

# Torbay Council Occupational Health and Safety (OHS) Management System

## Health and Safety Policy Part 2: Responsibilities for Health and Safety

|                           |   |
|---------------------------|---|
| <b>Document Number:</b>   | TC-OHS-DIR-POLICY-002   |
| <b>Document Title:</b>    | Health and Safety Policy Part 2: Responsibilities for Health and Safety |
| <b>Document Co-Owner:</b> | Anne-Marie Bond (Chief Executive Officer)                               |
| <b>Document Co-Owner:</b> | Cllr David Thomas   |
| <b>Document Author:</b>   | Giles Watson, Corporate Health and Safety Officer                       |
| <b>Date Produced:</b>     | 15 <sup>th</sup> March 2021   |
| <b>Date Approved:</b>     | 26 <sup>th</sup> June 2025  |
| <b>Document Version:</b>  | V 4.0   |
| <b>Document Review:</b>   | June 2026   |

This document can be made available in other languages and formats.

For more information please contact 01803 208025

## Contents

|  |    |
|--|----|
| Version Control.....   | 3  |
| 1. Introduction .....  | 4  |
| 2. Definitions .....   | 4  |
| 3. Organisational Structure.....   | 5  |
| 4. Responsibility for Health and Safety .....  | 5  |
| 4.1 Chief Executive Officer, Director Responsible for Health and Safety, Directors and<br>Divisional Directors.....        | 5  |
| 4.2 Elected Members .....  | 7  |
| 4.3 Corporate Health and Safety Department - Internal.....   | 7  |
| 4.4 Trade Union Health and Safety Representatives .....  | 7  |
| 4.5 Heads of Departments and Managers .....  | 7  |
| 4.6 Supervisors / Team Leaders .....   | 9  |
| 4.7 Contractors .....  | 10 |
| 4.8 Employees (including full / part time, Agency, Work Experience, Councillors / Elected<br>Members and Volunteers) ..... | 11 |
| 4.9 Torbay Council Maintained Schools.....   | 12 |

## Version Control

| Date                        | Details   | Updated by                          |
|-----------------------------|---|-------------------------------------|
| 15 <sup>th</sup> March 2021 | V 1 Policy to meet legal requirements   | Corporate Health and Safety Officer |
| 23 <sup>rd</sup> May 2022   | V 2 Annual review. Inclusion of Councillors / Elected Members (Employee section). Consultation withdrawn.                     | Corporate Health and Safety Officer |
| 26 <sup>th</sup> July 2023  | V 3 Annual review. Director of Corporate Services update, Inclusion of Maintained Schools. Consultation participants updated. | Corporate Health and Safety Officer |
| 4 <sup>th</sup> August 2023 | V 3.1 Minor amendments following communication process.   | Corporate Health and Safety Officer |
| January 2025                | V 4 Annual review. Section numbering added and formatted. Assure Health and Safety Portal updated.                            | Corporate Health and Safety Officer |

In consultation with and date:

|  |            |
|--|------------|
| Health and Safety Team                       | 17/01/2025 |
| Director of Corporate Services               | 17/01/2025 |
| Data Protection Officer                      | 27/01/2025 |
| Governance Support                           | 27/01/2025 |
| Insurance Manager                            | 27/01/2025 |
| Human Resources                              | 27/01/2025 |
| Policy, Performance and Community Engagement | 27/01/2025 |
| Procurement Department                       | 27/01/2025 |
| Senior Leadership Team                       | 27/01/2025 |
| Asset Management Team                        | 27/01/2025 |
| Health and Safety Working Group              | 10/02/2025 |
| Joint Consultative Committee                 | 21/03/2025 |
| Chief Executive Officer                      | 16/04/2025 |
| Leader of the Council                        | 16/04/2025 |

# 1. Introduction

Health and safety management is the responsibility of all employees, including relevant school employees, of Torbay Council and is a joint responsibility with contractors. It is the responsibility of the Chief Executive Officer, Director Responsible for Health and Safety, Council (Elected) Members, Senior Leadership Team, Managers and Supervisors / Team Leaders to ensure that all employees and contractors are properly equipped, trained and motivated in order to ensure high health and safety standards at work and hazards / near misses / incidents / accidents (including violence aggression and threatening behaviour incidents, Occupational Health incidents etc) are reported to the Health and Safety Team (via the [Torbay Council Health & Safety Portal \(Assure\)](#)).

