

# Cabinet

## 8 November 2016

**Time** 5.00 pm **Public Meeting?** YES **Type of meeting** Executive

**Venue** Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

### Membership

**Chair** Cllr Roger Lawrence (Lab)

**Vice-chair** Cllr Peter Bilson (Lab)

### Labour

Cllr Claire Darke

Cllr Steve Evans

Cllr Val Gibson

Cllr Milkinderpal Jaspal

Cllr Andrew Johnson

Cllr John Reynolds

Cllr Sandra Samuels

Cllr Paul Sweet

Quorum for this meeting is five Councillors.

### Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

**Contact** Jaswinder Kaur

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Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

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# Agenda

## Part 1 – items open to the press and public

*Item No.*    *Title*

### MEETING BUSINESS ITEMS

- 1            **Apologies for absence**
- 2            **Declaration of interests**
- 3            **Minutes of the previous meeting** (Pages 3 - 8)  
[For approval]
- 4            **Matters arising**  
[To consider any matters arising from the minutes of the previous meeting]

### DECISION ITEMS (AMBER - DELEGATED TO THE CABINET)

- 5            **Final Decision Regarding Resource Base Provision at Bushbury Hill Primary School** (Pages 9 - 16)  
[To consider the outcomes of the consultation on the proposed formal removal of Bushbury Hill Primary School's Resource Base and approve the formal removal of the resource base provision at Bushbury Hill Primary School]
- 6            **Revised Health and Safety Policy** (Pages 17 - 44)  
[To approve the revised Health and Safety Policy]

# Meeting of the Cabinet

## Minutes - 19 October 2016

### Attendance

#### Members of the Cabinet

Cllr Roger Lawrence (Chair)  
Cllr Peter Bilson (Vice-Chair)  
Cllr Claire Darke  
Cllr Steve Evans  
Cllr Val Gibson  
Cllr Milkinderpal Jaspal  
Cllr Andrew Johnson  
Cllr John Reynolds  
Cllr Paul Sweet

#### Employees

Dereck Francis	Democratic Support Officer
Keith Ireland	Managing Director
Jas Kaur	Democratic Services Manager
Claire Nye	Chief Accountant
Linda Sanders	Strategic Director - People
Mark Taylor	Director of Finance

### Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i>   |
|-----------------|--|
| 1               | <b>Apologies for absence</b><br>Apologies for absence were submitted on behalf of Cllr Sandra Samuels.   |
| 2               | <b>Declarations of interests</b><br>No declarations of interests were made.  |
| 3               | <b>Minutes of the previous meeting - 14 September 2016</b><br>Resolved:<br>That the minutes of the meeting held on 14 September 2016 be approved as a correct record and signed by the Chair.                                    |
| 4               | <b>Matters arising</b><br>There were no matters arising from the minutes of the previous meeting.  |
| 5               | <b>Financial Plan and Efficiency Strategy</b><br>Cllr Andrew Johnson presented for review the Council's draft Financial Plan and Efficiency Strategy prior to its consideration for approval by Full Council on 9 November 2016. |

The updated Financial Plan and Efficiency Strategy provided further evidence to support the Council's submission for a four year central government funding settlement which would enable the authority to operate with increased financial certainty in the medium term.

Cllr Johnson also paid tribute to the employees involved in producing the draft Financial Plan and Efficiency Strategy

Resolved:

1. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Finance, to agree the final amendments to the Financial Plan and Efficiency Strategy prior to presentation to Full Council in November, where approval for publication would be sought.
2. That the draft version of the Financial Plan and Efficiency Strategy be noted.
3. That it be noted that the submission to the Secretary of State had now been made for the four year settlement. Confirmation of the Council's submission had been received and the Council was now awaiting further details from the Department for Communities and Local Government.

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#### **Draft Budget and Medium Term Financial Strategy 2017/18 - 2019/20**

Cllr Andrew Johnson presented the report on an update on progress towards identifying additional opportunities to address the projected £22.2 million budget deficit for 2017/18. The proposals that were initially reported to Cabinet in July 2016 had been further developed in recent months. Approval was requested to progress the budget reduction and income generation proposals to the formal budget consultation and scrutiny stages of the budget process.

Resolved:

1. That budget reduction and income generation proposals amounting to £13.5 million in 2017/18 proceed to the formal consultation and scrutiny stages of the budget process.
2. That Financial Transaction and Base Budget Revisions totalling a net reduction of £10.0 million in 2017/18 be incorporated into the 2017/18 draft budget.
3. That authority be delegated to the Cabinet Member for Resources in consultation with the Director of Finance to explore the option of making further pension contributions to the West Midlands Pension Fund in 2017/18, in order to reduce the total costs and secure on-going budget reductions to support the budget challenge that the Council would face in future years
4. That the removal of the previously approved 'Restructuring of the Library Service' budget reduction totalling £500,000 in the Medium Term Financial Strategy in 2017/18 to allow the development of a five year libraries strategy

which would be informed by engagement and consultation, as recommended by the Libraries Peer Review be approved.

5. That the re-profile of the previously approved 'Children's Services Re-design' budget reduction; to delay £375,000 of the budget reduction from 2017/18 to 2018/19 in the Medium Term Financial Strategy to allow the Children's Service Re-design to be fully embedded be approved.
6. That the re-profile of the previously approved 'Reconfiguration of the Residual Waste Collection Service' budget reduction by £500,000 from 2017/18 to 2018/19 in the Medium Term Financial Strategy, whilst the review household waste and recycling centres is undertaken be approved.
7. That the further re-profile of £600,000 from 2017/18 to 2018/19 (£300,000) and 2019/20 (£300,000) of the 'Review of Waste and Recycling' budget reduction which was presented to Cabinet in July 2016, to reflect a potential implementation date of June 2017 be approved.
8. That the removal of the 'Re-provision of Staff Counselling Service' budget reduction proposal totalling £20,000 in 2017/18, which was presented to Cabinet in July 2016, due to the outcome of the procurement exercise, which attracted no tender submissions be approved.
9. That authority be delegated to the responsible Cabinet Member and the Cabinet Member for Resources, in consultation with the responsible Director and the Director of Finance to implement financial transactions and base budget revisions at the earliest opportunity where the proposal is not reliant on the outcome of formal budget consultation.
10. That authority be delegated to the Cabinet Member for Resources in consultation with the Director of Finance to approve the final budget consultation arrangements.
11. That it be noted that the 2016/17 Budget and Medium Term Financial Strategy (MTFS) 2016/17 - 2019/20 was presented to Full Council for approval on 2 March 2016. After updating the MTFS for changes in assumptions and the outcome of the Local Government Finance Settlement, the Council was able to set a balanced budget for 2016/17 without the use of general fund reserves. However, it was projected that the Council would be faced with finding further estimated budget reductions totalling £54.6 million by 2019/20.
12. That it be noted that the updated projected deficit already assumes the achievement of previously agreed budget reduction and income generation proposals amounting to £37.4 million over the four year period to 2019/20. Having identified budget reductions in excess of £175 million over the last six financial years, the extent of the financial challenge over the medium term continues to represent the most significant that the Council had ever faced.
13. That it be noted that since the 2016/17 budget was set, detailed work had been in progress across all areas of the Council to identify opportunities to deliver the £22.2 million projected budget deficit for 2017/18.

