

West Suffolk Joint Health and Safety Panel

Forest Heath & St Edmundsbury councils

West Suffolk
working together

Title:	Agenda						
Date:	Monday 22 February 2016						
Time:	4.00 pm						
Venue:	Council Chamber, Forest Heath District Council Offices, College Heath Road, Mildenhall IP28 7EY						
Full Members:	<p style="text-align: center;">Chairman Frank Warby</p> <p style="text-align: center;">Vice-Chairman Nigel Dulieu</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"><u>St Edmundsbury Borough Council</u> (3) (Employers' Side)</td> <td style="width: 33%; vertical-align: top;"><u>Forest Heath District Council</u> (3) (Employers' Side)</td> <td style="width: 33%; vertical-align: top;"><u>Staff Representatives</u> (6) (Employees' Side)</td> </tr> <tr> <td style="vertical-align: top;">Patrick Chung Bob Cockle</td> <td style="vertical-align: top;">Chris Barker Rona Burt Peter Ridgwell</td> <td style="vertical-align: top;">David Cowley Tony Edwards Paul Goodspeed Chloe Hunt Vacancy</td> </tr> </table>	<u>St Edmundsbury Borough Council</u> (3) (Employers' Side)	<u>Forest Heath District Council</u> (3) (Employers' Side)	<u>Staff Representatives</u> (6) (Employees' Side)	Patrick Chung Bob Cockle	Chris Barker Rona Burt Peter Ridgwell	David Cowley Tony Edwards Paul Goodspeed Chloe Hunt Vacancy
<u>St Edmundsbury Borough Council</u> (3) (Employers' Side)	<u>Forest Heath District Council</u> (3) (Employers' Side)	<u>Staff Representatives</u> (6) (Employees' Side)					
Patrick Chung Bob Cockle	Chris Barker Rona Burt Peter Ridgwell	David Cowley Tony Edwards Paul Goodspeed Chloe Hunt Vacancy					
Substitutes:	Betty Mclatchy Nigel Roman Vacancy						
The membership of this Panel needs not to be politically balanced.							
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.						
Quorum:	Four Members; to comprise a minimum of one Member from each Authority and two Staff Representatives						
Committee administrator:	David Long Democratic Services Advisor Tel: 01284 757120 Email: david.long@westsuffolk.gov.uk						

This meeting is not governed by the normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in both Councils.

THIS MEETING IS THEREFORE NOT OPEN TO THE PUBLIC

Page No

Agenda

Procedural Matters

ITEMS ON THIS AGENDA MAY FROM TIME TO TIME CONTAIN EXEMPT/RESTRICTED INFORMATION. MEMBERS OF THE PANEL ARE THEREFORE REQUESTED TO TREAT SUCH ITEMS CONFIDENTIALLY.

- 1. Apologies for Absence**
- 2. Substitutes**
Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.
- 3. Minutes** **1 - 4**
To confirm the minutes of the meeting held on 15 June 2015 (copy attached).
- 4. Minutes of the meeting of the Joint Health and Safety Group held 13 January 2016** **5 - 8**
Report No. HSP/JT/16/01
- 5. Health and Safety Policy - Amendments** **9 - 32**
Report No. HSP/JT/16/02
- 6. Health and Safety Offences, Corporate Manslaughter and Food Safety & Hygiene Offences - Definitive Guidelines** **33 - 36**
Report No. HSP/JT/16/03
- 7. Accidents/Incidents involving Employees and Members of the Public from 1 April 2015 to 31 December 2015 : Summary** **37 - 42**

Report No. HSP/JT/16/04

**8. Drugs and Alcohol
Verbal Report**

**9. Christmas Fayre
Verbal Report**

**10. Health & Safety News
Verbal Report**

11. Dates of future meetings

The Panel are requested to **APPROVE** the following meeting dates, times and venues:

Monday 20 June 2016 at 2.00pm at West Suffolk House;
Monday 17 October 2016 at 4.00pm at West Stow; and
Monday 27 February 2017 at 4.00pm at Forest Heath DC Offices.

**12. Dynamic Lockdown
EXEMPT REPORT HSP/JT/16/05**

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West Suffolk Joint Health and Safety Panel



Minutes of a meeting of the **West Suffolk Joint Health and Safety Panel** held on **Monday 15 June 2015** at **2.00 pm** in **Room GFR14, West Suffolk House,** Western Way, Bury St Edmunds

Present: **Chairman:** Nigel Dulieu (Vice-Chairman in the chair)

Councillors

Forest Heath District
Council

Chris Barker
Rona Burt
Peter Ridgewell

St Edmundsbury
Borough Council

Patrick Chung
Bob Cockle

Officers

Natasha Brockett
Tony Edwards
Paul Goodspeed
Chloe Hunt
John Smithson

25. **Substitutes**

No substitutions were declared.

26. **Election of Chairman 2015/2016**

It was proposed, seconded and

RESOLVED:

That Councillor Frank Warby be elected Chairman in absentia.

