

Item: 16

Policy and Resources Committee: 27 November 2018.

Health and Safety Risk Assessment Policy.

Report by Executive Director of Corporate Services.

1. Purpose of Report

To consider the revised Health and Safety Risk Assessment Policy.

2. Recommendations

The Committee is invited to note:

2.1.

That the current Health and Safety Risk Assessment Policy was approved by Council in December 2009.

2.2.

That the Health and Safety Risk Assessment Policy has been reviewed to support the Council's overall Health and Safety Policy by providing guidance and clarification to staff and line management on responsibilities associated with the completion and review of risk assessments and to reflect structural changes within the Council since the last revision in December 2009.

It is recommended:

2.3.

That the Health and Safety Risk Assessment Policy, attached as Appendix 1 to this report, be approved.

3. Health and Safety Risk Assessment

3.1.

The Health and Safety at Work etc. Act 1974 requires employers to ensure the health, safety and welfare of employees and others so far as is reasonably practicable. Although not stated in the Act, the process of risk assessment is implied in relation to determining what "reasonably practicable" action is required to control identified hazards.

3.2.

An absolute requirement for employers to assess all work risks was established in 1993 with the introduction of the Management of Health and Safety at Work Regulations 1992, which have since been revoked and replaced by the Management of Health and Safety at Work Regulations 1999 (the Management Regulations).

3.3.

Regulation 3 of the Management Regulations requires every employer to make a suitable and sufficient assessment of:

- The risks to the health and safety of employees to which they are exposed whilst they are at work.
- The risks to the health and safety of persons not in their employment arising out of or in connection with the conduct by them of their undertaking.

For the purpose of identifying measures the employer needs to take to comply with the requirements and prohibitions imposed upon the employer by or under the relevant statutory provisions.

4. Revised Policy

4.1.

The current Health and Safety Risk Assessment Policy was approved by Council in December 2009.

4.2.

The revised policy, attached as Appendix 1 to this report, has been reviewed to support the Council's overall Health and Safety Policy by providing guidance and clarification to staff and line management on responsibilities associated with the completion and review of risk assessments. However, the health and safety specific aspects of the policy remain the same. The legislation and associated guidance pertaining to health and safety risk assessment have remained comparatively unchanged since 1999.

4.3.

The revised policy has also been updated to incorporate the various structural changes within the Council over the last decade. This includes various job titles and department / service names.

5. Equality Impact Assessment

An Equality Impact Assessment has been undertaken and is attached as Appendix 2 to this report.

6. Corporate Governance

This report relates to the Council complying with governance and its duties as an employer and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

7. Financial Implications

There are no financial implications arising directly from this report.

8. Legal Aspects

The Management of Health and Safety at Work Regulations 1999 requires employers to assess the risks to the health and safety of employees to which they are exposed whilst they are at work. The significant findings of the risk assessment must be recorded and brought to the attention of all relevant employees.

9. Contact Officers

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10. Appendices

Appendix 1: Health and Safety Risk Assessment Policy.

Appendix 2: Equality Impact Assessment.



Health and Safety Risk Assessment Policy

Contents.

1. Policy Statement.....	3
2. Legislation.....	3
3. Application	4
4. Recording	4
5. Roles and Responsibilities.....	5
5.1. Orkney Islands Council.....	5
5.2. Chief Executive.....	5
5.3. Executive Directors.....	5
5.4. Employees.....	5
5.5. Safety and Contingencies Section.....	6
6. Training.....	6
7. Monitoring.....	6
8. Review	7

Document Control Sheet.

Review / approval history.

Date.	Name.	Position.	Version Approved.
	General Meeting of the Council.	n/a.	Version 1.0.

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
October 2018.	Malcolm Russell.	1.0.	Final.	Reviewed and updated earlier version.

1. Policy Statement

It is the general policy of Orkney Islands Council to take all reasonably practicable steps to ensure the health, safety and welfare at work of all its employees. The Council also acknowledges its responsibilities in respect of persons other than its own employees.

