

SAFETY COMMITTEE

**2ND MARCH 2012
AT 1000 HOURS
COMMITTEE ROOM
ONE**

ACCESS FOR ALL

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Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 16th February 2012

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Safety Committee of Bolsover District Council to be held in Committee Room One Sherwood Lodge, Bolsover, on Friday, 2nd March 2012 at 1000 hours.

Members are reminded that under Section 51 of the Local Government Act 2000 the Bolsover Code of Conduct was adopted by the Council on 16th May 2007. It is a Councillor's duty to familiarise him or herself with the rules of personal conduct by which Councillors must conduct themselves in public life. In addition, Members should review their personal circumstances on a regular basis with these rules in mind and bearing in mind the matters listed on the Agenda for discussion at this meeting.

Copies of the Bolsover Code of Conduct for Members will be available for inspection by any Member at the meeting.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their interests under paragraph 14 or 15 of the Code of Conduct provide written notification to the Authority's Monitoring Officer.

Members are reminded of the provisions of Section 106 of the Local Government Finance Act 1992 and the responsibility of Members to make a declaration at this meeting if affected by the Section and not to vote on any matter before this meeting which would have an affect on the Council's budget.

You will find the contents of the agenda itemised on page 42.

Yours faithfully,



Chief Executive Officer

To: Chair and Members of the Safety Committee

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Chief Executive Officer: Wes Lumley, B.Sc.,F.C.C.A.

SAFETY COMMITTEE

Minutes of a meeting of the Safety Committee of Bolsover District Council held in Committee Room One, Sherwood Lodge, Bolsover, on Friday 4th November 2011 at 1000 hours.

PRESENT:-

A. Lowery – Chair (Unison)

Members:-

Councillors P.M. Bowmer, H.J. Gilmour, D. McGregor, B.R. Murray-Carr and G.O. Webster.

Unison:-

J. Hendy.

Officers:-

L. Keeling (Head of Human Resources and Payroll) and R. Leadbeater (Democratic Services Officer).

569. APOLOGIES

Apologies for absence were received from S. Sambrooks and T. Walker (Unite).

570. URGENT ITEMS

There were no urgent items of business previously notified to the Chair, however consent was given to a request to discuss the use of Personal Protective Equipment (PPE).

Concerns were raised by Members that the CAN Rangers had been observed without high visibility clothing whilst working outdoors. It was added that line managers had been contacted to request that this be enforced. The Committee's views were sought on the use of PPE.

The Chair advised that that there was currently no blanket policy on use of PPE and this was largely the responsibility of individual line managers' to ensure appropriate PPE was used for particular tasks. It was added that use of PPE had

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been embedded in Street Services and all employees were aware that wearing high visibility clothing was expected at all times. The Chair considered that a blanket rule on the use of PPE for all outside work regardless of the task being undertaken was the most appropriate policy, a view which Members of the Safety Committee fully endorsed.

The Head of Human Resources and Payroll agreed to consider the PPE Policy and bring this to Safety Committee for further comment.

571. DECLARATION OF INTEREST

There were no declarations of interest submitted.

572. MINUTES – 25TH JULY 2011

Moved by Councillor P.M. Bowmer, seconded by Councillor B. R. Murray-Carr
RESOLVED that the minutes of a meeting of the Safety Committee held on 25th July 2011 be approved as a true record, subject to amendment of minute no. 246 to correctly reflect vibration measuring procedures in place.

Minute No. 246 - General Health and Safety Report
Improvement Notice Action Plan (Vibration)

The Chair clarified a misunderstanding on the previous minutes. The meeting was advised that similar vibration measuring procedures were in place for Housing Repairs and Street Services however there was currently no equipment available to measure the accumulative vibration levels in either service.

Health and Safety Audit - Benchmarking

The Head of Human Resources and Payroll advised that additional benchmarking via the APSE Performance Network had not yet been pursued. However comparable data with the East Midlands Councils had been sought as an interim measure and included in reports to the Safety Committee.

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573. SICKNESS ABSENCE/OCCUPATIONAL HEALTH STATISTICS – APRIL TO JUNE 2011

The Head of Human Resources and Payroll presented the report to advise the Safety Committee of sickness absence and occupational health statistics for the period April to June 2011. The outturn for the quarter was 1.63 days per full time equivalent (FTE) which was in line with the previous year and an improvement on the target of 2 days per FTE.

The Committee's attention was drawn to the departmental breakdown included in the report.

Members raised concerns in respect of the high levels of sickness absence recorded for the apprentices. The Head of Human Resources and Payroll responded that this issue had been recognised and the Council's sickness absence procedure was being applied. Actions to address the issue currently being considered were a review of the sickness absence procedures to be applied to apprentices and a more intensive period of induction for the 2012 intake. Regular discussions also took place with the Apprenticeship Steering Group to address the attendance issue which was consistently monitored.

The Chair provided Members with further background on issues specific to the apprentices scheme.

Moved by Councillor D. McGregor, seconded by Councillor B.R. Murray-Carr **RESOLVED** that the report be received.

574. SICKNESS ABSENCE/OCCUPATIONAL HEALTH STATISTICS – JULY TO SEPTEMBER 2011

The Head of Human Resources and Payroll presented the report to advise the Safety Committee of sickness absence and occupational health statistics for the period July to September 2011.

Performance had reduced significantly to 2.39 days per FTE compared with 1.97 days per FTE the previous year. Again sickness absence figures were high for the apprentices and incidences within Street Services had also increased. Appropriate Directors and Heads of Service had been requested to discuss the report and consider appropriate action to be taken.