27. **Appointment of Vice-Chairman 2015/2016**

It was proposed, seconded and

RESOLVED :

That Mr. Nigel Dulieu be appointed Vice-Chairman

(At this point in the meeting the Vice-Chairman took the chair)

28. **Apologies for Absence**

An apology for absence was received from Councillor Frank Warby.

29. **Minutes**

The minutes of the meeting held 28 January 2015 were confirmed as a correct record and signed by the Chairman.

30. **Terms of Reference**

The Joint Panel considered its Terms of Reference (Report No. HSP/JT/15/004). Councillor Cockle sought clarification about the arrangements for electing a Chairman and Vice-Chairman contained in Paragraph 2.4. It was agreed to make the arrangements explicit that the following be inserted to replace the existing paragraph 2.4. "The Panel shall appoint a Chairman from the Employers' Side and a Vice-Chairman from the Employees' Side" and that authority be sought for this minor change to be made.

RECOMMENDED:

That authority be sought for the following amendment to be made to the Panel's Terms of Reference – the deletion of paragraph 2.4 and the substitution therefor of "The Panel shall appoint a Chairman from the Employers' Side and a Vice-Chairman from the Employees' side."

31. **Minutes of the Meeting of the Joint Health and Safety Group held on 12 May 2015**

The Joint Panel received and noted Report No. HSP/JT/15/005 which incorporated the minutes of the Joint Health and Safety Group meeting held on 12 May 2015.

32. **Accidents/Incidents involving Employees and Members of the Public from 1 April 2014 to 31 March 2015: Summary**

The Joint Panel received and noted Report No. HSP/JT/15/006 which provided statistics relating to accidents/incidents involving employees and members of the public from 1 April 2014 to 31 March 2015 for both Forest Heath District Council and St Edmundsbury Borough Council.

The Health and Safety Manager drew relevant issues to the attention of the Joint Panel, including providing details on the type and location of accidents/incidents experienced by employees and members of the public during the reporting period. The annual update also included comparative data for the two previous financial years. There were no significant trends or marked variations indicated by this comparative information.

The Health and Safety Manager reported on measures which were shortly to be put in place at the Parkway multi-storey car park in Bury St Edmunds following the fatal falls in 2014.

The Joint Panel considered the report and asked a number of questions to which comprehensive responses were provided.

33. Amendments to the Joint Health and Safety Policy - Issue 3

The Joint Panel considered Report HSP/JT/15/007 which contained amendments to the Health and Safety Policy as a consequence of recently issued Government Regulations. Current legislation required the organisation to have a health and safety policy, which was reviewed periodically for suitability. There was also a legal duty for employees to co-operate with their employer so far as was necessary to enable the employer to comply with his duties under the legislation, which included the compliance of the policy.

The amendments related to parts of Issue 3 of the Health and Safety Policy and were indicated in the appendices to the report as follows:

- (i) Amendment 007 – Index Page;
- (ii) Amendment 008 – Instruction 29 – Construction Design Management;
- (iii) Amendment 009 – Annex C – Violence at Work; and
- (iv) Amendment 010 – Annex K – Fire Risk Assessment Form.

The Joint Panel considered the report and the Health and Safety Manager responded in relation to Members' detailed questions about precautions taken to safeguard staff in situations of potential violence or verbal abuse.

RESOLVED:

That the amendments to Issue 3 of the Joint Health and Safety Policy, as contained in Appendices A to D of Report HSP/JT/15/007, be approved.

34. Drugs and Alcohol - Bailes v First Bristol Ltd.

The Health and Safety Manager gave a verbal report on this legal case. Mr Bailes was a driver with a bus company who had been dismissed from his employment following a drugs test which had shown positive. He had subsequently commissioned another form of test which had proved to be negative and shown that the traces of illegal substance had been acquired by him indirectly. Mr Bailes, as a consequence, had claimed unfair dismissal and had been awarded £84,000 as compensation. The Health and Safety Manager outlined the testing method used by the Councils and concluded that this type of situation would not occur within the Councils.

35. First Aid

The Health and Safety Manager gave a verbal report and advised that a public Automatic External Defibrillator (AED) had been installed outside West Suffolk House to which anyone had access to. Specific staff at West Suffolk House had been trained in its use. In response to a member's question he advised on the location of other defibrillators on or around Council premises.

36. Health and Safety Training

The Health and Safety Manager gave a verbal report and advised that 9 members of staff had recently undertaken a Health & Safety IOSH Managing Safely training course. The results were awaited but it was anticipated that each of the participants would successfully meet the required standard set by the course.

37. Health and Safety - Update

The Health and Safety Manager gave verbal update reports as follows:

- (a) in the case of the runaway refuse collection vehicle which had caused fatalities in Glasgow during 2014 no criminal charges had yet been brought against the driver or the City Council. A full inquiry would be held later this year which would examine a number of aspects relating to the incident;
- (b) the national Health and Statistics for 2013/2014 recently published had revealed that there had been 133 health and safety related fatalities during the year. This was less than the figure of 150 for the previous year;
- (c) a refuse collection vehicle driver in Stirlingshire had been dismissed from his employment following a collision which had caused a fatality. The driver was awaiting a court appearance although a criminal charge had not been made against the local authority;
- (d) an inflatable slide operator in Ripley had been convicted of a breach of Health and Safety legislation; and
- (e) Bristol City Council had had to pay £25,000 compensation to a Parks operative who had been injured after being thrown from a tractor when it overturned. The tractor had not been installed with a roll bar.