The general policy extends to include “identifying and assessing the risks associated with all work activities of the Council with the aim of eliminating or controlling the risks, so far as is reasonably practicable.

The Health and Safety Risk Assessment Policy complements the Corporate Risk Management Policy and Strategy which details the process of identifying and controlling all risks to the Council.

The Council will specifically ensure that health and safety risk assessments are carried out to identify potential hazards, evaluate the risks from these and implement control measures to minimise the risks.

Trained personnel will be involved in the risk assessment process, which will be supported by the Council’s Safety and Contingencies section.

This policy applies equally to all Council employees regardless of their age, disability, gender, gender reassignment status, race or ethnicity, religion or belief, sexual orientation, marriage or civil partnership or pregnancy or maternity status. An Equality Impact Assessment has been undertaken to ensure that no groups are adversely affected in implementing this policy.

2. Legislation

The Health and Safety at Work etc. Act 1974 requires employers to ensure the health, safety and welfare of employees and others so far as is reasonably practicable. Although not stated in the Act, the process of risk assessment is implied in relation to determining what “reasonably practicable” action is required to control identified hazards.

An absolute requirement for employers to assess all work risks was established in 1993 with the introduction of the Management of Health and Safety at Work Regulations 1992, which have since been revoked and replaced by the Management of Health and Safety at Work Regulations 1999 (“the Management Regulations”).

Regulation 3 of the Management Regulations requires every employer to make a suitable and sufficient assessment of:

- A. The risks to the health and safety of employees to which they are exposed whilst they are at work.
- B. The risks to the health and safety of persons not in their employment arising out of or in connection with the conduct by them of their undertaking.

For the purpose of identifying measures the employer needs to take to comply with the requirements and prohibitions imposed upon the employer by or under the relevant statutory provisions.

This policy does not relate to the statutory requirement under the Fire (Scotland) Act 2005 and Fire Safety (Scotland) Regulations 2006 to assess fire risks. The separate Council Fire Safety Policy deals with this requirement.

3. Application

The Council's health and safety risk assessment process will be carried out in accordance with relevant guidance produced by the Health and Safety Executive. In particular, the process should:

- Identify hazards.
- Determine who might be harmed and how; for example, employees, clients, service users, pupils, members of the public, contractors etc.
- Determine the likelihood of harm occurring.
- Identify appropriate measures necessary to control or eliminate the risk.
- Record significant findings.

Risk assessments must only be carried out by persons appropriately trained and authorised to do so.

Risk assessments must, in particular, include work undertaken by new or expectant mothers and young persons (less than 18 years old).

General guidance on risk assessment is available on the Council Portal or from the Safety and Contingencies section.

4. Recording

Risk assessments must be recorded in an appropriate format which represents an effective statement of hazards and risks which then leads management to take the relevant actions to protect health and safety.

The record should be retrievable for use by management in reviews and for safety representatives or other employee representatives and visiting inspectors. The record may be in writing or recorded by other means (e.g. electronically) as long as it is retrievable.

The significant findings should include a record of the preventative and protective measures in place to control risks; what further action, if any, needs to be taken to reduce the risk sufficiently; and proof that a suitable and sufficient assessment has been made.

Risk assessments must be reviewed, and if necessary, modified as the nature of the work changes, and / or at regular intervals.

Risk assessments may be recorded on the Council's corporate risk assessment format as in Appendix 1 and available via the Council Portal or from the Safety and Contingencies section.

Other formats may be used so long as they comply with legislative requirements and follow the guidance contained in this policy. The Safety and Contingencies section can advise on the suitability of alternative formats.

The significant findings of the risk assessment must be brought to the attention of all relevant employees and other persons who may be affected by the council's work activity.

5. Roles and Responsibilities

In accordance with the Council's Health and Safety Policy, the following roles and responsibilities have been identified in relation to statutory health and safety risk assessment:

5.1. Orkney Islands Council

The Council shall take all reasonably practicable steps to ensure the health, safety and welfare at work of all its employees and others who may be affected by the its work activities.