# 2. Definitions

- Employees: persons directly employed and / or volunteers who undertake work on behalf of the organisation either on a full-time or part-time basis, including agency and / or work experience workers and those self-employed persons who undertake work on behalf of the organisation e.g. Elected Members.
- Contractors: persons who work for Torbay Council but who are not direct employees. The term 'contractor' is understood to include all associated sub-contractors.
- Safety Representatives; appointed Trade Union Health and Safety Representatives.

### 3. Organisational Structure

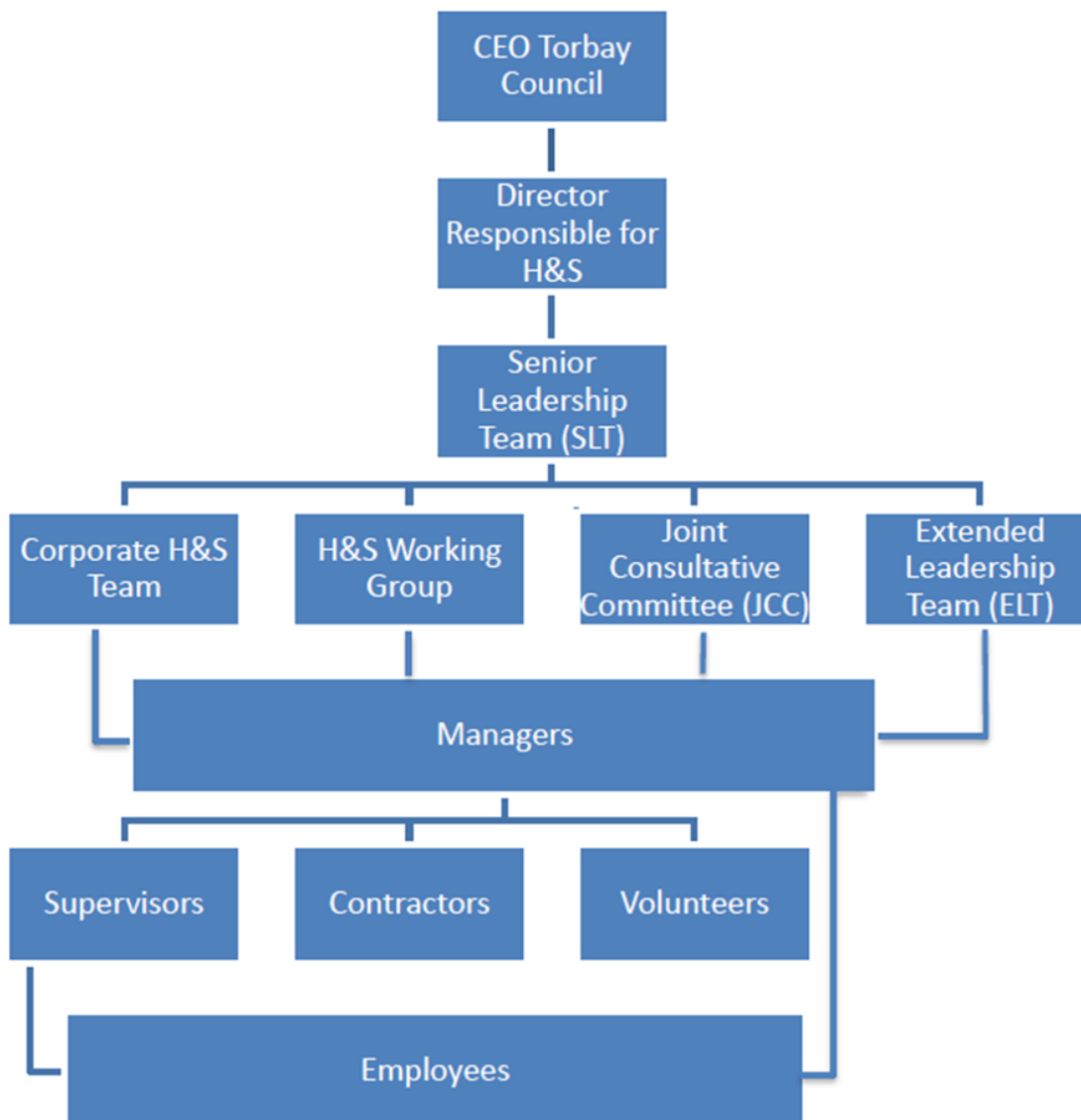


Figure 1 Torbay Council organisational structure

### 4. Responsibility for Health and Safety

#### 4.1 Chief Executive Officer, Director Responsible for Health and Safety, Directors and Divisional Directors

The Chief Executive Officer has overall accountability for the health, safety and welfare of all Torbay Council employees and compliance of all legal duties imposed on him / her, as the Employer, by relevant legislation.

In recognition of the legal duties imposed upon him / her the Chief Executive Officer shall delegate to the Director Responsible for Health and Safety (Director of Corporate Services) who shall:

- Understand the main requirements of the Health and Safety at Work, etc. Act 1974.

- Ensure that every aspect of health and safety and its implications are given due consideration in all executive decisions.
- Set, monitor and review the effectiveness of the health and safety policy, ensuring that it meets current legislative requirements and accurately reflects organisational activities.
- Ensure adequate resources are available to implement the health and safety policy and to enable legal and moral obligations to be met.
- Seek advice, as and when appropriate, on health and safety issues.
- Ensure that all new employees receive adequate induction training as soon as is reasonably practicable after joining Torbay Council.
- Ensure all employees receive suitable information, instruction, and training and, where appropriate, supervision to assure their competence for the work they are to undertake.
- Ensure that all plant, equipment and materials are safe and suitable for the work for which they are to be used.