38. Date of next meeting

The Joint Panel approved Monday 2 November 2015 at 4.00pm at West Stow Anglo-Saxon Village as the date, time and venue for its next meeting.

The meeting concluded at 3.15pm

Signed by:

Chairman

**West Suffolk Joint Health and
Safety Panel
22 February 2016**

**Minutes of the Meeting of the Joint Health and Safety
Group held on 13 January 2016**

Attached are the minutes of the above-mentioned meeting for the information of the Panel.

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Joint Health & Safety Group

DATE: 13 January 2016 Mildenhall District Offices.

PRESENT: Martin Hosker, Andrew Catchpole, Chloe Hunt, Paul Goodspeed, David Cowley, Lance Alexander, Tony Edwards, Anne Cusack.

APOLOGIES: Nigel Dulieu, Natasha Brocket, Phil Clifford, John Smithson.

ADDITIONAL DISTRIBUTION: None

	Item	Points Raised	Action
1.	Apologies & Introductions	1.1 Apologies as above.	All
2.	Minutes of Last Meeting	2.1 There were no other outstanding items from the previous meeting.	All
3.	Around the table	<p>3.1 DC talked about outbreak of Noro Virus reported at Community Centre 23/12/15. Also discussed increase of Cryptosporidium in area.</p> <p>3.2 DC also mentioned that a catering outlet that was at the Christmas Fayre had been invited to for discussions regarding hygiene issues.</p> <p>3.3 CH highlighted Violence at work and in particular the occurrence on the previous Friday, Zoe Webb was reviewing the risk assessments.</p> <p>3.4 LA said that staff at West Stow were struggling to complete the online H & S Training due to poor down load speeds, IT has been informed.</p>	<p>PG</p> <p>All</p> <p>All</p> <p>LA</p>
4.	Health & Safety Statistics	<p>4.1 MH went through statistics for the period of 01 September 15 to 31 December 15.</p> <p>4.2 MH stated that we have had an increase of Violence at Work and that there will be an increase in the reporting of Dangerous occurrences due to Verse's increase in reporting faults. MH will continue to monitor, investigate and implement actions where necessary to reduce the likelihood of similar incidents/accidents in the future.</p> <p>4.3 MH gave an update on the Multi Storey Car Park. No incidents have occurred since the fence has gone up.</p>	All

5.	Health & Safety Policy	5.1 MH went through the 4 amendments to the H & S Policy 011 to 014. Recommendation: that the amendments be tabled at the next West Suffolk Joint Health & Safety Panel meeting for formal approval.	All
6.	Drugs & Alcohol	6.1 MH Confirmed that to support the Drink/Drug Drive campaign a number of tests were undertaken on the lead up to Christmas, all tests were negative.	MH/AC
7	Xmas Fayre	7.1 MH gave an overview of the H&S review which included: <ul style="list-style-type: none"> • Attendance (112,000 to 115,000 visitors) • Car Parks and Park and Ride • Police feedback • Stewarding • Power outage • Incidents and accidents 	All
8	Training	8.1 MH reminded all present that staff will have had an email to remind them that their annual online H&S Training is due. 8.2 There will be an IOSH Managing Safely course arranged for April/May 2016.	All
9	H & S Updates	9.1 AC gave the group an update on the following: <ul style="list-style-type: none"> • HSE – Local authority visits/enforcement locally 11 fatalities and 88 prosecution cases. • 2000 fresh Asbestos cases reported although 10% less prosecutions than last year. • New HSE Strategy just released plus 2 new guides • Update on the Glasgow bin lorry • The new sentencing guidelines in force 1/2/16. • Motor cyclist ran into back of road sweeper and killed. 	All
10	Any other business	10.1 There was no other business and meeting closed at 11.15 am	

Dates of next meetings:

West Suffolk Joint Health and Safety Panel
4pm 22 February 2015 (Mildenhall Chamber)

West Suffolk Joint Health and Safety Group
2pm Tuesday 17 May 2016

(WSH GFR14)

West Suffolk Joint Health and Safety Panel



Title of Report:	Joint Health and Safety Policy – Amendments	
Report No:	HSP/JT/16/02	
Decisions plan reference:		
Report to and date:	West Suffolk Joint Health and Safety Panel	22 February 2016
Portfolio holder:	Stephen Edwards Portfolio Holder for Resources, Governance & Performance Tel: 01638 660518 Email: Stephen.edwards@forest-heath.gov.uk	Ian Houlder Portfolio Holder for Performance & Resources Tel: 01284 810074 Email: ian.houlder@stedsbcc.gov.uk
Lead officer:	Martin Hosker BEM Health and Safety Manager Tel: 01284 757010 Email: martin.hosker@westsuffolk.gov.uk	
Purpose of report:	To agree amendments to the Health and Safety Policy.	
Recommendation:	That the amendments to issue 3 of the Joint Health and Safety Policy as contained in Appendix A to D of Report HSP/JT/16/02 be approved.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The key decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i>		