14. That it be noted that an initial review of the assumptions and projections built into the Draft Budget and MTFs 2017/18 - 2019/20 had been undertaken, with further work to be completed during the 2017/18 budget setting process. The review of projections includes assessing the option for making further pension contributions to the West Midlands Pension Fund in order to secure on-going budget reductions, in addition to assessing the successful delivery of previously approved proposals.
15. That it be noted that due to a range of external factors, budget assumptions remain subject to change. This could therefore result in alterations to the financial position faced by the Council. Specific known issues including the Apprenticeship Levy, the Improved Better Care Fund Government funding and the West Midlands Combined Authority are currently being investigated. An update on any impact that these factors have on the MTFs would be reported in due course to Cabinet.
16. That it be noted that work continues to identify additional budget reduction and income generation opportunities to address the projected budget deficit in 2018/19 and 2019/20, amounting to £30.4 million, in order to ensure that a balanced budget can be set over the medium term. An update on progress would be provided to Cabinet in the 2017/18 budget report presented to Councillors in February 2017.
17. That it be noted that the submission to the Secretary of State had now been made for the four year settlement. Confirmation of the Council's submission had been received and we are now awaiting further details from the Department of Communities and Local Government.
18. That it be noted that the Council's General Fund Balance remains at £10.0 million; the minimum balance as determined in the Council's approved Reserves and Balances Policy. Emphasis therefore continued to be placed on identifying budget reductions and income generation proposals to meet the projected budget deficit over the medium term.
19. That it be noted that the 2017/18 budget timetable would, as in previous years, include updated reports presented to Cabinet in January 2017 detailing the outcome of the Provisional Local Government Settlement and the budget consultation and scrutiny, with the final budget report due to be presented to Cabinet in late February and then Full Council in March 2017 for final approval.
20. That it be noted that the overall level of risk associated with the Draft Budget and Medium Term Financial Strategy 2017/18 to 2019/20 continued to be assessed as Amber.

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**100% Business Rates Retention Pilot**

Cllr Andrew Johnson sought approval for the Council to participate in the 100% Business Rates Retention Pilot from April 2017. Participation in the pilot was only

open to Constituent Members of Combined Authorities. The pilot would also operate on a no financial detriment basis.

Resolved:

1. That the City of Wolverhampton Council, as one of the Constituent Members of the West Midlands Combined Authority, participates in a business rates retention pilot from April 2017, on a no detriment basis and in accordance with the terms outlined in this report.
2. That Birmingham City Council act as lead authority in order to co-ordinate arrangements and liaise with Department for Communities and Local Government over all matters relating to the pilot and that a fee is payable in recognition of any costs incurred relating to this role.
3. That authority be delegated to the Cabinet Member for Resources, in consultation with the Director of Finance, to approve any changes to the terms outlined in the report, which may be necessary as the negotiation of the detailed terms of the pilot are progressed by the Combined Authority.
4. That it be noted that the agreement to participate is subject to each individual constituent member authority's decision on whether to proceed with the pilot.

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# Cabinet Meeting

## 8 November 2016

<b>Report title</b>	Final Decision Regarding Resource Base Provision at Bushbury Hill Primary School	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Claire Darke Education	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Julien Kramer, Education	
<b>Originating service</b>	School Planning and Resources	
<b>Accountable employee(s)</b>	Bill Hague Tel Email	Head of School Planning and Resources 01902 555100 bill.hague@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	Strategic Executive Board	25 October 2016

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### Recommendation(s) for action or decision:

The Cabinet is recommended to:

1. Formally consider, in accordance with statutory guidance, the outcomes of the Initial Consultation and Formal Consultation (Representation) on the proposed formal removal of Bushbury Hill Primary School's Resource Base.
2. Approve the formal removal of the resource base provision at Bushbury Hill Primary School.

## **1.0 Purpose**

- 1.1 This report details the outcomes of Initial Consultation and Formal Consultation (Representation) on the proposed formal removal of Bushbury Hill Primary School's Resource Base. The paper seeks approval to implement the proposed prescribed alteration.

## **2.0 Background**

- 2.1 As outlined within the approved Joint Special Educational Needs and Disabilities Strategy, the Council are seeking to promote inclusion, maximise young people's opportunities to be independent and enable young people with Special Educational Needs and Disabilities to be recognised as fully integrated citizens with the ability to contribute to their local community.
- 2.2 Council representatives are currently undertaking a review of specialist provision across the City. However, in light of the local circumstances facing Bushbury Hill Primary School the proposed removal of Bushbury Hill Primary School's resource base has been expedited.
- 2.3 On 8 June 2016, Cabinet approved the commencement of a period of Initial Consultation on the proposed formal removal of the resource base at Bushbury Hill Primary School for pupils with Social, Emotional and Mental Health (SEMH) difficulties.
- 2.4 Cabinet delegated authority to the Cabinet Member for Education, in consultation with the Director of Education, to consider the outcome of Initial Consultation on the proposed formal removal of the resource base at Bushbury Hill Primary School and to determine whether or not to proceed to Formal Consultation (Representation).
- 2.5 Initial Consultation commenced on 27 June 2016 and concluded on 24 July 2016. In August 2016, the outcome of Initial Consultation was considered by way of an Individual Executive Decision Notice, and progression to Formal Consultation (Representation) was approved.
- 2.6 Formal Consultation (Representation) commenced on 12 September 2016 and concluded on 9 October 2016.

## **3.0 Bushbury Hill Primary School**

- 3.1 Bushbury Hill Primary School (located within the Fallings Park Ward) is registered as a community primary school with resource base provision for pupils with SEMH difficulties. It is an improving school with strong leadership judged 'Good' by Ofsted; however in 2015 the School failed to obtain the Government's Key Stage 2 Floor Standards and outcomes for disadvantaged pupils were below expectations.

3.2 The School faces a number of existing challenges including:

- The School is located in an area within the top 10% for both the Overall Indexes of Deprivation and the Income Domain Affecting Children Index (2015 DCLG).
- A high proportion of pupils in receipt of Deprivation Pupil Premium (69% in 2015/16, which equates to nearly three times the national average).
- A high proportion of pupils requiring SEND support (25.6% in January 2016).
- Higher than average exclusion rates.

3.3 In response to these challenges the Council amended the School's local classification to B2 and established a School Improvement Board in order to support a rapid improvement in outcomes. Please note that given the increased proportions of children achieving the Early Years 'Good Level of Development' and increased proportions of children reaching the standard of the Y1 phonics check in 2016, the School's classification was amended to B1 in September 2016. Senior leadership in school is strong; however governance and middle leadership remain a focus in order to secure further improvements. Attainment in school in 2016 was below national levels in EYFS (GLD), KS1 (reading and maths) and KS2 (reading, writing and maths), progress from KS1 to KS2 was similar to national levels in writing and maths but was significantly below national averages in reading. The historic challenges continue to impact on school performance.

3.4 The Governing Body of Bushbury Hill Primary School have determined that it would be beneficial for the School to cease offering resource base provision in order to allow more time to focus on teaching and learning and maximise opportunities to close the gap.

3.5 In light of the challenges that Bushbury Hill Primary School is facing it is recommended that a proactive approach is adopted and that the resource base is removed in order to allow the School to focus on continuing to improve standards. It is proposed that the ten place resource base for pupils with SEMH difficulties at Bushbury Hill Primary School be removed with effect from 1 January 2017.

3.6 The Council have not commissioned any resource base places within the School for the 2016/17 financial year and there are no children on the Placement Forward Planning List seeking a place at the School. No children would be displaced as a consequence of this proposal.

