

London Borough of Merton

Corporate Health, Safety and

Welfare Policy



Introduction

This document sets out the arrangements for effective leadership of Health and Safety within Merton Council. It is based upon a set of essential principles and corporate governance requirements embraced by the Corporate Management Team (CMT). "This policy is underpinned by a collaborative approach to Health, Safety and Welfare between Management and the Trade Unions and where applicable, elected employees represented by Staff Side. For ease of reading all references to employees include trade unions and Staff Side representatives".

The policy is divided into the following:

- **Essential Principles** – describes the essential principles of health and safety risk management
- **General Policy Statement** – provides the Council's policy statement with regard to health, safety and welfare
- **Statement from the Director** – a statement from the Director with responsibility for Health, Safety and Welfare at Work
- **Organisational arrangements** – describes the Council's organisational arrangements for carrying out the health and safety duties described within the policy

The general policy statement and organisational arrangements are in turn supported and complemented by detailed corporate guidance and specific health and safety policy documents in areas such as risk assessment, asbestos, fire, hazardous substances and manual handling, etc. These documents are issued through Corporate Safety Services and apply to all council departments and employees.

Corporate health, safety and welfare guidance and policies are prepared, reviewed and revised by the Corporate Safety Services Section and are available via the Merton Hub and also the Merton internet at: www.merton.gov.uk

In circumstances where corporate guidance or specific health and safety policy documents do not exist or do not cover a particular area of health and safety management guidance and information produced by the Health and Safety Executive (HSE) must be used.

Departments are responsible for developing and producing departmental policies, procedures, and arrangements specific to their operational area. These must complement and expand on the corporate policy and are to be agreed by the respective Director / Assistant Director.

Essential principles

CMT agree that promoting and protecting the health and safety of employees and others who may be affected by Council activities is an essential part of risk management and must be led by them. The starting points are the essential principles set out below. These are intended to underpin the actions in this policy and its supporting guidance and in turn lead to, and promote good health and safety performance, and ensure the Council meets its legal obligations.

Strong and active leadership from the top:

- Visible, active commitment from CMT;
- Establishing effective 'downward' communication systems and management structures;
- Integration of good health and safety management with business decisions and sound risk management principles.

Worker involvement:

- Engaging the workforce in the promotion and achievement of safe and healthy working conditions through various channels such as Departmental Management Team (DMT); Corporate Health & Safety Committee and Departmental Consultative Committees;
- Effective 'upward' communication;
- Providing high quality training to recognised and relevant industry standards.

Assessment and review:

- Identifying and managing health and safety risks;
- Accessing and following competent advice;
- Monitoring, reporting and reviewing performance.

Welfare at Work

Merton continues to strengthen our approach to becoming a healthy workplace, with stronger staff engagement and the ambition to achieve excellence in workplace health, safety and welfare.

Merton Council General Policy Statement

In recognition of, and in accordance with the statutory duties contained within the provisions of the Health and Safety at Work etc. Act 1974, the London Borough of Merton will ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees and others who may be affected as part of Merton's undertaking.

In particular, the Council will ensure, so far as is reasonably practicable:

- That all places under its control are maintained in a condition that is safe and without risk to health and that the access to and egress from such places meet the requirements of relevant statutory requirements or standards;
- That a safe working environment is provided, without risks to health and with adequate facilities and arrangements for employee's welfare at work;
- That there are arrangements in place to ensure safety and the absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- That plant and systems of work are safe and without risk to health;
- Provide suitable and sufficient resources for information, instruction, training and supervision as is necessary to ensure the health and safety of employees;
- In addition to the generic induction provided by Corporate Learning and Development, all staff must receive a formal Induction from their line manager and complete the Council's online General Health & Safety Awareness training course. Line managers shall maintain records of induction for audit purposes;
- That the arrangements the Council put in place actively consider the health, safety and welfare of staff and support the safety management agenda in conducting its business;
- The Council will ensure, so far as is reasonably practicable, that persons not in direct Council employment, such as agency staff, contractors, and shared services, are not exposed to risks to their health or safety, either by their activities, the activities of the Council or by any premises or facilities made available for their use;