- Ensure that suitable and sufficient risk assessments are undertaken to identify and implement suitable and sufficient control measures required to eliminate, reduce or control the risk of harm occurring to employees or others who may be affected by the activity.
- Ensure that risk assessments are effectively communicated to others who may be affected by activities.
- Ensure employees are provided with Personal Protective Equipment (PPE) as identified by risk assessments. And ensure relevant employees are trained in the use and maintenance of PPE.
- In respect of hazardous substances, ensure that appropriate information is available to enable suitable assessment of the process to be conducted.
- Ensure that hazards / near misses / incidents / Occupational Health incidents / accidents are recorded.
- Ensure that all injuries, diseases, dangerous occurrences and significant near misses involving employees and those involving other persons on Torbay Council property are investigated and, where appropriate, reported as required under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.
- Maintain effective communication routes to ensure employees are aware of the health and safety policy and other health and safety matters as they arise.
- Ensure maintenance of registers and records as required by current, relevant, legislation.
- Ensure that health and safety management is periodically audited to ensure that high standards of health and safety performance are being maintained and to identify areas where improvements are to be made.

Take immediate action in respect of:

- Prohibition and improvement notices.
- Matters of complaint by Health and Safety Executive (HSE) Inspectors.
- Concerns raised by employees or others, regarding health and safety standards.
- Incidents and accidents involving Torbay Council employees and other persons on Torbay Council sites.

In recognition of the legal duties imposed under the Construction (Design & Management) Regulations 2015, for projects where Torbay Council is the Client, the Director Responsible for

Health and Safety shall ensure that suitable arrangements are made for managing a project, including the allocation of sufficient time and other resources.

