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| Report to: | EXECUTIVE CABINET |
| Date: | 24 June 2020 |
| Executive Member / Reporting Officer: | Cllr Allison Gwynne – Executive Member (Neighbourhoods, Community Safety and Environment) Ian Saxon – Director of Operations and Neighbourhoods |
| Subject: | HEALTH & SAFETY - ENSURING COMPLIANCE WITH ‘COVID-19 SECURE’ GUIDELINES |
| Report Summary: | <p>This report summarises the additional health and safety responsibilities on the organisation to comply with the Health & Safety at Work Act 1974 and in particular the ‘Covid-19 secure’ guidelines.</p> <p>The report also identifies the practical steps which must be taken to ensure compliance and the additional resources which will be required to support this.</p> |
| Recommendations: | <p>That Executive Cabinet agree that:</p> <ul style="list-style-type: none"> (i) Every Service Unit Manager carries out a Covid 19 risk assessment for each workplace and activity undertaken by their Service subject to the Health and Safety team; under the direction of the Director Operations and Neighbourhoods; producing any necessary and required risk assessment templates to be used by all service unit managers, together with implementing such expedient training to do so and to quality control / audit all required risk assessments and where necessary ensure fit for purposes and produce them for publication and to any enforcement agency. (ii) The unions are informed of the process that the organisation is taking to ensure compliance via the Employment Consultation Group. |
| Corporate Plan: | Supports all elements of the Corporate Plan |
| Policy Implications: | Implementation will help ensure compliance with new Covid 19 Secure Guidelines for workplaces issued by the Government on 12 May 2020 |
| Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer) | There is no additional funding available for the increased resource requirement. It is proposed that it will be funded by redeploying staff from across the organisation into these posts, if this is not possible a review of this decision will be essential. |
| Legal Implications: (Authorised by the Borough Solicitor) | <p>Members will already be aware of the existing health and safety duties which the council as an employer has to comply with particularly those duties arising from the Health and Safety at Work Act 1974.</p> <p>Members will also be aware that Chief Executive as the Head of Paid Services is accountable for and on behalf of the Council in relation to the implementation of appropriate Health and Safety policies and procedures in line with legislation and will also be held accountable, ultimately in court, for any failings. Therefore the</p> |

Chief Executive, supported by his Nominated officer (Ian Saxon, the Director Operations and Neighbourhoods) must ensure that the council's Health and Safety Team has robust systems in place which are supported evidentially and are subject to the appropriate assurance processes.

In addition to the existing Health and Safety legislation the government has issued specific guidance in response to the Covid pandemic.

That guidance requires organisations, such as the council with employees over 50 to undertake and also to publish their COVID-19 risk assessment.

Failure to carry out a well thought out risk assessment could leave the council and the Chief Executive together with his nominated officer open to Regulatory sanctions, employer and/or Public Liability claims and even criminal sanctions under the Health & Safety at Work Act 1974. Therefore it is critical not only that the risk assessments are completed but that the situation is proactively monitored by the Health and Safety Team liaising with officers in audit and insurance as required. It will be necessary for the Health and Safety team under the direction of the Director Operations and Neighbourhoods to produce any necessary and required risk assessment templates to be used by all service unit managers, together with such expedient training to do so and to quality control all required risk assessments and where necessary produce them..

The Health and Safety legislation, together with the Covid Risk Assessment Guidance require consultation both with Trade Unions and employees as part of the risk assessment process.

Risk Management:

Not complying with the requirements will be a risk to public health during the COVID-19 outbreak

Background Information:

The background papers relating to this report can be inspected by contacting Sharon Smith, Head of Public Protection :



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1.0 INTRODUCTION

- 1.1 As an employer Tameside Council has a legal duty under Section 2 and 3 of the Health and Safety at Work etc. Act 1974 to provide, so far as is reasonably practicable, a safe and healthy working environment for employees and members of the public.
- 1.2 In addition all employers have a legal duty under Regulation 3 of the Management of Health and Safety at Work Regulations to carry out a suitable and sufficient risk assessment of the risks to the health and safety of their employees to which they are exposed whilst they are at work; and the risks to the health and safety of persons not in their employment arising out of or in connection with the conduct by him of his undertaking.
- 1.3 In response to the Covid 19 outbreak the Government published on 12 May 2020 additional 'Covid-19 Secure' guidelines. This report identifies the 5 key points which organisations should implement and the practical steps which the Council will take to disseminate the new guidelines.

