

**The Highland Council**  
**ADULT & CHILDREN SERVICES COMMITTEE**  
**25 SEPTEMBER 2013**

Agenda Item	<b>11.</b>
Report No	<b>ACS/91/13</b>

**ECS HEALTH SAFETY & WELL-BEING POLICY**

**Report by Director of Education, Culture and Sport Service**

**Summary**

This report seeks approval of the Education Culture & Sport (ECS) health, safety and wellbeing policy document.

**1. BACKGROUND**

- 1.1 It is a requirement of the Health and Safety at Work, etc. Act 1974 that all organisations with 5 or more employees must have a written health and safety policy. The Highland Council's current policy on health, safety and wellbeing at work was approved by the Resources Committee in April 2011. In the intervening period, and in accordance with the requirements of the corporate policy, the ECS Service has established a health, safety and wellbeing group which contains multi-sectoral representation, including Head Teachers, as well as trade union representation. To further raise the profile of health, safety and wellbeing within ECS the production of a Service specific policy on health, safety and wellbeing (hereafter referred to as "the policy") has been progressed by this group.
- 1.2 The purpose of this report is to seek approval for the ECS policy document which is appended at **Appendix 1**. The policy reflects the general requirements of the corporate policy statement. However, the document is produced to reflect the specific health, safety and wellbeing roles and responsibilities of ECS management, staff and service users.
- 1.3 This policy, which will be underpinned by a health, safety and wellbeing manual, is intended to provide all ECS employees with a single document which, ultimately, will provide the relevant information required to discharge their respective responsibilities in relation to health, safety and wellbeing.
- 1.4 The teaching and non-teaching trade unions have been consulted in relation to the content of the policy document.

**2.0 THE POLICY DOCUMENTS**

2.1 The objectives of the policy document are to ensure that:

- There is a positive culture embedded across the Service that recognises and accepts the importance of health, safety and well-being for all staff and service users;

- All managers and employees are aware of their specific health and safety responsibilities, including statutory duties, on an on-going basis;
- The appropriate and proportionate health and safety training is provided for all employees, as identified through risk assessment;
- A safe working environment is provided for all ECS employees and any other users of our buildings and services;

It should be emphasised that the ECS policy document reflects the requirements of the corporate policy on health, safety and wellbeing.

- 2.2 The policy document will be under-pinned by an ECS health, safety and wellbeing manual. The topics included within this document are outlined in section 3 of the policy document. It is proposed that the existing corporate policy statements for each of these headings will be reviewed by the ECS health, safety and wellbeing group in collaboration with the corporate health, safety and wellbeing team in order to adapt the wording, where necessary, to reflect Service specific requirements within ECS.
- 2.3 Section 4 of the policy document outlines the roles and responsibilities of management, employees and service users, including a statement on the specific support role provided by the health, safety and wellbeing adviser allocated from the corporate team to ECS. This section emphasises the relative importance of health, safety and wellbeing and the collective responsibilities to ensure that the workplace is a safe environment for all employees and service users.
- 2.4 Section 4 also emphasises that the Service Director has the ultimate responsibility for developing and maintaining a health, safety and wellbeing policy which is specific to the tasks and responsibilities of the Service. This policy document must detail the Service's health, safety and wellbeing management arrangements, which will include assessing, planning, organising, monitoring and reviewing the measures required to eliminate, reduce or control local risks.
- 2.5 Section 5 outlines how the ECS group operates within the corporate health, safety and wellbeing framework, including the requirement to produce an annual report for consideration at the Adult & Children Services Committee and the central health, safety and wellbeing committee. This section also highlights that the minutes of the ECS group will be included as an agenda item on the ECS Senior Management Team and also circulated to Head Teachers following each quarterly group meeting and at other times when a specific need merits this course of action. The importance of including health, safety and wellbeing training in an employee's induction training programme and on-going thereafter is also emphasised.
- 2.6 In recent years the levels of inspection and maintenance required for vehicles, equipment and school play areas has increased significantly (details are provided in **Appendix B** to the policy document). In order to mitigate health and safety risks it is essential that there is a robust inspection and maintenance regime in place, not only to identify risks but also to ensure that any issues identified are rectified. Discussions are on-going with colleagues in the Housing & Property Service to ensure that the appropriate contracts are in place for each of the items contained within Appendix B. The requirement to have these contracts in place and to carry

