive is at the top of the organisational structure and has overall responsibility for health and safety. But a landmark charge of corporate manslaughter against a council for an outbreak of legionnaire's disease, though unsuccessful, also emphasised the potential collective responsibility of council leaders and elected members (see box).

In 2003, Joyce Edmond-Smith of the Health and Safety Commission wrote to council leaders urging them to take their health and safety responsibilities seriously. She said:

There is a collective responsibility for providing leadership and direction, which means that all elected members still have a responsibility for ensuring health and safety within the authority. The goal of effective management of occupational health and safety is more likely to be achieved where all elected members have a proper understanding of the risks, the systems in place for managing the risks and an appreciation of the causes of any failures.

This letter was referred to in the HSE's Barrow report and its contents commended to council leaders. You'll find it as appendix 3 of the 'Report of the public meetings into the legionella outbreak in Barrow-in-Furness', www.hse.gov.uk/legionnaires/barrowreport.pdf.

The Health and Safety Commissioner also recommended that:

- > a senior elected member should be given responsibility for health and safety
- > the elected member should be given training
- > local authorities should set targets for reducing the number of injuries and cases of ill health
- > regular reports should be produced on how targets are being met.

In the private sector, directors are expected to set the scene for the safety culture in their business – in local authorities, you play a similar role in influencing attitudes. 'Leading health and safety at work', guidance recently issued by the Health and Safety Commission and Institute of Directors, reinforces this.

A landmark case – Barrow Borough Council

In 2002, an outbreak of legionnaire's disease at an arts and leisure centre run by Barrow Borough Council led to the deaths of seven people. Nearly 200 people were infected.

A case against the Council for corporate manslaughter was dismissed under previous law. The Council pleaded guilty under the Health and Safety at Work Act. Mr Justice Burnton said that he would normally have imposed a fine of more than £1 million, but he was reluctant as it would have had a direct impact on taxpayers and service provision. Even so, he fined the Council £125,000 plus £90,000 costs:

One of the purposes of a financial penalty is to demonstrate to those council taxpayers, to the electorate and to councillors the importance and the gravity of matters such as this.

In his summing up of the case, he stated:

The failings were not only at the lowest levels... those failings went all the way, I am afraid to say, to the top of the council in terms of its serving officers. It is likely they went beyond the officers to the councillors, because there is no evidence that there was proper attention given to health and safety within the borough.

Barrow Council leader Bill Joughin said:

We had policies written on paper but ... it was not part of the culture of the organisation, and there was no chain of command. We ticked all the boxes, but there was not a procedure which ensured it was all adhered to.

An accident waiting to happen?

People don't have to get hurt for an organisation to end up in court. When legionella was found in the air cooling system of a national museum, the Board of Trustees was fined £500 and made to pay £35,000 prosecution costs.

Your authority's role

Some councils are health and safety enforcing authorities. Their officers inspect, give advice to and if necessary take action against businesses mainly in the service sector, including retail, banking and finance and entertainment. Because of this, local authorities are expected to be exemplars of health and safety, showing a good example to others. This is echoed in the government's 'Revitalising health and safety' strategy, which states that:

Government must lead by example. All public bodies must demonstrate best practice in health and safety management. Public procurement must lead the way on achieving effective action on health and safety considerations and promoting best practice right through the supply chain. Wherever possible, wider government policy must further health and safety objectives.

And in its strategy document 'The health and safety of Great Britain: be part of the solution', the government highlights the need for stakeholders, including local authorities, to do more to improve standards of health and safety. In the foreword, Judith Hackitt, HSE Chair, says:

The strong co-regulator partnership between HSE and local authorities is integral to this strategy and to its delivery.

Improvements in health and safety also contribute to a number of government priorities, highlighted in the Local Government National Indicators. So, health and safety should feature in the priorities and strategies in local and multi-area agreements.

Think about...

- > If a local business complained about enforcement action by the authority for something that the authority itself was failing to do in its role as an employer, how would you react? Do you think your authority would find it difficult to take proceedings against the business?
- > When you set budgets, or cut them, is it at the expense of health and safety risk management?
- > Is your authority creating unnecessary risks for contractors in the way contracts are specified?
- > Do you show your own commitment to health and safety when you speak to people in service teams?