## 4.2 Elected Members

Elected Members, while undertaking Torbay Council duties, are covered by this policy in the same way as employees. Whilst they are elected by the public and are not employed by the Council, the Council has a responsibility for the health and safety of all Members whilst they conduct Torbay Council duties, and they in turn must ensure that they work in a safe way and in accordance with the health and safety policy and consider health and safety within their decision making process.

## 4.3 Corporate Health and Safety Department - Internal

Torbay Council has a competent and qualified internal Health and Safety Department responsible for the provision and dissemination of advice and information to organisational employees. The Health and Safety Department provides support to Managers / Line Managers and ensures effective implementation of the health and safety policy, associated policies and procedures by means of regular reviews and monitoring of workplace activities.

The Corporate Health and Safety Department shall:

- Maintain close contact with the Health and Safety Executive (HSE), and any appointed health and safety consultants / advisors and / or other organisations from whom information may be obtained regarding health and safety matters.
- Ensure that Torbay Council is aware of statutory obligations and recommended approved codes of practice by interpreting and keeping management and employees informed of new and developing legislation, government advice and other standards.
- Provide guidance notes and health and safety briefings to Senior Leadership Team and other employees.
- Assist in identifying appropriate training (in-house or external).
- Provide core health and safety training courses to ensure employees competency.
- Attend meetings where health and safety input is required.
- Collate and analyse hazard / near miss / incident / accident information / data and provide advice on trends and action areas.
- Conduct incident / accident investigations, as required, and report as required.
- Undertake other such related duties as may be directed.

The internal Corporate Health and Safety team can be contacted by telephone 01803 208293 or Email: [healthandsafety@torbay.gov.uk](mailto:healthandsafety@torbay.gov.uk)

## 4.4 Trade Union Health and Safety Representatives

Torbay Council recognises Trade Union's Safety Representatives, their appointment and training. Health and safety issues raised by relevant Safety Representatives are dealt with as and when required by contacting the Health and Safety Department or Head of Human Resources (HR). Formal consultation on health and safety matters with relevant Trade Unions is conducted via the Corporate Torbay Joint Consultative Committee.

## 4.5 Heads of Departments and Managers

Managers are responsible for ensuring that the provisions of the Health and Safety at Work, etc. Act 1974, associated regulations and organisational policies are observed within their area of responsibility. Authority is delegated to Managers to oversee and enforce the implementation of Torbay Council health and safety policies throughout organisational operations. Managers' report through their Line Management to the Director Responsible for Health and Safety.

Managers shall:

- Ensure that Torbay Councils health and safety policy and associated policies are effectively communicated to the personnel under their control. The communication process should be documented.
- Ensure that employees comply with all relevant policies.
- Establish and maintain high standards of health and safety performance within their area of responsibility.
- Actively promote a positive health and safety culture throughout the organisation, amongst all employees.
- Ensure a safe working environment with safe access and egress at all times.
- Ensure safe working practices are observed.
- Develop, implement, record, communicate and monitor the effectiveness of workplace arrangements, allocate necessary resources for health and safety management within their area of responsibility.
- Ensure that suitable and sufficient risk assessments have been undertaken for work activities within their area of responsibility.
- Ensure department risk assessments are effectively communicated to the personnel under their control. The communication process should be documented.
- Ensure employees are provided with Personal Protective Equipment (PPE) as identified by risk assessments. And ensure relevant employees are trained in the use and maintenance of PPE.
- Ensure PPE records are kept to evidence employees being provided with PPE and relevant training.
- In respect of hazardous substances, ensure that appropriate information is available to enable suitable assessment of the process to be conducted.
- Ensure health and safety monitoring / inspections are conducted in accordance with the workplace arrangements.
- Ensure that personnel under their control are adequately inducted, trained (including online training and refresher training), instructed and informed in a communication style that meets the needs of all individuals, taking into account any reasonable adjustments that may be required.
- Ensure there are appropriate lone working / working out of hours procedures within the service area, which all relevant employees are aware of.
- Ensure that appropriate equipment is available and maintained in a safe condition.
- Ensure that all reported hazards / near misses / incidents / accidents (including violence aggression and threatening behaviour incidents, Occupational Health incidents etc) are reported to the Health and Safety Team (via the Assure Health & Safety Portal) and are appropriately investigated.
- Maintain all relevant health and safety registers, records and documentation, as required by current legislation.

