

West Suffolk Joint Health and Safety Panel 21 October 2013

Joint Health and Safety Policy – Revised Instructions

1. Summary and reasons for recommendation

1.1 Attached as Appendix A is a proposed minor amendments to the following parts of the Joint Health and Safety Policy:

- (a) 14 - Instruction 28, Asbestos
- (b) Amendment 15 - Instruction 30, Legionella Bacteria
- (c) Amendment 16 - Instruction 04, Fire safety arrangements
- (d) Amendment 17 - Instruction 19, Smoke Free Policy

1.2 The proposed amendments to these instructions are shown as tracked changes and are necessary so as to comply with current legislation and best practise.

2. Recommendation

2.1 As the Health and Safety Manager has delegated authority to make changes to Part 4 of the Health and Safety Policy, the Panel is recommended to **ENDORSE** the changes to the Joint Policy as contained in Appendix A of Report E146.

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3. Corporate priorities/Strategic Priorities

3.1 The recommendation(s) meet the following, as contained within the Corporate Plan:

- (a) Corporate priority: *'working together for an efficient council'*; and
- (b) Strategic priority: *'being an efficient and effective Council'*.

4. Key issues

4.1 Current legislation requires the organisation to nominate a 'responsible person' for Fire, Asbestos and Legionella management; the nominated appointment of this responsible person has changed from Head of Property Services to Head of Waste, Street Scene, Property and Grounds Maintenance.

4.2 The organisation recognises that some employees may wish to make use of electronic cigarettes or 'E-cigarettes' in the workplace, particularly as an aid to giving up smoking. For avoidance of doubt, E-cigarettes are defined as battery powered products that release a visible vapour containing liquid nicotine which is inhaled by the user. Although they fall outside the scope of smoke free legislation, the organisation asks that staff members do not make use of E-cigarettes in the workplace. Our rationale for this is that:

- (a) although they do not produce smoke, E-cigarettes produce a vapour that could provide an annoyance or health risk to other employees; and
- (b) some E-cigarette models can (particularly from a distance) look like real cigarettes, making a smoking ban difficult to enforce, and creating an impression for visitors, customers and other staff that the organisation believe it is acceptable to smoke in the workplace.

5. Other options considered

5.1 N/A

6. Community impact

6.1 **Crime and disorder impact** *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 N/A

6.2 **Diversity and equality impact** *(including the findings of the Equality Impact Assessment)*

6.2.1 N/A

6.3 **Sustainability impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 N/A

6.4 **Other impact** *(any other impacts affecting this report)*

6.4.1 N/A

7. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

7.1 The policy amendments were recommended for approval by the Joint Health & Safety Group on 4 September 2013.

8. Financial and resource implications *(including asset management implications)*

8.1 None.

9. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

**please ensure this section is completed with relevance to both councils*

| Risk area | Inherent level of risk (before controls) | Controls | Residual risk (after controls) |
|------------------|--|-----------------|--|
| N/A | High/Medium/Low | | High/Medium/Low |
| | | | |
| | | | |
| | | | |

10. Legal and policy implications

10.1 The Health and Safety at Work etc. Act 1974 says that employers must prepare a Health and Safety Statement (i.e. policy) and bring it to the attention of all employees. The policy should be reviewed and revised as often as necessary.

11. Wards affected

11.1 All

12. Background papers

12.1 N/A

13. Documents attached

13.1 Appendix A – Proposed amended Instructions 4, 28 and 30.

INSTRUCTION 28

ASBESTOS

References:

- A. Health and Safety at Work Act 1974
- B. Control of Asbestos Regulations (CAR) (as amended)
- C. Property Services Asbestos Policy (as amended)
- D. Construction (Design and Management) (CDM) Regulations (as amended)

Introduction

28.1 This Policy has been designed to be read in conjunction with the asbestos policy held by property services and the the Control of Asbestos Regulations, which requires employers to manage the risks to health arising from asbestos on their premises.

28.2 Many Council buildings will have asbestos containing materials (ACMs) in the building fabric, as they were in common use until the mid-1980s. Where these materials are in good condition and remain undisturbed they do not present a risk to health. When asbestos is disturbed or damaged, fibres may become airborne and can be inhaled. This can happen when work is carried out on or near ACMs, especially if they are broken, sawn, drilled, or sanded, or are in a poor state of repair.

