



Please ask for Emily Taylor
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The Chair and Members of
Employment and General Committee

10 November 2023

Dear Councillor,

Please attend a meeting of the EMPLOYMENT AND GENERAL COMMITTEE to be held on MONDAY, 20 NOVEMBER 2023 at 10.00 am in Committee Room 2, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to Items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 6)
4. Christmas/New Year Discretionary Day 2023 (Pages 7 - 8)
5. Respiratory Protective Equipment Policy Update (Pages 9 - 32)
6. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act".

Part 2 (Non Public Information)

7. Minutes of the Employer Trade Union Committee (Pages 33 - 64)
8. Minutes of the Council Health and Safety Committee (Pages 65 - 90)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Head of Regulatory Law and Monitoring Officer

EMPLOYMENT AND GENERAL COMMITTEE

Monday, 30th January, 2023

Present:-

Councillor T Murphy (Chair)

Councillors Davenport

Councillors K Falconer

*Matters dealt with under the Delegation Scheme

18 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

19 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

20 **MINUTES**

***RESOLVED –**

That the Minutes of the meeting of the Employment and General Committee on 28 November, 2022 be approved as a correct record and signed by the Chair.

21 **CALCULATION OF THE TAX BASE 2023/24**

The Service Director for Finance presented a report seeking approval of the Tax Base calculation for 2023/24. It was noted that this would fulfil a statutory requirement and enable the Council Tax to be set later in the financial year.

The Local Authorities (Calculation of Tax Base) Regulations 1992 (as amended) required the Borough Council as Billing authority to calculate

the Tax Base for the Borough and the Parishes and to notify the Major Precepting Authorities (Derbyshire County Council and Derbyshire Police Authority), and those Parishes which request it, by 31st January each year.

The regulations, mentioned at paragraph 4.1 of the officer's report, prescribed the method of calculating the Tax Base, and the statements at Appendices A, B, C and D showed the Council's Tax Base calculation for the Whole Area, Chesterfield's non-parished areas, Staveley Town Council and Brimington Parish Council respectively.

The overall Tax Base for 2023/24 at 30,222.43 (Appendix A) showed an increase of 364.31 or 1.2% on the 2022/23 Tax Base of 29,858.12.

The Service Director also recommended that the calculation of the Council's Tax Base, as detailed in the 2023/24 Tax Base table in the report, be approved for the whole and parts of the area for 2023/24.

***RESOLVED –**

That the report for the calculation of the Council's Tax base for the whole and parts of the area for 2023/24 be approved.

22 NON-DOMESTIC RATE ESTIMATES 2023/24

The Service Director for Finance provided the committee with a verbal update on the National Non-Domestic Rates (NNDR).

It was stated that whilst there was no constitutional requirement to present a report to the committee, once the NNDR was agreed the Director of Finance would provide a further update to committee members.

***RESOLVED –**

That the update be noted.

23 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC**RESOLVED –**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

24 MINUTES OF THE EMPLOYER TRADE UNION COMMITTEE

The Minutes of the meetings of the Employer/Trade Union Committee held on 14 November and 12 December, 2022 were considered.

RESOLVED –

That the Minutes be received and noted.

25 MINUTES OF THE COUNCIL HEALTH AND SAFETY COMMITTEE

The Minutes of the meeting of the Council Health and Safety Committee held on 16 November, 2022 were considered.

RESOLVED –

That the Minutes be received and noted.

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AGENDA ITEM

CHRISTMAS / NEW YEAR DISCRETIONARY DAY

MEETING: Employment and General Committee

DATE: 20 November 2023

REPORT BY: Head of HR, payroll and support services.

1.0 Purpose of Report

1.1 To decide the discretionary day for Christmas/New Year 2023/24.

2.0 Background

2.1 At Council Minute No 577 (2001/2) under 'Annual Leave Entitlement' it was resolved that the discretionary day for Christmas/New Year be resolved each January for that year. At the CJCC in January 2004 it was resolved to decide the Christmas/New Year discretionary day at the preceding year's October CJCC. If there is an isolated day during any Christmas/New Year period, the discretionary day is to be used there.

3.0 Report

3.1 Christmas/New Year dates for 2023/24 are:

	DATE/ CLOSURE
CHRISTMAS DAY	25 DECEMBER 2023 (MONDAY)
BOXING DAY	26 DECEMBER 2023 (TUESDAY)
NEW YEARS DAY	1 JANUARY 2024 (MONDAY)

3.2 Options for Discretionary Day 2023/24:

There is no isolated day during this Christmas period. There are three potential options for the discretionary day:-

1. Friday 22 December 2023

2. Wednesday 27 December 2023

3. Tuesday 2 January 2024

3.3 A poll was conducted on aspire and 77% of respondents expressed a preference for Wednesday 27th December 2023.

3.4 This date will be applied across most council services unless it is decided different operational needs take priority e.g. in Venues or Leisure.