out the appropriate remedial actions will necessitate a review of how funding for repairs and maintenance is allocated across sectoral budgets within the Service.

### **3.0 IMPLEMENTATION**

- 3.1 Once approved the policy document will be accessible via “Heads Up” the new ECS staff communication portal which will be launched in September 2013. This web-based portal will include a specific access point for health, safety and wellbeing which will allow all employees to access both the ECS policy documents and also the relevant corporate policy documents
- 3.2 The ECS health, safety and wellbeing group will progress the production of the manual in consultation with the relevant stakeholders within the Service, the corporate health, safety and wellbeing team and the trade unions.
- 3.3 The policy document refers to the fact that the ECS health, safety and wellbeing adviser will carry out audits to assess the extent to which the requirements of the policy are in place across the Service and to assess level of legal compliance. This will provide an opportunity to highlight any development areas where further training or investment in health and safety may be required. This will ensure that policy and legal compliance levels are being assessed on an on-going basis

### **4.0 IMPLICATIONS**

- 4.1 **Resource implications** – there are potential resource implications associated with this report as it is important that the existing levels of investment in health, safety and wellbeing training are maintained. Also, it is essential that investment in the inspection and maintenance of building infrastructure and equipment is adequately resourced. Finally, in order that staff receive the appropriate training to discharge their health, safety and wellbeing responsibilities it is important that sufficient resources are directed for this purpose. Each of the above resource requirements will be met from redirecting existing budgets as part of the 2014/15 Revenue budget setting process.
- 4.2 **Legal implications** – failure to comply with the requirements of the Health and Safety at Work, etc. Act 1974 could result in significant adverse consequences for the Council and its employees, this can include reputational damage, unlimited fines and imprisonment. Under the current legislation, normally it is the organisation that will be held liable for any failures in the management and implementation of health and safety. Where the failure can be identified to the gross failures of individual(s) they can be held legally liable and can be fined or imprisoned themselves. Further details of individual responsibilities for health, safety and wellbeing will be provided via the related training and general advice can be sought from the corporate health, safety and wellbeing adviser allocated to the ECS Service.
- 4.3 **Equality implications** – there are no implications associated with this report.
- 4.4 **Climate change implications** – there are no implications associated with this report.

4.5 **Risk implications** – it is important that the appropriate health, safety and wellbeing risk assessments are carried out across the Service to ensure compliance with this policy document.

## **5.0 Recommendations**

5.1 The Committee is asked to:-

- Approve the ECS policy on health, safety and wellbeing and to note that the contents of the related manual, which underpins this policy document, will be completed as soon as is practical.

Designation: Director of Education, Culture and Sport

Date: 2 September 2013

Author: Ron MacKenzie, Head of Support Services, Education, Culture and Sport

### **Background Papers:**

**Appendix 1** – The ECS policy on health, safety and wellbeing

## **Education, Culture and Sport Health, safety and wellbeing Policy**

**Version 1- 2013**

### **1.0 Policy statement**

- 1.1 The Education, Culture and Sport (ECS) Service recognises the importance of health, safety and wellbeing in the workplace.

The objectives of this policy are therefore to ensure that:

- There is a positive culture embedded across the Service that recognises and accepts the importance of health, safety and well-being for all staff and service users;
- All managers and employees are aware of their specific health and safety responsibilities, including statutory duties, on an on-going basis;
- The appropriate and proportionate health and safety training is provided for all employees, as identified through risk assessment;
- A safe working environment is provided for all ECS employees and any other users of our buildings and services.