Consultation:		<ul style="list-style-type: none"> The policy amendments were recommended for approval by the Joint Health & Safety Group on 10 January 2016. 	
Alternative option(s):		<ul style="list-style-type: none"> N/A 	
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> 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. 	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment: <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Legal non compliance	High	The H&S Policy is reviewed periodically and annually, and then amended to reflect changes to the organisation and health and safety legislation.	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		N/A	
Documents attached:		Appendix A – H&S front cover Appendix B - Instruction 12 – Machinery, Plant and Tools Appendix C – Instruction 18 – Stress Management Appendix D – Instruction 23 – Driving at Work	

1. Key issues and reasons for recommendation(s)

1.1 Health and Safety Policy

1.1.1 Current legislation requires the organisation to have a Health and Safety Policy, which is periodically reviewed for suitability. There is also a legal requirement for employees to co-operate with their employer so far as is necessary to enable the employer to comply with his duties under the legislation, this includes the compliance of the policy.

1.1.2 This is also further extended to volunteers, contractors and visitors.

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St Edmundsbury Borough Council and Forest Heath District Council

HEALTH AND SAFETY POLICY (Issue 3)

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OBJECT AND INTENT

ORGANISATION

ARRANGEMENTS

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HEALTH & SAFETY AT WORK POLICY DOCUMENT INDEX

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 (iv)
 Health & Safety Policy Amendment Sheet

Amendment:			Amended by:		
No	Date	Topic	Name (print)	Signature	Date
001	Jan 15	Fire Safety	Hosker		Jan 15
002	Jan 15	Asbestos	Hosker		Jan 15
003	Jan 15	CDM	Hosker		Jan 15
004	Jan 15	Legionella	Hosker		Jan 15
005	Jan 15	Person Safety	Hosker		Jan 15
006	Apr 15	H&S Index	Hosker		Apr 15
007	Jun 15	H&S Index	Hosker		Jun 15
008	Jun 15	CDM	Hosker		Jun 15
009	Jun 15	Annex C - VAW	Hosker		Jun 15
010	Jun 15	Annex K - FRA	Hosker		Jun 15
011	Jan 16	H&S Index	Hosker		Jan 16
012	Jan 16	Machinery and plant	Hosker		Jan 16
013	Jan 16	Stress	Hosker		Jan 16
014	Jan 16	Driving at work	Hosker		Jan 16

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INSTRUCTION 12

MACHINERY, PLANT & TOOLS

References:

- A. Health and Safety at Work Act 1974.
- B. The Provision and use of Work Equipment Regulations (as amended).
- C. Lifting Operations and Lifting Equipment Regulations (as amended).
- D. Hand Arm Vibration and Whole Body Vibration, Instruction 24 to this policy.
- E. Pressure Systems

Introduction

12.1 All machinery and plant have inherent dangers and should be treated with due care and attention. Only trained personnel are to operate such machinery or plant and this equipment is to be checked and inspected prior to use. The Council's will endeavour to ensure that all machinery and plant used in the workplace is safe and suitable for the purpose for which it is used.

Responsibilities

12.2 Managers and supervisors are to ensure that;

- Employees receive appropriate training and where necessary continuation training.
- Employee training records of qualifications and competency are recorded.
- Risk assessments have been conducted on the use of all plant and machinery and that employees have read and understood them.
- Safe systems of operation/work are in place and employees have read and understood them.
- Personal Protective Equipment (PPE) has been identified, made available and used by employees.
- All plant and machinery is inspected and maintained as per the manufacturer recommendations and that inspections and maintenance are recorded.
- New plant or machinery is inspected and checked by a qualified person prior to its use.
- All work equipment will be clearly marked with health and safety warnings where appropriate.
- Appropriate storage facilities are available for Plant, machinery and PPE.

12.3 Employees are to;

- Operate Plant and machinery as trained, abiding by the risk assessments and safe systems of operation/work.
- Wear appropriate and relevant PPE.
- Check plant and machinery before use, reporting and withdrawing from service any equipment found to be in an unserviceable or unsafe condition.
- Ensure all equipment is properly and safely stored when not in use.
- Ensure that equipment is only used for the purpose it was intended for.

Hand Arm Vibration (HAV)

12.4 All machinery and plant must be tested annually; equipment must then be labelled to show maximum exposure limits – refer to Reference D for further details. Employees that are exposed to HAV must be reviewed by our occupational health provider.

Modifications/Misuse

12.5 No modification is to be made to any machinery, plant or lifting equipment unless it is undertaken by a qualified person and remains within its design parameters. Misuse of equipment could not only result in injury to yourself and others, but could lead to disciplinary action against you which may result in dismissal.