3.5 This date has been considered and approved at Employer Trade Union Committee on 13th November 2023.

4.0 Recommendation

4.1 It is recommended that the discretionary day for 2023/24 is approved as option 2 (27th December 2023) for all staff as this is the preferred option by staff.

For publication

Respiratory Protective Equipment Policy

Meeting:	Employer Trade Union Committee Health and safety Committee Employment and General Committee
Date:	18 September 2023 08 November 2023 20 November 2023
Cabinet portfolio:	Governance
Directorate:	Digital, Human Resources and Customer Services
For publication	

1.0 Purpose of the report

1.1 This report sets out proposed changes to the Council's policy for the use of Respiratory Protective Equipment (RPE).

2.0 Recommendations

2.1 The Council's Employment and General Committee is asked to approve the updated Respiratory Protective Equipment (RPE) Policy 2023 - 2027.

3.0 Reason for recommendations

3.1 The RPE policy has been revised and updated to reflect the Council's changed policy position on the use of respiratory protective equipment. This will enable operational procedures to be enhanced for the benefit of employees.

4.0 Report details

4.1 In 2022, the Council approved a Respiratory Protective Equipment Policy (RPE) which required all operatives to be face fitted. At the time of adoption, the policy did not enable the use of air fed hoods as an alternative form of respiratory protection on tasks which involved any asbestos containing materials, due to concerns relating to cleaning and

safe storage of equipment. Consequently, all staff needing to use respiratory protective equipment were required to use tight fitting masks and be clean shaven.

- 4.2 The Council has continued to work closely with suppliers, Trade Union colleagues, management and safety representatives to improve operational processes and procedures. The use of air fed hoods can be enabled safely on tasks which involve asbestos containing material and this means that operatives do not need to be clean shaven when using this alternative type of safety equipment.
- 4.3 Minor changes to the previously approved Respiratory Protective Equipment policy have been made to reflect these changes.
- 4.4 In addition, in circumstances where face fit masks are required, the policy has been updated to increase the length of time before which a periodic review of face fitting must be undertaken. HSE guidance (INDG479 – guidance of fit testing) and further research has confirmed that a period of 24 months is not unreasonable for a periodic review to be undertaken, unless other review factors trigger the need for an earlier review. The policy has therefore been updated to reflect this extended period, streamlining the administrative cycle from 12 to 24 months. The updated policy is attached at Appendix A to this report.

Consultation

- 4.5 The Council has consulted with Trade Union colleagues and officers in the development of the revised RPE Policy.
- 4.6 At the health and safety committee on 8th November 2023, the committee unanimously supported and agreed to endorse the revisions to the RPE policy 2023-2027, and this is now recommended to Employment and General committee for approval, after which, the revised policy will be communicated to the workforce, noting the key changes that have been made to the policy.

5.0 Implications for consideration – Human resources

- 5.1 The RPE policy now provides the workforce with an option to use alternative types of respiratory protective equipment to tight fitting masks.
- 5.2 Where air fed hoods are utilised as appropriate RPE, there is not a requirement for employees to be clean shaven.
- 5.3 Provision of an alternative option to tight face fit equipment is beneficial to the workforce as it provides them with greater choice, whilst still meeting safety standards.

6.0 Implications for consideration – Council plan

- 6.1 This policy sets out how our employees will work safely using respiratory protective equipment, so that Council services and Council plan priorities can be delivered safely and productively.

7.0 Implications for consideration – Climate change

- 7.1 This updated policy does not generate any adverse impacts against climate change.

8.0 Implications for consideration – Equality and diversity

- 8.1 The council is implementing a policy which meets Health and Safety legislation, and which will help to keep our employees safe when they are undertaking repairs and maintenance tasks which require the use of respiratory protective equipment.
- 8.2 The revised policy has also had an equality impact assessment undertaken which and this is included in this report at appendix B.
- 8.3 Provision of alternative methods of equipment which do not require an employee to be clean shaven is a positive change for the workforce and provides greater equality for those employees who are unable to shave for religious or medical purposes.