When things go wrong – the law

The law – criminal

All employers in the UK, including local authorities, have a duty under the Health and Safety at Work Act to protect the health and safety of workers and members of the public who could be affected by their work. This includes work that you award to contractors.

On top of the Act, there's a whole range of regulations, covering areas including asbestos, domestic gas and construction.

The Corporate Manslaughter and Corporate Homicide Act came into force in 2008 and covers both public and private sectors.

Before this Act, if people were killed while working for or affected by a large, complex organisation it was difficult to get the evidence of a director's gross negligence needed to secure a conviction. Only cases involving directors of small businesses tended to reach the courts because the actions of an individual director could be more readily linked to someone's death. Now an organisation can be found guilty of corporate manslaughter where it can be put down to a general collective failure in how things were organised and managed by senior management, leading to a gross breach of duty of care linked to a death. Juries will consider issues ranging from whether health and safety guidance was followed, to the organisation's culture. Senior people – those making significant decisions about an organisation or substantial parts of it – will be under scrutiny. And that could include elected members.

The law – civil

Local authorities have a 'duty of care' to their employees and anyone else who might be affected by what they do. It's this area of law – civil – that allows authority employees who are injured or suffer ill health at work to make compensation claims, and members of the public to claim for injuries when they think the authority has been negligent.

Think about...

- > Has your authority faced enforcement action for failing to meet legal requirements in the last few years? What happened as a result?
- > How many civil claims have been made against your authority in the last few years? How many went to court? How many were settled out of court?
- > How much has legal action cost your authority?

More info...

- > Find out more about the new Corporate Manslaughter and Corporate Homicide Act at www.justice.gov.uk/publications/corporatemanslaughter2007.htm
www.cps.gov.uk/legal/a_to_c/corporate_manslaughter/index.html
www.hse.gov.uk/corpmanlaughter
www.lge.gov.uk/lge/core/page.do?pageId=119849

When things go wrong – penalties

If someone working for the local authority or a member of the public dies or is seriously injured because of the authority's negligence, the case will probably end up in court. This could result in:

- > a fine for the authority – with a knock-on effect on the budget
- > a fine for council officers, and possibly even for you as an individual
- > higher insurance premiums
- > bad publicity for the authority, both locally and nationally
- > bad publicity for you as an individual elected member
- > imprisonment.

Under the new Health and Safety Offences Act, if a guilty verdict is handed down for a health and safety offence, lower courts will be able to impose a fine of up to £20,000, and higher courts will be able to set an unlimited fine. Prison is now an option for nearly all offences. The new Corporate Manslaughter and Corporate Homicide Act brings unlimited fines, and they're likely to be substantial.

When your authority breaches health and safety law, prosecution isn't the only enforcement action that can be taken. If, for example, there's been a serious accident during a council-run refuse collection service, HSE inspectors could then judge it to be unsafe, and issue:

- > an improvement notice, or
- > a prohibition notice.

The first would mean you'd have to take some action to correct the problem. This could be costly in terms of time and resources, both of which will have to be taken away from other priorities.

The second would stop the service immediately. In this example, the refuse collection would be cancelled, leaving you with the problem of how to continue to deliver the service to residents. As well as being costly, the negative publicity would be damaging to your authority's reputation.

Think about...

- > How does your authority meet its legal obligations in relation to health and safety?
- > How do you influence the way your authority meets these obligations?
- > Do any decisions made by you and other elected members obstruct or prevent your authority from meeting its legal obligations?
- > Do elected members have a role to play in health and safety strategy?
- > Do you think about the health and safety impacts of your plans or purchasing decisions?
- > If health and safety goes wrong, are you liable for prosecution?

When things go wrong – the fallout

There are, of course, clear ethical reasons for making sure that people are protected in your authority.

As an elected member, you've been chosen to serve your local community – and many of the people who work in your authority will live, and vote, there too.