The Committee was advised that it was encouraging that absence due to stress was reducing in Bolsover which was against the national trend.

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Moved by Councillor D. McGregor, seconded by Councillor B.R. Murray-Carr
RESOLVED that the report be received.

575. GENERAL HEALTH AND SAFETY REPORT

The Head of Human Resources and Payroll presented the report to update the Safety Committee on various health and safety issues.

Health and Safety Review

A report would be presented to Strategic Alliance Management Team in November in respect of the shared service for Health and Safety. The proposals included a shared Health and Safety Manager to undertake cross authority strategic work and the appointment of an operational Health and Safety Officer, with reduced responsibility to the previous post holder, to be on site at Bolsover and responsible for any day to day health and safety issues.

Animal Control

A revised CRM script reminding tenants to keep animals under control whilst Council workers were present in their homes was provided for information. Members requested that the script be revised to state ' Failure to comply **will** ~~may~~ result in further action' and to put measures in place to ensure that tenants were routinely questioned if there was an animal present at the property.

The Head of Human Resources and Payroll agreed to contact the Head of Customer Service and Performance and Legal Services for clarity on whether these changes could be implemented.

(Head of Human Resources and Payroll)

HSE Inspection of Waste Services

A copy of the HSE letter was provided for the Committee's information.

The Chair advised that the recycling contractor had confirmed their agreement to adopt a monitoring regime that was compliant with the HSE's requirements. Representatives from Street Services had also been invited to attend the contractors' operational meetings as observers. These new arrangements would be advised to the HSE by letter and a further HSE inspection would take place in February 2012.

Policy Reviews

The Committee was advised of amendments to the Legionella Policy.

The new Drugs and Alcohol policy was attached to the agenda for the Committee's consideration.

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Legionella – Group Dwellings

An update had been provided by the Head of Housing on work carried out to group dwellings. The Committee requested a table of completed and proposed works to be provided which the Head of Human Resources and Payroll agreed to pursue.

Sherwood Lodge

No serious issues had arisen from the Fire Risk Assessment carried out by the Police. An update would be provided to the next Safety Committee.

Moved by Councillor G.O. Webster, seconded by Councillor D. McGregor

RESOLVED that (1) various updates in the report be noted;

(2) The Legionella Policy and the Drugs and Alcohol Policy be approved and the policies updated and placed on the Council's internal website.

(Head of Human Resources Payroll)

576. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor G.O. Webster, seconded by Councillor D. McGregor

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

577. ACCIDENT AND STRESS – JULY TO SEPTEMBER 2011 EXEMPT – PARAGRAPH 2

The Head of Human Resources and Payroll presented the report to inform the Safety Committee of the Accident and Stress statistics for the period July to September 2011.

The Committee's attention was drawn to information contained within the report showing comparable data in respect of lost time accidents for East Midlands Councils and Bolsover. This indicated that Bolsover District Council's lost time accidents were considerably lower than the average of the East Midlands Councils. The Chair added that as Bolsover had clearly made significant

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progress reducing reportable accidents this should reinforce the message that use of Personal Protective Equipment was important.

Attention was drawn to the detailed breakdown of accidents provided in the agenda. The meeting was advised that all staff reporting manual handling accidents had received further training.

Further to questions, the Head of Human Resources and Payroll agreed to seek clarity on the reporting of vehicular accidents occurring between an employee's work and home address.

Moved by Councillor G.O. Webster, seconded by Councillor B.R. Murray-Carr
RESOLVED that the report be received.

The meeting concluded at 1125 hours.

Committee:	Safety Committee	Agenda Item No.:	5.
Date:	2 nd March 2012	Category	
Subject:	Amendment to Terms of Reference	Status	Open
Report by:	Solicitor to the Council		
Other Officers involved:	Head of Human Resources and Payroll		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor B Murray-Carr, Portfolio Holder for Community Safety		

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation by ensuring that the new shared health and safety arrangements are reflected in the Safety Committee’s Terms of Reference.

TARGETS

None

VALUE FOR MONEY

The contents of this report do not involve the expenditure of money.

THE REPORT

On 9th January 2012, Council approved a joint Health and Safety Service, to be managed by Bassetlaw District Council’s Health and Safety Manager. This service will commence on the 1st April for a 12 month trial.

As a consequence, it is necessary to make some amendment to the Safety Committee’s Terms of Reference. These are shown in the table attached at page 11.

ISSUES FOR CONSIDERATION

Whether to recommend to Standards Committee and Council the changes to the Safety Committee's Terms of Reference for inclusion in the Constitution.

IMPLICATIONS

Financial : None
Legal : As in the report.
Human Resources : None

RECOMMENDATION

That Safety Committee recommend to Standards Committee the changes to the Terms of Reference listed in the report.

ATTACHMENT: **Y – Existing Safety Committee Terms of Reference**
FILE REFERENCE: **None**
SOURCE DOCUMENT: ***Health and Safety Service Review Business Case.***

CONSTITUTION REVIEW – March 2012.