This policy document reflects the Council's corporate health, safety and well-being policy requirements.

September 2013

\_\_\_\_\_  
Hugh Fraser  
Director of Education

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Date

### **2.0 Legislation**

This policy and supporting guidance meet the requirements of the Health and Safety at Work, etc. Act 1974 and all other subordinate legislation.

### **3.0 Scope**

- 3.1 This policy is applicable to all locations from which the ECS Service delivers a service. It also applies to all full and part time ECS employees, including temporary workers and those undertaking placements and similar roles, and all other users of ECS facilities.
- 3.2 ECS will develop and maintain a health, safety and wellbeing manual which will underpin the ECS policy. The manual will provide instruction and guidance to fulfil and maintain compliance with all statutory, corporate policy and sector

specific requirements.

The contents of the health, safety and wellbeing manual will include, but not limited to:

- Accident reporting and investigation
- Alcohol and substance misuse
- Antisocial behaviour and violence
- Asbestos management
- Control of substances hazardous to health
- Display screen equipment
- Electricity at work
- Food safety
- Fire safety
- First aid at work
- Gas safety at work
- Health and wellbeing at work
- Incident reporting and investigation
- Legionella
- Lone working
- Management of contractors
- Manual handling
- Moving and handling (including lifting and lowering of people)
- Noise
- Occupational health
- Outdoor education and adventurous activities (including personal protective equipment) (These functions are currently managed by High Life Highland on behalf of the ECS Service)
- Property management
- Risk assessments
- Responsible Premises Officer (RPO) duties
- Safe driving at work
- Smoking at work
- Stress management
- Vibration
- Working at heights

The manual will be reviewed periodically and when there are relevant changes in legislation and/or sector specific guidance.

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## 4.0 Roles and Responsibilities

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- 4.1 General health safety and wellbeing responsibilities are set out in the corporate health, safety and wellbeing policy. In addition, specific responsibilities in relation to ECS are set out below (details of the current ECS structure are outlined in **Appendix A**):
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4.2 **The Director** holds ultimate responsibility for health, safety and wellbeing across the ECS Service.

The Director is responsible, so far as is reasonably practicable, for:

- The implementation and monitoring of this policy within the Service, and ensuring good communication re the content with employees at all levels;
- Ensuring that sufficient resources are available to ensure compliance with all policy requirements;
- Developing and maintaining a health, safety and wellbeing policy which is specific to the tasks and responsibilities of the Service. This must detail the Service's health, safety and wellbeing management arrangements, which will include assessing, planning, organising, monitoring and reviewing the measures required to eliminate, reduce or control local risks;
- Establishing arrangements for consultation on Service specific health, safety and wellbeing policy and other related issues ;
- Bringing to the attention of line management that health, safety and wellbeing responsibility is shared and that they will be accountable for the health, safety and wellbeing of employees, or others who may be affected by the work of the Service;
- Submitting an annual health, safety and wellbeing report to the Adult & Children Services Committee.

4.3 **Heads of Service** are responsible for the implementation of Health, safety and wellbeing management arrangements throughout their area of responsibility. These duties will include:

- Overall responsibility for ensuring that the ECS health, safety and well-being manual (or any related documentation) is maintained and updated as and when required as a result of legislative changes, any sector specific guidance and changes to the corporate policy;
- Ensuring that appropriate, valid risk assessments are available, and regularly reviewed, for activities conducted by the service;
- Ensuring proper control, including monitoring, of contractor activities;
- Nominating a responsible person (the RPO) for each building to be accountable for and deal with health and safety property matters. RPO training is available from Employee Development.
- Ensuring that there is regular consultation and discussion with trade union representatives, either via the Service's quarterly trade union meetings or via the Local Negotiating Committee for Teachers (LNCT) Executive Group meetings.

