

FINANCE AND CORPORATE SERVICES HEALTH AND SAFETY CONSULTATIVE GROUP PORTFOLIO DECISION SCHEDULE



17 April 2013

**at 3.30 pm
(or immediately following Finance and Corporate Services Portfolio
commencing at 3.00 pm
whichever is the later)**

in Committee Room C, Civic Centre, Hartlepool

Councillor Paul Thompson, Cabinet Member responsible for Finance and Corporate Services Health and Safety Consultative Group will consider the following items.

1. KEY DECISIONS

No items

2. OTHER ITEMS REQUIRING DECISION

No items

3. ITEMS FOR INFORMATION

- 3.1 Review of Approved Codes of Practice – *Health, Safety and Wellbeing Manager*
- 3.2 Review of Health and Safety Arrangements – *Health, Safety and Wellbeing Manager*

4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

No items



FINANCE AND CORPORATE SERVICES (HEALTH AND SAFETY) CONSULTATIVE GROUP PORTFOLIO

Report to Portfolio Holder

17 April 2013



Report of: Health, Safety and Wellbeing Manager

Subject: REVIEW OF APPROVED CODES OF PRACTICE

1. TYPE OF DECISION/APPLICABLE CATEGORY

For information.

2. PURPOSE OF REPORT

- 2.1 To provide the Portfolio Holder with an update on Government's plans to revise, consolidate or withdraw a significant number of health and safety Approved Codes of Practice.

3. BACKGROUND

- 3.1 At the Performance Portfolio (Health and Safety Consultative Group) on the 3rd August 2011 the Chief Customer and Workforce Services officer outlined some of the concerns of Government being that health and safety had become too complicated and bureaucratic and as result disproportionate decisions were being made. The Government also indicated as a result of these concerns that they intended to fully review the health and safety system. In a subsequent update report to Performance Portfolio (Health and Safety Consultative Group) on 18th January 2012 some of the proposals following this review were outlined. One of the proposals related to reviewing or removing health and safety Approved Codes of Practice (ACoP).
- 3.2 At the Finance and Corporate Services (Health and Safety Consultative Group) on 18th July 2012 the Health, Safety and Wellbeing Manager outlined that the HSE had been tasked with reviewing 52 ACoP's and the HSE had confirmed they had reviewed 32 of the 52 and had launched a consultation document on proposed changes to these documents with the additional 20 ACOP's to be reviewed at a later date. The Health, Safety and Wellbeing Manager went on to explain the potential impact these proposals may have

as regards the relative weighting given to these publications in law and the risk that these changes would be perceived as a weakening of the law in relation to health and safety.

- 3.3 The Council responded to the consultation within the specified timescale and a copy of the Council's response was sent to the Finance and Corporate Services Portfolio Holder for information. There were 413 responses to the HSE proposals of which 37 were from local government.

4. PROPOSALS

- 4.1 The HSE Board considered the submissions and has now published its response to the consultation and the proposals it is recommending to Government. The purpose of this report is to update the Portfolio Holder on the current situation. Table 1 provides a summary of the main proposals and the HSE response.

Table 1. Main Proposals and the HSE response

ACOP - Topic	Proposal	HSE Decision
Management of health and safety L21 – Management of health and safety at work	To withdraw this ACOP and replace it with more specific, updated guidance.	To proceed with the proposed withdrawal of this ACOP.
Dangerous substances and explosive atmospheres L134 – Design of plant, equipment and workplaces L135 – Storage of dangerous substances L136 – Control and mitigation measures L137 – Safe maintenance, repair and cleaning procedures L138 – Dangerous substances and explosive atmospheres	To consolidate these five ACOPs (L134-138) into a single revised ACOP (L138) to be published by end-2013.	The overall conclusion is to proceed with the consolidation of the five DSEAR ACOPs into a single document as proposed.
Legionella L8 - Legionnaires' disease	To revise Part 1 of this ACOP and remove Part 2 and make it separately available as revised technical guidance with both to be published by end-2013.	To proceed with the proposal to split the current legionella ACOP in to two separate documents
Asbestos L127 – The management of asbestos in non-domestic premises L143 – Work with materials	To consolidate these two ACOPs into a single revised ACOP (L143) to be published by end-2013.	To consolidate ACOPs L127 and L143 into a single revised ACOP (L143) as proposed

containing asbestos		
Gas safety L56 – Safety in the installation and use of gas systems and appliances COP20 – Standards of training in safe gas installation	Proposal: To consolidate these two ACOPs into a single revised ACOP (L56) to be published by end-2013.	To proceed with the withdrawal of COP20 and integrate remaining material into L56 as proposed.
Hazardous substances L5 – Control of substances hazardous to health (Fifth edition)	To revise this ACOP in combination with improvements to other HSE COSHH guidance for low risk industries to be published by end-2013.	To proceed with the proposal to revise this ACOP and make improvements to other HSE COSHH guidance for low risk industries to be published by end-2013.
Workplaces L24 – Workplace health, safety and welfare	To revise this ACOP and review other HSE publications that provide guidance on related workplace health, safety and welfare issues	To proceed with the proposal to revise this ACOP and review other HSE publications that provide guidance on related workplace health, safety and welfare issues.
Agriculture L116 – Preventing accidents to children in agriculture	To withdraw this ACOP and review other HSE publications that provide guidance on child safety within agriculture by March 2013.	That the ACOP be withdrawn and other HSE guidance on child safety within the industry be reviewed by the end of March 2013.
Pipelines L81 - Design, construction and installation of gas service pipes	To withdraw this ACOP and replace it with guidance by end-2013	That the ACOP be withdrawn

- 4.2 The consultation generally resulted in the HSE going ahead with their original proposals and a timetable has been produced when some of these revised ACOP's will be published for consultation. A summary of this timetable is contained in Table 2.