#### **4.0 Statutory Consultation and Decision Making Processes**

4.1 When proposing prescribed alterations to schools local authorities must follow statutory consultation and decision making processes as detailed within DfE statutory guidance (Making 'Prescribed Alterations' to Maintained Schools (DfE April 2016) and Guidance for Decision-Makers (DfE April 2016)).

4.2 The following process has been undertaken in relation to this proposal:

- 27 June 2016 – 24 July 2016 (Initial Consultation)

Consultation with stakeholders including parents, staff and governors regarding the proposal.

- August 2016 – Individual Executive Decision Notice  
Consideration given to the responses to Initial Consultation and approval given to proceed.
- 12 September 2016 (Stage 1 - Publication)  
Statutory Proposal and Public Notice published.
- 12 September 2016 – 9 October 2016 (Stage 2 – Representation)  
Formal Consultation (Representation) period – offers stakeholders a formal opportunity to submit comments on the proposal.
- 8 November 2016 (Stage 3 – Decision)  
Cabinet consider the outcome of consultation and make a final decision on the proposal in line with the published Statutory Guidance for Decision-Makers (DfE April 2016).
- 1 January 2017 (Stage 4 – Implementation)  
If approved, the proposal would be implemented.

4.3 As detailed within the DfE's statutory guidance the Council is the decision making body with regard to proposals to establish, remove or alter SEN provision within mainstream community schools.

4.4 Decisions must be made within two months of the end of the representation period or they must be referred to the Schools Adjudicator.

4.5 There are a number of factors that Cabinet are required to have regard to when making decisions on the proposals. DfE statutory guidance for decision-makers can be found within Councillors' Supporting Information Packs.

4.6 Decision-makers must consider all the views submitted, including all support for, objections to and comments on the proposal. All responses to consultation are included within Councillors' Supporting Information Packs.

4.7 When issuing a decision, Cabinet can:

- Reject the proposal;
- Approve the proposal without modification;
- Approve the proposal with modification;
- Approve the proposal (with or without modification) subject to certain conditions being met.

4.8 The following bodies may appeal to the Schools Adjudicator within four weeks of the decision being made:

- The local Church of England diocese
- The local Roman Catholic diocese.

## 5.0 Outcome of Consultation

- 5.1 Initial Consultation commenced on 27 June 2016 and concluded on 24 July 2016. Consultees included; parents/carers of pupils attending Bushbury Hill Primary School, members of staff at Bushbury Hill Primary School, the Governing Body of Bushbury Hill Primary School, members of Children, Young People and Families Scrutiny Panel, Trade Union representatives, Fallings Park Ward Councillors, local diocesan authorities and headteachers in Wolverhampton.
- 5.2 15 written consultation responses were received by the City of Wolverhampton Council during Initial Consultation. Respondee included; members of Bushbury Hill Primary School's Governing Body, members of staff at Bushbury Hill Primary School and representatives of local schools.

<b>Number of Responses</b>	<b>Respondents in favour of the proposal</b>	<b>Respondents who do not agree with the proposal</b>
15	14 (93%)	1 (7%)

Copies of all consultation responses are available to Councillors within accompanying Supporting Information Packs.

- 5.3 A number of positive comments regarding the proposal were received during Initial Consultation including:
- “Fully supportive given already difficult challenges facing the school” (response 1 – Headteacher of a local school)
  - “I feel without the base we can make more of an impact and help our most vulnerable children” (response 12 - member of staff at Bushbury Hill Primary School)
  - “I believe it is in the best interests of all children at Bushbury Hill Primary School that the Resource Base provision is removed due to the negative impact and challenges it creates for everyone involved” (response 15 – member of staff at Bushbury Hill Primary).
- 5.4 A number of concerns and considerations regarding the proposal were also identified during Initial Consultation including:
- “Watering down this provision by disbanding the RB would mean a lack of expertise to support the progress & well-being of these pupils” (response 2 – Chair of Governors and Headteacher of a local school)
  - “It is to be hoped that any pupils who may, in the future, would be being considered for placement in the base will be found places in a suitable environment to ensure

that their on-going needs will be met more than adequately” (response 3 - member of the Governing Body at Bushbury Hill Primary School).

- 5.5 Formal Consultation (Representation) commenced on 12 September 2016 and concluded on 9 October 2016. A Statutory Notice was published in the Express and Star Newspaper, the proposal was publicised via the Wolverhampton ONE City Engagement Database and consultation documentation including copies of the Statutory Notice and the Full Proposal was circulated to consultees. Consultees included; the Governing Body of Bushbury Hill Primary School, members of Children, Young People and Families Scrutiny Panel, Trade Union representatives, Fallings Park Ward Councillors, local diocesan authorities and representatives of neighbouring local authorities. Please note that copies of consultation documentation, the Statutory Notice and the Full Proposal are included within Councillors’ Supporting Information Packs.
- 5.6 No responses were received by the City of Wolverhampton Council during Formal Consultation on the proposed removal of the resource base at Bushbury Hill Primary School.
- 5.7 With regard to the considerations and concerns highlighted during consultation, council representatives would like to highlight that the Council is currently undertaking a City-wide SEND Review in order to develop well-planned and forward-looking provision that enables all children and young people to access local educational provision which meets their needs.
- 5.8 As part of the SEND Review, the Council acknowledges the need to provide a varied approach to meeting the needs of pupils identified as having Social, Emotional and Mental Health difficulties; such an approach will recognise the need to support best practice in building the resilience of all schools in meeting the needs of the most vulnerable pupils with minimum transitions in their educational pathway, and where appropriate early identification of long-term specialist educational provision.
- 5.9 The Council is aware that the School continue to support capacity-building across the City through the provision of shared CPD opportunities and working relationships with many schools; in identifying the future form of SEMH provision across the City, the Council is mindful of the skills and expertise of the staff at Bushbury Hill Primary, and will continue to work in strong partnership with the School in identifying any potential future role in school-to-school support.
- 5.10 Approval of the formal removal of the resource base provision at Bushbury Hill Primary School is recommended.
- 6.0 Financial implications**
- 6.1 In 2015/16 Bushbury Hill Primary School attracted £136,244 funding for this provision based on ten places at £10,000 per place plus an additional £36,244 top up funding based on the needs of individual pupils. In 2016/17 this funding has been withdrawn from

Bushbury Hill Primary School and has been used to support other priorities within high needs provision for 2016/17.

[OJ/20102016/F]

## **7.0 Legal implications**

- 7.1 When exercising functions under 'The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013' and 'The Education and Inspections Act 2006 – as amended by The Education Act 2011', the Council must follow statutory guidelines detailed within 'Making Prescribed Alterations to Maintained Schools – Statutory Guidance for proposers and Decision Makers' (DfE April 2016) and 'Guidance for Decision-Makers – Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals' (DfE April 2016).
- 7.2 A statutory process is required when it is proposed to establish, remove or alter provision recognised by the Council as reserved for pupils with Special Educational Needs.
- 7.3 Such processes require compliance with the prescribed provisions to ensure sufficient consultation is undertaken and that relevant stakeholders are notified of proposals or decisions in a timely manner.

RB/06102016/L

## **8.0 Equalities implications**

- 8.1 A full equality analysis has been completed with regard to this proposal. This analysis is included within Councillors' Supporting Information Packs. In line with the prescribed decision making process decision makers are required to pay due regard to this analysis.

## **9.0 Environmental implications**

- 9.1 There are no environmental implications arising from this report.

## **10.0 Human resources implications**

- 10.1 There are no human resource implications arising from this report.