Guards

12.6 All ancillary equipment is to be left in place. This includes safety guards, rails, screens, etc. and no attempt is to be made to operate the equipment without them.

Lifting Equipment

12.7 Lifting equipment is to have adequate strength and stability for its proposed use and the equipment is to be tagged to indicate its safe working load and date of last inspection. Under no circumstances are safe working loads to be exceeded.

New machinery/equipment/plant

12.8 All new machinery, equipment or plant must be designed and constructed to ensure that:

- The noise produced is as low as possible, with a 'Declaration of Conformity' to show that it meets the required health and safety requirements.

12.9 Suppliers should be asked to provide information about noise emissions and vibration under actual working conditions, as well as any specific instructions for installation and assembly that reduce noise and vibration effects.

Alcohol and Drug Abuse

12.10 The operation of machinery or plant while under the influence of alcohol or an illicit drug is forbidden. The Councils will take disciplinary action against any employee found to be under the influence. Employees must tell their manager/supervisor that they have been prescribed or taken drugs (this includes legal highs) that may affect their ability to operate plant and machinery.

12.11 The Council's reserve the right to undertake random alcohol and drug testing on employees undertaking safety critical work (see drug and alcohol testing procedure).

INSTRUCTION 18

STRESS MANAGEMENT**References:**

- A. Health and Safety at Work Act 1974
- B. Management of the Health and Safety at Work Regulations (as amended)
- C. HS (G) 116 – Stress at work employees guide
- D. The Management Standards

Introduction

18.1 Both Councils are committed to protecting the health, safety and welfare of our employees and recognise that workplace stress is a health and safety issue and acknowledge the importance of identifying and reducing workplace stressors.

Definition of stress

18.3 The Health and Safety Executive define stress as “the adverse reaction people have to excessive pressure or other types of demand placed on them”. This makes an important distinction between pressure, which can be a positive state if managed correctly, and stress which can be detrimental to health.

18.4 In some cases, however, where pressures are particularly intense and prolonged, the effects can be far more damaging and long term. Stress has been associated with a number of serious ill health conditions such as high blood pressure, heart disease, anxiety and depression.

18.5 There is no easy way to predict what would cause harmful levels of stress as everyone responds differently. Much also depends on pressures outside of the work place and can be family, marriage and other interpersonal problem associated. Line managers will wish to be aware of such pressures affecting their staff in order to provide support and be aware of the possibility of stress.

Action to be taken to reduce stress

18.6 Eliminating pressure from work is not necessarily desirable or even possible within the Council environment, but controlling unnecessary and harmful levels of it will help keep staff healthy, maintain productivity and promote corporate spirit.

You've got mail!

18.7 Employees checking email outside working hours have been linked to higher levels of stress and pressure. Therefore both Councils do not expect employees to look at or reply to emails outside of normal working hours, it recommends that email notifications are turned off during non-work periods.

Responsibilities

18.8 The Councils will;

- Identify all workplace stressors by adopting the management standards approach so as to eliminate or control the risks from stress;
- Consult with Trade Union Representatives on all proposed action relating to the prevention of workplace stress;

- Provide training for all managers and supervisory staff in good management practices;
- Provide confidential counselling for staff affected by stress caused by either work or external factors as far as reasonably practicable;
- Provide adequate resources to enable managers to implement the Council's agreed stress management strategy.

18.9 Managers/supervisors will;

- Work within the guidelines of the Management Standards, identifying potential stressors, deciding who will be harmed, discussing the issues and practical solutions, recording the findings within an action plan, implement, monitor and review the action plan;
- Ensure good communication between management and staff, particularly where there are organisational and procedural changes;
- Ensure that employees are fully trained to discharge their duties;
- Ensure that employees are provided with meaningful developmental opportunities;
- Monitor workloads to ensure that people are not overloaded;
- Monitor working hours and overtime to ensure that employees are not overworking, monitor holidays to ensure that employees are taking their full entitlement;
- Attend training as requested in good management practice and health and safety;
- Ensure that bullying and harassment is not tolerated within their jurisdiction;
- Be vigilant and offer additional support to a member of staff who is experiencing stress outside work e.g. bereavement or separation;
- Ensure employees with access to Display Screen Equipment complete the "stress awareness" training module, located on the Councils intranet, as part of their initial induction and then at least annually <https://stedmundsbury.britsafelearning.com>

18.10 Health and Safety Manager will;

- Give guidance to managers on the stress policy;
- Provide specialist advice and support managers in implementation of the Management Standards;
- Refer to workplace counsellors or specialist agencies as required;
- Monitor and review the effectiveness of measures to reduce stress;
- Inform the employer and the health and safety committee of any changes and developments in the field of stress at work.

18.11 Human Resources & Learning and Development will;

- Assist in monitoring the effectiveness of measures to address stress by collating sickness absence statistics;
- Support individuals who have been off sick with stress and give advice to both them and management on a planned return to work;
- Advise and provide managers and individuals on training requirements;
- Provide continuing support to managers and individuals in a changing environment and encourage referral to occupational workplace counsellors where appropriate.