9.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
The policy does not comply with legislative requirements.	H	M	Consultation and engagement with HSE and IOSH, Trade Unions and other organisations to ensure compliance and to learn from best practice	H	L

Decision information

Key decision number	
Wards affected	All wards

Document information

Report author	
<i>Grant Ilett, Strategic Health, Safety and Risk Manager Rachel O'Neil, Service Director – Digital, HR and Customer Services.</i>	
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	
Appendix A	Respiratory Protective Equipment (RPE) Policy 2023-2027
Appendix B	Equality Impact Assessment - RPE Policy 2023-2027



Respiratory Protective Equipment (RPE) Policy

Date: Sept 2023

1. Purpose

- 1.1 The Policy has been designed to ensure that the Council complies with the Health and Safety at Work etc. Act 1974 (HASAW), Control of Substances Hazardous to health (CoSHH) 2002, the Control of Asbestos Regulations 2012 and other applicable legislation, along with compliance with the Council's corporate Health & Safety Policy, Health and Safety Executive (HSE), Approved Codes of Practice, Guidance and industry guidance.
- 1.2 It is also to ensure appropriate distribution and issue of corporate RPE is done in a consistent and fair manner across the Council.

2. Scope

- 2.1 Adherence to this policy is mandatory for all Council employees and other workers. This policy applies to all employees and other workers of Chesterfield Borough Council (the Council) whether working on Council premises, Council workplaces or elsewhere on Council business and sets out the requirements and expectations of the Council in relation to respiratory protective equipment (RPE) that is worn and used for work purposes.
- 2.2 This policy should be read in conjunction with the corporate PPE policy.

3. Principles

- 3.1 PPE must always be worn. Never allow exceptions; if a job requires RPE to be worn then it must be worn. Even for those jobs that 'only take a few seconds or a few minutes'. If a risk assessment identifies RPE must be provided and used, this should be complied with and enforced. Every Council officer (Line managers/employees) have a responsibility to report any dangers and dangerous acts and omissions.
- 3.2 This RPE policy sets out a corporate approach to the use of use of RPE, including information on the various types of RPE that are currently available. It is for the service to determine, through their operational working practices,

method statements and risk assessments which type of RPE is best suited to protect against the airborne hazardous substances that are potentially being encountered.

- 3.3 The use of close-fitting respirators requires employees and other workers to be appropriately clean shaven.
- 3.4 Clean shaven means an employee or other worker that is required to wear close fitting RPE, must ensure they are clean shaven for all areas of their face that is required for the face piece respirator to obtain a seal on the wearers face. Facial hair must not exceed 8 hours growth before starting every shift, when RPE is to be worn. There are no exceptions to this standard.
- 3.5 There may be circumstances, with regards to medical conditions or religious grounds where it is not appropriate for an employee to be clean shaven; this is set out in more detail in section 11.
- 3.6 In general RPE should not be shared. However, there are some consumables for PPE which are not contaminated by a wearer. Such as a blower unit for a powered respirator. These pieces of equipment can be shared.

4. Respiratory hazard

- 4.1 Airborne substances hazardous to health can be in dust, mist, vapour or gas form (for example, wood dust, welding fumes, solvent vapours, silica and asbestos) which may not be visible.
- 4.2 Depending on the substance, the effects can be immediate or long term. Common short-term (or acute) health effects may include headaches, forgetfulness, drowsiness, feeling dizzy and sick, mood changes, and eye and skin irritation. Long-term (or chronic) effects may include sleep disorders, memory loss, cancer, organ damage and death.

5. Managing risks using RPE

- 5.1 When managing risks arising from respiratory hazards, managers should apply the most appropriate and effective control measures that are reasonably practicable.
- 5.2 Give preference to control measures that protect multiple people at once. Such as, local exhaust ventilation. Personal Protective Equipment (PPE) such as RPE should not be the first or only control measure considered. The hierarchy of control should be applied. PPE is the last consideration in the PPE assessment process, not the first control to be considered.
- 5.3 Emergency procedures must be carefully considered by management in the risk assessment process. (Reference: Regulation 8 of the Management of Health and Safety at Work Regulations). Managers must have procedures that cover all serious and imminent danger for work activities. These must be

brought to the attention of all applicable employees in clear instructions, information and training.

6. Responsibilities

Service Directors / line managers.

