

Report title	Annual Health and Safety Report - 2023	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Paula Brookfield Governance and Equalities	
Key decision	No	
In forward plan	Yes	
Wards affected	Not applicable	
Accountable Director	David Pattison, Chief Operating Officer	
Originating service	Health and Safety	
Accountable employee	Tim Munro	Head of Health and Safety
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Report to be/has been considered by	Directorate Leadership Team	15 December 2023
	Cabinet Member Briefing	18 December 2023
	Strategic Executive Board	2 January 2024

Recommendation for decision:

The Cabinet is recommended to:

1. Agree the revisions to the Corporate Health and Safety Policy on the updated structure within the organisation for managing health and safety and that the Policy is endorsed by the new Leader of the Council, Councillor Stephen Simkins.

Recommendation for noting:

The Cabinet is asked to note:

1. The progress and action taken during 2023 with regards to managing health and safety in the organisation.

1.0 Purpose

- 1.1 Protecting the Health and Safety of employees and members of the public who may be affected by our activities is an essential part of risk management and must be led by the controlling minds in the organisation. This is a delegated responsibility placed on the Chief Executive, who has delegated operational responsibility to the Chief Operating Officer.
- 1.2 Commitment to the health and safety agenda and a means to implement the agenda effectively within an organisation is demonstrated by the organisation having an agreed and signed Corporate Health and Safety Policy. This is a legal responsibility placed on the City Council by Section 2(3) of the Health and Safety at Work etc. Act 1974.
- 1.3 Organisations should also require assurance that their commitment to health and safety is being appropriately implemented through the agreed organisational arrangements and that appropriate resources are allocated to ensure objectives are met.

2.0 Background

- 2.1 Health and safety law places duties on organisations, employers and Directors who can be personally responsible when these duties are breached.
- 2.2 Having a written Health and Safety Policy is a legal requirement under Section 2 (3) of the Health and Safety at Work etc. Act 1974.
- 2.3 It is a subsequent requirement to revise and update an organisation's health and safety policy on a regular basis or as and when circumstances change.
- 2.4 City of Wolverhampton Council current Corporate Health and Safety Policy was last updated in 2022.
- 2.5 The main changes in this revision are:
 - A. Updated structure within the organisation for managing health and safety.
 - B. That the Policy is endorsed by the new Leader of the Council, Councillor Stephen Simkins.
- 2.6 Employers including the City Council are legally responsible for ensuring that their activities do not create uncontrolled or unacceptable risks to employees or anyone affected by the delivery of services it provides.

3.0 Progress

- 3.1 The report at Appendix 1 describes the progress during the last 12 months with regards to managing health and safety.
- 3.2 This report is the third received by Cabinet, the last one having been presented and discussed in January 2022.

3.3 The report is presented in partial fulfilment of the legal requirement to ensure that health and safety within the City Council is being effectively managed. It is important that the Council is transparent regarding the ways in which it meets its duties.

3.4 In summary the annual report sets out that the Council is meeting its health and safety duties under the relevant legislation.

4.0 Reasons for Decision

4.1 There are potentially serious risks for City of Wolverhampton Council and its operations from inadequate consideration of health and safety issues. The punitive measures include not only enforcement powers of inspectors but can include both personal and corporate liability proceedings. As a significant presence in the West Midlands, City of Wolverhampton Council is a high profile case, particularly if things go wrong.

5.0 Evaluation of alternative options

5.1 The option to do nothing here and continue without recognition or discussion of health and safety would present an obvious failure of the organisation to adequately consider, address and plan for health and safety. As stated above in 4.0 this would present a failure of the organisation with regards to its health and safety responsibilities and could indicate a lack of management and leadership with regards to health and safety.

5.2 Failure to maintain and update a corporate health and safety policy likewise could be interpreted as a failure of legal responsibilities placed on the Council under the Health and Safety at Work etc. Act 1974.

5.3 Contrary to points 5.1 and 5.2 above the presentation of this report helps to demonstrate the commitment to health and safety from senior leadership within the organisation, and a commitment continuous improvement with regards to health and safety.

6.0 Financial implications

6.1 There are no additional direct financial implications as a result of the content or recommendations in this report.

[LD/08012024/N]

7.0 Legal implications

7.1 The annual report and also the Health and Safety Policy sets out how (and helps to ensure that) the Council meets its legal obligations under the Health and Safety at Work Act 1974 and related legislation.

[DP/09012024A]

8.0 Equalities implications

8.1 The Health and Safety Policy is a revision of an existing document. The equalities impact of the revision has been considered as part of its consultation through

Governance Leadership Team. There are no additional equalities implications arising from this report.

8.2 Equalities implications arising through the operational implementation of health and safety procedures are included as part of operational delivery.

9.0 All other Implications

9.1 There are no other known implications that require consideration as a consequence of this report.

10.0 Schedule of background papers

10.1 There are no background papers.

11.0 Appendices

11.1 Appendix 1 : Annual Health and Safety Management Report – 2023

11.2 Appendix 2 : Proposed Corporate Health and Safety Policy 2024