18.12 Employees will:

- Raise issues of concern with their safety representative, line manager or occupational health;
- Accept opportunities for counselling when recommended;

- Complete the “stress awareness” training module, on the Councils’ intranet <https://stedmundsbury.britsafelearning.com> as part of their initial induction and then at least annually.

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INSTRUCTION 23

DRIVING AT WORK

References:

- A. Health Safety at Work Act 1974
- B. Management of Health and Safety at Work Regulations (as amended)
- C. Driving at Work – Managing work related road safety (as amended)

Introduction

23.1 This policy applies to all employees involved in work-related driving activities, including drivers of the organisations vehicles, leased vehicles and owner-drivers. It forms an integral part of both Council's Health & Safety policy and applies along with specific local guidance on work-related driving and the management of occupational risks. The policy applies to all work-related driving arising in connection with duties and activities of our staff.

Policy Aims

23.2 This policy aims to:

- Ensure the Councils comply with current legislation at References A-C;
- Increase staff awareness of safety issues associated with work-related driving risks;
- Make sure that risk in relation to work-related driving is assessed in a systematic and ongoing way and that safe systems and methods of work are put in place to reduce the risk as far as is reasonably practicable;
- Make sure that appropriate training is available to staff in all areas, that equips them to recognise risk and provides practical advice on preventing and managing occupational road risks;
- Make sure that appropriate support is available to staff involved in work-related driving incidents;
- Encourage full reporting and recording of all incidents arising in the course of work-related driving;
- Reduce the number of incidents and injuries to staff resulting from work-related driving.

Responsibilities

23.3 The Fleet & Technical Manager will undertake periodic audits of the below listed items for all drivers working for St Edmunds Borough Council and the Health & Safety Department will undertake periodic audits of the below for all drivers working for Forest Heath District Council.

- Driving Licence for suitability and validity (Photo Card and Paper);
- MOT Certificate (private vehicles);
- Insurance Certificate (private vehicles);
- Basic eye sight test (Can a number plate be read at 25 metres);

23.4 Managers and supervisors are responsible for ensuring:

- Their employees are aware and follow this policy;
- That risk assessments are adapted to suit the needs of each journey;
- That employee's complete the "Driving Awareness" training module (annually) on the Council's intranet site <https://stedmundsbury.britsafelearning.com>
- That any additional training is provided.

Employees

23.5 Any person driving a vehicle on behalf of each Council must:

- Hold a valid driving licence for the class of vehicle being driven;

- Tell the organisation about any changes in their licence (including endorsements or pending prosecution), insurance or ill health that could affect their continued driving;
- Complete the “Driving Awareness” training module on the Council’s intranet site <https://stedmundsbury.britsafelearning.com> annually.
- Comply with this policy.

23.6 The following people are specifically excluded from driving at work:

- Anyone who does not hold a valid UK driving licence for the category of vehicle being driven (or who does not have a relevant foreign or international licence that allows them to drive in the UK);
- Anyone who suffers from a condition that would disqualify them from holding or getting a relevant current driving licence;
- Anyone who has a current conviction for a motoring offence in the following categories:
 - Dangerous driving, causing death by dangerous driving, or manslaughter;
 - Driving under the influence of drink or drugs;
 - Failing to stop after an accident;
 - Any other offence (or combination of offences) which will/might result in an individual being disqualified from driving.

23.7 If the organisation becomes aware of any pending prosecutions it can exercise the right to suspend employees from driving duties whilst awaiting the trial outcome.

Assessing the risk

23.8 A Risk assessment must be carried out regarding work related driving. The risk assessment will involve identifying all potential dangers and the risks associated with specific work-related driving activities, further details are found at Instruction 2, Annex’s A and B to this policy.

23.9 A generic driving risk assessment can be found at Annex J, but must be adapted to meet the needs of the journey.

Driving Standards

23.10 Under the Road Traffic Act drivers are legally responsible for their own actions on the road and for keeping to all traffic regulations.

23.11 Under the Road Traffic Act it is the driver’s responsibility for making sure any vehicle they drive on public roads is roadworthy. If there is any doubt about a vehicle’s roadworthiness, it should not be driven on public roads or on our sites until the problem has been rectified.

23.12 All drivers are required to carry out daily visual checks on their vehicles. This will include tyres, oil, water, cleanliness e.g. lights windows etc.

Alcohol and Drug Abuse

23.13 Driving on Council business while under the influence of alcohol or an illicit drug is forbidden. Both councils will take disciplinary action against any employee found to be under the influence. Employees must tell their manager/supervisor that they have been prescribed or taken drugs (this includes legal highs) that may affect their ability to drive.

23.14 Both councils reserve the right to undertake random alcohol and drug testing (see drug and alcohol testing procedure) on employees who drive for work.

Mobile Phones

23.15 NO IN/OUT GOING CALLS MUST BE MADE OR TEXT MESSAGES SENT OR READ whilst the car is being driven, this includes being stationary in traffic, for further guidance on mobile phones see Instruction 20.