28.3 Because of their excellent heat resistance, chemical inertness, and mechanical strength asbestos products were once widely used in the building industry. For instance, within Council owned property, asbestos has been found in:

- Thermal insulation - on pipes and boilers;
- Insulation boards - for fire protection, as thermal and acoustic insulation on walls, ceilings and structural steelwork;
- Sprayed coatings - for fire protection on structural steelwork;
- Ropes and yarns - as a sealing material or for filling gaps;
- Asbestos cement - in wall claddings, partitions, roofing, or guttering.

Responsibilities

Property Services

28.4 The Head of [Waste Management and Property Services](#) ~~Property Services~~ is responsible for managing asbestos in the fabric of buildings by:

- Ensuring records of asbestos in the fabric of Council buildings are maintained and this is available on the intranet pages;
- The record (the asbestos register) is the result of a survey carried out by a licensed asbestos contractor and includes an assessment of the condition of the materials;
- The survey results are updated at least annually and amended whenever asbestos is newly discovered, or when it is repaired or removed;
- Ensuring appropriate warning labels are attached to ACMs to identify the hazard, there may be circumstances where labelling is considered inappropriate, but the agreement of the building manager, property services and the health and safety manager should be sought in such cases;

- Planning for repairs, refurbishments, and maintenance should include consideration of the possibility of disturbing previously undiscovered asbestos during the course of the work. In some cases, an asbestos survey will need to be carried out as part of the planning process, especially where any demolition work is contemplated;
- Ensuring safe removal or encapsulation of asbestos;
- Ensuring asbestos waste is disposed of correctly;
- Ensuring relevant employees and contractors have the relevant training.

Building Managers

28.5 Building managers are responsible for:

Ensuring they are aware of the location of known ACMs in their buildings (the asbestos register is available on the intranet at <http://sharepoint/Asbestos>).

- Ensure that staff and contractors are aware of the presence of asbestos, so that those intending to work near it can take proper precautions to avoid accidental damage or disturbance;
- Planning for repairs, refurbishments, and maintenance should include consideration of the possibility of disturbing previously undiscovered asbestos during the course of the work. In some cases, an asbestos survey will need to be carried out as part of the planning process, especially where any demolition work is contemplated;
- Notifying Property Services where they suspect asbestos containing materials have been found and the health and safety manager should be consulted if there is doubt over identification;
- Checking for damage to, or deterioration of, asbestos within the building is reported without delay so that remedial action can be taken;
- Ensuring contractors abide by this policy.

Contractors

28.6 Prior to starting work all contractors must:

- Report to the building manger prior to the start of work;
- Check the Councils' asbestos register;
- Check for asbestos labels within the immediate area of work;
- Check for asbestos hidden in ducts and behind panels;
- React to the procedure below if asbestos is disturbed or suspected.

Immediate action on finding hidden ACMs or accidental damage to ACMs

28.7 If, despite taking every precaution, ACMs are discovered during the course of work, or known ACMs are damaged, the following actions must be taken:

- Stop work immediately;
- Prevent anyone entering the area;
- Avoid spreading asbestos fibres, any clothing contaminated with dust or debris should be removed and placed in a plastic bag;
- Report the problem as soon as possible to the person in charge of the project, Property Services and the health and safety manager.

INSTRUCTION 30

LEGIONELLA BACTERIA

References:

- A. Health and Safety at Work Act 1974.
- B. Control of Substances Hazardous to Health (COSHH) Regulations (as amended)
- C. The Control of Legionella Bacteria in Water Systems Approved Code of Practice (as amended)

Introduction

30.1 Legionnaires' Disease or Legionellosis is the term used for infections caused by Legionella pneumophila and other related bacteria. Legionella bacteria are only dangerous in respirable form and generally only to susceptible individuals where inhalation of the bacteria in aerosols or water droplets may cause severe pneumonia and, in extreme cases, death.

30.2 Legionella bacteria are widespread and found naturally in many aquatic environments, where they feed on algae and organic matter in sludge, sediment and silt. They tolerate a range of temperatures, although below 20°C and above 50°C they are dormant and above 60°C they will not survive.

