

# DORMANSLAND PARISH COUNCIL



## HEALTH AND SAFETY POLICY

Template @ NALC 2019

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### 1.0 Introduction

Dormansland Parish Council recognises its responsibilities as an employer for providing a safe and healthy environment for all its employees, contractors, voluntary helpers and others who may be affected by the activities of the Council.

The Council will make every effort to meet its responsibilities under the Health and Safety at Work Act 1974 and will have regard to health and safety legislation, approved Codes of Practice, Guidance Notes and other relevant information issued by the Health and Safety Executive. It will also follow the NALC guidance see **Appendix 1**, which is accepted as part of this policy as required.

An up-to-date copy of this Policy shall be maintained on Dormansland Parish Council's website.

### 2.0 Purpose

The purpose of this Policy is to ensure that Dormansland Parish Council provides, as far as is reasonably practicable:

- 2.1 A safe place to work and a safe working environment.
- 2.2 Sufficient information, instruction and training for employees, contractors and voluntary helpers to carry out their work safely.
- 2.3 Care and attention to health, safety and welfare of employees, contractors, voluntary helpers and members of the public who may be affected by the Council's activities.

### 3.0 Organisation Roles and Responsibilities

The ultimate responsibility for health and safety rests with the Councillors of Dormansland Parish Council. Day to day responsibility for implementation is delegated to the Clerk. However, all employees have responsibility for health and safety matters during their day to day duties.

### 3.1 Duties and Responsibilities of Parish Councillors

All Parish Councillors are jointly responsible for the implementation of this Health & Safety Policy, for monitoring the day-to-day administration of the Council's affairs, and ensuring that all insurance policies are in date. The Personnel (HR) working group will take the lead on this. In doing so, they will ensure that:

- 3.1.1 A copy of this policy is circulated to all employees and voluntary workers on appointment. Opportunity will be given to discuss this policy on an individual basis to ensure that it is fully understood and implemented;
- 3.1.2 the Council's activities are monitored to ensure that the objectives of the Health & Safety Policy are being complied with;
- 3.1.3 contracts of employment include compliance with statutory and company health, safety & environmental requirements;
- 3.1.4 all staff have adequate competence and training for carrying out their specific jobs and for ensuring the health, safety and welfare of themselves and those around them;
- 3.1.5 employees and voluntary workers are aware of the hazards which may exist within the operation of their tasks, and that they fully understand and observe all aspects of the Parish Council's Health & Safety Policy;
- 3.1.6 no employee or voluntary worker shall be engaged in any work activity where technical knowledge or experience is necessary to prevent danger or injury unless he or she possesses such knowledge or experience, or is under supervision of a competent person having regard to the nature of the work;
- 3.1.7 safe methods of work are adopted;
- 3.1.8 all suppliers comply with Section 6 of the Health & Safety at Work Act (HASAWA) in supplying articles and substances that are safe and without risk to health when properly used and to provide information to enable them to be properly used;
- 3.1.9 any accidents arising out of the Council's activities are recorded, reported and investigated as detailed in the accident reporting procedure;
- 3.1.10 regular inspections of equipment are carried out and necessary records kept.
- 3.1.11 All Parish councillors will be provided with a copy of this policy and undertake review as and when required.

### Duties and Responsibilities of the Clerk

The Clerk will:

- 3.2.1 Keep themselves informed of relevant Health and Safety Policy legislation and inform the Council accordingly.
- 3.2.2 Ensure sufficient information, instruction, training and supervision to enable all employees to identify and avoid hazards.
- 3.2.3 Ensure that regular risk assessments are carried out where required.
- 3.2.4 Maintain a record of risk assessments.
- 3.2.5 Make effective arrangements to ensure that contractors or voluntary helpers working for the Council comply with all reasonable health and safety at work requirements.
- 3.2.6 Maintain a central record of notified accidents.
- 3.2.7 Ensure that the workplace and equipment is subjected to regular health and safety checks.
- 3.2.8 When an accident or hazardous incident occurs take immediate action to prevent a recurrence or further accident and to complete the necessary accident reporting procedure.
- 3.2.9 Any health and safety issues that cannot be addressed adequately should be referred to the Chair of the Parish Council or if they are unavailable to the Vice Chair.
- 3.2.10 Keep themselves informed of relevant Surrey County Council Guidance and regulations on volunteers carrying out work in the village.