4.4 **Area Managers/Functional Managers/Head Teachers** are responsible for the following:

- Implementing this policy in his/her area of responsibility;
- Ensuring compliance with all legal requirements and relevant Council and ECS health, safety and wellbeing documents;
- Communicating corporate and ECS health, safety and wellbeing policies and guidance to all relevant staff for whom they have a direct line management responsibility and also service users;
- Ensuring that suitable and sufficient risk assessments are carried out and these assessments are reviewed at regular intervals or when a specific need arises;
- Ensuring that any significant findings arising from risk assessments and any related changes to work practices are communicated to staff;
- Ensuring action plans arising from risk assessment and audits are followed through and completed within the prescribed timescales;
- Motivating and empowering employees and service users to work in a safe and healthy manner in order to encourage a positive attitude to health, safety and wellbeing in the workplace;
- Ensuring that all employees have received suitable and sufficient training at induction and refresher training on an on-going basis;
- Encouraging staff to adopt safe working practices;
- Consulting with the corporate health, safety and wellbeing team when appropriate;
- Addressing appropriately any health, safety and wellbeing concerns raised by an employee; and
- Encouraging the reporting of accident/incidents, episodes of antisocial behaviour and violence against staff in line with the related corporate and ECS policy and procedure;
- Liaising with colleagues in the Housing & Property Service in order to address/mitigate any property-related health, safety and well-being risks identified.

4.5 Each **employee** is responsible for their own acts or omissions and the effect that these may have upon the safety of themselves or anyone else. Whilst the Council accepts the main responsibility for the implementation of this policy, individuals are legally obliged to co-operate to ensure a healthy and safe working environment.

Employees have a responsibility to:

- Avoid taking unnecessary risks;
- Cooperate with their manager in relation to all issues relating to health, safety and well-being;
- Set a good example to others, especially young or inexperienced workers and service users;
- Use equipment in accordance with any instructions and training given;
- Work in accordance with any health and safety instruction or training that has been given;
- Bring to the attention of a responsible person any health and safety



issues they may have; and

- Report to management any defects or faults relating to equipment and systems of work;
- Familiarise themselves with the corporate and ECS health, safety and wellbeing policy documents and also the ECS health, safety and wellbeing manual and;
- Attend any relevant training provided.

The normal reporting line for health and safety matters is via line management. However, for peripatetic staff where health and safety concerns are identified during the course of normal work it may be appropriate to raise these concerns with the relevant local manager or the Responsible Premises Officer (RPO) in the first instance.

Staff are encouraged, when and where appropriate, to seek health and safety advice and guidance from the corporate health, safety and wellbeing team.

#### 4.6 **Service users, including pupils**

It is expected that all service users, including pupils, contractors and visitors to ECS premises will comply with the relevant health and safety arrangements. It is important that the RPO ensures that the appropriate health, safety and wellbeing arrangements are communicated effectively.

#### 4.7 **Health, safety and wellbeing section**

The corporate health, safety and wellbeing team will provide advice, guidance and support in the following way via the adviser allocated to the ECS Service:

- Assist with developing, reviewing and updating the ECS health, safety and wellbeing policy and the ECS health, safety and wellbeing manual documents;
- Advise managers of changes in legislation, policy and any other relevant guidance as and when required;
- Carry out high level inspections and audits and produce reports with recommendations for ECS management;
- Investigate significant accidents and incidents;
- Raising health, safety and wellbeing awareness to ensure that ECS managers and staff are aware of their individual and collective responsibilities;
- Facilitate the appropriate health, safety and wellbeing training to ensure that all managers are aware of their related responsibilities;
- Providing the appropriate health, safety and well-being advice and support for managers in order that they fulfil legal compliance;
- Be available to any ECS employees who seeks specific advice or wishes to escalate specific health, safety and wellbeing concerns.