- 6.1 Service Directors and line managers are responsible for ensuring this policy and guidance is always adhered to within their service area and amongst the teams they manage. This includes raising awareness of corporate RPE requirements with new employees during the staff induction process.
- 6.2 Service Directors and line managers will, through the CoSHH risk assessment process, ensure a sensible, consistent approach is maintained regarding the selection and distribution of RPE to their teams.
- 6.3 In liaison with the Council's Corporate Health, Safety and Risk team, Service Directors and their managers will ensure that:
- they apply the hierarchy of risk control before considering RPE (RPE is the last consideration not the first).
 - that an assessment be completed to determine the suitability of the RPE (this should be recorded on corporate template assessment forms)
 - that employees are involved in the selection of RPE
 - where more than one item of PPE is worn and used simultaneously, that the items are compatible and perform/protect as intended
 - all RPE issued to employees is logged and recorded on the PPE issue and training record.
 - like any other assessment process, line managers must also consult the workforce.
 - employees are trained in the correct use of RPE, the hazards/risks it protects against, how to ensure the RPE remains in an efficient state and in good repair and how to report defective RPE and obtain replacement(s)
 - that adequate storage facilities are provided for RPE.
 - RPE is adequately maintained so it remains in good, efficient working order at all times (i.e. cleaning instructions and how to correctly store to prevent RPE becoming damaged or contaminated when not in use)
 - any worn, damaged or defective RPE is replaced (subject to the return of the worn, damaged/defective item) and issues/defects logs are updated accordingly.
 - Managers must consider wear time for any RPE used in the workplace. All RPE will have recommended wear time periods. For example. Disposable RPE often should not exceed 15 minutes, reusable RPE up to an hour. These times are subject to specific manufacturers specific instructions which come with each face piece.
 - where any line managers fail to risk assess RPE, they will be in breach of this policy.

- Managers should ensure employees are instructed on undertaking a thorough check of the face piece (RPE) and this is recorded. Often the kit comes with a booklet to record such thorough checks. If not, Managers will need to ensure a simple check sheet is issued with each face piece. These checks/booklets must be retained for five years. Checks should be completed monthly if equipment is used weekly. If employees use the equipment infrequently, a three-monthly frequency of checking is acceptable. (Follow manufacturer's instructions as primary guidance).
- 6.4 A line manager must apply the risk assessment hierarchy of control when considering control measures. PPE is the last consideration.
- 6.5 After the hierarchy of control is applied and RPE is still needed after implementing other controls, each type of RPE needs to be assessed as being suitable and adequate for the work activity it is intended to be used for. This applies equally when RPE is being periodically reviewed. RPE comes in different shapes and sizes. One size and type are unlikely to always meet all Council requirements due to the diversity of Council activities.

Employees and other workers responsibilities

- 6.6 **Employees** are all employees under an employment contract with the Council. **Other workers** include casual workers, agency workers, voluntary personnel, Councillors (elected members) and contractors as identified within a risk assessment).
- employees and other workers must always adhere to the standards and guidance within this policy whilst working on Council business.
 - employees and other workers must wear the RPE in accordance with the information, instruction and training given.
 - employees and other workers are responsible for taking reasonable care of corporate RPE issued to them by the Council and for the correct inspection, use, cleaning, storage and reporting any defect or loss of such equipment in accordance with any information, instruction and training given; failure to do so can result in disciplinary action or (where applicable) contract termination.
 - employees and other workers must complete thorough checks / inspections / tests monthly. (This may decrease to three monthly if equipment is used less frequently). Checks must be completed on all RPE face pieces, and all checks/inspections/tests must be recorded and given to line managers for logging.

Construction work activity.

- 6.7 Under the CDM Regulations 2015, all visitors to a construction site fall under the control and supervision of the Principal Contractor. Where an employee or other worker are visitors to that site, they must comply with any additional PPE requirements or site rules as required by the Principle Contractor. In this instance this may include specific requirements concerning RPE.

Volunteer RPE prohibitions

- 6.8 Volunteers are precluded from any Council activities which require them to wear RPE. This will help ensure the Council can safeguard the safety and health of volunteers.

7. Respiratory Protective Equipment (RPE) – assessment process

- 7.1 The requirement to provide RPE is identified through a CoSHH risk assessment (RA). RPE is like any other piece of PPE and should be considered as a last resort and clearly recorded on a corporate CoSHH RA. All RAs should be completed and recorded using the relevant corporate templates.
- 7.2 Line managers, when considering and assessing RPE in consultation with the workforce, should ensure that their manager responsibilities are adhered to and noting that any RPE must meet the required EN standard.
- 7.3 When managing any RPE risk, managers should apply the most appropriate and effective control measures that are reasonably practicable. This could for example preclude certain PPE types due to cost, when weighed against the actual risk. Managers must ensure they follow the RPE's manufacturers' instructions.
- 7.4 These two factors are crucial for assessing and selecting any RPE.
Adequate – It is right for the hazard and reduces exposure to the level required to protect the wearer's health.
Suitable – It is right for the wearer, task and environment, such that the wearer can work freely and without additional risks due to the RPE.
For RPE to be suitable and adequate. It must be matched to the job, the environment, the anticipated airborne contaminant exposure level and the individual wearer.
- 7.5 There is useful additional HSE (HSG53) RPE guidance to help managers in selecting the most appropriate RPE.
- 7.6 The performance of masks relies heavily on the quality of the fit of the face piece to the wearer's face. An inadequate fit will significantly reduce the protection provided to the wearer. RPE is available in different sizes to allow for the facial differences of workers. As people come in different shapes and sizes. It is unlikely that one particular type, or size of RPE face piece will fit everyone. Fit testing will ensure that the equipment selected is suitable for each wearer.
- 7.7 Managers should be mindful when risk assessing workplace tasks with airborne hazardous substances, around the wear time limitations of RPE/ face pieces.

