

Committee	Date:
Establishment Committee	3 December 2018
Subject: Corporate Health Safety and Wellbeing Policy (Minor revision / reissue) – Draft HSP1: Version 01 - 03	Public
Report of: Chrissie Morgan, Director of Human Resources	For Decision
Report author: Justin Tyas, Human Resources, Town Clerks	

1.0 Summary

- 1.1 This report outlines minor revisions to, and the refreshing of the Corporate Health Safety and Wellbeing Policy (HSP 1) which is due for review at the end of 2018.
- 1.2 The suggested revisions and updates to the existing policy, along with explicit reference to the Corporate Plan (2018 – 2023). A suggested appendix on *Health and Safety Responsibilities – Schools* is proposed, with the aim of clarifying where the Corporate Health Safety and Wellbeing Policy applies.

2.0 Recommendation

- 2.1 Members of the Establishment Committee are asked to:
 - Endorse the suggested revisions and refreshing of the Corporate Health Safety and Wellbeing Policy (HSP1 - draft Version 01 – 03) and agree the revised Policy attached as Appendix 1.

Main Report

3.0 Background

- 3.1 The current format for the Corporate Health and Safety Policy was agreed by the Establishment Committee in April 2013.
- 3.2 The Health and Safety Policy was subject to minor revisions including updating of the corporate governance arrangements and was re-issued (HSP1 - Version 01 -02) as the Corporate *Health Safety and Wellbeing Policy* in October 2016.
- 3.3 Member have received updates on mental health and wellbeing and the refreshed Health Safety and Wellbeing Policy now includes wellbeing within the wider Policy remit.

4.0 Current Position

- 4.1 The Corporate Health Safety and Wellbeing Policy is due to be reviewed by the end of 2018. Members of the Safety Managers Forum have been consulted on minor revisions and refreshing of the Policy prior to undertaking further consultation via the Corporate Health Safety and Wellbeing Committee. All Chief Officers have been directly consulted on the draft Policy which was endorsed by Summit Group. Other consultees include the unions, and the Children's and Community Services Health and Safety Committee.
- 4.2 The main changes proposed include:
- Minor corrections to the text / reformatting (where required)
 - Explicit reference made to the Corporate Plan (2018 – 2023) and its desired outcomes
 - Incorporation of wellbeing within the wider proposed Policy
 - Managers' responsibilities for promoting the City Corporation's equality and inclusion objectives have been added
 - A new appendix to the Policy is suggested setting out the Health and Safety Responsibilities for Schools with the aim of ensuring clarity is given to the responsibilities for the Multi-academy Trusts and other such arrangements.

5.0 Proposals

- 5.1 That the revised and refreshed Corporate Health Safety and Wellbeing Policy, (draft HSP1 – Version 01 – 03) attached as Appendix 1 be approved by the Establishment Committee.
- 5.3 The *Safety Policy Statement* (by the Town Clerk), reflecting the City Corporations current behaviours / expectations will be refreshed and reported to a future meeting of the Committee.

6.0 Implications

- 6.1 Everything we do supports the delivery of the Corporate Plan's three strategic objectives, including contributing to a flourishing society, especially:
- ***People are safe and feel safe*** (Outcome 1);
 - ***People enjoy good health and wellbeing*** (Outcome 2)
- 6.2 The Corporate Health Safety and Wellbeing Policy is entirely consistent with this approach, providing the governance and framework (safety management system) to support these outcomes, and derive performance.

7.0 Corporate & Strategic Implications

- 7.1 The Health and Safety at Work etc Act 1974 (HASWA) remains the primary legislation which sets out the legal duties on health and safety. The Health and Safety Executive (HSE) are the principal enforcers and have a statutory duty to enforce the requirements of the legislation.
- 7.2 The main legal requirements can be summarised as follows - health and safety law states that organisations must:
- provide a written health and safety policy;
 - assess and control risks to employees, customers, partners and any other people who could be affected by their activities;
 - arrange for the effective planning, organisation, control, monitoring and review of preventive and protective measures;
 - ensure they have access to competent health and safety advice;
 - consult employees about their risks at work and current preventive and protective measures
- 7.3 The Corporate Manslaughter and Corporate Homicide Act 2007 (CMCHA07) identifies senior management as people who play a significant role in making decisions about some or all of the activities managed/organised by the organisation.
- 7.4 It is an offence, if the way in which an organisation's activities are managed/organised, causes a person's death as a result of a gross breach of the organisation's duty of care, by senior management. Under the provisions of the 2007 Act, the offence is committed by the organisation although it is possible for individuals to be prosecuted for gross negligence manslaughter.
- 7.5 Under the Corporate Manslaughter and Corporate Homicide Act 2007 the maximum penalty is an unlimited fine and the court can additionally make a publicity order requiring the organisation to publish details of its conviction and fine.
- 7.6 February 2016 saw the introduction of the Sentencing Council's Definitive Guideline for the Sentencing of Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences. *The principal focus of the Guideline is to ensure fines are sufficiently substantial to have a real economic impact which will bring home to both management and shareholders the need to comply with health and safety legislation.* During the first two years this has certainly been the case, with multiple fines exceeding £1,000,000.
- 7.7 There are other various statutory instruments that contain legislative requirements in relation to health and safety. Failure to comply with these requirements can have serious consequences – for both organisations and individuals. Sanctions under the pre-existing legislation (Health and Safety at Work etc Act 1974 and associated statutory instruments, Approved Codes of Practice etc.) include fines, imprisonment and disqualification.

8.0 Conclusion

- 8.1 The City Corporation has an effective Health Safety and Wellbeing Policy which has set the tone from the top and has provided the arrangements and framework (safety management system) to drive performance.
- 8.2 A radical redrafting of the Corporate Health Safety and Wellbeing Policy is not required. However, the regular review required of the policy affords a natural opportunity to refresh it so that it remains relevant to corporate objectives and our priorities.
- 8.3 There may be a further opportunity to refresh the *Safety Policy Statement* (by the Town Clerk), reflecting the City Corporation's current behaviors / expectations.

Appendices

Appendix 1 - Corporate Health Safety and Wellbeing Policy

Background Papers

- HSP 1 - Corporate Health Safety and Wellbeing Policy (Version 01 – 02, October 2016)
- The Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Regulatory Reform (Fire Safety) Order 2005
- The Sentencing Guideline (Health and Safety) 2016

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