

## Audit Committee – 28<sup>th</sup> May 2021

<b>Title of paper:</b>	Annual Report of Health and Safety within the Council	
<b>Director(s)/ Corporate Director(s):</b>	Malcolm Townroe, Director of Legal and Governance	<b>Wards affected:</b> All
<b>Report author(s) and contact details:</b>	Paul Millward, Head of Resilience 0115 8792980 paul.millward@nottinghamcity.gov.uk	
<b>Other colleagues who have provided input:</b>	Rob McCutcheon Team leader, Corporate Safety Advice	
<b>Recommendation(s):</b>		
<b>1</b>	To require all Corporate Directors ensure their departmental colleagues can demonstrate up to date training in the mandatory health and safety courses, and, where appropriate, asbestos management, by Friday 30th July 2021;	
<b>2</b>	To require all Corporate Directors ensure that all outstanding Accident/Violence/Audit recommendations are completed and recorded on the corporate system by Friday 30th July 2021;	
<b>3</b>	To note the absence of any Health and Safety Executive (HSE) intervention in the Council in the past three years, and	
<b>4</b>	To ask the Risk and Assurance Working Group, to review updated figures contained in this report after 30 <sup>th</sup> July 2021.	

### 1 Reasons for Recommendations

- 1.1 There are legal, financial, colleague and citizens' benefits arising from good health and safety practices. The council is required, by various legislation, to comply with health and safety practices for its own staff and for its service users.

### 2 BACKGROUND

- 2.1 A Key finding of Internal Audit's 2016/17 review of the council's health and Safety practice and arrangements was that there was no formal mechanism for reporting on health and safety to Councillors and/or senior management. This report is designed to be the formal mechanism recommended by Internal Audit. The first of these reports was considered by Audit Committee in November 2018, with an additional update in February 2019. A further report was considered in January 2020.

- 2.2 Internal Audit's review of health and safety within the council found that, whilst the Council's corporate policies and procedures were sufficient, the implementation of these policies and procedures by managers in the departments and service areas required some improvement. It is obviously important that our own colleagues and citizens should expect a safe environment in which to deliver and receive services. Failure to achieve this leaves the council open to Health and Safety Executive intervention and prosecution (with its associated costs to the council) and increased insurance and reputational costs. Since 2018, particular emphasis has been paid to:

- Demonstrating that our managers are trained in health and safety issues affecting their services
- Improving Asbestos management by managers.
- Completing Corporate Safety Advice's audit recommendations for individual service areas. Clearly, if an area for improvement has been identified and no

consideration or action is taken, the council's liability and reputation may be subsequently affected.

- Completing investigations on accidents/near misses/violence. As above, if lessons are not learned the council's liability and reputation may be subsequently affected.

- 2.3 The Health and Safety Executive are clear in their advice that effective health and safety management in an organisation requires competent staff (defined as "the combination of training, skills, experience and knowledge that a person has and their ability to apply them to perform a task safely") and clear documentation that policies and procedures are being followed by all. Improvements in the areas above will significantly progress the council's ability to demonstrate a good level of health and safety management within the council.
24. However, since March 2020, virtually all work by the Corporate Safety Advice team has centred on COVID-19 response work. One member of staff left the section for another post within the Council and the post was not filled in 2020/21 due to the council's recruitment freeze.
- 2.5 The Team Leader, Corporate Safety Advice has been central to providing health and safety advice to numerous services across the council relating to the appropriate provision and use of PPE, Service 'stops and restarts', consultation with Trades Unions, chairing the special COVID Health and Safety Panel with the Unions. Corporate Safety Advice held daily meetings with the Public Health Consultants and Procurement on the PPE standards and equipment that the Council has used through the pandemic.