8.0 Types of RPE

Tight fitting RPE

- 8.1 A tight fitting RPE face piece is either a full-face mask, half face or a filtering face piece (more commonly referred to as a disposable respirator).
- 8.2 Disposable respirators are tight fitting face pieces. All types of disposable respirators used by employees or other workers require face fit testing. The use of disposable respirators can be cost-effective in certain work circumstances.
- 8.3 A disposable respirator should never be reused. The disposable respirator should be disposed of and new one used, once the face piece has been removed or becomes contaminated. This may for example, require multiple respirators to be used in one shift. Please note, there are wear time limits on disposable respirators. Refer to the manufacturer's instructions.

Powered respirator. (e.g. Air fed hoods)

- 8.4 Powered respirations work by using positive pressure to force any contaminants away from the wearers breathable air. In certain service specific circumstances, the Council may support the use of powered respirators as possible reasonable adjustment alternative to fit tested respirators. Powered respirators do not require face fit testing as they do not have a close fitted seal on the wearers face. They must be used in accordance with the manufacturer's instructions.

9.0 Tight fitting Face Fit requirements

Face fit testing requirements

- 9.1 Certain H&S legislation, guidance and hazardous substance manufacturers safety data sheets makes specific reference to RPE use, and stipulate that a tight fitting RPE must be used. Please refer to the references section for links to further reading on CoSHH, CAR and CLAW regulations (see the end of the policy document).
- 9.2 Face fit testing can only be carried out by a competent person, who has demonstrated that they fulfil the key components of face fit training.
- 9.3 Poorly fitted face pieces can create inward leakage of airborne contaminants. This is clearly not an acceptable situation for the Council, employees and other workers that might be exposed to airborne hazards (whilst under Council controlled activities). These risks must be controlled so far as reasonably practicably. A good seal must be achieved where RPE needs to be worn, not just when an employee presents themselves for face fit testing.

The only way to confirm that a good seal for each individual wearer is in place is to conduct face fit testing.

- 9.4 When a risk assessment control measure identifies the need to wear RPE, and the RPE is tight fitting, this will require a face fit test. An employee will need to be tested for all the respirators they use. Face fit testing ensures an adequate seal or fit to the wearer. This will ensure the respirator is providing the protection it is design for and that an adequate seal has been achieved.

Repeat fit test considerations

- 9.5 Repeat face fit tests will be required when the wearer:
- Loses or gains weight
 - Undergoes any substantial dental work
 - Develops any facial changes (scars, moles, etc) around the face seal area.
 - weight loss or gain;
 - facial piercings;
 - introduction or change in other head-worn personal protective equipment (PPE).
 - Also, when the Council's policy requires it. Council policy dictates that a face fit test must not exceed 24 months before a repeat test is conducted.

Please Note. Regular checks/inspections/tests by employees on their equipment is crucial to spot potential leakage issues with face pieces. These periodic checks must be recorded. Please refer to manager and employee responsibilities.

Clean shaven / facial hair requirements

- 9.6 Where an employee's job role requires them to wear tight fitting RPE as identified by RA they must be appropriately clean shaven whenever they need to wear RPE. This applies to all areas of the face that are required to achieve an adequate seal where the respirator touches the face.
- 9.7 The length of facial hair is an important consideration. Hair length must not impede vision or create new hazards when any RPE is worn. Facial hair must not interfere with the seal of the respirator or create new hazards when the respirator is worn. Therefore, beards and facial hair will need to be trimmed to a level not to create these issues.

Face fit testing records

- 9.8 Any records of face fit testing should be placed on the individual's central personnel files (email these to hrqueries@chesterfield.gov.uk). Managers are advised to keep a copy of the latest copy within local departmental files for ease of reference purposes.

10 Tight fitting face fit testing costs, and RPE specific responsibilities

Managers

- 10.1 The Council will cover all costs of face fit testing and the cost of RPE. Managers are responsible for making the necessary arrangements to ensure testing is completed. Managers should also monitor and act on any obvious changes and any declared issues reported by an employee. A fit test must be arranged at the earliest opportunity. It may be necessary to temporarily redeploy the employee until a test has confirmed a good seal is still present or pending replacement equipment being arranged.