If someone is killed at work, then this will inevitably hit the headlines. The family and the community can be devastated. But remember that serious accidents and illness cases can have a major impact too. People can be left unable to work and with their lives damaged irrevocably.

Think about...

- > How would you feel if someone in your ward was badly injured, or even killed?
- > What would the impact be on the community that you represent if a resident was killed or seriously hurt because of something that the authority did or didn't do?



• Did you know?

In a single year in Great Britain:

- > there were 299,000 serious work accidents. Two hundred and thirty-three people were killed at work
- > around 21,000 people had hearing loss caused by work
- > around 20,000 people believed they had a work-related skin disease
- > more than half a million people suffered from a work-related musculoskeletal problem
- > about 442,000 people believed they were suffering from stress, depression or anxiety caused by their work

When things go wrong – the cost of accidents

Good health and safety management is important from a moral and legal perspective. But there is also a persuasive financial case for cutting down on accidents and ill health.

While you may have insurance policies to cover accidents, the direct costs are outweighed by the indirect costs, which can be between eight and 36 times as much as the direct costs. Also, some local authorities pay the first £250,000 of a claim, meaning that only the most expensive claims are paid for by their insurance. In recent years, the cost of meeting claims in the public sector has risen sharply.

The 'hidden', indirect costs that you can't insure against include:

- > sick pay
- > extra wages or overtime to cover the worker's absence
- > loss of productivity and the cost of having to hire and train new staff
- > fines
- > legal costs
- > damage to machines, equipment or property
- > time and money spent on investigating the accident and preparing the claim
- > an increase in insurance premiums
- > reputation damage.

And don't forget that planning safety into projects and jobs can help identify more cost-effective ways of doing things that may not have been considered otherwise.

Think about...

- > How many accidents were reported in your authority last year?
- > How many accidents resulted in absence from work?
- > How much do accidents and ill health cost your authority every year?
- > How many insurance claims were brought against your authority last year as a result of accidents? What was the average payment for each claim?
- > Does your authority only recognise costs when paying out directly for things that have gone wrong?
- > Would having an effective health and safety management system save your authority money by reducing the numbers of accidents and claims?
- > What would the electorate think if your council received a large fine because of an accident to a local authority employee, and the only way of paying it was to increase council tax or cut services?
- > Would taking a proactive approach to health and safety save your authority money?



• Did you know?

- > A city council was fined £125,000 plus £40,000 costs after a refuse lorry killed an 11-year-old girl
- > A county borough council was fined £60,000 plus £22,000 costs after a man died in a care home – poor maintenance and training was to blame
- > A metropolitan borough council was fined £400,000 and over £30,000 costs following a local death
- > A district council was fined £18,000 plus £7,000 costs after problems with asbestos exposure at a leisure centre

When things go wrong – the cost of ill health

The most common illnesses and medical conditions that people develop in the course of their work include stress and musculoskeletal disorders. They're a significant cause of sickness absence, both short and long term, often resulting in a long term chronic illness.

For employers, including local authorities, occupational ill health can reduce productivity, increase the cost of hiring new staff, and result in civil claims or retirements with enhanced sickness payments. These directly affect your authority's budget.

Helping people to come back to work after they've been off with an injury or serious illness can make sound economic sense, as well as bringing benefits to the business and people involved. One manufacturing company reported that for every £1 it spent on its rehabilitation initiative, it saved £12.

Under its welfare reform proposals, the government aims to get 1 million people off benefit and back to work. Local authorities are likely to play a major role in this, not only in their capacity as an employer, but through their links with local business and as community leaders.

More info...

- > The HSE's Ill Health Cost Calculator helps you work out the costs of employees who are off because of a work-related illness. Find out more at www.hse.gov.uk/costs/downloadcalc/ill_health_costs_calcv2_1.html
- > Health Work Wellbeing's toolkit helps organisations put a cost on ill health. Find out more at www.workingforhealth.gov.uk/Employers/Tool
- > Compare how many days your authority loses to ill health at www.hse.gov.uk/statistics/dayslost.htm
- > The HSE's management standards can help manage stress and cut down absence. Find out more at www.hse.gov.uk/stress/standards

Think about...