Page No. and Paragraph	Proposed Changes	Comment
<p>Safety Committee Terms of Reference numbers 1 and 2 on page 97</p>	<p>Add to the terms of reference of the Safety Cttee at point (xi) and (xii) on page 97 and renumber final point:-</p> <p>(xi) To receive reports from the Health and Safety Officer and Bassetlaw's Health and Safety Manager in relation to the above.</p> <p>(xii) To resolve any issues referred from the Joint Safety Management Forum..</p> <p>Add in to 2(ii) Bassetlaw's Health and Safety Manager.</p>	<p>This reflects the new shared health and safety service with Bassetlaw District Council and other authorities. This Committee and an officer forum (including BDC's Head of HR and Payroll) will be responsible for monitoring the arrangements.</p>

APPENDIX – Existing Safety Committee Terms of Reference

SAFETY COMMITTEE

1. The overall purpose of the Safety Committee is to promote cooperation between the council and its employees in developing and carrying out measures to manage health and safety risks and to secure the health and safety of employees, service users, contractors and any others who may be affected by the work of the Council.
 - (i) To promote the development of a safety culture throughout Bolsover District Council.
 - (ii) Reviewing the adequacy of and effectiveness of Bolsover District Council's Corporate Health and Safety Policy and any task specific or local health and safety policies, practices, procedures or safe systems of work.
 - (iii) Reviewing accident and industrial disease information and trends, to identify unhealthy or unsafe conditions and practices, along with recommendations for remedial action.
 - (iv) Review of health and safety information, risk assessments, audit reports, safety inspections and other monitoring information, making appropriate recommendations for remedial action.
 - (v) Analysis of information, reports and correspondence from enforcing authorities (Health and Safety Executive, fire service etc.).
 - (vi) Consideration of reports from safety representatives.
 - (vii) To receive and discuss health and safety reports.
 - (viii) To approve new health and safety policies and procedures and amendments to existing policies and procedures.
 - (ix) To review arrangements for health and safety information and training.
 - (x) To review the impact of proposed or new legislation, codes of practice or legal judgements.
 - (xi) To consider any other health and safety matters raised by committee members.

2. MEMBERSHIP

- (i) The Committee shall comprise representatives of Management and Employees holding office for a period of one year and eligible for reappointment or re-election.
- (ii) The composition of the Employers Side of the Committee shall be 5 elected Members with voting rights. The Head of Human Resources and Payroll, Health and Safety Officer and Head of Paid Services shall attend in an advisory capacity without voting rights; together with such other officers of the Council as may be appropriate having regard to matters to be discussed.
- (iii) The Employees Side of the Committee shall comprise 5 representatives selected by the local branch of the Trade Union representing the employees.
- (iv) The Union Side shall submit the names of their representatives forming the Employees side to the Committee to the Chief Executive Officer of the Council not later than the beginning of each meeting.
- (v) The Committee shall appoint a Chairman and Vice Chairman from among the Committee. When the Chairman is appointed from one side of the Committee the Vice-Chairman will be appointed from the other side. These Officers will also act as Chairman of their respective sides of the Committee.
- (vi) The Head of Democratic Services will act as Secretary to the Joint Committee.
- (vii) The Members of the Committee shall hold office for one year and shall be eligible for re-appointment. Any vacancy that occurs shall be filled as it arises by the relevant side.

3. ADVISORS

- (i) Either side shall have the right to have in attendance upon them, persons with a specialised knowledge, in a consultative or advisory capacity but without the right to vote. Such attendance shall be notified to the Secretary of the Employers' Side who will arrange for notices of meeting, agendas and minutes to be forwarded to such representatives unless requested otherwise.

4. PROCEDURE

- (i) Regular meeting shall be convened during working hours at 3 monthly intervals and held at Sherwood Lodge, Bolsover.

- (ii) Meetings may be called by the Chairman at any item at the request of either side, such requests to be submitted through their respective Chairmen.
- (iii). Employees will be granted time off with pay to attend a reasonable number of meetings and will be entitled to payment in the event of meetings continuing beyond normal working hours.
- (iv) The Employees Side shall submit to their respective secretary's items which they wish to be included on the agendas of regular meetings, and they will be responsible for forwarding this information to the Head of Democratic Services not later than 14 days prior to a meeting.
- (v) In the event of a scheduled meeting being due and there being no items from either side, following consultation with the Chairman and Vice-Chairman, the meeting may be cancelled and Members advised accordingly.
- (vi) The agenda for business of regular meetings shall be circulated by the Chief Executive Officer to each Member and to any consultative or advisory representative not later than 10 working days before a meeting. The matters to be discussed at any meetings of the Committee shall be stated on the agenda with a notice summoning the meeting provided that any other business may be considered if admitted by a majority vote of each side. Nominated Trade union Officers shall be provided with 6 copies of the agenda and reports to circulate to their Members as appropriate and to their full-time Trade Union Officials.
- (vii) Two Members of the Employers' Side and two members of the Employees' Side of the Committee shall together constitute a quorum.
- (viii) An individual employee wishing to raise with the Committee any question within the function shall do this through his/her appropriate representative on the Committee.

Committee:	Safety Committee	Agenda Item No.:	6.
Date:	2 nd March 2012	Category	
Subject:	Sickness Absence/Occupational Health Statistics October to December 2011	Status	Open
Report by:	Head of Human Resources/ Payroll		
Other Officers involved:	Senior Human Resources Officer Human Resources Officer		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor E. Watts, Leader of the Council		

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation by providing monitoring information which can be used to shape future policy decisions

TARGETS

The subject matter of this report does not contribute to any specific targets in the Corporate Plan.

VALUE FOR MONEY

As this report relates to retrospective monitoring data value for money criteria is not applicable

THE REPORT

1. Sickness Absence/Occupational Health Referral Statistics October to December 2011 and 2010.
 - 1.1 The sickness absence outturn for the third quarter of 2011 (October to December) is shown below, with comparisons for the same period during 2010:

Oct-Dec 2011	Oct-Dec 2010
2.42 days per FTE	2.01 days per FTE

The target for October to December 2011 was 2 days per FTE. The year to date outturn is 6.44 days per FTE against a target of 6 days per FTE.