- Where employees are required to work in premises or at locations where the Council do not have control, suitable guidance, instruction and, where necessary additional training will be provided by the relevant line manager to ensure, so far as is reasonably practicable, that any risks associated with the work are properly addressed;
- There will be appropriate consultation between the Council and its employees to address or suggest measures for improving safety performance;
- The policy will be reviewed annually and amended as appropriate to take account of new and amended legal requirements, approved codes of practice, technological advances, authoritative guidance and local experience;
- Ensure that employees at all levels are aware that they have duties under Section 7 of the Health and Safety at Work etc. Act, to take reasonable care for their own health and safety and that of other persons who may be affected by their acts or omissions at work; and to co-operate with the Council so far as is necessary to enable the Council to comply with its health and safety obligations.

As Chief Executive I endorse the Director of Corporate Services and the Head of Corporate Safety Services to implement arrangements to fulfil these duties.

This policy statement supersedes all those previously issued.

Date of next review: July 2022

Signed:



Dated: 11 August 2021

Hannah Doody
Chief Executive
London Borough of Merton

Statement from the Director with responsibility for Health, Safety and Welfare at Work

As the Director of Corporate Services with responsibility for health; safety and welfare, and a member of the Corporate Management Team (CMT) I will ensure that CMT members and the organisation as a whole properly address health, safety and risk management as follows:

- Ensure that CMT is kept informed of, and alert to, significant health, safety and risk management issues arising across departments; those raised at departmental meetings or from matters brought to their attention by managers and staff;
- Ensure that CMT regularly considers and reviews health and safety performance across all departments and that departmental arrangements provide for the effective monitoring of safety performance;
- Ensure that when determining changing priorities CMT give due consideration to health, safety and welfare issues;
- Acting on advice from the Head of Corporate Safety Services about any significant health and safety issues, investigations or matters arising from safety management issues, non-compliance with statutory requirements, and system failures;
- Ensure that CMT address the health and safety implications of all reports received;
- Ensure that adequate resources for the council's safety professionals, services and systems are provided and maintained so they remain effective and are carried out in line with current legislation; industry standards and good practice;
- Ensure that all corporate buildings and services are adequately and effectively resourced to ensure effective health, safety and welfare is in place and maintained;
- Ensure arrangements are in place for consultation with trade unions and staff representatives for matters of health and safety.

Signed:



Dated: 11 August 2021

Roger Kershaw, Assistant Director - Resources (on behalf of Caroline Holland)

Caroline Holland

Director of Corporate Services

Organisational Arrangements

Responsibilities of the Council

As a corporate body, the Council has a legal duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees and to ensure that non-employees are not exposed to risks to their health or safety by virtue of the Council's actions or undertakings, or through the use of any premises or facilities that are owned, managed or maintained by the council.

This responsibility extends to include:

- Providing a written statement of the Council's general policy with respect to the health and safety at work of its employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the general policy statement and any revisions to it to the notice of all employees;
- Ensuring that regular reviews of all policies on health, safety and welfare, all operational arrangements, and all supplementary documents are undertaken and revisions made as necessary;
- Ensuring that the Council supports a structure for consultative meetings on health and safety matters;
- Ensuring that all operational places of work and methods of work, wherever and whatever they may be, shall be safe so far as is reasonably practicable and otherwise in accordance with statutory requirements. This applies to all employees irrespective of their location and method of working albeit office based; home based; field based; hybrid working or any other method in place at the time;
- Ensuring that all plant; machinery; tools; equipment; and materials on, in, or provided for use at or within any council owned, managed or maintained premises shall be safe so far as is reasonably practicable and otherwise in accordance with statutory requirements;
- Ensuring that plant; machinery; tools; equipment; and materials provided by the council for use by home workers in their own homes shall be safe so far as is reasonably practicable and otherwise in accordance with statutory requirements;
- Ensuring that access to, and egress from, council owned, managed or maintained premises shall be safe so far as is reasonably practicable and otherwise in accordance with statutory requirements;

- Ensure that property leased by the council to third parties is effectively managed and maintained in accordance with all relevant legislation;
- Ensuring that resources are made available as necessary to fulfil statutory requirements and prevent any risk of injury so far as is reasonably practicable and so far as circumstances permit, to provide for progressive improvement in facilities, for the health, safety and welfare at work of its employees;
- Ensuring that all staff have access to competent health and safety advice and where that advice is available in house to use that competency in preference to external sources.