### **3.3 Duties and Responsibilities of all Employees and Voluntary Workers including Councillors.**

- 3.3.1 Employees and voluntary workers have a responsibility to conform to the Parish Council policy and with the Health & Safety at Work etc. Act 1974 and associated legislation.
- 3.3.2 Employees and voluntary workers have a statutory duty to take reasonable care of the safety and health of themselves and others who may be affected by their acts or omissions and to cooperate with the company to enable it to fulfil statutory obligations. They should also ensure that they are physically fit and technically competent for the work requested of them.
- 3.3.3 Employees and voluntary workers have responsibility for properly using any safety devices involved in their work. They must not recklessly interfere with or misuse anything provided in the interests of health, safety and welfare.
- 3.3.4 Ensure an Accident Book is in place and accessible to the Parish Clerk.
- 3.3.5 All accidents and near-miss incidents shall be reported to the Parish Clerk, and recorded in the Parish Council accident book as soon after the event as possible. Employees and voluntary workers will also co-operate with the management in investigating all accidents and near misses.

3.3.6 Employees and voluntary workers must request assistance or advice about any area of work that they are not familiar with.

### **3.4 Duties and Responsibilities of all Contractors**

Contractors must comply with the following:

- 3.4.1 Any contractors employed by Dormansland Parish Council shall be responsible for conducting themselves safely at all times and in complying with the Parish Council's Health & Safety Policy.
- 3.4.2 Any work carried out must be fully in compliance with statutory legislation and Codes of Practice to ensure the health and safety of their own employees and others on and off site.
- 3.4.3 All tools and equipment that they bring onto site must be safe and in sound working order. All necessary guards and safety devices must be in place and necessary certificates must be available for checking.
- 3.4.4 Any injury sustained whilst on site must be reported to the Parish Clerk immediately.
- 3.4.5 All electrical equipment must have a valid Portable Appliance Test certificate.
- 3.4.6 Contractors must provide written risk assessments and method statements where necessary, before commencing work for or on behalf of the Parish Council.

### **3.5 Duties and Responsibilities of all Visitors**

Dormansland Parish Council owes a duty of care to visitors to the Parish Council controlled areas of the villages. Parish Councillors will ensure so far as is reasonably practicable that safe access and egress is available and that that areas are maintained in a safe condition.

## **4.0 Arrangements**

### **4.1 Enforcement agency:**

The enforcement agency for Local Authorities is the Health & Safety Executive. Any site visit carried out by Statutory Inspectors shall be co-ordinated with the full cooperation of Parish Councillors and any recommendations carried out as soon as reasonably practicable.

4.2 Risk Assessments: Generic risk assessments will be co-ordinated by the Parish Clerk for all public areas and village assets controlled by the Parish Council. These assessments will be recorded, monitored and reviewed annually.

4.3 Training: Parish Councillors are responsible for ensuring that appropriate health & safety training is provided for employees and voluntary workers. The Parish Clerk is responsible for maintaining records of such training.

4.4 Accident reporting: The Parish Clerk must be notified immediately if an accident occurs to anyone whilst on Parish Council business. This includes Parish Councillors, employees, voluntary workers, visitors, contractors etc. A form in the accident book must be completed and returned to the Clerk. The Parish Clerk will ensure that the requirements of RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) are complied with. Where required, accidents and near misses shall be investigated by the Parish Clerk and remedial actions recommended to the Parish Council where necessary.

Where the activity which gave rise to the accident is under the control of a nominated Parish Councillor then that person shall assume the responsibilities of the Parish Clerk in the preceding paragraph.