A breakdown of these figures by Department and Long Term/Short Term Sickness Absence is provided at page 18 for information.

The overall sickness figure is higher than last year's figure and worse than the target. This is due to an increase of 148.4 working days due to long term sickness, and 16 days due to short term sickness. The vast majority of the increase in long term sickness has occurred within the Contact Centre service, which also has high levels of short term sickness absence.

	Long Term	Short Term
Oct-Dec 2011	1.36 days per FTE	1.06 days per FTE
Oct-Dec 2010	1.00 days per FTE	1.02 days per FTE

The departmental breakdown of sickness absence has been referred to Directors/Heads of Service to deal with any adverse trends in their Directorates/Departments in relation to short term sickness absence.

- 1.3 The outcome of occupational health referrals for the third quarter of 2011, with comparisons for the same period during 2010 are shown below:

	Oct-Dec 2011	July-Sept 2010
Rehabilitation	14	8
Termination of Employment	1	1
Outstanding	1	0
TOTAL	16	9

A verbal update will be given at the meeting in respect of the one outstanding sickness case, from this quarter.

- 1.4 A breakdown of the reasons for all long term sickness absence is as follows:

Reasons for Long Term Sickness Absence		
Reason for Absence	No. of Employees Citing this Reason Oct-Dec 2011	No. of Employees Citing this Reason Oct-Dec 2010
Muscular Skeletal	7	2
Stress/Depression	6	2
Stomach/Digestion	2	0
Other	1	0
Back/Neck	0	2
Chest	0	1
Ear/Nose/Mouth	0	1
Neurological	0	1
TOTAL	16	9

- 1.5 Details of health surveillance events, held during the period October to December 2011, are as follows:

There were five health surveillance clinics held during this period covering HAVS, audiometry, hepatitis B and driver reviews for 73 employees.

There have been 3 employees undergoing counselling during this period.

ISSUES FOR CONSIDERATION

Members of the Committee are asked to note the statistical information provided and action taken to address any adverse trends.

IMPLICATIONS

Financial : None

Legal : None

Human Resources: Compliance with employment legislation relating to managing sickness absence

RECOMMENDATION

That the report be received.

ATTACHMENT: Y (1)

FILE REFERENCE: N/A

SOURCE DOCUMENT: N/A

LPI12 - OCTOBER TO DECEMBER 2011 LONG TERM/SHORT TERM SPLIT

DEPARTMENT	AVERAGE FTE 9 MONTHS	DAYS LOST	FTE DAYS	LONG TERM ABSENCE NO OF DAYS	SHORT TERM ABSENCE NO OF DAYS	LT ABSENCE PER FTE	ST ABSENCE PER FTE
CHIEF EXECS DIRECTORATE							
CHIEF EXECUTIVES AND PARTNERSHIP	5.75	4	0.696	0	4	0.00	0.70
CONTACT CENTRES	21.12	177.5	8.404	128	49.5	6.06	2.34
CUSTOMER SERVICE/PERFORMANCE	11.77	12	1.020	0	12	0.00	1.02
HUMAN RESOURCES AND PAYROLL	10.50	4.5	0.429	0	4.5	0.00	0.43
APPRENTICES	52.46	132	2.516	78	54	1.49	1.03
DEMOCRATIC	10.10	1	0.099	0	1	0.00	0.10
LEGAL/LICENSING AND LAND CHARGES	11.19	14.5	1.296	0	14.5	0.00	1.30
RESOURCES DIRECTORATE							
FINANCE	10.67	32.5	3.046	13.5	19	1.27	1.78
PROCUREMENT	2.81	0	0.000	0	0	0.00	0.00
REVENUES	36.50	85	2.329	65	20	1.78	0.55
NEIGHBOURHOODS							
LEISURE	46.61	52.5	1.126	26	26.5	0.56	0.57
COMMUNITY	14.00	5	0.357	0	5	0.00	0.36
STREET SERVICES	90.72	284	3.131	100.5	183.5	1.11	2.02
HOUSING (REPAIRS AND MANAGEMENT)	112.79	291.5	2.584	186.5	105	1.65	0.93
DEVELOPMENT							
PLANNING/ECON DEV/HOUSING STRATEGY	25.60	25	0.977	16	9	0.63	0.35
REGENERATION/ENVIRONMENTAL HEALTH	41.23	102	2.474	81	21	1.96	0.51
DEVELOPMENT ADMIN	5.51	12	2.178	0	12	0.00	2.18
GRAND TOTAL	509.33	1235.00	2.42	694.5	540.50	1.36	1.06

Committee:	Safety Committee	Agenda Item No.:	7.
Date:	2 nd March 2012	Category	
Subject:	General Health and Safety Report	Status	Open
Report by:	Head of Human Resources and Payroll		
Other Officers involved:	Head of Housing Street Services Manager Emergency and Responsive Manager Human Resources Officer Assistant Facilities Manager		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor E. Watts, Leader of the Council		

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation, by ensuring we comply with legislation and best practice.

TARGETS

The subject matter does not relate to any targets specified in the Corporate Plan.

VALUE FOR MONEY

Helping ensure that the Council discharges its legal responsibilities and does not incur legal costs, fines or civil penalties.

THE REPORT

Health & Safety Service Review

A detailed business case for a shared health and safety manager with Bassetlaw and Mansfield District Councils, and the appointment of an operational health and safety officer for Bolsover was approved by Council on 9th January 2012. This was the first phase of a wider review to look at a full shared service including Bassetlaw, Mansfield, Ashfield and ourselves (as well as other Councils who may be interested). This second phase to be completed by March 2013.