- Conduct routine, documented, health and safety inspections of working areas, plant and equipment to identify inadequacies in health and safety standards and to initiate remedial action.
- Immediately bring to the attention of the Director Responsible for Health and Safety through their Line Manager, matters relating to health and safety standards or performance.
- Ensure personnel at all work locations are fully aware of potential hazards as identified by employee reports, risk assessments, inspections, safety audits, accident reports and near misses.
- Communicate health and safety matters to employees and contractors via induction training, toolbox talks and / or briefings. The communication process should be documented.
- Maintain their competency by attending relevant health and safety training, including refresher training as required.

#### 4.6 Supervisors / Team Leaders

Supervisors (including Team Leaders) are responsible for ensuring that the provisions of the Health and Safety at Work, etc. Act 1974, associated regulations and organisational policies are observed within their area of responsibility. Authority is delegated to Supervisors to oversee and enforce the implementation of the health and safety policy in the workplace. Supervisors report to Managers.

Supervisors / Team Leaders shall:

- Understand Torbay Councils health and safety policies.
- Ensure employees understand and comply with all relevant health and safety policies.
- Ensure high standards of health and safety performance are maintained within their area of responsibility.
- Actively promote a positive health and safety culture throughout the organisation and amongst all employees.
- Ensure a safe working environment within their area of responsibility with safe access and egress at all times.
- Ensure safe working practices are observed at all times.
- Ensure that suitable and sufficient risk assessments have been undertaken for work activities within their area of responsibility. Participate in the risk assessment process, if required.
- Ensure department risk assessments are effectively communicated to the personnel under their control. The communication process should be documented.
- Ensure employees are provided with Personal Protective Equipment (PPE) as identified by risk assessments. And ensure relevant employees are trained in the use and maintenance of PPE.
- Ensure PPE records are kept to evidence employees being provided with PPE and relevant training.
- In respect of hazardous substances, ensure that appropriate information is available to enable suitable assessment of the process to be conducted.
- Ensure that personnel under their control are adequately inducted, trained, instructed and informed in a communication style that meets the needs of all individuals, taking into account any reasonable adjustments that may be required. The communication process should be documented.

- Maintain all relevant health and safety registers, records and documentation as required by current legislation.
- Carry out routine, documented, health and safety inspections of workplaces, facilities, plant, machinery and equipment so as to maintain health and safety standards and to initiate remedial action.
- Immediately bring to the Managers attention matters relating to health and safety standards or performance.
- Advise and support clients, contractors, etc. and their safety officers on matters relating to the health and safety policy and relevant legislation.
- Ensure personnel within their area of responsibility are fully aware of potential hazards as identified by employee reports, risk assessments, inspections, safety audits, accident reports and near misses.
- Ensure that there are appropriate lone working / working out of hours procedures within the service area, which all employees are aware of.
- Ensure hazards / near misses / incidents / Occupational Health incident / accidents are reported, via the Torbay Council Health & Safety Portal (Assure) as soon as practicable.
- Communicate health and safety matters to employees via induction training, toolbox talks and / or staff / team meetings and briefings. The communication process should be documented.
- Maintain their competency by attending relevant health and safety training, including refresher training as required.

#### 4.7 Contractors

All contractors who undertake work on behalf of Torbay Council have legal duties under health, safety and welfare legislation while at work to ensure the health and safety of themselves and others that may be affected by their acts or omissions.