4.5 Provision and Use of Work Equipment: If equipment provided by the employer is damaged or faulty the employee is responsible for the immediate return or report of such equipment to the employer for repair or replacement. (Provision and use of Work Equipment Regulations 1998) If the equipment is lost or damaged through negligence, there is an onus on the employee to report such loss or damage immediately.

4.6 Procurement of Materials, Equipment & Contractors: Anyone who purchases or hires materials, equipment or contractors on behalf of the Parish Council must ensure that they have read and fully understand this health and safety policy. All suppliers are asked to provide full information on any hazards associated with the equipment or materials supplied and any precautions required. This information must then be passed on to the Parish Clerk in order to be recorded.

4.7 Violence/Personal Safety: So as to avoid violence and aggression from members of the public or contractors, all staff should avoid getting into a confrontational situation and have ready access to a method of communication in the case of difficulty. Always remain polite, but back off from situations that are potentially dangerous. Any incidents should be reported to the Clerk who may call the police, if it is considered necessary.

4.8 Lone working: Lone working other than at a safe place (e.g. home) should be avoided where possible and should it be required, at least one parish councillor is made aware of the time/location of lone working and an expected completion time.

4.9 Inspections & Documentation Review: An annual inspection of village assets will be carried out and the findings recorded. Any serious defects/items for attention must be actioned immediately. Activity risk assessments, the health and safety policy document and all other health and safety documentation will also be reviewed annually taking into account any changes in personnel, procedural or physical changes.

## 5.0 Policy Review

Dormansland Parish Council will review this Policy as is necessary and appropriate or on an annual basis.

## Appendix 1

### NALC Legal Topic Note *LTN 23 July 2015*

## HEALTH AND SAFETY

### Introduction

1. The Health and Safety Executive (HSE) advises that over 200 people lose their lives at work in the UK each year. Additionally, about 150,000 non-fatal injuries are reported and an estimated 2 million suffer from ill health caused or made worse by their work. Local councils are made up of over 80,000 councillors and employ over 25,000 staff and have a legal responsibility to ensure the safety of its employees and others.
2. The Health and Safety at Work etc Act 1974 imposes duties on employers, the self-employed and employees to protect health and safety. The aim of this Note is to set out some basic principles and to highlight other provisions which councils may need to research in further detail. It hardly needs to be said that this Note cannot hope to cover all of the relevant legal provisions in detail. Councils are encouraged to seek advice either from NALC or from the HSE if further information is required. The HSE issues many publications and free leaflets, and their website can be accessed at [www.hse.gov.uk](http://www.hse.gov.uk)

### The General Duty of Employers

3. The duty is set out in clear language in section 2 of the Health and Safety at Work etc Act 1974 which states:

*“(1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.*

*(2) Without prejudice to the generality of an employer’s duty under the preceding subsection, the matters to which that duty extends include in particular:*

- the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;*
- arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;*
- the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;*
- so far as is reasonably practicable as regards any place of work under the employer’s control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;*
- the provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.”*

If a local council employs officers who work at home, they will still have duties to ensure their health, safety and welfare.

The general duty is supplemented by a number of Regulations which are discussed later in this Note.

## **Health and Safety Policies**

5. Section 2(3) of the Act is in the following terms:

*“Except in such cases as may be prescribed, it shall be the duty of every employer to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the health and safety at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.”*

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Notably, the Employers' Health and Safety Policy Statements (Exception) Regulations 1975/1584 confirms that employers with fewer than 5 employees are exempt from the s.2(3) duty. Although many local councils will have fewer than 5 employees, NALC strongly recommends, as a matter of good practice, that all councils should have a written policies in place.

### **Duties to Non-Employees (this would include contractors)**

6. Sections 3(1) and 3(3) of the Act states as follows:

*“It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, **that persons not in his employment** who may be affected thereby are not thereby exposed to risks to their health or safety.”*

*“In such cases as may be prescribed, it shall be the duty of every employer and every selfemployed person, in the prescribed circumstances and in the prescribed manner, to give to persons (not being his employees) who may be affected by the way in which he conducts his undertaking the prescribed information about such aspects of the way in which he conducts his undertaking as might affect their health or safety.”*

A “self employed person” is defined as an individual who works for gain or reward or otherwise than under a contract of employment, whether or not he employs himself.