30.3 When Legionella bacteria enter man-made water systems they may proliferate under favourable conditions. If water droplets are then created and dispersed into the atmosphere then people in the vicinity may be at risk of inhaling the bacteria. To eliminate or reduce the risk, control measures must be in place to prevent the proliferation of the organism in water systems, and to minimise the generation of water droplets and aerosols.

30.4 This Policy Statement sets out the arrangements for controlling Legionella in the Council's water systems, plant and specialist equipment, in accordance with Reference C.

Duty holders

Domestic hot and cold water systems

30.5 The control and management of Legionella in hot and cold water systems is a corporate responsibility and the role of Statutory Duty Holder rests with the Head of Waste Management and Property Services~~Property Services~~. Reference C allows the Duty Holder to obtain assistance from a competent contractor, and the Councils have engaged a specialist water treatment contractor.

Specialist departmental systems or equipment

30.6 Where departments possess and operate specialist water systems or equipment, which are independent of the domestic water supply and which present a potential Legionella exposure risk, then the departmental manager must take on the responsibilities of the Duty Holder, summarised below, and suitable arrangements must be in place to manage the risks. Specialist advice is available and departments who require assistance in fulfilling their duties should contact one of Assistant Surveyors in Property Services or the health and safety manager.

Responsibilities

30.7 The Head of Waste Management and Property Services ~~Property Services~~ and managers with specialist water systems are classed as the “Duty Holder” and are therefore to ensure:

- That suitable formal risk assessments are carried out, with suitable and sufficient documentation of findings, including schematics detailing the water systems under their control;
- Ongoing reviews and reassessment of Legionella exposure risk are undertaken at least biannually;
- That a risk minimisation programme, a prioritisation action plan and a mechanism for escalating remedial work where risk assessment and monitoring data indicate a risk;
- The implementation and management of the programme;
- The development of formal procedures for inspection, maintenance, treatment, cleaning and disinfection of hot and cold water systems according to the guidance set out in Reference C.
- That staff have the appropriate training;
- Suitable records are maintained.

30.8 Where risk assessment identifies a significant risk, the duty holder will arrange for the system to be disinfected immediately, either thermally or by chemical means. The system will then be monitored to ensure the efficacy of the treatment regime. If necessary, the regime will be modified until the risk of exposure to Legionella is reduced to acceptable limits.

INSTRUCTION 4

FIRE SAFETY ARRANGEMENTS

Reference:

- A. Regulatory Reform (Fire Safety) Order.
- B. Health and Safety at Work Act 1974.
- C. Management of Health and Safety at Work (as amended).
- D. Fire Risk Assessment Annex K to this policy.
- E. Fire risk assessment Guidance Annex L to this policy.

General instructions to staff and Members of the Council

4.1 All employees are to be aware of the location of the nearest fire alarm, fire extinguishers, assembly point(s) and all possible escape routes from their normal place of work (this should be covered by your manager on induction see paragraph 4.7).

Alarm

4.2 The fire alarm will sound automatically:

- On the activation of a break glass point;
- If smoke is detected by a smoke detector;
- If sufficient heat is detected by a heat detector.

Fire Extinguishers

4.3 If you are confident, and IF IT IS SAFE TO DO SO tackle the fire using the appropriate extinguisher. When tackling a fire ensure that the correct extinguisher for the particular type of fire is used. Modern fire extinguishers are red but have different coloured labels depending on their contents. Older extinguishers may be red, black, blue, or cream, depending on their contents.



| | | | | |
|--------------|---|--------|---|---|
| Red | – | Water | - | For wood, paper, textile and other solid material fires |
| Black | – | CO2 | - | For liquid and electrical fires |
| Cream | – | Foam | - | Liquid fires |
| Blue | – | Powder | - | Liquid and electrical fires |

Fire Risk assessment

4.4 Current legislation requires a fire risk assessment (Reference D) to be undertaken. This will initially be undertaken by the assistant surveyor who looks after that building. The assessment will then be lodged within the building file.

Further guidance regarding fire risk assessment can be found at Reference E.

Responsibilities

Head of **Waste Management and Property Services**

4.5 The Head of **Waste Management and Property Services** is classed as the “Responsible person” and therefore is to ensure:

- That suitable and sufficient fire risk assessment is undertaken, with findings being recorded and remedial actions being implemented in a reasonable time scale.