- > What's your authority's sickness absence record? How much is down to work?
- > Does your authority carry out pre-employment health checks?
- > Do you have health surveillance procedures for specific risks such as vibration and noise?
- > Did you know that it's a legal requirement to report work-related illnesses such as hand-arm vibration syndrome?
- > Do you consult with staff on health issues?
- > Do you run health promotion campaigns?
- > Would reducing occupational ill health save the authority money?
- > Would having a good rehabilitation programme save the authority money? Would investing in early treatment, such as physiotherapy, help people get back to work quicker?



Did you know?

- > The Chartered Institute of Personnel and Development estimates that, for local government, sickness absence costs over £584 per worker per year
- > IOSH research found that people working in the public sector report more work-related illness than those in the private sector
- > Nationally, a total of 13.5 million working days were lost to stress, depression and anxiety in a single recent year
- > The biggest single cause of absence in local government is attributed to common mental health problems including anxiety, stress and depression, accounting for around 23 per cent of all days off work
- > A local authority worker suffering from vibration white finger was awarded £42,000 compensation – there was no monitoring and no suitable equipment
- > An improvement notice was served on a city council because it had no central management system for health risks

Getting health and safety right – policy and management

By law, organisations that employ five or more people must have a written health and safety policy.

There was a written policy on health and safety, which as a matter of drafting was a thing of... some beauty. If it had existed beyond its existence on paper, it would have very substantially mitigated the blameworthiness of those representing the borough.

This comment, by Mr Justice Burnton in the case against Barrow Borough Council (see page 05), highlights the fact that your health and safety policy should be more than just lip service to meet legal compliance. It should define your arrangements for managing health and safety risks, and identify the people who have specific roles and responsibilities in carrying it out.

The policy should be reviewed periodically, kept up to date and communicated to all employees. Implementation arrangements should be realistic and achievable and measured against improvement targets. Regular reviews and audits will help check delivery of the policy objectives and how efficient the management system is.

Your management system should allow the cabinet or executive and scrutiny committee to receive both specific – related to an incident or accident – and routine reports on health and safety performance, to make sure the policy is being delivered. You should also report publicly on your performance. This shows commitment to health and safety as well as helping to focus on your own record and consider what more you need to do. Being open about performance promotes trust with stakeholders, and improves your reputation with them.

Think about...

- > Do the health and safety policies in your authority come before elected members for approval? Do you know what these policies are?
- > Is your policy communicated to everyone at the authority?
- > Do you have responsibilities within your authority's health and safety policies?
- > Do you make sure that the decisions you make don't go against the policies?
- > Do you make sure that your policy and risk management process are reviewed in the light of health and safety performance reports?

More info...

- > The HSE offers free guidance on management systems at www.hse.gov.uk/pubns/manindex.htm
- > The HSE operates an online benchmarking tool to help large organisations measure how effective their internal controls are and how they perform against others in the same sector. Find out more about the Corporate Health and Safety Performance Indicator at www.chaspi.info-exchange.com
- > Download the Institute of Directors/Health and Safety Commission guidance for directors and equivalents, 'Leading health and safety at work', at www.hse.gov.uk/leadership/index.htm

Getting health and safety right – advice

As an employer, local authorities must have access to competent health and safety advice – it's the law.

While you're not responsible for employing or hiring someone to give you advice, it's worth checking that your authority gets competent advice, and that the advisers are suitably qualified and experienced, with the right skills and knowledge.

If you want expert advice on health and safety management, you can do no better than talk to a Chartered Safety and Health Practitioner. IOSH members commit to Continuing Professional Development to make sure that their skills and expertise are kept up to date, and work to a strict code of conduct. The IOSH Public Services Group has 3,500 members, all involved with work in the public sector.

Don't overlook the 'health' in 'health and safety'. It's critical to make sure that your authority has access to sound occupational health advice – ill health caused or made worse by work costs councils twice as much as reported accidents. Your occupational health service should work closely with health and safety and HR professionals to manage health risks, as well as getting people back to work successfully after they've been off with a serious illness or injury. And as the local government working population is growing older it's worth considering setting up a wellbeing programme – this sort of initiative can improve health, attendance and service delivery.