## **Trade Union Representatives**

Safety representatives are appointed by trade unions to represent their members on health and safety issues, including:

- Representing ECS staff in discussions with the Service on health, safety or welfare issues and in discussions with the Health & Safety Executive (HSE) or other enforcing authorities;
- Being involved in any consultative exercise which has significant health and safety implications;
- Being involved with the Service's risk assessment processes where appropriate;
- Attending Service health, safety and wellbeing meetings;
- Having access to relevant health and safety information;
- Carrying out workplace inspections, including investigating potential hazards;
- Investigating notifiable accidents, cases of diseases or ill health and dangerous occurrences;
- Investigating employees' health and safety complaints;
- Receiving information from health and safety inspectors;
- Being given paid time off their normal work to carry out their functions and undergo training;
- Having access to suitable facilities and assistance to carry out their functions, for example access to IT facilities and suitable office accommodation when required;
- Attendance at periodic ECS health, safety and wellbeing group meetings or periodic LNCT Executive Group meetings.

## **5.0 General Arrangements**

### **5.1 ECS health, safety and wellbeing group**

The group will meet quarterly, or at a greater frequency where the need is identified. The constitution of the group will comply with the policy and guidance on health and safety consultation

Representation on the group will reflect all sectors of the Service and the trade unions, including the Local Negotiating Committee for Teachers (LNCT).

The Minutes of each meeting are made available to each group member, the ECS Management Team and to all Head Teachers. It is mandatory that this information is disseminated as appropriate within each staff grouping.

In addition, the Service will produce an annual health, safety and well-being report for consideration at the Adult & Children Services Committee and the central health, safety and wellbeing committee.

## **5.2 Area Health and Safety Groups**

The ECS Service will be represented at each Area Health and Safety meeting. This group will consider local issues that have been identified at an establishment level and require further consideration.

## **5.3 Training**

Basic training will be provided as part of each employee's induction. Thereafter, additional job specific training will be provided as identified in the job description and through risk assessments. In addition and in compliance with corporate health and safety training guidance, specific training needs should be discussed as part of the Employee Development and Review (ERD) process (or equivalent). In addition, there is a commitment to continue the partnership agreement whereby Health and Safety representatives provide the appropriate training to discharge their responsibilities.

## **5.4 Inspection and Maintenance contracts**

Under the Provision and Use of Work Equipment Regulations 1998 there is a catch- all requirements for the appropriate level of inspection, test and maintenance of work equipment. There are also other specific legal requirements for test, inspection and maintenance of certain pieces of work equipment such a local exhaust ventilations systems (LEVs), lifting and lowering equipment (e.g. lifts, slings, hoists) and vehicles.

To comply with the test and inspection requirements the ECS Estates team will oversee the procurement of centrally funded test and inspection contracts for the work equipment and services identified in **Appendix B**.

It is essential that the appropriate levels of funding are available on a sustainable basis to ensure that vehicles and major items of work equipment are maintained and replaced as and when required.

## **5.5 Health Safety and Wellbeing Plan**

ECS will develop, monitor and review a Health, safety and wellbeing plan. The aim of the plan will be to maintain legal compliance and deliver constant improvement in the standards of health, safety and wellbeing across the Service.

The plan will be informed by information gathered from health and safety audits, accident investigations, corporate targets and changes to legislation and guidance.

The plan will be included in the annual report and monitored by the ECS health, safety and wellbeing group and formally reviewed annually by the ECS SMT.

## **5.6 Hazard Identification**

ECS will develop, maintain and update a health and safety risk register. The register will be reviewed by the ECS health, safety and wellbeing group and ECS SMT and will be incorporated within the overall ECS Service Risk Register document.

## **5.7 Occupational Health**

Where longer term risks to health are identified through the risk assessment process, mandatory health monitoring will be provided by the current Occupational Health provider.

When a fit note for member of staff states stress as the reason for an absence the line manager must make an occupational health referral for stress immediately.