Safe Driving Guidance

[Type text]

23.16 All employees that drive for work must follow the Safe Driving Guidance and journey Planner found at Annex J.

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West Suffolk Joint Health and Safety Panel



Title of Report:	Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences - Definitive Guideline	
Report No:	HSP/JT/16/03	
Decisions plan reference:		
Report to and date/s:	West Suffolk Joint Health and Safety Panel	22 February 2016
Portfolio holder:	Stephen Edwards Portfolio Holder for Resources, Governance & Performance Tel: 01638 660518 Email: Stephen.edwards@forest-heath.gov.uk	Ian Houlder Portfolio Holder for Performance & Resources Tel: 01284 810074 Email: ian.houlder@stedsbcc.gov.uk
Lead officer:	Martin Hosker BEM Health and Safety Manager Tel: 01284 757010 Email: martin.hosker@westsuffolk.gov.uk	
Purpose of report:	To receive and note a summary of the new sentencing guidance for Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences	
Recommendation:	The Panel are requested to NOTE the summary of the guidance that came into force on 1 February 2016 as contained in Appendix A to Report No HSP/JT/16/03.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The key decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i>		

Consultation:	<ul style="list-style-type: none"> The guidance has been discussed at various Joint Health & Safety Group meeting the latest being 10 January 2016 		
Alternative option(s):	<ul style="list-style-type: none"> N/A 		
Implications:			
Are there any financial implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> If found guilty of an offence the fine is likely to be more severe 		
Are there any staffing implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> If individuals are found guilty of an offence there is a greater likelihood of the fine and or a custodial sentence 		
Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> . 		
Are there any legal and/or policy implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> . 		
Are there any equality implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> . 		
Risk/opportunity assessment:			
<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>			
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Legal non compliance	High	Compliance with the Health and Safety at Work etc.. Act 1974 through policies, risk assessments and safe working practises	Low
Ward(s) affected:	All		
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	N/A		
Documents attached:	Appendix A – Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences- summary note		

Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences - Definitive Guideline

1. Background

The Sentencing Council (SC) began the development of a guideline for health and safety, corporate manslaughter and food safety and hygiene offences following on from the environmental offences guideline, which was published in February 2014.

The SC is the independent body responsible for developing sentencing guidelines for the courts to use when passing a sentence. The SC also identified a number of issues with sentencing practice, including inconsistency in how various factors were weighted and applied, and the fact that sentences in some cases were not fulfilling the purposes of sentencing.

The SC's stated intention is to increase the level of fines for serious offences, particularly for larger companies; whilst reserving prison sentences for very serious offences.

2. Sentencing guidelines

The new sentencing guidelines apply to health and safety offences committed by organisations and individuals, as well as to corporate manslaughter and food safety/hygiene offences. They introduce a structured nine step approach that the Court should follow, so as to calculate sentences. This involves identifying culpability and harm factors and placing them into a series of tables to reach recommended starting point fines, as well as ranges of fines above and below the starting points.

The new regime has been carefully calculated and will certainly improve consistency across England and Wales. These will apply to sentences handed down from 1 February 2016, which make the guidelines retrospective in the sense that they apply to offences that have already been committed and have not yet come up for sentencing.

3. Observations on the new guidelines are as follows:

The first step of the process is to allocate a culpability factor, ranging from 'very high' to 'low', which in turn will drive the allocation of a recommended fine. The 'very high' category is triggered if there has been a 'deliberate breach of or flagrant disregard for the law'. Although that

sounds very serious, it may be all too easy for breaches to fall into this category.

It is not uncommon for employers to identify a safety problem and know they are non-compliant; this then becomes a 'deliberate breach'.

Breaches causing serious injuries and death have until now been much more likely to be prosecuted than mere exposure to risk; and the sentences have also been much heavier. So, exposing someone to a high risk of death should warrant almost the same sentence regardless of whether there is a fatality or merely an exposure to risk without any injury.

4. Summary

A tougher line is being taken for breaches of health and safety law, higher fines not just against organisations, but also against individuals where it is being suggested that imprisonment will become more frequent.

MJ Hosker BEM

Health & Safety Manager

West Suffolk Joint Health and Safety Panel



Title of Report:	Accidents/Incidents involving Employees and Members of the Public from 1 April 2015 to 31 December 2015: Summary	
Report No:	HSP/JT/16/04	
Decisions plan reference:		
Report to and date:	West Suffolk Joint Health and Safety Panel	22 February 2016
Portfolio holder:	Stephen Edwards Portfolio Holder for Resources, Governance & Performance Tel: 01638 660518 Email: Stephen.edwards@forest-heath.gov.uk	Ian Houlder Portfolio Holder for Performance & Resources Tel: 01284 810074 Email: ian.houlder@stedsbcc.gov.uk
Lead officer:	Martin Hosker BEM Health and Safety Manager Tel: 01284 757010 Email: martin.hosker@westsuffolk.gov.uk	
Purpose of report:	To receive and note a summary of recent accidents and incidents.	
Recommendation:	The Panel are requested to NOTE the summary of Employee Accidents and Accidents involving Members of the Public for the period 1 April 2015 to 31 December 2015.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
<i>The key decision made as a result of this report will be published within 48 hours and cannot be actioned until seven working days have elapsed. This item is included on the Decisions Plan.</i>		
Consultation:	<ul style="list-style-type: none"> The accident statistics were discussed at the Joint Health & Safety Group on the 10 January 2016 	