The shared health and safety manager will commence work for the Council from 1st February 2012.

The Council amended the recommendation for the operational health and safety officer post from a permanent appointment, to a 12 month fixed term appointment.

The post was advertised immediately, and we have received 13 applications, 3 of which meet the criteria for the post, and are to be invited to interview. None of these, however, have previous local government experience.

Interviews are scheduled to take place on 21st February 2012. An update will be provided at the meeting.

Animal Control

It was raised at the last Safety Committee to amend the message provided to tenants through the Omfax system as follows:

‘ Failure to comply **will** ~~may~~ result in further action’

Legal advice has been sought on the above change. This being that it would be inappropriate to use the word ‘will’ instead of ‘may’ as this would leave the Council no discretion and could lead (for example) to the Council prosecuting an old lady who had lost control of her dog.

With regard to the question raised as to when the customer is advised of the following message:

As a condition of your Tenancy Agreement you must keep all animals under control and provide a safe working environment for Council Employees at all times.

Failure to comply with the above **may** result in further action being taken against you.

I have been advised by the Head of Customer Service and Performance, that this is read out by Contact Centre employees only in relation to when a housing repair is being booked and is relayed to all customers.

Clearly this provision is also part of the Tenancy Agreement provided by the Housing Department.

Workplace Inspection

For the period of October to December 2011 the following workplace inspections were due to be carried out:

The following have been completed and no major issues which could not be easily resolved were recorded:

- Riverside Depot
- Contact Centres
- Pleasley Vale Mills
- Grouped Dwellings

The following have not been completed in accordance with the schedule:

- Leisure Facilities– Head of Leisure/Facilities Manager to attend Safety Committee to provide an explanation as to why this has not been carried out.
- Shirebrook Market Office – Due to be completed during February 2012. If any issues arise the Building and Contracts Manager will be invited to Safety Committee to discuss.

Training

First aid refresher, 3 courses for 3 employees

Emergency first aid, 5 courses, 5 employees

Lone Worker (Personal Safety) training, 1 course, 5 employees

Improvement Notice Action Plan (Vibration)

Work activity continues to be surveyed for all operatives as before – No further incidents of exposure over the legal maximum ($5\text{ms}^2/400$ points) have been recorded.

The Street Services Manager reports that no further progress has been made on the electronic monitoring equipment, mainly due to the current workload not allowing time to pursue development with suppliers.

It should also be noted that due to work on the Strategic Alliance and the absence of a health and safety officer at Bolsover the depot based safety group has not met to progress the health and safety improvement plan for several months.

Discussions have taken place with the Director of Neighbourhoods and this group will begin to meet again once an operational health and safety officer has been appointed. Regular updates on progress against the improvement plan will be provided from 2012/13 onwards.

HSE Inspection of Waste Services

Following the HSE visit to Bolsover in September 2011, as part of a National Campaign on the Waste Industry, the HSE made a return visit on Tuesday 17 January 2012 to primarily meet with ourselves and H W Martins, our recycling contractor; and undertake an inspection of both their collection and depot arrangements. The HSE advised during their visit that they were happy with the arrangements Bolsover had in place both pre contract and post contract monitoring.

Following their visit they did raise a number of issues they required HW Martin to progress, these were;

Collections

- 1. Driver health checks** - Eye examinations should be completed for all drivers as a minimum.
- 2. Agency PPE** - Contact all agencies to confirm they were supplying and covering costs for temporary staff PPE.
- 3. First aid cover** - Advised to have a minimum of x1 member of staff per vehicle trained in first aid.
- 4. Daily checks** - Ensure daily log clearly lists bin lifting equipment checks.

A.R.C

- 1. Housekeeping in the tipping hall** - Ensure dust masks are worn when sweeping and / or floor is damped down.
- 2. Upright collision protection** - Confirm whether or not the uprights in the tipping area are sufficiently protected / structurally sound to withstand a collision. Structural inspection to be completed in the next 2 weeks.
- 3. Tipping hall lighting** - Replace spent bulbs and repair any damaged lighting throughout tipping hall.
- 4. Asbestos** - Have a new assessment completed (2005 insufficient in content and presentation) is present and ensure all contractors / 3rd parties are notified.

The HSE do not intend to revisit Bolsover or to visit North East Derbyshire as part of this current inspection regime, but will be returning to Martins to ensure progress on the above items.

Policy Reviews

The following policies have been reviewed since the last meeting:

Accident Reporting and Investigation Policy and Procedure

The main change being the inclusion of an accident reporting/investigation flow chart (a copy of which is attached to this report).

Apart from the above changes the policy has only had minor changes relating to personnel.

Due to the proposed introduction of an electronic health and safety management system over the next 12 months, this policy will need to be reviewed more fully to reflect the changes this will entail.

Working Time Policy

This policy has undergone a full review due to changes in working practice since the last review, and to ensure any changes to the Working Time Regulations are incorporated. The policy also has been cross referenced to the Drivers Policy introduced in 2011.

The policy has been subject to consultation with managers and the trade unions since December 2011 and any feedback has been included in the attached draft policy.

Electricity at Work Policy

Members of the Committee will recall at the July Safety Committee that amendments to this Policy were proposed by the trade union side and agreed. The wording agreed at the time was:

7.9 Live Working

Under no circumstances will any work be carried out on live equipment or systems by Council employees.

