



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**Thursday, 3 November 2022**

**Report of the Director - Organisation, Development & Policy**

**Executive Health and Safety Policy Statement and Responsibilities**  
(Cabinet Member for Corporate Services & Budget)

**1. Divisions Affected**

1.1 Not Applicable

**2. Key Decision**

2.1 This is not a Key Decision

**3. Purpose**

3.1 To seek approval for the revised Executive Health and Safety Policy Statement and Responsibilities to be approved and published.

**4. Information and Analysis**

It is a Legal requirement under The Health and Safety at Work etc. Act 1974 (HASWA) Section 2(3) *“Except in such cases as may be prescribed, it shall be the duty of every employer to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the health and safety at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees”* that the Council has

a written health and safety policy stating how it will manage health and safety and outlining responsibilities.

Additionally, for completeness as recognition of our duties under Section 3 of HASWA which places general duties on us as an employer to conduct our undertakings in such a way as to ensure so far as is reasonably practicable, that persons other than themselves or their employees are not exposed to risks to their health and safety, the policy statement references our duties to non-employees in this statement. *“This Executive Health and Safety Policy Statement demonstrates our commitment towards the implementation and management of effective health, safety and wellbeing standards to help protect our employees, customers, stakeholders, contractors and others who use or are affected by our services”*

There are 3 elements to meeting our statutory obligations under Section 2(3) of HASWA, the Statement of Intent, the responsibilities for health and safety and the arrangements for health and safety. Updating of the arrangements (often referred to as guidance) is an ongoing process through the Wellbeing Workstream and Corporate Joint Committee (CJC). The other two elements, namely the statement of intent and the responsibilities for health and safety have not been updated since 2017 and 2018 respectively.

These documents have been revised and combined into one document attached at Appendix 2 to reflect the Council’s new operating model and the appointment of a Managing Director and to meet the Council’s legal duties as an employer to revise their written statement of general policy as necessary.

## **5. Consultation**

- 5.1 Input from Legal Services and the Wellbeing Challenge Group was sought in respect of the revised document both of whom were in agreement with the content of the document. Once approved the health and safety policy and responsibilities will be shared with trade unions via the Council’s CJC.

## **6. Alternative Options Considered**

- 6.1 The alternative option would be to keep the existing documents in place. As these documents no longer reflect the Council’s operating model this leaves the council potentially in breach of its statutory duties under Section 2 of the Health and Safety at Work etc Act 1974. This is therefore not considered a suitable alternative.

## **7. Implications**

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

## **8. Background Papers**

8.1 None

## **9. Appendices**

9.1 Appendix 1 – Implications

9.2 Appendix 2 - Executive Health and Safety Policy Statement and Responsibilities

## **10. Recommendation(s)**

That Cabinet:

a) Approve the revised Executive Health and Safety Policy Statement and Responsibilities

## **11. Reasons for Recommendation(s)**

11.1 To ensure compliance with statutory duties under the Health and Safety at Work etc. Act 1974 Section 2 (3).

## **12. Is it necessary to waive the call in period?**

12.1 No

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## **Implications**

### **Financial**

1.1 None arising out of this report.

### **Legal**

2.1 The legal implications are as set out in the report. The report is submitted for Cabinet consideration as health and safety functions in relation to employees are a matter for the executive in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000. Legal to Insert

### **Human Resources**

3.1 Human Resources implications are as outlined within the report and to ensure delivery of compliance with the People Strategy priority to enable and ensure the wellbeing and safety of our people.

### **Information Technology**

4.1 None

### **Equalities Impact**

5.1 None

### **Corporate objectives and priorities for change**

6.1 To enable delivery of the People Strategy priority to enable and ensure the wellbeing and safety of our people, aligned to the Council Plan.

### **Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 Compliance with statutory health and safety requirements as outlined in the report.