Local councils commonly enter into contracts for the provision of services (e.g. the execution of repairs and improvements) and should ensure that they (i) do not expose contractors to risks to their health and safety and (ii) such contractors do not expose nonemployees (e.g. visitors/public) to risks to their health and safety. On a practical level, local councils should ensure all their independent contractors are competent to undertake the work and request that they have public liability insurance cover.

Section 4 of the Act confers additional duties on local councils by:-

(1) imposing on persons duties in relation to those who— **(a) are not their employees; but (b) use non-domestic premises made available to them as a place of work** or as a place where they may use plant or substances provided for their use there, and applies to premises so made available and other non-domestic premises used in connection with them.



(2) It shall be the duty of each person who has, to any extent, control of premises to which this section applies or of the means of access thereto or egress therefrom or of any plant or substance in such premises to take such measures as it is reasonable for a person in his position to take to ensure, so far as is reasonably practicable, that the premises, all means of access thereto or egress therefrom available for use by persons using the premises, and any plant or substance in the premises or, as the case may be, provided for use there, is or are safe and without risks to health.

‘Non domestic premises’ are premises not occupied as a private dwelling (including garden, yard, garage and outhouse)

Local Councils regularly employ people to provide services (e.g. catering, repair work, grass cutting) to them in land or premises which they own or manage (e.g. recreational facilities, parks, and burial grounds) and should take note of the effect of section 4 above.

### **Duty of Employees**

7. Section 7 of the Act states that it shall be the duty of every employee while at work:

- . (i) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and
- . (ii) as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with.

### **Regulations and Codes of Practice**

8. The 1974 Act is supplemented by a number of Regulations and Codes of Practice. A brief outline (only) is provided below. Councils who believe that Regulations or Codes apply to them should seek further information from the HSE.

#### **(i) Management of Health and Safety at Work Regulations 1999 (as amended)**

9. Regulation 3 requires employers to carry out “Risk Assessments”. A Risk Assessment has been described as “nothing more than a careful examination of what, in your work, could cause harm to people. Risk assessment should be a practical exercise, aimed at getting the right controls in place.” Further information is provided in a leaflet published by the HSE called ‘Five Steps to Risk Assessment’. To demonstrate how straightforward this exercise can be, the 5 steps are summarized as follows:-

Step 1 - Identify the hazards Step 2 - Decide who might be harmed and how Step 3 - Evaluate the risks and decide on precautions Step 4 - Record the findings and implement them Step 5 - Review the risk assessment and update if necessary

Regulation 7 requires employers to appoint one or more competent persons (who may or may not be in the council's employment) to assist them in undertaking the measures they need to take to comply with statutory requirements imposed upon them. Employers should ensure that the number of persons so appointed, the time available for them to fulfil their functions and the means at their disposal are adequate having regard to the size of the undertaking, the risks to which employees are exposed and the distribution of those risks throughout the undertaking.

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## **(ii) The Workplace (Health, Safety and Welfare) Regulations 1992**

10. These Regulations cover a number of diverse issues including:

- . (i) ventilation;
- . (ii) temperatures in indoor workplaces;
- . (iii) work in hot or cold environments;
- . (iv) lighting;
- . (v) cleanliness and waste materials;
- . (vi) room dimensions and space;
- . (vii) workstations and seating;
- . (viii) maintenance;
- . (ix) falls into dangerous substances; National Association of Local Councils
- . (x) transparent or translucent doors, gates or walls and windows;
- . (xi) windows doors and gates;
- . (xii) escalators and moving walkways;
- . (xiii) sanitary conveniences and washing facilities;
- . (xiv) drinking water;

. (xv) accommodation for clothing and facilities for changing; and

. (xvi) facilities for rest and to eat meals.

11 Further information can be found in the HSE publication 'Workplace health, safety and welfare - A short guide for managers'.