## **11.0 Corporate landlord implications**

- 11.1 The new build that replaced the former Bushbury Hill Primary School building was designed to accommodate far fewer children as part of a rationalisation of the school estate at that time. The new build was designed as a one form entry primary with nursery, but it did also make allowance for a resource base within that design. Subject to approval, a small teaching space would be made available along with a few small support spaces originally dedicated to the resource base. These spaces are integral to the school's design and do not stand alone. Subject to approval, these spaces would be

utilised to support all children and staff within the school for small groups, 1 to 1 tuition, staff preparation and also to host visiting professionals. The above demonstrates the areas would be put to good use and raises no concerns from a Corporate Landlord perspective.

## **12.0 Schedule of background papers**

- IEDN (August 2016) Resource Base Provision at Bushbury Hill Primary School – Outcome of Initial Consultation
- Cabinet (8 June 2016) Resource Base Provision at Bushbury Hill Primary School
- Cabinet (24 February 2016) Joint Special Educational Needs and Disabilities Strategy.

# Cabinet Meeting

## 8 November 2016

<b>Report title</b>	Health and Safety Policy	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Milkinderpal Jaspal Governance	
<b>Key decision</b>	No	
<b>In forward plan</b>	No	
<b>Wards affected</b>	All	
<b>Accountable director</b>	Mark Taylor, Finance	
<b>Originating service</b>	Corporate Assurance, Health and Safety	
<b>Accountable employee(s)</b>	Jayne Goddard- Mills Tel Email	Corporate Assurance Manager  01902 554567 <a href="mailto:Jayne.goddard-mills@wolverhampton.gov.uk">Jayne.goddard- mills@wolverhampton.gov.uk</a>
	Mark Darmody Tel Email	Health and Safety Lead  01902 552135  <a href="mailto:Mark.darmody@wolverhampton.gov.uk">Mark.darmody@wolverhampton.gov.uk</a>
<b>Report to be/has been considered by</b>	Strategic Executive Board	4 October 2016

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### Recommendation(s) for action or decision:

The Cabinet is recommended to:

Approve the revised Health and Safety Policy.

## **1.0 Purpose**

- 1.1 The Health and Safety Policy has been updated to adopt the principles of best practice set out by the Health and Safety Executive's Framework HSG65. It clearly defines roles and responsibilities at all levels throughout the council and how health and safety will be managed in accordance with the recommended process of plan, do, check and act.
- 1.2 The Statement of Intent has been drafted jointly in the names of the Managing Director and the Leader and this sets out clearly the commitment towards ensuring the health and safety of our employees, customers and partners.
- 1.3 The Cabinet Member for Governance with responsibility for health and safety is identified as a member of the Strategic Health and Safety Board and invited to observe Board meetings and subsequent objectives and performance.

## **2.0 Background**

- 2.1 The council is under a statutory duty to have a health and safety policy under the provisions of the Health and Safety at Work Act 1974. Additionally the council as an employer is required to provide whatever information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of employees.
- 2.2 It is essential to deliver training at all levels of the organisation and the training proposed to be delivered at leadership and wider leadership level will deliver targeted training in accordance with the responsibilities at a key level in the organisation with responsibilities for health and safety.
- 2.3 To capture assurance on wider health and safety statutory duties directorate specific workshops will identify any gaps and support required at individual service level.
- 2.4 Programmes of training, advice and process transformation can then be implemented.

## **3.0 Progress**

- 3.1 All supplementary policies and operational procedures are also in the process of being reviewed and updated and will be shared on the dedicated and transformed Health and Safety Portal which has recently gone live on the intranet.
- 3.2 Support for managers identifying health and safety needs of their team members has been provided by joint working across Corporate Assurance and Organisational Development. This supports the health and safety policy in terms of responsibilities at all levels of employees throughout the council.

- 3.3 Progress has been successful in strengthening control measures in place to support employees who are working alone in terms of upgrading and the distribution of a device for monitoring location and events in real time with GPS tracking known as Alert.com. Improving accuracy on the monitoring of this contract has identified savings of over £50,000 per annum compared to the original estimate in 2014 when the contract was let.
- 3.4 A new Potentially Violent Persons Register has also recently gone live during 2016 following joint working between the Corporate Assurance Team and ICT. This system will allow authorised employees to access data about individuals who have been identified as posing a potentially violent risk to employees and partners.
- 3.5 A series of workshops is underway initially in Place directorate with plans to roll out to other directorates throughout 2017. The objective is to capture and identify any gaps regarding wider health and safety statutory duties and implement support required at individual service level.
- 3.6 Implementation of the proposed policy strengthens the council's approach to manage health and safety.

#### **4.0 Financial implications**

- 4.1 There are no additional costs associated with implementing the revised policy. It simply reinforces existing responsibilities and duties.
- 4.2 Compliance with the policy will reduce the risk of breaching health and safety legislation and consequent imposition of fines from the Health and Safety Executive or fees for their intervention. Following the introduction of the new sentencing guidelines on 1 February 2016 a council of this size is now classed as a large organisation and fines imposed could run into millions dependent on circumstances. Policy compliance also reduces the risk of compensation claims and costs associated with staff absence arising from workplace incidents.  
[GE/26102016/D]

#### **5.0 Legal implications**

- 5.1 The council is under a statutory duty to comply with the Health and Safety at Work Act 1974 and all current relevant health and safety laws and regulations.  
[Legal Code: TS/26102016/H]

#### **6.0 Equalities implications**

- 6.1 There are no equalities implications as the policy applies to all employees in their respective roles.

**7.0 Environmental implications**

7.1 There are no environmental implications.

**8.0 Human resources implications**

8.1 These proposals strengthen the role of the council in law as an employer and supplement existing human resources policies supporting the council and its employees.

8.2 A restructure (effective from 1 November 2016) of the Health and Safety Team within Corporate Assurance has updated roles to support health and safety as proposed in this policy.