Employees and other workers

- 10.2 Employees have a legal duty to comply with their employer and attend face fit testing (ref. Section 7 of the Health and Safety at Work Etc. Act 1974), and thereafter wear the RPE as instructed and maintain the equipment as trained, reporting hazards/dangers and any shortcomings in the Council's control measures (Reg 14. Management of Health and Safety at Work Reg 1999, 'duties of employees').
- 10.3 Council policy interpretation for RPE matters means that all employees/other workers must report to their line manager any changes in facial features that they believe has caused an issue with the seal of the RPE being worn. The wearer is far more likely to identify much quicker than a manager if their face piece is not fitting correctly as they are the ones wearing it. RPE must not be misused.

11. Reasonable exemptions to the wearing of respirators

- 11.1 There may be religious or medical reasons that provide justifiable reasonable exemptions to the wearing of tight fitting RPE. These circumstances will be assessed on a case-by-case basis in consultation HR and the health, safety and risk team. The Council and its managers must ensure reasonable adjustments are in place to accommodate protected characteristics (in applying the Equalities Act 2010) and for potentially other medical reasons. Alternatives should be considered, such as powered respirators.
- 11.2 If reasonable alternatives cannot be identified, the employee must not be allowed to undertake work in an unsafe manner where RPE is required. Other duties must be considered.

12. What happens if an employee and other workers refuses to be clean shaven and is required to wear face fit masks?

- 12.1 The Council takes the health of their employees and other workers very seriously. It is a reasonable expectation that employees and other workers conform to acceptable facial hair requirements to ensure that RPE provided will afford the wearer the protection it has been designed for.

- 12.2 Requesting employees and other workers to be clean shaven, for the purpose of wearing tight fitting masks is a reasonable management instruction. Line Managers must be mindful that there may be a reasonable exemption for an employee to being clean shaven. Line Managers must consult HR and the Health, safety and risk team in the first instance to seek alternative solutions.
- 12.3 If a reasonable alternative solution is not present and the employee continues to refuse to be appropriately clean shaven, then this could lead to action being taken through the Council's disciplinary procedure.
- 12.4 Other workers can be refused access to the Council workplace and immediately asked to leave the Council workplace if they fail to comply with the reasonable instruction.

13. RPE information, instruction and training

- 13.1 RPE information, instruction and training shall be provided to employees and other workers to allow them to carry out their duties as detailed within this policy and workplace risk assessment and to:
- make full and proper use of any RPE provided
 - maintain, clean and store RPE effectively
 - identify defects with RPE
 - promptly report defective items of RPE (for replacement)
 - promptly report situations whereby items of RPE have become lost.
- 13.2 An issue sheet has been developed for managers to issue RPE to employees and for employees to clearly agree they understand the expectations on the use of RPE.

14.0 Health Surveillance / Occupational health

- 14.1 Occupational health practitioners and specialists will be engaged to assist with identifying all roles that will require health surveillance. This may include Spirometry (lung function) for the purposes of RPE usage. HR and the health, safety and risk services will consult with management and the workforce to ensure sufficient coverage is in place.
- 14.2 Identifying occupational health surveillance requirements is principally undertaken through the RA process. The cost of health surveillance will be covered by the Council. The budget for occupational health costs is held and managed by HR.
- 14.3 Employees and other workers where they are identified to be under health surveillance must attend all appointments arranged on their behalf and co-operate with the Council's occupational health provider.

- 14.4 All occupational health records will be held on the employees and other workers occupational health file. Employees and other workers can request copies of their records.
- 14.5 If there is still a risk to health after the implementation of all reasonable precautions, we must add the employee/other worker to a health surveillance programme. Health surveillance is required if all the following criteria are met:
- there is an identifiable disease/adverse health effect and evidence of a link with workplace exposure
 - it is likely the disease/health effect may occur
 - there are valid techniques for detecting early signs of the disease/health effect
 - these techniques do not pose a risk to employees
- 14.6 Occupational health will commence when an employee starts a role that exposes them to a hazardous substance (preferably before they commence these activities) for which this policy applies, then periodically throughout employment as advised by an Occupational health practitioner or suitably competent occupational health adviser. An employee will also be assessed prior to the cessation of employment (final benchmark).

15.0 Policy monitoring.

- 15.1 The Policy will be reviewed when required. This may be a period not exceeding five years or when legislation requires. The policy is maintained by the health, safety and risk team.