Responsibilities of the Chief Executive

Under UK law the Chief Executive is ultimately responsible for the management of health, safety and welfare within the organisation. This responsibility extends to:

- Ensuring the Council is kept informed of current legislative requirements that may affect its criminal or civil liability including changes that would require amendments to the Policy on Health, Safety and Welfare at Work;
- Ensuring that the policy and any revision of it is brought to the notice of all employees;
- Ensuring that appropriate resources are available to discharge the council's responsibilities for health, safety and welfare and ensure they are duly assigned and accepted at all levels;
- Ensuring individual Directors fulfil their responsibilities for health, safety and welfare both as heads of their own departments and as members of the Corporate Management Team;
- Ensuring that a member of the Corporate Management Team is appointed as a direct report with specific responsibility for health and safety;
- Ensuring that suitable competent advice is available for all staff to receive appropriate information, instruction and training to maintain their health, safety and welfare;
- Ensuring that adequate arrangements are made for consultation with employees' representatives with a view to the making and maintenance of arrangements that will enable the Council and its employees to co-operate effectively in promoting and developing measures to ensure the health and safety at work of employees.

Responsibilities of the Corporate Management Team (CMT)

Under delegated authority, Directors are responsible for protecting the health and safety of employees, contractors or members of the public who may be affected by Merton's activities. This is an essential part of overall risk management and is led by the Corporate Management Team (CMT).

The Corporate Management Team will implement the Council's policy for health, safety and welfare and in particular will:

- Ensure that significant Health and Safety risks arising from the Council's activities are identified, fully assessed, evaluated and suitable control measures implemented as appropriate;
- Ensure sufficient and effective resources are available within the corporate budget to meet the requirements of health and safety legislation and the Council's health and safety operational arrangements;
- Ensure they consider the health and safety implications of introducing new processes, new working practices or new personnel etc., consulting with the relevant safety professionals as necessary;
- Ensure that decisions are made in the context of the organisation's health and safety policy and that health and safety is designed in when implementing change;
- Ensure that full co-operation across all areas of the organisation is provided to the Corporate Safety Section in pursuance of their duties and ensure they are provided with any and all assistance, information and documentation upon request;
- Ensure that all staff receive appropriate information, instruction and training to maintain their health, safety and welfare and that this is recorded on their appraisals;
- Ensure continual liaison with employees and/or their representatives on health, safety and welfare matters and ensure that employees and/or their representatives are involved in decisions that affect their health and safety and positively support employee involvement in health and safety;
- Ensure health and safety is a standing agenda item at DMT meetings;
- Ensure appraisals of senior managers include an assessment of their contribution to health and safety performance;

- Ensure robust procurement standards for goods, equipment and services are in place and adhered to;
- Ensure the impact of changes such as the introduction of new procedures, work processes or products, or any major health and safety failure, is reported to CMT as soon as possible;
- Ensure the health and safety arrangements of key suppliers and contractors are assessed at all stages of the procurement process i.e. stage 1: Pre-qualification; stage 2: Competence; and, stage 3: Monitoring;
- Ensure the health and safety arrangements of partners, partnering and partnership organisations are assessed at all stages from initial discussions through to obtaining goods and services that such partner, partnering and partnership organisations provide;
- Where Merton has a duty or responsibility as part of the council's undertaking, on a quarterly basis at the relevant Departmental Consultative Committee (DCC), ensure CMT; Staff Side Representatives and representatives of any other recognised Trade Union receive from Assistant Directors, Heads of Service, Managers and Supervisors, reports on the health and safety performance and actions of contractors, partners, partnering and partnership organisations with reference to these stakeholders' procurement policies, procedures, guidelines, risk assessments and maintenance of safe workplaces.