Elected members are deemed to share a collective responsibility for ensuring the health and safety of Council employees and others who may be affected by the Council's undertakings.

One Elected Member, appointed by the Council, must hold a specific responsibility for health and safety, and must be suitably trained in relevant aspects of health and safety at work.

5.2. Chief Executive

The Chief Executive shall ensure the establishment and maintenance of health and safety management systems within Services, which will initiate the assessment of risks and the effective planning, organisation, control, monitoring and review of the preventative and protective measures necessary to control the risks.

5.3. Executive Directors

Executive Directors shall implement health and safety management systems within their Service, which will ensure the assessment of risk and the effective planning, organisation, control, monitoring and review of the preventative and protective measures necessary to eliminate or control risks.

Executive Directors may delegate risk assessment duties to Heads of Service, Managers and others including Unit Managers, Team Leaders, School Business Managers, Headteachers, Supervisors etc. However, Executive Directors retain overall responsibility for the risk assessment process and for any remedial action identified as required to eliminate or reduce risks within their Service.

5.4. Employees

Employees hold statutory duties under Section 7 of the Health and Safety at Work etc Act 1974 and Regulation 14 of the Management of Health and Safety at Work Regulations 1999.

Employees must co-operate, so far as is necessary, to enable the Council to perform any duty or to comply with any requirements, as a result of any health and safety legislation which may be in force, including requirements to eliminate or control risks.

Employees must inform the Council without delay of any work situation which might represent a serious or imminent danger, and of any shortcomings in health and safety arrangements, even when no immediate danger exists, so that the Council can take remedial action if needed.

5.5. Safety and Contingencies Section

The Council is advised on health and safety matters, including statutory risk assessment, by the Safety and Contingencies Manager and Safety and Contingencies Officer, who are the “competent persons” providing assistance within the meaning of Regulation 7 of the Management of Health and Safety at Work Regulations 1999.

The Safety and Contingencies section will provide advice on all matters of risk assessment, including training, documentation, risk evaluation, risk reduction, statutory compliance to relevant persons within the Council’s Services.

6. Training

To ensure that all work activities and premises are suitably risk assessed, Executive Directors and Heads of Service must be suitably trained and must arrange for sufficient numbers of their staff to be trained to carry out the process of health and safety risk assessment.

Persons selected for risk assessment training should be familiar with their work premises and the work activities there in and be aware of the types of hazard likely to be present.

The following training specification is deemed as a minimum requirement for risk assessment duty holders:

Executive Directors and Heads of Service.

- IOSH Safety for Senior Executives.

Unit Managers, Team Leaders, School Business Managers, Headteachers and Managers / Supervisors of predominately medium to high risk operations.

- IOSH Managing Safely.

Managers / Supervisors of predominately low risk operations.

- IOSH Working Safely.
- Orkney Islands Council Risk Assessment Training.

The Safety and Contingencies section provides in-house health and safety risk assessment training as part of the Learning and Development training programme. Ad hoc and tailored courses can also be run for specific council services.

7. Monitoring

Executive Directors are responsible for monitoring the extent to which risk assessments have been carried out within their service.

The Council's Safety Committee, and service Safety / Works Representatives Committees may monitor specific health and safety risk assessment requirements.

The Safety and Contingencies section will monitor the extent to which risk assessments have been carried out and recorded during inspection and audits of premises and work activities.

8. Review

Guidance from the Health and Safety Executive suggests "risk assessments should be reviewed and modified when necessary." As a rule of thumb, generic risk assessments of premises (Schools, Care Homes etc), should be reviewed annually or after any significant change to the layout of the premises or work activity therein. Job / task specific risk assessments should be reviewed after any significant change and following any change in statutory requirement.

This policy will be reviewed every two years in conjunction with the review of the Council's Health and Safety Policy.