In recognition of the legal duties imposed upon them, all contractors who undertake work on behalf of Torbay Council shall:

- Cooperate with the Director Responsible for Health and Safety, Managers, Supervisors / Team Leaders, Corporate Health and Safety Department and their own Employer to enable them to comply with their legal duties.
- Comply with ALL requirements of Torbay Councils Health and Safety Policies and other rules and procedures in place, including any health and safety / local induction training.
- Not intentionally or recklessly interfere with or misuse anything provided in the interests of health and safety.
- Actively promote a positive health and safety culture.
- Only undertake work for which they have been trained and are qualified and competent to undertake.
- Ensure that risk assessments and method statements relating to their work are presented to the appropriate commissioning manager prior to the commencement of work (if they are not following the Safe System of Work provided by Torbay Council).
- Not undertake an activity until a suitable and sufficient assessment has been conducted by a competent person and the results communicated to them and others who may be affected by the activity.

- High risk work activities (e.g. hot work) shall have an additional control measure via a Permit to Work system, prior to the works commencing (see Arrangements for Health and Safety).
- When on Torbay Council premises / land, follow all organisational health and safety rules and procedures.
- Use and maintain in a serviceable condition all plant and equipment.
- Use and maintain in accordance with instructions and training given and report the loss or defect of all personal protective equipment provided by Torbay Council and / or their own employer.
- Make themselves aware of all Torbay Council first aid, fire and emergency procedures.
- Raise all matters of concern relating to health and safety as they arise to the appropriate responsible person.
- Ensure all hazards / near misses / incidents / ill health / accidents are reported to the appropriate responsible person on site to ensure an appropriate investigation can be undertaken.

#### 4.8 Employees (including full / part time, Agency, Work Experience, Councillors / Elected Members and Volunteers)

All Torbay Council employees have legal duties under health, safety and welfare legislation while at work to ensure their personal safety and that of others who may be affected by their acts or omissions.

In recognition of the legal duties imposed upon them, all employees shall:

- Cooperate with the Director Responsible for Health and Safety, Managers, Supervisors / Team Leaders and the Corporate Health and Safety Department to enable legal duties to be met.
- Comply with ALL requirements of the organisational Health and Safety Policy and associated policies, relevant risk assessments, processes and procedures.
- Not intentionally or recklessly interfere with, or misuse anything, provided for the interests of health and safety.
- Actively promote a positive health and safety culture throughout the organisation.
- Only undertake work for which they have been trained and are authorised, qualified and competent to undertake.
- Not undertake an activity until a suitable and sufficient assessment has been conducted by a competent person and the results communicated to them and others who may be affected by the activity and conduct work / tasks in accordance with the risk assessment.
- Use and maintain in a serviceable condition all plant, machinery and equipment in accordance with the training provided.
- Use and maintain PPE in accordance with instructions and training given and report the loss or defect of all PPE.
- Make themselves aware of all workplace first aid, fire and emergency procedures.
- Raise all matters of concern relating to health and safety as they arise to the appropriate responsible person (Supervisor / Line Manager).
- Ensure all hazards / near misses / incidents / Occupational Health incident / accidents are entered on the Assure Health and Safety Portal or via suitable departmental arrangements if they do not have access to the system.

- Maintain their competency by attending relevant health and safety training, including refresher training as required.
- Ensure all hazards / near misses / incidents / Occupational Health incident / accidents are reported to the appropriate responsible person on site to ensure appropriate investigation can be undertaken.
- Inform their Line Manager of any new or existing health condition that may affect their ability to undertake the work safely.

#### 4.9 Torbay Council Maintained Schools

In accordance with the Torbay Council Scheme for Financing Primary, Secondary and Special Schools The School Governing Bodies:

- Shall have due regard to health and safety including compliance with Torbay Council's policy on health and safety matters when managing community facilities. Torbay Council may issue directions to the governing body of community, community special or voluntary controlled schools on health and safety matters for the community facility.
- Are required to adopt Torbay Council's Policy on Health and Safety, as set out in Torbay Council's Health & Safety Policy and Statement of Arrangements, and where that policy does not cover all circumstances fully, Governing Bodies shall establish local policies consistent with Torbay Council's approach to managing Health & Safety.
- Are required to ensure that their statements of safety policy adequately cover the responsibilities of Governors.