Director Responsible for Health & Safety

The Director of Corporate Services is the nominated director with responsibility for health and safety. Their role is to ensure that health and safety risk management issues are properly addressed both by the Corporate Management Team and more widely in the organisation. In particular the Director Responsible for Health and Safety must:

- Ensure that CMT give due regard and consideration to health and safety matters;
- Ensure that the Chief Executive and CMT is kept informed of, and alert to, relevant health and safety risk management issues;
- Ensure that CMT regularly review health and safety performance in their departments. This must be done at least annually;
- Ensure that CMT reflects current business priorities with due regard to the health, safety and welfare policy statement;

- Be kept informed about any significant health and safety failures, and of the outcome of the investigations into their causes;
- Ensure that CMT address the health and safety implications of **ALL** decisions;
- Ensure that health and safety risk management systems are in place and remain effective;
- Ensure the council's Corporate Safety Services function is adequately resourced to fulfil the council's statutory duty with respect to health, safety and welfare at work issues.

Responsibilities of Individual Directors

Directors are responsible to the Council through the Chief Executive for ensuring the effectiveness of the Council's corporate health, safety and welfare policy in relation to their own department. In particular each Director will:

- Prepare and regularly review and revise their departmental arrangements, including the organisational and operational arrangements within their individual departments, for ensuring compliance with the Corporate Policy;
- Bring the arrangements and any revision(s) to them to the notice of all employees within the department;
- Ensure that responsibilities within their respective departments are properly assigned and fulfilled;
- Ensure that shared services delivered within their area of control take into consideration the safety of staff working across multiple locations and have appropriate systems and processes in place to share information and health and safety responsibilities;
- Participate with the Chief Executive and other senior officers in evaluating risks and implementing all appropriate control measures, reviewing performance and in developing an overall annual budget programme to address health, safety and welfare issues;
- Ensure that full co-operation across all areas of their department is provided to the Corporate Safety Section in pursuance of their duties and ensure they are provided with any and all assistance, information and documentation upon request;
- Monitor progress on health and safety matters with particular reference to those reported by employee Safety Representatives;

- Consult with employee representatives and provide these representatives with information and facilities as is required by legislation;
- Ensure that suitable and sufficient information, instruction, training and supervision is provided for their employees;
- Afford such assistance and information as is required by the Head of Corporate Safety Services and their staff, who may make an inspection without notification in the interests of health and safety;
- Ensure that health and safety matters brought to their attention by Corporate Safety Services are properly considered and actioned;
- Directors acting or working for Merton Management organisations will have enhanced safety management responsibilities according to the role they have in that management organisation.

Responsibilities of Assistant Directors, Heads of Service, Managers', Supervisors & Head teachers

- Each Assistant Director is accountable to their Director for the effectiveness of the corporate health, safety and welfare policy and operational arrangements within their area of responsibility;
- Each Head of Service is accountable to their Assistant Director for the effectiveness of the corporate health, safety and welfare policy and operational arrangements within their area of responsibility;
- Managers are accountable to their Head of Service for the effectiveness of the corporate health, safety and welfare policy and operational arrangements within their area of responsibility;
- Supervisors are accountable to their managers for the effectiveness of the corporate health, safety and welfare policy and operational arrangements within their area of responsibility;
- Head teachers are accountable to the Director of Children, Schools' and Families for the effectiveness of the corporate health, safety and welfare policy and operational arrangements within their school and area of responsibility;
- Where specific responsibilities are allocated to Assistant Directors, Heads of Service, Managers, Supervisors or Head teachers or, where individuals are allocated responsibility for particular projects, these must be included in the relevant departmental policy document which will identify each officer and their deputies by job title, location and contact details;

- Where Merton has a duty or responsibility as part of the council's undertaking, on a quarterly basis at the relevant Departmental Consultative Committee (DCC), ensure CMT; Assistant Directors, Heads of Service, Managers, Supervisors and Head teachers must ensure on a quarterly basis that CMT; Staff Side Representative and representatives of other recognised Trade Unions are sent reports on the health and safety performance and actions of contractors, partners, partnering and partnership organisations with reference to these stakeholders' procurement policies, procedures, guidelines, risk assessments and maintenance of safe workplaces;
- Assistant Directors, Heads of Service, Managers, Supervisors and Head teachers must ensure that staff, including interims and contractors, receive appropriate health and safety training, and in particular for induction; fire safety; asbestos management; control of legionella; and, task specific training.
- Ensure that shared services delivered within their area of control take into consideration the safety of staff working across multiple locations and have appropriate systems and processes in place to share information and health and safety responsibilities;
- Ensure that full co-operation across all areas for which Assistant Directors, Heads of Service, Managers', Supervisors and Head teachers have responsibility, is provided to the Corporate Safety Section in pursuance of their duties and ensure they are provided with any and all assistance, information and documentation upon request; With respect to schools this extends to ensuring that Head teachers are present and actively involved during health and safety audits or inspections carried out by the Corporate Safety Section.