2.0 SUMMARY OF 'COVID-19 SECURE' REQUIREMENTS

- 2.1 The UK government, in consultation with industry, has produced '[COVID-19 Secure guidance to help ensure workplaces are as safe as possible](#)'. The new guidance covers 8 workplace settings which are allowed to be open, from outdoor environments and construction sites to factories and takeaways. This sets out practical steps for businesses focused on 5 key points, which should be implemented as soon as it is practical:

1. Work from home, if you can
2. Carry out a COVID-19 risk assessment, in consultation with workers or trade unions
3. Maintain 2 metres social distancing, wherever possible
4. Where people cannot be 2 metres apart, manage transmission risk
5. Reinforcing cleaning processes

- 2.2 The 8 guides cover a range of different types of work. The Council operates many of its services within a range of these workplace settings. It must be able to comply with the governmental guidelines and within its regulatory responsibilities advise local businesses on compliance standards to keep employees and residents safe. The workplace settings include:

- [Construction and other outdoor work](#) – Guidance for people who work in or run outdoor working environments.
- [Factories, plants and warehouses](#) - Guidance for people who work in or run factories, plants and warehouses
- [Homes](#) – Guidance for people working in, visiting or delivering to home environments as well as their employers
- [Labs and research facilities](#) – Guidance for people who work in or run indoor labs and research facilities and similar environments
- [Offices and contact centres](#) – Guidance for people who work in or run offices, contact centres and similar indoor environments
- [Restaurants offering takeaway or delivery](#) – Guidance for people who work in or run restaurants offering takeaway or delivery services.
- [Shops and branches](#) – Guidance for people who work in or run shops, branches, stores or similar environments.
- [Vehicles](#) – Guidance for people who work in or from vehicles, including couriers,

- 2.3 In each workplace organisations are required to display posters (downloadable from gov.uk) to demonstrate to their employees, customers and other visitors, that they have considered and followed this guidance (**Appendix 1**).

3. MEETING THE REQUIREMENTS

- 3.1 The Chief Executive / Accountable Officer has overall responsibility for ensuring that the Organisation meets the duties imposed on it by Health and Safety legislation and associated regulations.
- 3.2 Council Service Managers must, at the earliest opportunity, complete a Covid-19 risk assessment in relation to the work activities their teams are involved in. This must be done in consultation with the workforce and unions. Service Unit Managers will be communicated to directly via email to advise them of the new guidelines. Draft templates are available for Service Managers via the intranet:
<https://intranet2.tameside.gov.uk/collectiveagreements/council/hs/riskassessments/covid19>
- 3.3 Training on the completion of Risk Assessments will be available via the Me-learning intranet and a bespoke Webinar Conference will be hosted for managers in June. Information will also be disseminated via the intranet, the Corporate Health and Safety Meeting and the Chief Executive's brief.
- 3.4 The Health and Safety Team will support all managers within the Council in completing the risk assessments and identifying appropriate control measures. An initial priority will be given to schools, health and social care and services where key workers are engaged in front facing roles.
- 3.5 It is important that there is close co-operation and communication between the Health and Safety Team, Human Resources and Growth Directorate (Strategic Property Services). It is the responsibility of Growth Directorate to facilitate the control measures specified in risk assessments and to ensure that building facilities and layouts comply with 'Covid-19 Secure' guidelines. The Health and Safety Team will need to be kept up to date on the plans to open buildings, any changes made to buildings and any limitations on potential modifications to buildings as this will inform risk assessments and any changes needing to be made to control measures. Similarly any further changes to the delivery of services should include a review of the risk assessments
- 3.6 Completed risk assessments must be sent to healthandsafety@tameside.gov.uk so that a central record can be audited and retained. All risk assessments will be reviewed by the Health and Safety Officers and uploaded to the intranet.
- 3.7 Findings of the risk assessments must be communicated to all members of staff undertaking the work activity.
- 3.8 On completion of the risk assessment, communication of its findings to staff and subsequent implementation of the control measures, the notice indicating compliance with 'Covid-19 Secure' guidelines must be displayed in the workplace and any public facing areas.
- 3.9 Risk assessments will also be published on the Council's website.
- 3.10 In order to effectively support the Organisation a named Health and Safety Officer will be allocated as a key 'Covid-19 Secure' contact for each Service Unit. The support required will be achieved by redeploying staff from across the organisation into these posts.

4. RECOMMENDATIONS

4.1 As set out on the front of the report.