16.0 References:

- Health and Safety at Work etc. Act 1974
<https://www.legislation.gov.uk/ukpga/1974/37/contents>
- Management of Health and Safety at Work Regulations 1999 (as amended)
<https://www.legislation.gov.uk/uksi/1999/3242/contents/made>
- Personal Protective Equipment (PPE) at work Regulations (2002 and as amended 2022) <https://www.legislation.gov.uk/uksi/1992/2966/contents/made>
<https://www.hse.gov.uk/ppe/ppe-regulations-2022.htm>
- Control of Substances Hazardous to health
<https://www.hse.gov.uk/nanotechnology/coshh.htm>
- Control of Asbestos at work regulations 2012 (CAR)
<https://www.hse.gov.uk/asbestos/regulations.htm>
- Control of Lead at Work regulations 2002
<https://www.legislation.gov.uk/uksi/2002/2676/contents/made>
- HSE.gov.uk
- INDG479 - Guidance on RPE fit testing

Chesterfield Borough Council Equality Impact Assessment - Full Assessment Form

<i>Title of the policy, project, service, function or strategy:</i>		Corporate RPE Policy
<i>Service Area:</i>	Corporate Directorate	
<i>Section:</i>	Health, Safety and Risk	
<i>Lead Officer:</i>	Grant Ilett	
<i>Date of assessment:</i>	06/10/23	
<i>Is the policy, project, service, function or strategy:</i>		
<i>Existing</i>	<input checked="" type="checkbox"/>	
<i>Changed</i>	<input type="checkbox"/>	
<i>New / Proposed</i>	<input type="checkbox"/>	

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Section 1 – Clear aims and objectives

1. What is the aim of the policy, project, service, function or strategy?

The Policy has been designed to ensure that the Council complies with the Health and Safety at Work etc. Act 1974 (HASAW), the Management of Health and Safety at Work regulations 1999, the Control of Substances Hazardous to health (2002); Personal Protective Equipment Regulations 1992 (as amended) and other applicable legislation, along with compliance with the Council's corporate Health & Safety Policy, Health and Safety Executive (HSE) Approved Codes of Practice, Guidance and industry guidance. It sets out the requirements and expectations of the Council in relation to respiratory protective equipment (RPE) worn/used for work purposes.

The main requirements are that RPE is:

- (a) Properly assessed before use to ensure it is suitable and adequate;
- (b) Maintained and stored correctly;
- (c) Users are provided with appropriate instruction on its use;
- (d) It is used correctly by all relevant employees.

It is also to ensure appropriate distribution and issue of corporate RPE that is done so in a consistent and fair manner across the Council.

2. Who is intended to benefit from the policy and how?

Employees and other workers (including agency, casual, voluntary, elected members and contractors) of CBC, whether working on Council premises, Council workplaces or elsewhere on Council business. RPE is to be supplied and used at work wherever there are risks to health and safety that cannot be adequately controlled in other ways. The RPE policy sets out clear responsibilities in regards to the Council paying for RPE and associated health surveillance control measures.

3. What outcomes do you want to achieve?

To ensure that Service Directors and their managers comply with the regulations and adhere to the RPE Policy.
Address TU safety representative and management feedback in regards the approved RPE policy in 2023. To also better align the RPE policy to INDG479 guidance on RPE fit testing.

4. What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

Some employees and workers may have a protected characteristic(s) and/or medical grounds which will justify changes and reasonable adjustments in the workplace and RPE. For example:

- Communication of safety advice and confirming understanding if first language is not English
- Religious / medical reasons regarding close fitting RPE
- Religious exemptions from the need to wear close fitting respiratory protection in the workplace

These circumstances will be assessed on a case-by-case basis in consultation HR and the health, safety and risk team. The Council and its managers must ensure reasonable adjustments are in place to accommodate protected characteristics (in applying the Equalities Act 2010) and for potentially other medical reasons. Alternatives should be considered.

If reasonable alternatives cannot be identified, the employee must not be allowed to undertake work in an unsafe manner where RPE is required other duties must be considered. (e.g. redeployment).

5. Any other relevant background information

The RPE policy is a single focused area of the forthcoming wider corporate PPE Policy. The urgency around RPE is currently requiring this single policy area to be addressed before the wider policy is brought forward for consultation, approval and implementation.

Minor revisions to the policy remove a restriction on powered hood being used for asbestos containing material works, the policy revert to being a risk assessment lead approach and one for operational managers to make local decisions. This change has also been requested by TU safety representatives.

Section 2 – Collecting your information

6. What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

In line with the Public Sector Equality Duty, information regarding employees with protected characteristics is collated by the HR team. Potential impact of the policy could be estimated from these figures, however adjustments would need to be discussed with employees / workers on an individual basis.