IOSH believes that the key to successful health and safety management is to get strong, committed leadership, involve workers in the decisions that affect them, and act on the advice of properly qualified and experienced health and safety professionals.

Think about...

- > Does your authority employ or hire people who are competent to give advice?
- > Does your health and safety policy identify the 'competent person'?
- > Do you have contact with the people who are giving your authority health and safety advice?
- > Has your authority carried out an occupational health needs assessment to check whether you have the right level of expertise and service available?

More info...

- > IOSH's Get the Best campaign is calling for regulation of the health and safety profession. We're concerned that when unqualified people give advice this can result in wasted resources at best, and ruined or lost lives at worst. Get details at www.iosh.co.uk/getthebest
- > The Association of Local Authority Medical Advisers offers information on occupational health advice. Find out more at www.alama.org.uk
- > Health Work Wellbeing's toolkit helps organisations measure how successful their wellbeing programmes are. Find out more at www.workingforhealth.gov.uk/Employers/Tool
- > IOSH has a free online Occupational Health Toolkit to help tackle the main work health issues at www.ohtoolkit.co.uk

Getting health and safety right – training

Everyone at work should have training in health and safety. The type of training they need depends on their job and the level they're at in the organisation.

'Front line' employees need to be trained in the basics of health and safety, such as safe systems of work. They may also need training in areas including using equipment safely, lifting loads without hurting themselves and using computers in the right way.

Training for managers and supervisors can be formal or informal. The aim of the training should be to help them plan work safely and understand the implications for themselves and the local authority if they don't.

The people at the top, including members who have a portfolio or scrutiny function, need to know their broad strategic responsibilities. They don't have to know the detail, but they must have an understanding of the issues, and recognise the commitment and resources needed to make sure that health and safety is managed properly.

Think about...

- > What training have you been given to help you understand your health and safety role and responsibilities?
- > What training do employees and managers get?
- > How much does your authority spend on health and safety training each year? Do you use in-house or external health and safety trainers?
- > Do the trainers you use have the right experience and qualifications for the job?
- > How can training people in health and safety help to cut down accidents and ill health, and save money and improve service delivery in the long run?

More info...

- > Download 'Setting standards in health and safety', IOSH's free guidance on training and competence, at www.iosh.co.uk/technical
- > Ask the health and safety team at your authority for a brief training session to help you understand your responsibilities – there's a PowerPoint presentation to go with this booklet
- > Find out about IOSH's range of training courses at www.iosh.co.uk/training

Getting health and safety right – sensible risk management

We want to focus our attention on practical steps that protect people from real risks that can lead to injury and even death – we do not want to stop people from living their lives

– Geoffrey Podger, Chief Executive, HSE

Risk management is about identifying significant risks and taking practical action to reduce them.

Sensible health and safety risk management is about:

- > making sure that workers and the public are properly protected
- > balancing benefits and risks, with a focus on reducing real risks – both those which come up more often and those with the potential for serious consequences
- > enabling innovation and learning, not stifling them
- > making sure that those who create risks manage them responsibly
- > helping people understand that, as well as the right to protection, they also have to take responsibility for themselves and others.

Sensible health and safety risk management isn't about:

- > creating a totally risk-free society
- > generating useless paperwork
- > scaring people by exaggerating or publicising trivial risks
- > stopping important recreational and learning activities for people where the risks are managed
- > reducing the protection of people from risks that could cause real harm.

Local authorities can demonstrate their commitment to no-nonsense risk management by joining the HSE's 'Sign up to sensible risk' campaign.

Think about...

- > Does your authority tackle business risk sensibly?
- > Does your authority make decisions based on the fear of litigation or on the basis of real risk?
- > Does your authority hide behind health and safety as an excuse for not doing things?
- > Who is making risk-averse decisions in your authority?
- > Does your authority challenge the media if 'health and safety' is wrongly blamed for a decision it's made?