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a function, policy or plan by anticipating the consequences, and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

1. Identification of Function, Policy or Plan	
Name of function / policy / plan to be assessed.	Health and Safety Risk Assessment Policy.
Service / service area responsible.	Corporate Services - Safety and Contingences.
Name of person carrying out the assessment and contact details.	Malcolm Russell, Safety and Contingencies Manager, extension 2255, Email malcolm.russell@orkney.gov.uk .
Date of assessment.	11 October 2018.
Is the function / policy / plan new or existing? (Please indicate also if the service is to be deleted, reduced or changed significantly).	A revision of the existing policy.

2. Initial Screening	
What are the intended outcomes of the function / policy / plan?	To ensure that all relevant staff are carrying out the necessary health and safety risk assessments and that they receive guidance on how to do it.
Is the function / policy / plan strategically important?	No.
State who is, or may be affected by this function / policy / plan, and how.	The policy covers all services of the Council and places responsibilities on the Chief Executive, and Executive Directors, Heads of Service and Managers to ensure that all necessary risk to the health and safety of employees, contractors and the public are assessed, and appropriate controls put in place.

<p>How have stakeholders been involved in the development of this function / policy / plan?</p>	<p>The draft policy will be presented to the Council's Policy and Resources Committee on 27 November 2018 and to the Council's Senior Management Team on 7 November 2018.</p>
<p>Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking (see equalities resources on OIC information portal).</p>	<p>None known that is specifically for a health and safety policy. The health and safety process involves the assessment of risk in relation to existing Council policies, plans and activities which are themselves subject to equalities assessments.</p>
<p>Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Interim Guidance for Public Bodies for further information.</p>	<p>No. This policy relates to the completion of health and safety risk assessments the very purpose of which is to improve the safety at work or employees, contractors as well as members of the public who may be affected by the Council's operations.</p>
<p>Could the function / policy have a differential impact on any of the following equality areas?</p>	<p>(Please provide any evidence – positive impacts / benefits, negative impacts and reasons).</p>
<p>1. Race: this includes ethnic or national groups, colour and nationality.</p>	<p>No. There is no differential impact.</p>
<p>2. Sex: a man or a woman.</p>	<p>No. There is no differential impact. Pregnant women and new mothers are required by the legislation to be specifically considered when completing risk assessments. This is done to ensure the safety of the mother as well as that of the unborn / new-born child.</p>
<p>3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.</p>	<p>No. There is no differential impact.</p>
<p>4. Gender Reassignment: the process of transitioning from one gender to another.</p>	<p>No. There is no differential impact.</p>

5. Pregnancy and maternity.	No. Pregnant women and new mothers are required by the legislation to be specifically considered when completing risk assessments.
6. Age: people of different ages.	No. There is no differential impact.
7. Religion or beliefs or none (atheists).	No. There is no differential impact.
8. Caring responsibilities.	No. There is no differential impact.
9. Care experienced.	No. There is no differential impact.
10. Marriage and Civil Partnerships.	No. There is no differential impact.
11. Disability: people with disabilities (whether registered or not).	No. There is no differential impact. The risk assessment process should pick up any specific workplace requirements or adjustments for employees with a disability that would be required for them to work without risk to their health.
12. Socio-economic disadvantage.	No. There is no differential impact.

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No.
How could you minimise or remove any potential negative impacts?	Not applicable.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Conclusions and Planned Action

Is further work required?	No.
What action is to be taken?	Executive Directors must ensure, so far as reasonably practicable, the health and safety and welfare at work of employees and of others who may be affected by Council works. This is done in part through the production of risk assessments.
Who will undertake it?	Executive Directors, Heads of Services and Managers.

When will it be done?	The process of identifying and managing risk and taking steps to ensure the health and safety of people is continuous.
How will it be monitored? (e.g. through service plans).	Through the Corporate Performance and Risk Management System; by exception reports to the Senior Management Team; by internal audits; by inspections of Council premises by the Safety and Contingencies Officer; annual reports to the Council's Safety Committee.

Signature:



Date: 11 October 2018.

Name: Malcolm Russell.

(BLOCK CAPITALS).

Please sign and date this form, keep one copy and send a copy to HR and Performance. A Word version should also be emailed to HR and Performance at hrsupport@orkney.gov.uk