Section 3 – Additional engagement activities

7. Please list any additional engagement activities undertaken when developing the proposal and completing this EIA. Have those who are anticipated to be affected by the policy been consulted with?		
Date	Activity	Main findings
04.09.23 / 02.10.23	H&S policy review programme consultation with management and TU safety representatives.	Revisions made as a result of feedback. RPE policy was requested to be brought forward sooner than initially planned in 2025. Feedback considered.
04.09.23	TU safety representative consultation Sept – Oct 23	Endorsed changes, aligned to their feedback
3.10.23	CBC Manager awareness	P. Barker feedback around periodic review points. Considered and a revision added to the policy for consultation.
06.10.23	Manager ebulletin / Aspire communications work	Communications completed, no additional feedback received
18.09.23	Employer Trade Union Committee	Endorsed changes
17.10.23	Unite policy query in relation to hoods and wear time	GI responded and clarified the policy position and the policy misunderstanding.
17th to 20 th Oct 23	Joint chairs of Health and safety committee	Pre-agenda engagement AF mentioned at his recent training had noted a 2 year periodic review cycle for face fit testing. 17.10.23
08.11.23	Health and safety committee – end of consultation, final draft	Revisions to policy endorsed. TU reps comfortable with changes. Operational approach was raised at H&SC. LR suggesting that all work tasks is safe for air fed hoods to be worn. GI advised this was not correct, examples of confined space and loft access work are two such examples where this could be dangerous or not appropriate. RPE policy has a risk assessment led approach which puts the decision in operational managers hands to balance the time, cost and effort v. cost (reasonably practicable approach). A one size fits all approach is not a reasonably practicable approach.
20.11.23	Employment and General Committee. Final draft Policy will	

	be presented, discussed and approval requested	
	Implementation / communication support work on changes	

Section 4 – What is the impact?

8. Summary of anticipated impacts. *Please tick at least one option per protected characteristic. Think about barriers people may experience in accessing services, how the policy is likely to affect the promotion of equality, knowledge of customer experiences to date. You may need to think about sub-groups within categories eg. older people, younger people, people with hearing impairment etc.*

	Positive impact	Negative impact	No disproportionate impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	✓
Disability and long term conditions	<input type="checkbox"/>	✓	<input type="checkbox"/>
Gender and gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	✓
Marriage and civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	✓
Pregnant women and people on parental leave	<input type="checkbox"/>	<input type="checkbox"/>	✓
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	✓
Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	✓
Religion and belief	<input type="checkbox"/>	✓	<input type="checkbox"/>

9. Details of anticipated positive impacts.

a)	The Policy will actively support certain medical and religious characteristics, in so much that this will assist with avoiding unfair dismissal claims and ensure reasonable adjustments are made where appropriate.							
	<input type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity	<input checked="" type="checkbox"/> Religion
b)								
	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity	<input type="checkbox"/> Religion

10. Details of anticipated negative impacts.

a)	<i>Negative impact:</i>	Some employees and workers may have a disability and/or medical grounds which will justify changes and reasonable adjustments in the workplace and RPE						
	<i>Mitigating action:</i>	HR and the health, safety and risk team will be referred to on an individual basis for further guidance						
	<input type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity	<input type="checkbox"/> Religion
b)	<i>Negative impact:</i>	Some employees and workers may have a protected characteristic based on their religion / belief which will justify changes and reasonable adjustments in the workplace and PPE						
	<i>Mitigating action:</i>	HR and the health, safety and risk team will be referred to on an individual basis for further guidance						
	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity	<input checked="" type="checkbox"/> Religion
c)	<i>Negative impact:</i>							
	<i>Mitigating action:</i>							
	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity	<input type="checkbox"/> Religion

11. Have all negative impacts identified in the table above been mitigated against with appropriate action?

Yes No N/A *If no, please explain why:*

Section 5 – Recommendations and monitoring

12. How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

The HR and health, safety and risk team have been consulting throughout the creation of this policy, bearing in mind at all times those employees / workers with protected characteristics.

13. How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

Managers will be expected to police the monitoring and use of the policy for operational purposes. From a strategic review perspective, the health, safety and risk team along with Project safety (Housing) team will audit against this policy standard during departmental H&S audits. Departmental inspections, safety tours, and site visits will be other proactive opportunities to identify and complete corrective action for policy compliance. In addition, any new training and learning from internal and external training sessions will be helpful reminders for corporate standards. Learning opportunities will also be presented during potential adverse events such as spotting hazards, near misses and other accidents and incidents. These will encompass the reactive elements for the policy monitoring activity.

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Section 6 – Knowledge management and publication

Please note the draft EIA should be reviewed by the appropriate Service Manager and the Policy Service **before** WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager	Name:	G Ilett
	Date:	08.11.23
Reviewed by Policy Service	Name:	Allison Potter
	Date:	TBC
Final version of the EIA sent to Policy Service		
Decision information sent to Policy Service		

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