**9.0 Corporate landlord implications**

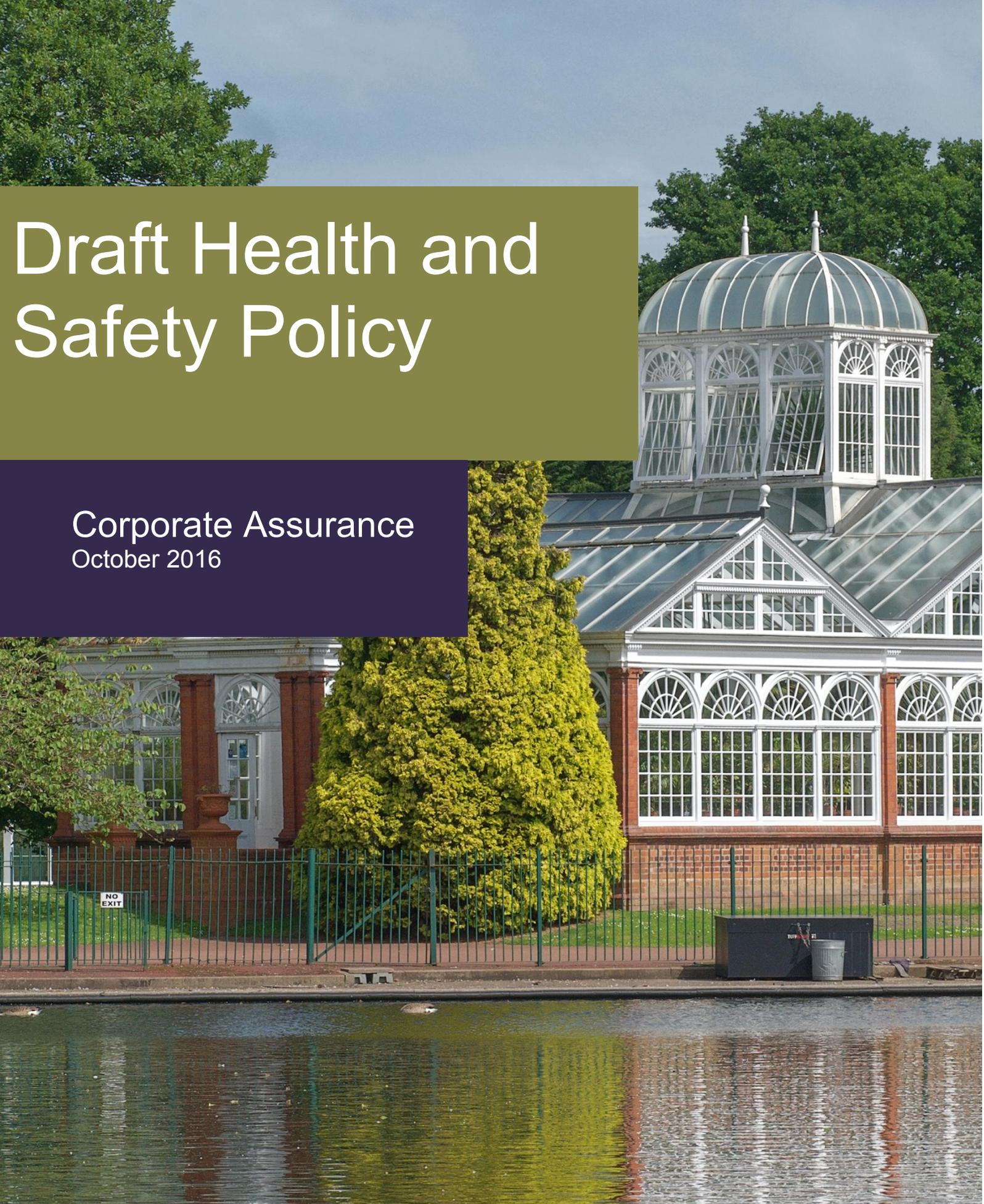
9.1 There are no corporate landlord implications.

**10.0 Schedule of background papers**

10.1 Revised Health and Safety.

# Draft Health and Safety Policy

Corporate Assurance  
October 2016



## **What's in the policy?**

	<b>Pages</b>
Introduction	2
Statement of Intent	3 - 5
Health and Safety Management Framework	6 - 8
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## **Introduction**

This policy identifies the key elements of our health and safety management system. It details the commitment City of Wolverhampton Council has for maintaining and improving the health, safety and welfare of its employees and others who may be affected by our activities.

Our employees are our key resource and it is essential that risks to their health and safety are properly controlled through an effective health and safety management system and commitment at all levels within the organisation.

City of Wolverhampton Council recognises the important role strong strategic leadership and effective management control plays in establishing a positive safety culture and preventing incidents, work related ill-health and accidents.

We are committed to improving health and safety performance and this policy will provide the framework for this goal to be achieved. City of Wolverhampton Council values the important contribution that employees and union appointed safety representatives make in improving health and safety. A partnership approach to managing health and safety is crucial to the organisation meeting its objectives for maintaining and improving health and safety performance.

Suggestions for improvement on any health and safety related issues are always welcomed and should be addressed through your manager or safety representative.

## **STATEMENT OF INTENT**

### **Demonstrating our commitment**

As the Managing Director of City of Wolverhampton Council, I along with the Leader of the Council and Directors are committed to the health, safety and well-being of all our employees, customers and partners.

We recognise our legal obligations under the Health and Safety at Work Act 1974 and associated legislation but also see these as minimum requirements. As with all City of Wolverhampton Council business functions and in line with the Corporate Plan, we aim for excellence and are committed to continuous improvement in health and safety performance.

We recognise that accidents, ill health and near-miss incidents can result from failings in management control and are not necessarily the fault of individuals.

With the advice and support of our colleagues in the health and safety team we are committed to developing and improving our health and safety management framework, which follows the principles of The Health and Safety Executive Guidance Document HSG65.

In order to achieve these objectives and to demonstrate our commitment to the well-being of our employees, City of Wolverhampton Council will ensure:

- our activities, premises and equipment meet current legal requirements and standards
- control of workplace hazards, by assessing risks and establishing risk control measures which are suitable and sufficient
- adequate resources are made available for health and safety
- adequate arrangements will be in place for visitors
- health and safety is accepted as a core management activity, and is given equal priority with other service objectives
- competent advisors are employed to give guidance and assistance on health and safety issues
- specialist advice, such as on technical or medical matters, is available when needed
- substantial, comprehensible health and safety information is effectively communicated to all employees and to those who use our services and facilities

- all employees and partners are competent to carry out their work safely and with minimal risk to themselves or others
- employees receive the instruction, information, training and supervision they need to work safely

### **Supporting continuous improvement**

We believe that continuous improvement is an important part of effective health and safety management. To achieve this, we will:

- maintain an effective health and safety management system
- systematically review and refine our policies, procedures and arrangements
- set minimum standards and performance indicators for health and safety
- measure our performance and benchmark it with similar local authorities
- publish regular reports on our findings
- use the information positively to improve performance

### **Promoting employee participation**

City of Wolverhampton Council supports and encourages employee participation in health and safety. This is because we recognise that active employee involvement helps to:

- promote a positive health and safety culture
- develop effective risk control measures and realistic safe systems of work
- reduce accidents and work-related ill health

To achieve this participation, we will:

- promote open, frank and constructive consultation with employees and their nominated representatives
- promote employee engagement
- make sure employees have the facts they need to make an informed contribution
- make sure no false barriers prevent any employee becoming involved, if they wish to do so