Head of Corporate Safety Services

The Head of Corporate Safety Services is responsible, as the Council's lead safety professional, for ensuring the Corporate Safety Section undertake the following:

- Advise Directors, Assistant Directors, Heads of Service, Managers, Supervisors & Head teachers of health and safety matters arising out of or in connection with the councils undertaking;
- Maintain up to date knowledge of all legislation, regulations and codes of practice relating to health and safety at work;

- Develop, monitor, evaluate and review corporate health and safety policies and guidance to ensure compliance with current and amended legislation, regulations and codes of practice;
- Provide advice and assistance as requested on the development of departmental codes of practice, policy guidelines and safe working practices;
- Provide an advisory service on all statutory health and safety matters to enable employees at all levels of the council to discharge their health and safety duties and responsibilities;
- Maintain a corporate record of reported accidents. Provide accident statistics and reports to management teams. Act as point of contact for HSE reportable accidents. Provide advice to managers on dealing with reportable accidents/occurrences and accident investigation;
- Provide advice to Learning and Development on a corporate framework for health and safety training designed to meet the requirements arising from current and amended legislation and any training needs analysis;
- Advise on the provision of health and safety training specifically required to meet departmental needs or specific tasks and processes arising from the appraisal process;
- Liaise with the Health & Safety Executive and other regulatory bodies with respect to their advisory, inspection and enforcement activities;
- Liaise with relevant external professional bodies regarding relevant developments in occupational health and safety;
- Act as lead adviser to the Corporate Health and Safety and Departmental Safety Committees. Provide health and safety advice to officers leading on departmental consultative meetings and attend meetings as required;
- Undertake safety inspections and audits of Council owned or managed property and provide management with recommendations for improvement;
- Provide advice and undertake monitoring on the health and safety practices of contractors; shared services and partners working for the Council.

Head of Human Resources

The Head of Human Resources is responsible to the Director of Corporate Services for the day-to-day arrangements of the external Occupational Health service provider and for the provision of an information and advisory service to all departments.

In particular the Head of HR will:

- Co-ordinate and manage the Occupational Health function including the provision for employees of suitable and sufficient welfare arrangements that meet regulations and best practice;
- Ensure the circulation of appropriate information to assist Directors and line managers with their responsibilities for welfare at work;
- Lead on corporate level liaison with employees' representatives on occupational health issues;
- Provide sufficient resources to facilitate a corporate framework for health and safety training designed to meet the requirements arising from current and amended legislation and any training needs analysis;
- Maintain up to date details of appointed union and employee representatives for health and safety, ensuring they are provided with information to enable them to attend appropriate committees and meetings in relation to health and safety at work;
- Monitor progress on health and welfare matters with particular reference to those reported by employees' Safety Representatives;
- Ensure that reports are prepared for the Chief Executive on the progress of health and welfare matters, the investigation of problems and the investigation and prevention of ill health in the workplace;
- Ensure the co-ordination and provision of effective first aid arrangements.

Responsibilities of Individual Employees

Every Council employee, irrespective of their position within the organisation or where they work, has a legal duty under the Health and Safety at Work etc. Act 1974 and associated regulations:

- To take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work;
- To co-operate with the Council so far as is necessary to enable the Council to comply with its health and safety obligations as set out within this policy;
- Not to interfere with or misuse anything which is provided for reasons of health and safety;

- When using any machinery, equipment, dangerous substance, transport or safety device, employees must ensure that it is only used in accordance with any training or instructions given and in compliance with any relevant statutory provisions;
- Every employee must inform their line manager or health and safety representative of any work situation that they consider represents a danger to health and safety and also any matter that they consider represents a shortcoming in the Council's arrangements for health and safety.