More info...

- > IOSH's 'Stop taking the myth!' campaign challenges cases where 'health and safety' is used as an excuse not to do something, or to justify an unpopular decision. We believe that this does more than just give health and safety management a bad name. It distracts people from what health and safety is really about – stopping illness, injury and death. Find out more at www.iosh.co.uk/campaigns
- > Use IOSH's Risk Management Reality Checklist as a guide – download it at www.iosh.co.uk/sensiblesafety
- > Look at the HSE's sensible risk site at www.hse.gov.uk/risk/principles.htm
- > Find out which councils have signed up to sensible risk management and get involved at www.hse.gov.uk/risk/signup.htm

Health and safety doesn't fit into a neat box. It's relevant in every department at your authority, and to every activity that's carried out. Health and safety is part of everything you do.

Think about how well you understand the issues in the service areas that you're involved with – not just for employees, but for service users and members of the public too.

We've identified the top five issues for local authorities – these are arguably the main 'hot spots' for the sort of work your authority carries out. You'll no doubt find that other issues make the headlines in your organisation – but this is a good starting point for your thinking. Remember, too, that different activities can be put under different headings. For example, injuries from falls from a height are a common cause of death, but they don't just happen in construction – you'll need to consider places including schools and offices as well.

- > **Construction** – this covers a huge range of operations, including property maintenance and management, refurbishment, demolition and excavation, as well as specific problem areas such as asbestos and legionella
- > **Transport** – again, there's a lot covered in this category, including highways maintenance, road safety, depot management, pedestrian access, school transport and occupational road risks. Just think about how many people in the authority are involved in transport in one form or another
- > **Fire** – the sheer size of your authority's property portfolio makes this an important area. Think about, in particular, places like care homes, where some people will need special 'evacuation plans' because of disability
- > **Mental health problems** – these are the biggest cause of sickness absence in local government. Stress, anxiety and depression are the main issues
- > **Musculoskeletal injuries** – bad backs, muscle damage and sprains are all too common. Injuries aren't just caused by lifting or moving heavy things – repetitive tasks such as intensive keyboard use can also be to blame, along with slip or trip accidents

Need to know more?

'Leading health and safety at work', Institute of Directors and Health and Safety Commission,
www.hse.gov.uk/leadership/index.htm

'Your council's role in health and safety regulation' – this councillor's handbook explains the council's enforcing role, HSE/LACORS, <http://news.hse.gov.uk/2008/07/07/your-councils-role-in-health-and-safety-regulation>

Find out more about the work of the IOSH Public Services Group at www.iosh.co.uk/groups

Useful weblinks

www.iosh.co.uk
www.iosh.co.uk/techguide
www.ohtoolkit.co.uk
www.wiseup2work.co.uk/whac
www.cosla.gov.uk
www.gmb.org.uk
www.hse.gov.uk
www.hse.gov.uk/myth
www.lge.gov.uk
www.unison.org.uk

'Think about health and safety: what elected members of local authorities need to know' is published with funding from IOSH's Research and Development Fund.

We'd like to thank members of the IOSH Public Services Group for their work on this guide. We'd also like to thank the Convention of Scottish Local Authorities, GMB, Health and Safety Executive, Local Government Employers, Unison and the Welsh Local Government Association for their support.

We welcome all comments aimed at improving the quality of our guidance. Please send your feedback to the Head of Publishing, at caroline.patel@iosh.co.uk.

IOSH

The Grange
Highfield Drive
Wigston
Leicestershire
LE18 1NN
UK

t +44 (0)116 257 3100
f +44 (0)116 257 3101
www.iosh.co.uk

IOSH is the Chartered body for health and safety professionals. With more than 35,500 members in 85 countries, we're the world's biggest professional health and safety organisation.

We set standards, and support, develop and connect our members with resources, guidance, events and training. We're the voice of the profession, and campaign on issues that affect millions of working people.

IOSH was founded in 1945 and is a registered charity with international NGO status.

Institution of Occupational Safety and Health
Founded 1945
Incorporated by Royal Charter 2003
Registered charity 1096790