Keith Ireland  
Managing Director  
City of Wolverhampton Council

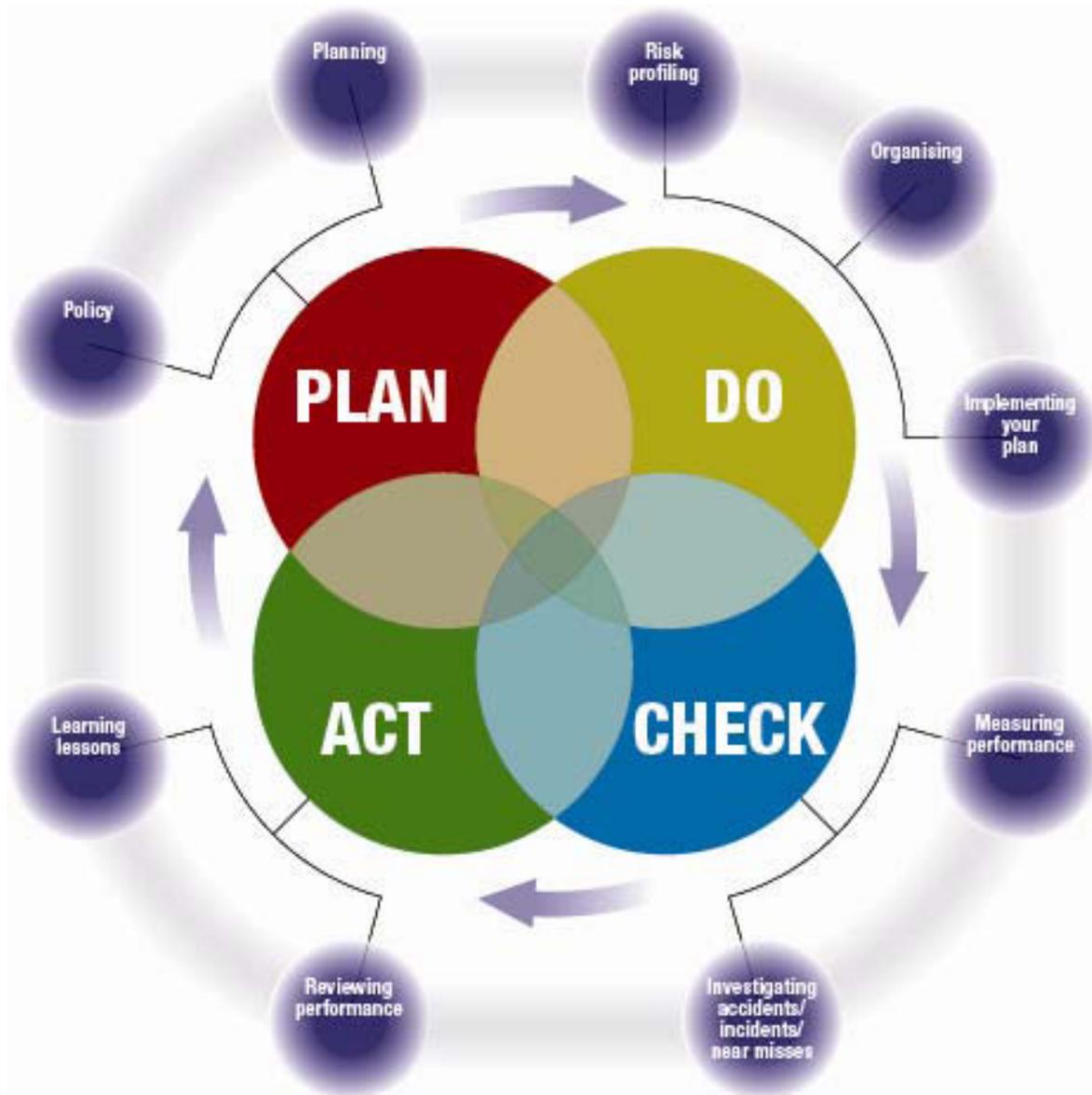
Date:

Roger Lawrence  
Leader of City of Wolverhampton Council

Date:

## Health and Safety Management Framework

City of Wolverhampton Council organisational framework identifies the responsibilities and relationships, which promote a positive health and safety culture. This section of our policy identifies the senior individuals who are responsible for delivering the policy commitments.



Reference: - HSE HSG (65) 12/13

In agreement with the Cabinet the Strategic Executive Board have adopted the Health and Safety Executive Guidance HS (G) 65.

The Strategic Executive Board recognises that the management of health and safety requires the same degree of expertise and standards as any other core business activity, if it is to effectively control risk and prevent harm to people.

Within the organisational structure key employees are designated as Policy Makers, Planners, Implementers and Assistance.

### **Policy Makers (Leader)**

The key tasks of policy makers include:

- devising health and safety policy
- establishing strategies to implement policy and integrating these into general business activity
- specifying a structure for planning, measuring, reviewing and auditing health and safety policy
- specifying a structure for implementing policy and supporting plans
- agreeing plans for improvement and reviewing progress to develop both the health and safety management system and the policy
- Pursuing health and safety objectives with evident sincerity

The major outputs include:

- written statements of general health and safety policy and strategic objectives;
- written statements of the organisation for planning, measuring, reviewing and auditing
- written statements of the organisation for implementation
- general plans containing specific objectives for each year

### **Planners (Manager)**

The key tasks of planners include:

- producing detailed plans to achieve corporate health and safety objectives
- establishing management arrangements, risk control systems and workplace precautions together with associated performance standards
- coordinating the specialist advice needed to ensure effective planning and implementation of policy, for example the input of health and safety specialists, engineers, architects and doctors
- ensuring the participation and involvement of employees and their representatives
- keeping up to date with changes in health and safety legislation, standards and good practice and with management practices relevant to the organisation

The key outputs include:

- health and safety strategy statements and plans to support the policy
- health and safety operational plans which identify specific health and safety objectives to be achieved within fixed time periods
- Specifications for management arrangements, Risk Control Systems (RCS) workplace precautions and performance standards
- up-to-date documentation

### **Implementers (Manager / Supervisor)**

- implementation of operational plans, management arrangements, RCSs. Workplace precautions (including external events) and performance standards
- provision of necessary physical and human resources and information
- provision of timely feedback on performance including successes and failures and any deficiencies in plans, arrangements, systems or precautions
- ensuring communication and participation at all levels in health and safety activities

The key outputs are:

- safe and healthy production and delivery of products and services
- products and services which in themselves do not create risks to others

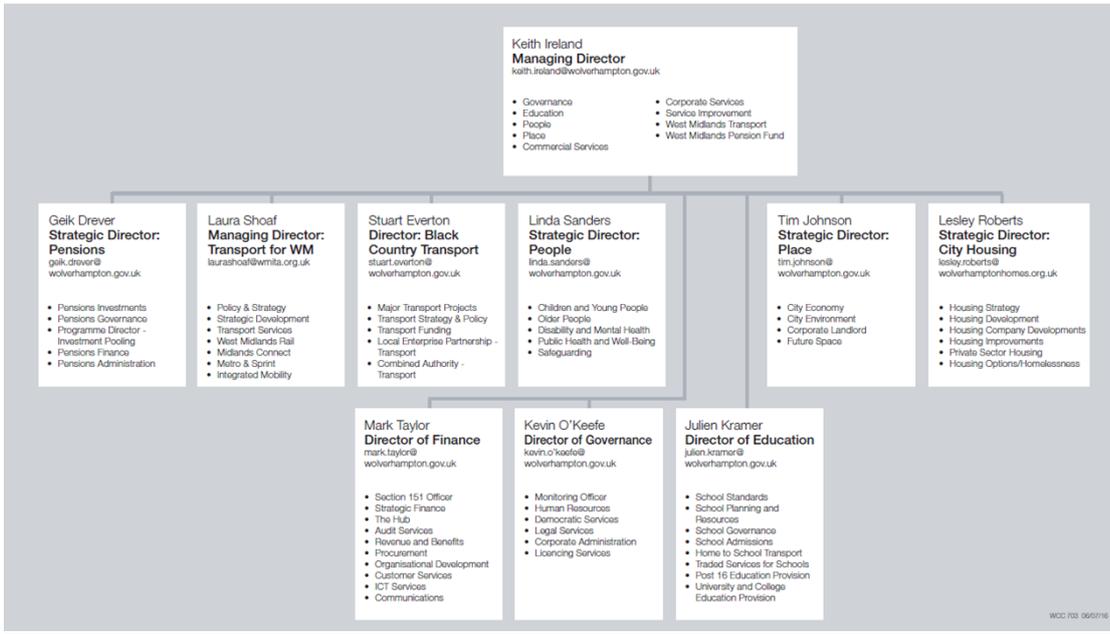
### **Assistance**

- Provide competent advice training and support
- Liaise with enforcing authorities

# Organising for Health and Safety. Strategic Executive Board

City of Wolverhampton Council  
Senior Management Team

CITY OF  
WOLVERHAMPTON  
COUNCIL



## Managerial Responsibilities for Health and Safety



Policy Maker – A director, senior manager or manager who has responsibility for developing and reviewing policy.