## **5.8 Communication within ECS**

ECS recognises the importance of effective health and safety communication throughout the Service and that effective communication is a two way process. Health and safety information will be communicated to all staff and where necessary to service users through the following mediums:

- ECS health, safety and wellbeing group;
- Heads Up;
- Staff briefings;
- Standing agenda items at LNCT Executive Group meetings and the quarterly ECS non-teaching trade union meetings.

Health and safety representatives in establishments are regarded as the most appropriate means of communicating on all matters relating to health, safety and wellbeing in the workplace.

Staff are encouraged to identify and report health and safety concerns to their line managers. Managers are required to treat these concerns seriously and to take appropriate action and where necessary escalate.

Staff are encouraged to identify and communicate health and safety improvement proposals to their line managers. Managers should consider proposals and respond appropriately. Where proposals merit further considerations and potential policy implications they should be referred to the ECS health, safety and wellbeing group.

Copies of health, safety and wellbeing inspection reports relating to specific establishments are made available to all relevant staff across the Service, including the Responsible Premises Officer.

#### **5.9 Sources of health and safety information, advice and support**

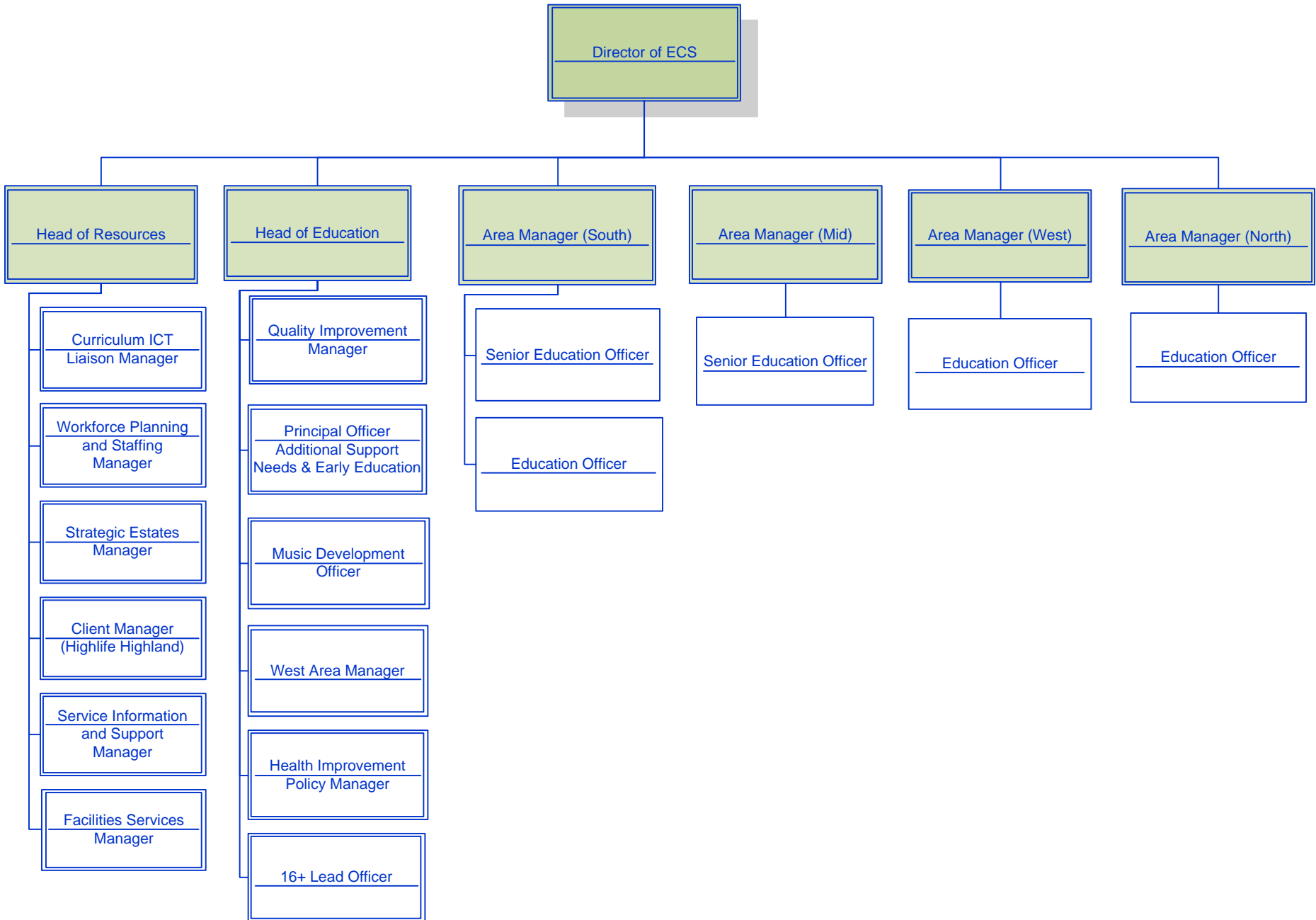
ECS will comply with corporate health and safety policies, procedures and guidance. Where there is a need for ECS specific procedures and guidance this will be located in the ECS health, safety and wellbeing manual.