It has become apparent that some confusion has arisen regarding the difference between live working and live testing. Following consideration of this matter, and for absolute clarity it is proposed that the wording be added as follows:

7.9 Live Working

Under no circumstances will any work be carried out on live equipment or systems by Council employees.

For clarification this ban on live working does not include 'live testing' which is covered under the provisions of paragraph 8.

The above updates to policies are provided for formal consultation and approval.

Legionella - Valley View, Shirebrook, Parkfields, Woburn House, Jubilee Court.

The following update has been provided by the Head of Housing in respect of Valley View:

The works at Valley View are now complete. (Completed before Christmas)

Tender prices have been received for the works at Woburn House Blackwell. These are due to be reported to Executive on the 5th March 2012. Asbestos testing will then commence, hopefully in an empty property. This will establish the extent of the work required and if any alterations are required to the existing drawings. Asbestos may be present in different locations than in Valley View which could result in alterations to the specification.

A Contract will then be requested from Legal Services. When the Contract is received a pre-contract meeting will be arranged and a start date agreed. The works will take between 12 and 16 weeks.

The 'high risks' were Woburn and Valley View - we will look at other schemes as part of next years capital program

Personal Protective Equipment

At the last Safety Committee the following discussion took place regarding the wearing of PPE:

The Chair advised that that there was currently no blanket policy on use of PPE and this was largely the responsibility of individual line managers' to ensure appropriate PPE was used for particular tasks. It was added that use of PPE had been embedded in Street Services and all employees were aware that wearing high visibility clothing was expected at all times. The Chair considered that a blanket rule on the use of PPE for all outside work regardless of the task being undertaken was the most appropriate policy, a view which Members of the Safety Committee fully endorsed.

The Head of Human Resources/Payroll has reviewed the PPE Policy and held discussions with Heads of Service through Extended Management Team.

The PPE Policy (approved by Safety Committee in January 2011) states:-

The Council will provide personal protective equipment when a risk presented by a work activity cannot be adequately controlled by other means. PPE should be regarded as a last resort when controlling risks to employee health. A risk assessment should be carried out to include PPE.

As the discussion at Safety Committee was purely in relation to hi visibility clothing, the following extract from the PPE Policy is provided:

10. HIGH VISIBILITY CLOTHING

All employees working on or adjacent to the highway must as a minimum wear high visibility clothing to BS/EN class B standard for high visibility garments and accessories for use on the highway, and bear the C.E. Mark.

All wet weather clothing issued to employees who work on highways must conform to EN 471 and bear the C.E. Mark.

High visibility clothing must be worn at all times irrespective of weather conditions.

From the Council's policy it is clear that the provision of hi visibility clothing should be based on a risk assessment, rather than a blanket policy. Heads of Service have highlighted the difficulties which would arise from a blanket policy which have been summarised below:

1. Office based employees working outdoors would not wish to be more visible than they already are to the public. An example would be where planning employees have to go out to local sites to deal with planning policy issues which are very controversial at the local level. The Head of Planning has made it quite clear that he would not feel safe wearing a high visibility vest in such circumstances and would not wish to send his staff out to such sites, as this would draw attention to staff, encourage confrontational exchanges and decrease efficiency. This response was not limited to Planning, as similar views were expressed by the Head of Customer Service and Performance and Head of Housing.
2. At Extended Management Team it was pointed out that Internal Audit and CAN Rangers carry out covert surveillance. In these circumstances hi visibility clothing would be unacceptable.
3. If all employees going out on site were required to wear hi visibility clothing, this would significantly increase the cost to the Council. Whilst this is not the primary reason for not having a blanket policy, it needs to be considered in view of the savings the Council needs to make over the next few years.

In view of the above examples, it is considered that the current PPE Policy should not be amended. However, all Heads of Service have been reminded of the need to provide PPE based on a risk assessment of the activities being carried out, and ensure that where this is provided it is worn by employees.