Planner - A director, senior manager, manager, supervisor, head teacher, governor who has responsibility for planning and prioritising health and safety measures.

Implementer – Manager, Supervisor or operational staff who have responsibly to ensure safety measures are in place and being undertaken.

### Managing Director (Policy Maker)

#### Overall responsibility for Health and Safety

The Managing Director assumes overall responsibility for all matters relating to health and safety.

The Managing Director has overall responsibility for the day to day management of health and safety and will ensure that the Strategic Management Team members are committed to the health and safety policy and arrangements for its implementation.

The Managing Director will ensure that health and safety planning is incorporated into all business planning processes and that Departmental Plans reflect the Company Plan in relation to health and safety.

The Managing Director will ensure that the Directors have adopted adequate systems for the undertaking of risk assessments and the implementation of safe systems of work within their departments.

The Managing Director will ensure that there are systems in place across the organisation for monitoring the effectiveness of the health and safety management system and driving improvements.

The Managing Director will keep up to date with changes and developments in health and safety legislation, best practice and relevant management standard

The Managing Director will ensure the health and safety policy is reviewed annually and approved at Full Council.

## **Directors (Policy Makers)**

Directors are responsible for the day to day management of health and safety within their departments and will ensure that their senior managers are committed to the health and safety policy and arrangements for its implementation.

Directors will be responsible for ensuring that their Departmental Plans adequately reflect the corporate health and safety objectives.

Directors will establish management arrangements within their departments and ensure that risk assessments are undertaken; control measures identified in the assessments are planned for and implemented; and associated performance standards are met.

Directors will be responsible for obtaining and co-ordinating specialist health and safety advice. They will liaise on health and safety matters with the, Director of Finance, Head of Audit, Corporate Assurance Manager, Health and Safety Lead, Health and Safety Advisors, and any other relevant specialist to ensure effective planning and implementation of policy and arrangements.

Directors will keep up to date with changes and developments in health and safety legislation, best practice and relevant management standards.

The Strategic Executive Board will actively encourage the participation and involvement of their employees in relation to health and safety matters. They will each demonstrate their own commitment by acting as exemplars for health and safety, undertaking periodic safety inspections of the workplace.

The Director of Finance will ensure that adequate resources including financial resources are available to train employees at all levels on health and safety matters.

## **Director of Finance (Policy Maker)**

### **Delegated responsibility for Health and Safety**

- Be responsible for health and safety within City of Wolverhampton Council and regularly review the Health and Safety Policy
- Ensure compliance with City of Wolverhampton health and safety policies and procedures and encourage best practice at all levels of management and employees
- To be responsible for updating and advising Cabinet members and the Strategic Executive Board on health and safety matters
- To authorise new or revised health and safety procedures
- To be responsible for ensuring health and safety policies are developed and formulated
- Ensure health and safety objectives and priorities are identified

### **Head of Audit (Policy Maker)**

To oversee the role of corporate assurance in respect of the audit, fraud, risk management, insurance and health and safety service areas.

### **Corporate Assurance Manager (Policy Maker)**

To manage the corporate assurance function in respect of the insurance and health and safety service areas.

### **Health and Safety Lead (Policy Maker)**

To manage the health and safety function to provide the best advice, guidance and training necessary to ensure compliance.

### **Health and Safety Advisors**

To perform an operational health and safety role across the customer base including, Wolverhampton Homes, schools, academies and where required any other Council owned subsidiary organisations.

### **Supervisors (Implementer)**

Have responsibility for ensuring that all works are carried out in accordance with the Health and Safety Policy. Ensure that employees, sub-contractors and others, under their control, are aware of and abide by, the arrangements and procedures, and that employees are provided with all necessary training, protective clothing, equipment and materials.

#### Supervisors

- Ensure that all employees understand and have received a copy of the Health and Safety Policy. Implement and continuously apply the requirements of the Health and Safety Policy and any other notices and amendments issued by managers
- Ensure risk assessments are implemented and that appropriate risk control measures are applied
- Ensure full use of safety equipment and personal protection by employees for whom they are responsible. Control any malpractices by informing the manager concerned or taking appropriate action themselves
- See that first aid requirements are met
- See that all employees understand any fire precautions applicable to their work
- To arrange for, or carry out, training and/or instruction
- Make recommendations to the manager for any extra training considered necessary
- Maintain a tidy work place, including good housekeeping

- Not permit the use of any substances, generate fumes or dust without first completing a Control of Substances Hazardous to Health (COSHH) assessment
- Anticipate hazards and act accordingly to bring about good standards for safety
- Ensure that employees are aware of their duty to record injuries and near miss incidents using the appropriate reporting form
- Investigate accidents, complete accident/incident report form. Submit the form to the health and safety team at the earliest opportunity, report serious accidents immediately to the manager
- Lead by example and set good standards in health and safety behaviour
- Have a thorough working knowledge of tools, machinery, equipment and materials in use by employees and the safety aspects relating to each
- Ensure any statutory forms and notices are completed
- Continuously review procedures, working methods and advise the manager where changes to the policy or codes of practice are considered necessary
- Ensure employees are given information relating to risk assessments and COSHH assessments

### **All Employees**

Must ensure that they are familiar with and understand the Health and Safety Policy.

Employees shall:-

- Work in a safe and responsible manner, avoiding accidents and not causing hazards to themselves or others
- Ensure that they are not rendered unfit for work through alcohol or drugs
- Use the safety equipment and personal protection required for their work
- Comply with COSHH regulations and recommendations made on assessment forms
- Not carry out any work unless, the process, materials and equipment and the associated safety requirements are known, especially when dealing with hazardous materials or equipment
- Maintain high standards of personal hygiene by washing hands prior to eating or drinking, or after using the toilet, and especially before handling food
- Be recommended to maintain protection against tetanus by vaccination
- Co-operate with management in bringing about compliance with all statutory requirements
- Not intentionally or recklessly interfere with any plant or equipment or clothing provided in the interests of health and safety for their own or use by others
- If possible report to their supervisor immediately or at latest within the working day, any accidents or near miss incidents

- Consider the health and safety of colleagues and members of the public, and will not act in a way which could cause harm to others
- Report at once any defect in anything provided in the interest of health and safety for use by themselves or others
- Report to their supervisors any infestation of the workplace or mess rooms etc., by rodents or harmful insects and the like

**Human Resources Officers:**

- Monitor absence resulting from industrial injuries. Liaise with the health and safety team
- Responsible for occupational health arrangements
- Provide support to assess when necessary the requirement for any reasonable adjustments