Alternative option(s):		• N/A	
Implications:			
Are there any financial implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any staffing implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any ICT implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any legal and/or policy implications? <i>If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • It is a legal requirement under health and safety legislation to maintain a safe working environment for all staff and users of our facilities. Reporting of injuries under RIDDOR is a requirement of the Health and Safety at Work etc Act 1974. The main purpose of the regulations is to generate reports to the HSE and to Local Authorities (enforcing authorities) alerting those to serious accidents or incidents, so they can be investigated and action taken to prevent reoccurrence.	
Are there any equality implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Legal non compliance	Medium	Monitor, investigate accidents/incidents, reviewing procedures to reduce future incidents	Low
Ward(s) affected:		All	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		N/A	
Documents attached:		Appendix A - Statistics relating to Employee Accidents and Accidents involving Members of the Public during the period 01 April 2015 to 31 December 2015.	

1. Key issues and reasons for recommendation.

1.1 Accidents/incidents

- 1.1.1 Accident /incident reports are completed every time there is an accident or incident at work involving a member of staff, or a member of the public on our premises.
- 1.1.2 These incident reports are read by the Health and Safety Manager to identify accident trends, if any, and to put in place measures to mitigate further injury.
- 1.1.3 RIDDOR reports have to be submitted to the Health and Safety Executive (HSE) whenever there is:
 - (i) death;
 - (ii) a serious injury;
 - (iii) amputation;
 - (iv) loss of sight, permanent or temporary;
 - (v) someone is taken to hospital and is admitted for more than 24 hours;
 - (vi) a member of staff is not seriously injured, but spends more than 7 days off work as a result of that injury;
 - (vii) illness that resulted from exposure to a biological agent, or its toxins or infected material; and
 - (viii) acute illness or loss of consciousness arising from absorption of any substance by inhalation, ingestion or through the skin.

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St Edmundsbury Borough Council and Forest Heath District Councils April 2015 to March 2016

Summary of EMPLOYEE accidents April 2015 - March 2016

	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	TOTAL
Contact with moving machinery													0
Hit by moving object			1	1									2
Hit by moving vehicle			1		1								2
Hit something fixed or stationary			1										1
Manual Handling		1		5	4			2					12
Slipped, Tripped or Fell		1			1	1	1	4					8
Exposed to a harmful substance													0
Injured by an animal/Insect						1							1
Violence at work/ verbal abuse against staff	1	2	6	6	7	5	1	2	1				31
Another kind of accident	2	1	1	1				3					8
Technique													0
Dangerous occurrence													0
Disease													0
Near Miss/ Dangerous Condition	1	1	1	1		3	3	1	1				12
Trapped													0
Cut				1	1				1				3
Road Traffic Accident					1								1
Total accidents	4	6	11	15	15	10	5	12	3	0			81

Total Number of Days Lost for April 2015 - March 2016

	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	TOTAL
Contact with moving machinery													0
Hit by moving object			1	1									2
Hit by moving vehicle													0
Hit something fixed or stationary													0
Manual Handling				3	4			1	0				8
Slipped, Tripped or Fell							2	5	9				16
Another kind of accident													0
Total days	0	0	1	4	4	0	2	6	9	0			26

Summary of Public Accidents April 2015 to March 2016

LOCATION	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	TOTAL
Abbey Gardens					2	1	1						4
East Town Park	3												3
Corn Hill									4				4
Newmarket Guineas					1	2		3					6
All Car Parks	2	1	1	2			2						8
Athenaeum	1												1
Moyses Hall				1									1
WSH Car parks					2	3			3				8
BSE Cemetery		1											1
Haverhill Town Centre					1								1
River Lark													0
Parkway						1							1
Bury Town Centre/market	2		2	2	3	1	2						12
The Apex			1			3			1				5
Angel Hill									1				1
Mildenhall Bus Station													0
Bury Bus station			2				2						4
Priors Play Area	1												1
Xmas Fayre													0
Street/Open Spaces/Footpath			1	1	3								5
TOTAL	9	2	7	6	12	11	7	3	9	0	0	0	66

Animal													0
General Incident	3		2	1	3	4	3		3				19
Children - Non Sporting													0
General Accidents	1		2	2	1	3	1	1	3				14
Slips, Trips, Falls, Bumps	5	1	2	2	6	3	1	2	1				23
Near Miss					1				1				2
Hit by falling object													0
Ill health		1	1	1	1	1	2		1				8
TOTAL	9	2	7	6	12	11	7	3	9	0	0	0	66

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