IMPLICATIONS

Financial: No direct financial implications or additional commitments

Legal: None

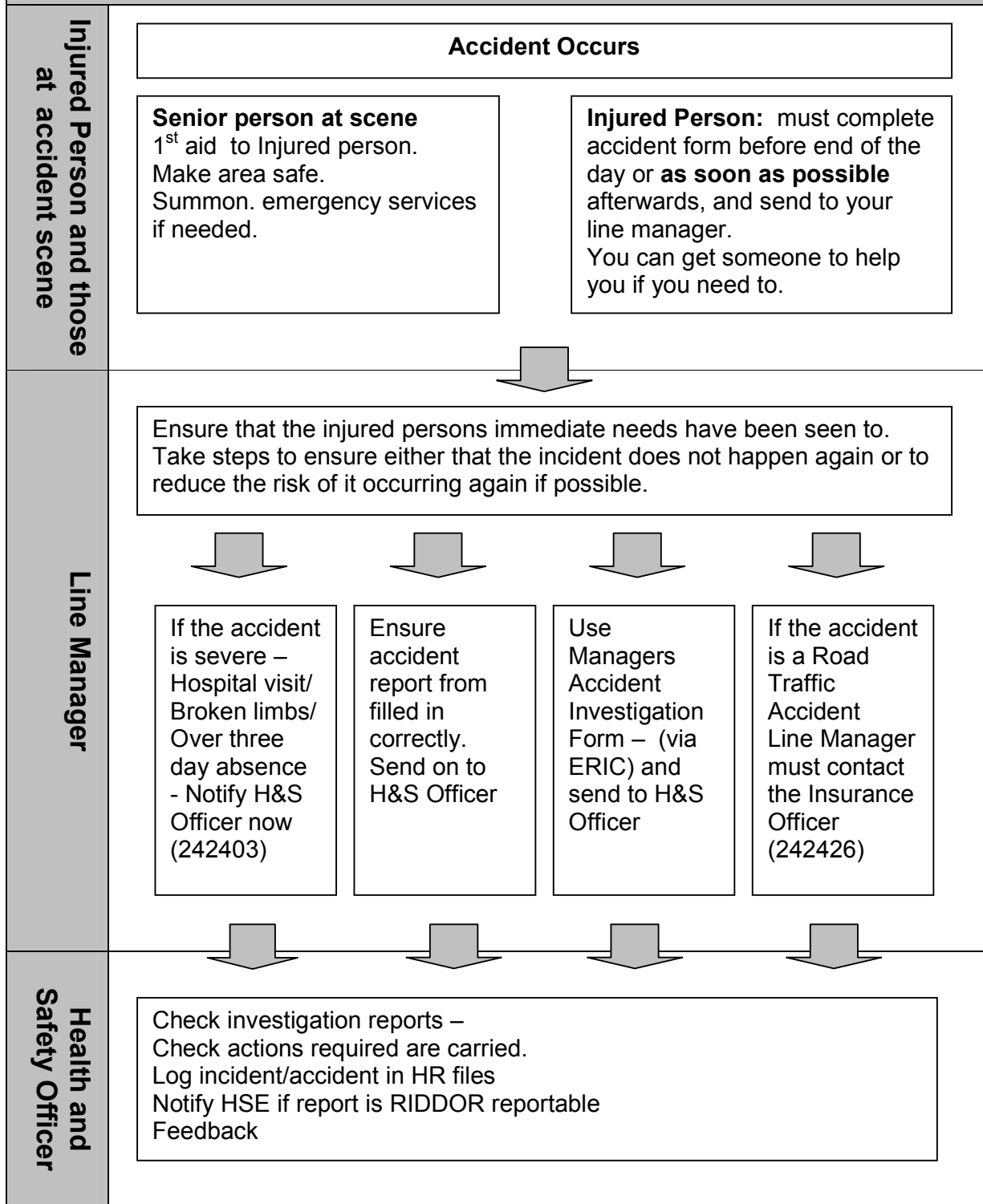
Human Resources: No direct implications

RECOMMENDATIONS

1. **Various updates within the report are noted.**
2. **Changes to Accident Reporting/Investigation Policy as outlined are considered.**
3. **The revised Working Time Policy is considered.**
4. **Clarification of the Electricity at Work Policy is considered.**
5. **The Accident Reporting/Investigation Policy, the Working Time Policy and the Electricity at Work Policy be approved by Safety Committee and the policies updated and placed on ERIC.**

ATTACHMENT: Yes (2) – Accident Reporting/Investigation Flow Chart and Working Time Policy

Accident Investigation Flowchart



BOLSOVER DISTRICT COUNCIL DRAFT WORKING TIME POLICY January 2012



This Policy addresses the following Corporate Aims



COMMUNITY
SAFETY



CUSTOMER &
RESIDENT SERVICES



ENVIRONMENT



REGENERATION



SOCIAL INCLUSION



ECONOMIC DEVELOPMENT
& JOBS

ACCESS FOR ALL

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اگر آپ کو یہ دستاویز سمجھنے میں مدد کی ضرورت ہو یا یہ بڑے حروف یا ترجمہ کی شکل میں درکار ہو تو برائے مہربانی اس صفحے کے آخر میں دیے گئے نمبر پر ہم سے رابطہ کریں۔

 **01246 242430 Department: Human Resources/Payroll**

Minicom: 01246 242450 Fax: 01246 242423

Website: www.bolsover.gov.uk

CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Working Time Policy
Document type – i.e. draft or final version	Draft
Location of Policy	Human Resources & ERIC
Author of Policy	Health and Safety Officer
Member route for Approval & Cabinet Member concerned	Cllr. E. Watts, Leader
Date Risk Assessment completed	22 April 2011
Date Equality Impact Assessment approved	July 2011
Partnership Involvement (if applicable)	Nil
Policy Approved by	Council
Date Approved	
Policy Review Date	3 years from approval date
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	

CONTENTS

- 1 Introduction
- 2 Scope
- 3 Principles of the Policy
- 4 Policy Statement
- 5 Responsibility for Implementation of the Policy

POLICY

1. Introduction

The Working Time Regulations are a health and safety at work measure implementing the European Working Time Directive. The Regulations include basic entitlements and limitations concerning the organisation of working time. The Council supports the implementation of the Regulations as part of its general obligations to ensure the health and safety of all employees. This Policy Statement has been agreed with the relevant recognised Trade Unions, which are UNISON and UNITE.

2. Scope of the Policy

This policy applies to all employees (as defined under the Regulations) who have a contract with the Council.

It excludes Agency Workers, Contractors, Elected Members and those who are self-employed.

The Regulations provide the following minimum standards:-

- A limit of an average 48 working hours per week (over a 17 week averaging period) that an employee can be required to work;
- A right to a rest break of at least 20 minutes during a working day of 6 hours or more;
- A right to 11 consecutive hours rest per day;
- A right to a full 24 hour rest period each week;
- A limit of an average 8 hours work in any 24 hours which night workers can be required to work;
- A right to free health assessments for night workers;
- A right to 28 days paid leave per year (inclusive of bank holidays);

An employer can reach local agreements in respect of the above minimum standards and this document outlines the Council's position on the Working Time Regulations together with those areas that have been agreed with the trade union. Separate standards are applied to those driving Council vehicles over 3.5 tonnes. Further details are available in the Driving at Work Policy.