Arrangements for Joint Consultation

Safety Representatives

Merton employees are represented by:-

(1) Staffside Safety Representatives who represent **ALL** employees irrespective of trade union membership and are appointed under the Health and Safety (Consultation with Employees) Regulations 1996

AND / OR

(2) Trade Union employee Safety Representatives who represent the members of recognised trade unions and are appointed under the Safety Representatives and Safety Committee Regulations 1977.

Safety Representatives can undertake various activities including:

- Investigate potential hazards and dangerous occurrences at the workplace;
- Examine the cause of accidents at the workplace;
- Investigate complaints by employees relating to health, safety and welfare at work;
- Make representations to management on the above specific items and on general matters effecting the health, safety and welfare at work of employees;
- Represent the employees in consultation with inspectors from the enforcing authorities;
- Receive information from inspectors;
- Attend Corporate Health and Safety Committee and Departmental Consultative Committee meetings;
- Conduct inspections of the workplace, or part of the workplace. Safety Representatives are entitled to make inspections as follows:
 - (a) Every three months
 - (b) Where since the last inspection:
 - (i) there has been a substantial change in the condition of work; or
 - (ii) new information, relevant to the hazards of the workplace concerned have been published

(c) Where there has been a notifiable accident, disease or dangerous occurrence in the workplace, subject to it being safe for an inspection to be carried out.

The appropriate Assistant Director or Head of Service (or their nominated representative) will provide whatever facilities and assistance the Safety Representative may reasonably require for the purpose of carrying out an inspection and will normally be present during the inspection.

Such arrangements must, however, include facilities for independent investigation by the Safety Representative and private discussion with the employee they represent if required;

Details of Safety Representatives appointed by recognised trade unions' can be obtained from the Head of Human Resources;

The procedure for dealing with reports from Safety Representatives is described in the section entitled Lines of Communication.

Safety Committees

These exist to ensure adequate consultation on health, safety and welfare matters between employee's representatives and management. Consultation will commence at Departmental Consultative Committees. Matters that cannot be adequately resolved in this forum or which have wider implications will be referred to the Corporate Health and Safety Committee.

Lines of Communication

Employees may refer health, safety and welfare matters to either their immediate manager and / or their appointed safety representative;

When a safety representative wishes to raise issues related to the health, safety or welfare of the employees they represent they should communicate initially with the appropriate Line Manager;

Where possible, the Line Manager will rectify unsatisfactory conditions, eliminate hazards and resolve problems referred to them by the Safety Representative. This may include enlisting the aid of other departments, specialist sections or officers wherever necessary;

Where any necessary action is beyond the resources of the Line Manager or where the action taken or proposed is unacceptable to the Safety Representative, the matter should be referred through the normal Management reporting line, to the Assistant Director in the department concerned and the Safety Representative informed accordingly;

In the event that the resolution of a problem is beyond the resources of the Director or in instances where proposed action cannot be agreed, the matter will be referred to the Corporate Health and Safety Committee or the Corporate Management Team;

In all instances, Safety Representatives must be informed of the action taken in respect of the matters they raise. If action is not taken they must be informed and told the reasons why. Safety Representatives should be kept informed of the progress of any actions and also given details of any delays.

Details of matters raised by Safety Representatives should be recorded in writing and passed to the appropriate manager for action. Management action should be recorded and reports on progress distributed to those involved via the consultative committee structure;

Details of matters raised by Safety Representatives, the action taken or action proposed, and its progress should be passed to the Head of Corporate Safety Services for information;

Where a Safety Representative wishes to raise a matter of general policy or one, which will affect employees other than those represented, they should pass the details to the trade union Branch Secretary. If the Branch Secretary feels that the matter requires urgent attention they should contact the Head of Human Resources to arrange a meeting;

All officers with managerial or supervisory responsibilities can contact Corporate Safety Services for help and advice on their own account or at the request of a Safety Representative or other employee;

All employees are encouraged to submit suggestions to improve health and safety to their immediate line manager / supervisor or their Safety Representative.

Assistant Directors, Heads of Service and Unit Managers are responsible for ensuring that all staff have access to health and safety information in a format that meets their needs particularly where staff do not have access to the intranet or require information in other languages.

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