### **(iii) Personal Protective Equipment at Work Regulations 1992**

12 Personal Protective Equipment is defined by the Regulations as:

*"all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects him against one or more risks to his health or safety."*

13 The main requirement of the regulations is that personal protective equipment is to be supplied and used at work wherever there are risks to health and safety that cannot be adequately controlled in other ways. Further information in respect of these Regulations can be found in a leaflet published by the HSE called 'A short guide to the Personal Protective Equipment at Work Regulations 1992'.

### **(iv) Manual Handling Operations Regulations 1992**

14 Manual handling is transporting or supporting loads by hand or using bodily force. The HSE advises that manual handling causes more than a third of all over-three- day injuries reported each year to HSE and local authorities.

15 The regulations require employers to:

- . (i) avoid the need for hazardous manual handling, so far as is reasonably practicable;
- . (ii) assess the risk of injury from any hazardous manual handling that cannot be avoided;  
and
- . (iii) reduce the risk of injury from hazardous manual handling, so far as is reasonably practicable.

16. The HSE has published a leaflet called 'Getting to Grips with Manual Handling'.

## **(v) Health and Safety (Display Screen Equipment) Regulations 1992**

17. The HSE advises that using a computer or other kinds of display screen equipment (visual display units) can give rise to back problems, repetitive strain injury, or other musculoskeletal disorders. Work with a screen does not cause eye damage, but many users experience temporary eye strain or stress. The HSE has published a guide called 'Working with VDUs'.

### **Other Regulations**

18. There are a number of other Regulations which may be relevant to local councils. These include:

- . (i) The Work at Height Regulations 2005;
- . (ii) The Electricity at Work Regulations 1989;
- . (iii) The Provision and Use of Work Equipment Regulations 1998;
- . (iv) The Lifting Operations and Lifting Equipment Regulations 1998;
- . (v) The Confined Spaces Regulations 1997;
- . (vi) The Health and Safety (First Aid) Regulations 1981;
- . (vii) The Regulatory Reform (Fire Safety) Order 2005; and
- . (viii) The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

NALC has issued a legal briefing in respect of (vii) The Regulatory Reform (Fire Safety) Order 2005.

### **Consultation with Employees and Safety Representatives**

19. Two sets of Regulations govern how and when employers should consult with their employees. These are:

- . (i) The Health and Safety (Consultation with Employees) Regulations (HSCER) 1996; and
- (ii) The Safety Representatives and Safety Committees Regulations (SRSCR) National Association of Local Councils 1977.

20. Further details can be found in the HSE publication 'Consulting Employees on Health and Safety Law'.

### **Displaying Posters**

21. Health and Safety Information for Employees Regulations 1989 (as amended) requires employers to display a Health and Safety poster at a place easily accessible and in position easily seen to employees or to give employees a copy of a leaflet which contains the same information. These Regulations require information relating to health, safety and welfare to be furnished to employees by means of posters or leaflets in a form approved and published by the HSE.

### **Health and Safety Enforcement**

22. Inspectors from the Health and Safety Executive (HSE) or local authorities enforce Health and Safety law. Inspectors have broad powers and:

- . (i) have powers of entry;
- . (ii) can serve improvement notices;
- . (iii) can serve prohibition notices;
- . (iv) can serve a notice requiring information; and
- . (v) can commence criminal proceedings for breaches of the duties and obligations set out in the Act or the regulations (as set out above).

### **Insurance**

23. Local councils are required by the law to insure against liability for injury or disease to their employees arising out of their employment under the provisions of the Employers' Liability (Compulsory Insurance) Act 1969. Full details of the Act are set out in the HSE's publication "Employers' Liability (Compulsory Insurance) Act 1969 - A guide for employers."

See also Health and Safety Executive publications e.g.

<https://www.hse.gov.uk/pubns/lawleaflet.pdf> and

for more detail:

<https://www.hse.gov.uk/>

<https://www.hse.gov.uk/guidance/index.htm>

<https://www.hse.gov.uk/simple-health-safety/display.htm>

## Health and Safety Policy

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