Table 2. Proposed Consultation Dates on the revised ACOP's

ACOP Topic	Consultation Launch
Work with materials containing asbestos	May 2013

Safety in the installation and use of gas systems and appliances	May 2013
The Workplace health, safety and welfare regulations	May 2013
The Control of Substances Hazardous to Health regulations (COSHH)	June 2013
The Control of Legionella	June 2013
The Dangerous Substances and Explosive Atmospheres Regulations (DSEAR)	June 2013

- 4.3 The timescale to produce these documents is challenging but of particular concern is that each consultation period will only be open for 12 weeks but with the volume of codes being produced at the same time there is a risk that organisations will not have sufficient time to give these documents the consideration they need. The Institution of Occupational Safety and Health (IOSH) which represents the largest number of health and safety professionals have already expressed concern regarding consultation arrangements. IOSH has also launched an e-petition to save the ACOP on the Management of Health and Safety at Work Regulations 1999.

5. RECOMMENDATIONS

- 5.1 That the Portfolio Holder notes the report.

6. REASONS FOR RECOMMENDATIONS

The HSE proposals may have a significant impact on the health and safety standards.

7. APPENDICES AVAILABLE ON REQUEST

Finance and Corporate Services (Health and Safety Consultative Group)
Decision Schedule 18th July 2013
Performance Portfolio (Health and Safety Consultative Group) Decision
Schedule 18th January 2012
Performance Portfolio (Health and Safety Consultative Group) Decision
Schedule 3rd August 2011

9. BACKGROUND PAPERS

- 9.1 *Good Health and Safety, Good for Everyone* (www.dwp.gov.uk/policy/health-and-safety/)

- 9.2** *The Lofstedt Review* (<http://www.dwp.gov.uk/docs/lofstedt-tor.pdf>)
- 9.3** *The Government Response to the Lofstedt Report*
(<http://www.dwp.gov.uk/docs/lofstedt-report-response.pdf>)
- 9.4** *Consultation on Proposals to review HSE's Approved Codes of Practice*
(<http://consultations.hse.gov.uk/gf2.ti/f/16674/438181.1/PDF/-/CD241%20Complete.pdf>)
- 9.5** *Analysis of Responses received to consultation on proposals to review HSE's Approved Codes of Practice*
(<http://www.hse.gov.uk/consult/condocs/cd241-analysis.pdf>)

10. CONTACT OFFICER
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FINANCE AND CORPORATE SERVICES HEALTH AND SAFETY CONSULTATIVE GROUP PORTFOLIO

Report to Portfolio Holder

17 April 2013



Report of: Health, Safety and Wellbeing Manager

Subject: REVIEW OF HEALTH AND SAFETY
ARRANGEMENTS

1. TYPE OF DECISION/APPLICABLE CATEGORY

For information.

2. PURPOSE OF REPORT

- 2.1 To advise the Portfolio Holder of the proposal to adopt a suite of health and safety arrangements on a variety of topics.

3. BACKGROUND

- 3.1 Under the provisions of the Health and Safety at Work etc. Act 1974 all employers must have an effective health and safety policy. One element of this policy is to ensure that there are appropriate arrangements for implementing the policy. The Council regularly reviews these health and safety arrangements and as such have been working with representatives of trade unions to produce a suite of health and safety guidance for managers.
- 3.2 The Health and Safety Executive produces a wide range of guidance and codes of practice on a variety of issues. However increasingly the content of these guides is general and refers to the need for an organisation to undertake risk assessments. The Council therefore needs to interpret the information and guidance available on certain topics and adapt the guidance to its own situations. To develop short meaningful guidance for managers is difficult in an organisation as diverse as the Council. However with managers having greater spans of control and leaner management structures it is much more important that managers are consistent in their application of Council health and safety arrangements and are supported to fulfil their role by clear guidance on these standards.

4. PROPOSALS

- 4.1 It is proposed to implement a suite of guidance for managers on common health and safety issues. Where possible these guides will incorporate existing policies and procedures to minimise the use of separate documents which can lead to confusion. The aim is to ensure significant areas of health and safety risk have adequate arrangements in place and that these are regularly reviewed and updated. These arrangements will be added as appropriate and join those previously agreed e.g. lone working to provide a comprehensive suite of guidance. Table 1 shows the list of the guides which have been recently been agreed with representatives of the Joint Trade Unions and are ready to be implemented.

Table 1

Title
Control of Substances Hazardous to Health Confined Spaces at Work Display Screen Equipment at Work Electrical Safety Fire Safety First Aid Gas Safety Legionella Safety Lifting Operations and Lifting Equipment Regulations Manual Handling Operations Needlestick Injuries New and Expectant Mothers Noise Provision and Use of Work Equipment Working at Height Workplace (Health, Safety and Welfare) Young Employees

5. RECOMMENDATIONS

- 5.1 That the Portfolio Holder notes the report and the proposal to adopt a suite Health and Safety Guidance for Managers.

6. REASONS FOR RECOMMENDATIONS

To improve the Council's health and safety management arrangements.

7. APPENDICES AVAILABLE ON REQUEST

Control of Substances Hazardous to Health
 Confined Spaces
 Display Screen Equipment

Electrical Safety
Fire Safety
First Aid
Gas Safety
Legionella Safety
Lifting Operations and Lifting Equipment
Needlestick
Noise
New and Expectant mothers
Manual Handling
Provision and Use of Work Equipment
Working at Height
Workplace (Health Safety and Welfare)
Young employees

8. CONTACT OFFICER

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