3. Principles of the Policy

3.1 48 Hour Working Week Reference Periods

The standard 17 week rolling reference period for calculation of the 48 hour working week applies to all employees who have hours specified in their contract of employment which are 37 or less.

Chief Officers have a notional working week and are exempt from these provisions. However, monitoring will take place with their line manager to ensure that their working hours are not detrimental to their health and well being.

Secondary Employment

Employees will be asked to inform the Council when they have secondary employment elsewhere (paid or unpaid). The Council is keen that employees who have other jobs elsewhere declare their hours of employment. This is to enable the Council to meet its health and safety obligations under the Working Time Regulations and other legislation. Casual employees working on Election Day duties are exempt from this provision.

Opt Out Agreements

The Working Time Regulations allows employees to sign an 'opt out' agreement if they voluntarily wish to work more than 48 hours. Whilst the Council discourages the use of opt out agreements, it will provide these for the employee to sign if requested to do so.

This 'opt out' agreement will only be valid in respect of the 48 hour working week, and cannot be used to opt out of the daily and weekly rest breaks provided for by the Regulations (except occasionally and where compensatory rest is provided within a two week period).

Employees are able to cancel their 'opt out' agreement by providing one calendar month's notice.

3.2 Rest Break (During Working Day)

The 'in work' rest break will be increased to 30 minutes consecutive rest break during a 6 hour working day.

3.3 Daily Rest Break

Where the 11 hours consecutive daily rest cannot be provided, due to the needs of the service, between one work shift and the next, compensatory rest will be provided within two weeks of the date on which it has not been possible to grant the 11 hours consecutive rest.

This policy agrees that all employees subject to 'call-out' arrangements will be excluded from the entitlement to 11 hours' consecutive rest. Compensatory rest will be provided wherever possible.

3.4 Weekly Rest Break

Where the 24 hour consecutive rest period per week cannot be provided, due to the needs of the service, compensatory rest will be provided within two weeks of the date on which it has not been possible to grant the 24 hours consecutive rest.

3.5 Night Workers

For the purpose of this policy, night-time will be midnight to 5 am. The reference period for calculating who night workers is 17 weeks.

Night workers are employees who work at least three hours of their daily working time during night time. The Council employs only one group of employees who fall within the definition of night workers, i.e. Central Control Operators.

Central Control Operators will be asked to complete a medical questionnaire each year by the Human Resources Team. This questionnaire will be considered by the occupational health contractor.

Where an employee has a health condition that is aggravated by night work, he or she will be offered a transfer to day work where possible. Where this is not possible, the employee will be subject to the Re-deployment/Early Retirement Procedure.

3.6 Annual Leave

The annual leave provisions are set out in the Council's Pay Agreement and Leave Guidelines. These provisions exceed those in the Working Time Regulations.

4. Responsibility for Implementing the Policy

Chief Executive Officer

The Chief Executive Officer is responsible for ensuring that there are effective measures in operation to protect employees' entitlements and limitations concerning the organisation of working time.

Directors

Directors are accountable to the Chief Executive Officer for the operations and activities carried out within their areas of responsibility and for ensuring that effective arrangements are in place to protect employees' entitlements and limitations concerning the organisation of working time. Specifically they will ensure:

- Compliance with the Working Time Regulations within their Directorate
- Managers in their area are aware of, accept and carry out their duties under the policy.

Management

- Each Head of Service will be responsible for ensuring this policy is applied in his/her department and to ensure that their employees are aware of this policy.
- Ensure line managers monitor the working hours of their employees and investigate any potential or actual breaches of the Regulations, taking the necessary action to correct this.

- Where employees have more than one job, they should ensure this secondary employment has been registered with the HR Team, and then monitoring the working hours as stated above, to ensure that any secondary employment conditions are being complied with.

All Employees

Individuals at **all** levels have a responsibility to take care of their own and others Health and Safety in complying with the Working Time Regulations and the provisions set out in this Policy:

- Co-operate with the requirements of the Policy.
- Report any non-compliance with the Policy.
- Report any secondary employment to the HR Team.

Head of Human Resources and Payroll

The Head of Human Resources will:

- Ensure that the policy is maintained in line with legislation and reviewed at least every three years.
- Ensure that there is an adequate health surveillance system in place to identify the effects of night working on our employees and those entering our employment
- Consult with trade unions on the effectiveness of the policy, its implementation, review and revision.

Health and Safety Officer

The Health and Safety Officer in Human Resources will assist managers and employees in carrying out their roles under this policy by:-

- Ensure night workers are subject to appropriate health surveillance.
- Advising on the implementation of control measures and risk assessment.
- Providing additional information and professional support.
- Monitoring the implementation of the policy within departments.
- Reviewing the Working Time Policy in line with legislation and at least every three years.

SAFETY COMMITTEE

AGENDA

Friday 2nd March 2012 at 1000 hours
Committee Room One

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any personal or prejudicial interests in respect of:- a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 4 th November 2011.	3 to 8
5.	Amendment to Terms of Reference Recommendation on Page 10	9 to 14
6.	Sickness Absence/Occupational Health Statistics October to December 2011. Recommendation on Page 17	15 to 18
7.	General Health and Safety Report. Recommendation on Page 25	19 to 34
	PART 2 – EXEMPT ITEMS <i>The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a</i> <u>Paragraph 2</u>	
8.	Accident and Stress Statistics October to December 2011 Recommendation on Page 37	35 to 41