Health and Safety Manager

4.6 The Health and Safety Manager is responsible for:

- Advising on Fire Policy;
- Advising on Personal Emergency Evacuation Plans (PEEPs);
- Writing and reviewing evacuation procedures;
- Ensuring fire drills are undertaken;

Facilities Manager

4.7 The Facilities Manager will be responsible for:

- Ensuring fire alarm/emergency lighting tests are undertaken and recorded as per current legislation;
- Ensuring regular checks are made on fire extinguishers and emergency exits.

Managers/supervisors

4.8 Managers/supervisors are responsible for:

- Ensuring their employees are aware of the fire hazards recorded and ensure the fire risk assessment is amended when the risk increases or decreases;
- Ensuring employees receive the appropriate training as part of induction process. It will need to cover the following;
 - Emergency exits – at least two;
 - Location of assembly point(s);
 - Specific fire precautions for your place of work (if any);
 - Use of fire extinguishers;
 - Fire/Emergency procedures;
 - Introduction to fire wardens at place of work.
- Ensuring employees complete the “Fire safety” training module that is located on the Council's intranet site under “Mandatory Health & Safety Training” as part of the initial induction and then annually (a requirement of reference A);
- Ensuring their employees with disabilities have the appropriate Personal Emergency Evacuation Plan (PEEP) in place to ensure safe evacuation of the building and this plan is passed to both the Health and Safety Manager and Facilities management.

Senior receptionist, Emergency Evacuation Wardens, Emergency Controller

4.9 On the activation of the fire alarm the senior receptionist, Emergency Evacuation Wardens and the Emergency Controller are responsible for ensuring they follow their instructions as laid out in the procedures in the event of a fire.

Employees

4.10 All employees are to:

- Follow the emergency procedures as published;
- Complete the “Fire safety” training module that is located on the Council's intranet site under “Mandatory Health & Safety Training” as part of the initial induction and then annually (Employees who have access to a computer).

INSTRUCTION 19

SMOKEFREE POLICY

References:

- A. Health & Safety at Work etc Act 1974 (as amended)
- B. The Management of the Health and Safety at Work Regulations (as amended)
- C. The Workplace (Health, Safety and Welfare) Regulations (as amended)
- D. Health Act 2006
- E. Occupational Health, Instruction 27 to this policy

Introduction

19.1 This policy has been developed to protect all employees, members, customers and visitors from the exposure to passive smoking, in compliance with current legislation and to provide them with a pleasant and healthy environment.

19.2 Exposure to passive smoking increases the risk of lung cancer, heart disease and other serious illnesses.

19.3 This policy also promotes the health and welfare of its employees by giving encouragement and support to employees who wish to give up smoking.

Policy

19.4 This policy applies to all employees, members (referred to as employees), consultants, contractors, customers, and visitors (referred to as non-employees).

19.5 All employees have a right to work in a smoke free environment. Smoking (including the use of e-cigarettes) is prohibited in all enclosed premises in the workplace and vehicles.

Premises

19.6 Smoking (including the use of e-cigarettes) is not currently permitted within some site boundaries of the Councils' premises, unless a designated smoking area has been provided.

19.7 Upon occupation of West Suffolk House smoking is not permitted within its site boundary.

Transport

19.8 Smoking (including the use of e-cigarettes) is not permitted in any work vehicle, either by employees or by any non-employee.

19.9 Where an employee is using his/her car on Council business to transport either employees or non-employees, smoking (including the use of e-cigarettes) is not permitted for the duration of the journey.

Home Visits

19.10 Employees are prohibited from smoking (including the use of e-cigarettes) in the home of anyone they are required to visit in the course of their employment.

19.11 Employees must not be exposed to passive smoking whilst making a home visit and where necessary, employees will refuse to enter properties that pose such a risk.

Breaks

19.12 No additional breaks are permitted for employees. Employees wishing to smoke (including the use of e-cigarettes) -may only do so in their own time.

Responsibilities

19.13 Line Managers are responsible for ensuring compliance with this policy within their service area.

19.14 Failure to comply with this policy may result in disciplinary action.

Help to stop smoking

19.15 The NHS offers a range of free services to help smokers give up. Visit gosmokefree.co.uk or call the NHS Smoking Helpline on 0800 1690169 for details, text "GIVE UP" and your full post code to 88088 to find your local NHS Stop Smoking Service. Additionally you can get advice from the Occupational Health Adviser (see Reference E).