**Workforce Development Service:**

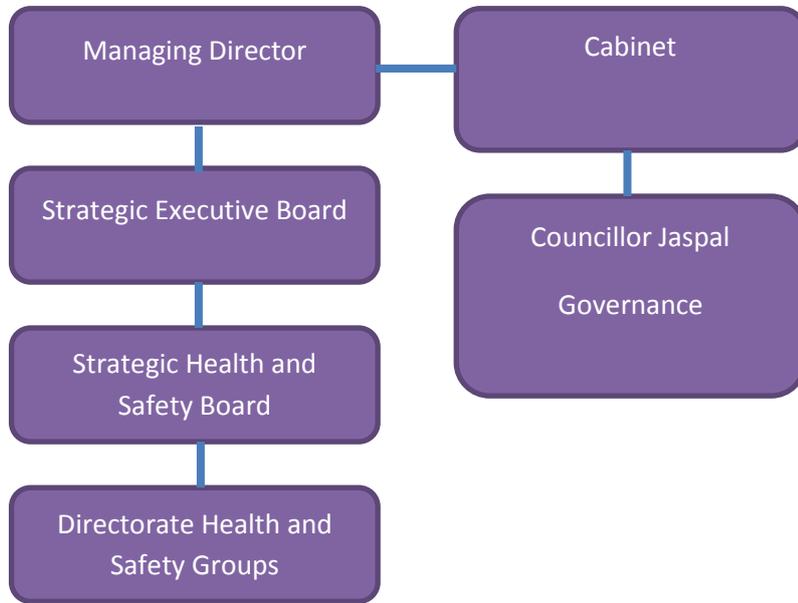
- Maintain all health and safety training records
- Arrange and if required deliver health and safety training

### Delegated Corporate Landlord Duty Holders

Hazard	Responsible Person	Technical Expert
Management of Asbestos	Julia Nock	Stuart Groves of Riverside*
Management of Legionella	Roselyn Unegbu	Richard Jones
Management of Gas	Roselyn Unegbu	Richard Jones
Management of Fire	Managed Corporate Buildings – Chris East  Schools - Headteacher	Sam Bunch* – Fire Risk Assessments Fire Alarms and Emergency Lighting – Richard Jones
Management of Electricity	Managed Corporate Buildings – Roselyn Unegbu  Schools - Headteacher	Richard Jones
Management of Passenger Carrying Lifts	Managed Corporate Buildings – Roselyn Unegbu  Schools - Headteacher	Richard Jones British Engineering Services* (inspection service attached to the current insurance policy)
* Appointed Consultants		

## Strategic Leadership

This section deals with the responsibilities of formal groups who provide direction and oversight and agree the objectives on health and safety.



## **Strategic Structure for Health and Safety**

### **Consulting on Health and Safety**

Effective consultation is essential if City of Wolverhampton Council is to satisfy its commitment to promote a collaborative approach to health and safety.

We will consult on the introduction and modification of policies and procedures in respect of health and safety. The consultation will take place through working groups and the following formal consultation machinery.

### **Strategic Health and Safety Board**

#### **Purpose**

The strategic health and safety board has been established to take a strategic overview of health, safety and wellbeing issues affecting City of Wolverhampton Council.

#### **Membership**

Membership will consist of a sufficient number of divisional representatives to ensure that all members of staff are represented on the board as well as Trade Union representatives.

It is the responsibility of the Directors to ensure that each section within their service is adequately represented.

In addition, any other person may be invited on an ad-hoc basis for the purpose of presenting reports/advice as appropriate. There is a standing invitation for the cabinet health and safety champion to attend as an observer.

The board is chaired by the Director of Finance.

The members will undergo any necessary training for them to be able to undertake their roles effectively.

#### **Meetings**

Meetings will at least be quarterly and these will be scheduled annually in advance. Minutes of the meetings will be taken agenda and papers distributed to members five working days in advance of meetings.

Action points and /or minutes from meetings will be distributed to members within ten working days of the meeting.

### **Functions of the Strategic Health and Safety Board**

The strategic health and safety board will:

- Consider and approve policies on health and safety.
- Consider the implementation of health and safety legislation, HSE alerts, coroner's recommendations and good practice guides and recommend appropriate action.
- Consider reports from enforcement bodies and recommend appropriate action.
- Appoint task groups to examine specific health and safety issues.

- Receive health and safety inspection and audit reports and recommend appropriate action to address any shortfall.
- Receive reports on near misses, work related ill health, incident and accident reports and recommend appropriate action.
- Provide a means for communication to employees about the implementation of City of Wolverhampton Council health and safety management system including the planning, organising, monitoring and reviewing of City Council measures to ensure the health and safety and welfare of its employees.
- Play a key role in actively monitoring and driving improvements in the health and safety performance of the organisation.
- Provide a vehicle for consultation with employees on health and safety matters.
- Provide City of Wolverhampton Council with a means of sharing ideas, highlighting examples of good practice and promoting a positive health and safety culture.

### **Operational Health and Safety Consultative Groups**

The purpose of these groups is to provide a formal reporting structure to enable the directorates to monitor and review health and safety.

The groups will receive performance data e.g. key performance indicators for significant risks.

The groups will receive operational issues and concerns.

Each directorate will have its own consultative group.

A representative from each service area will be a member of the group.

Each group will elect a member or members to attend and report directly to the Health and Safety Board.

### **Communicating on Health and Safety**

City of Wolverhampton Council will provide effective communication channels in respect of health, safety and welfare. Communication will be accomplished by:

Publishing the Health and Safety Policy and distributing to managers.

Providing health and safety briefings on relevant issues.

Undertaking tool box talks, team briefings and also including health and safety as a standing agenda item at meetings.

Utilising the e-mail system to provide information on health and safety.

Meetings with partners and contractors.

## **Planning for Health and Safety**

Planning is the key essential to ensure that our health and safety procedures really work in practice. Planning involves identifying priorities and setting key objectives, identifying hazards, assessing risks, implementing standards of performance and developing a positive culture.

City of Wolverhampton Council will:

- produce an annual health and safety plan that identifies objectives that are realistic measurable and achievable
- establish management arrangements, risk control systems and workplace precautions
- set performance indicators where appropriate
- utilise appropriate compliance standards in the plan
- ensure the participation and involvement of employees and their representatives;
- keep up to date with changes in health and safety legislation, standards and good practice and with management practices relevant to the organisation.

## **Measuring our Health and Safety Performance**

Measurement is essential to maintain and improve health and safety performance. We need to know where we are, where we want to be and identify the differences and why.

We will measure our performance by having both active monitoring (checking before things go wrong) and reactive monitoring (checking when things went wrong and understanding why).

This will achieved by:

- setting standards
- having in place good risk control strategies
- monitoring to ensure that City of Wolverhampton Council is complying with health and safety laws that are relevant to its activities
- maintaining accurate records and investigating near misses, work related ill-health, incidents and accidents and identifying their causes
- benchmarking our performance against similar local authorities.

## Auditing and Reviewing

Health and safety management audits are used to check that our policy, organisation and systems are effective and relevant.

We use audits and reviews to improve our ability to manage risk, especially by:

- checking levels of compliance with our health and safety performance indicators against legislation, procedures and good practice
- undertaking health and safety audits
- analysing near misses, work-related ill-health and injuries for causes and trends
- identifying areas where performance can be improved
- feeding audit findings into a management action plan with a timetable for implementation
- checking that agreed objectives are achieved within a given time scale, communicating audit outcomes to relevant committees e.g. the strategic health and safety board
- reviews audit reports and management action plans and monitors their implementation
- keeping staff informed

## Sources of Information

Guidance and information available in the Health and Safety Portal on the intranet.

## Websites/Further information

City of Wolverhampton Council Health and Safety Team

Health and Safety Executive – [www.hse.gov.uk](http://www.hse.gov.uk)

Royal Society for the Prevention of Accidents – [www.rospa.com](http://www.rospa.com)

Institution of Occupational Safety and Health – [www.iosh.co.uk](http://www.iosh.co.uk)

Environment Agency - [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

A version of this policy is available on -----

Managing Director \_\_\_\_\_ Keith Ireland

City Of Wolverhampton Council Leader \_\_\_\_\_ Roger Lawrence

Date \_\_\_\_\_

Review \_\_\_\_\_





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