Additional sources of health and safety information are located on the [Corporate health and safety intranet pages](#), [HSE website](#) and [SSERC website](#).

Advice can be sought from the [Health, safety and wellbeing Team](#). Contact details are held on Heads Up.

#### **5.10 Monitoring and review of the health, safety and wellbeing policy**

This policy will be reviewed on an annual basis and in light of any significant changes in the Corporate Health, safety and wellbeing Policy, legislation, health and safety guidance and sector specific guidance.



**APPENDIX B**

<b>Contract</b>	<b>Frequency</b>	<b>Responsible Service</b>	<b>Contract Status</b>	<b>Type of Contract</b>	<b>Estimate Contract Values</b>
Craft and Design Lev Fume Kilm	Six monthly	ECS	Contract awarded to AES	Service and Repair	150,000
LOLER - Lifting Operations and Lifting Equipment Regulations	Yearly	ECS	Contract with SWL extended to August 2014	Inspection	30,000
Ventilation Duct System	Yearly	ECS	Contract with SWL extended to August 2014	Inspection	See above
Extract Fans	Quarterly	ECS	No contract in place	Inspection	20,000
Fixed catering equipment - Home Economics	Yearly	ECS	No contract	Service	30,000
Lifting and Mobilty Aid	Six monthly	ECS	Call out only going out to tender - no contract in place	Service Repair	50,000
Lifting and Mobilty Aid	Yearly	ECS	Contract with SWL extended to August 2014	Inspection	See above
Fixed Electrical	Yearly	HAPS	Contract awarded - need to clarify with whom	Inspection	0
Pressure Cookers Auto Claves Steam Engines	Yearly	ECS	No contract in place	Inspection	20,000
Hoists and trailers (minibus)	Yearly	ECS	No contract in place	Inspection	20,000
Fixed Electrical	Yearly	HAPS	Contract awarded - need to clarify with whom	Repair and Upgrade	0
Grease Traps	Yearly	ECS	No contract	Survey and service only	25,000
Gym Equipment	Yearly	ECS	No contract in place	Service and repair	40,000
Stage Lighting control panels Bleacher seating	Yearly	ECS	No contract in place	Service and repair	35,000
Synthetic surfaces	Periodic	ECS	Replay	Inspection and maintenance	70,000
Kitchen canopy cleaning	Periodic	ECS	Current contract with Comcat extended	Service	55,000
Snow clearing and gritting	Winter Months	ECS	Framework to be reviewed	Reactive	100,000
Chemical Uplift	Yearly	ECS	Framework contract in place	Annual uplift	5,000
Play/outdoor Equipment	Yearly	TECS	Contract Ends July	Inspection	6,000