## Training

- 2.6 Corporate Leadership Team agreed that Health and Safety training is mandatory for all 'people' and 'building managers' to ensure an understanding of the basic principles of Health & Safety law, risk assessment, document control and where appropriate, premises management. There are three main full courses, with most managers only required to take Modules 1 and 2 covering operation safety management and risk assessment and is supported by a 2020 Module 1 update refresher E-session. The Corporate Safety Advice team has introduced a new module (module 4) which has been developed for SLT and DLT level managers. This module covers the strategic aspects of safety management.

The courses are:

- Legal Responsibilities of Management (Module 1)
- Risk Assessment & Document Management (Module 2)
- Premises Management & H&S Compliance (Module 3)
- DLT and SLG Health & Safety Management Training (Module 4)

- 2.7 The 2020 update session allows for managers to refresh their knowledge in line with the agreed three year interval in order to maintain competency. The above courses contribute to the 'training, skills and knowledge' element of that HSE definition (above in 2.2). Colleagues are aware that the Health and Safety Executive are keen to examine training records during any investigation.

- 2.8 The table below is based on the current structure chart for SLMG colleagues. Some results are skewed by vacancies/new starters/leavers.
- 2.9 There are many other colleagues required to take these courses who are not SLMG but these figures give an indication of progress made to ensure all relevant colleagues have received appropriate training.

N.B. **Figures for 2020-21 in Bold**, previous year (2019-2020) figures below. Departments have changed since early 2021 and previous and current departments are broadly, but not entirely, comparable.

Department	Mandatory Health and Safety Training (SLMG results only)*				
	SLMG posts	Module 1	Module 2	Module 4	'competency' within 3 years
<b>People's</b>	<b>22</b>	<b>8</b>	<b>5</b>	<b>15</b>	<b>70%</b>
	19	13	10	8	100%
<b>Resident Services</b>	<b>20</b>	<b>14</b>	<b>13</b>	<b>15</b>	<b>75%</b>
	26	22	21	6	100%
<b>Growth &amp; City Development</b>	<b>13</b>	<b>8</b>	<b>8</b>	<b>11</b>	<b>84%</b>
	14	10	10	6	95%
<b>Finance and Resources</b>	<b>14</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>79%</b>
	17	6	7	12	94%

\*date check 10<sup>th</sup> March 2021 on the latest NCC structure Chart

- 2.10 These figures are significantly lower than in January 2020 when the % competency averaged in the high 90s%. There has been considerable flux in staffing at this level and many colleague's focus has been on COVID rather than Training courses. Much work has centred on making the continuing services COVID-secure in terms of health and safety. However, whilst work has continued at a high level on health and safety matters, it is important, particularly in terms of any future investigation by the Health and Safety Executive, that managers can demonstrate 'competency' so steps are being taken to target those managers who need to complete relevant courses.

## Audits

- 2.11 The Corporate Safety Advice team have undertaken numerous audits of services in the Council and produce recommendations for actions. The table below shows the number of recommendations that had yet\* to be enacted or updated on the CSA audit system by managers. The Council puts it self of risk if, having audited services and having made recommendations, it then fails to implement those recommendations. The figures below are the results from audits over a number of years. Unfortunately, the Corporate Safety Advice team do not have the resources to revisit services or check that managers have acted on their recommendations. A list of audit recommendations has been supplied to Corporate Directors – either for action or updating the implementation of the actions on the corporate system.
- 2.12 However, since March 2020, there have been limited face to face compliance auditing undertaken but these will resume as part of returning back to normal business operation.

## Module 1 (Legal Responsibilities of Management)

Department	Moderate risk	High Risk	Very High Risk
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<b>People's</b>	0	0	0
<b>Resident Services</b>	0	0	0
<b>Growth &amp; City Development</b>	0	0	0
<b>Finance and Resources</b>	0	0	0

#### **Module 2 (Risk Assessment & Document Management)**

<b>Department</b>	<b>Moderate risk</b>	<b>High Risk</b>	<b>Very High Risk</b>
<b>People's</b>	3	1	0
<b>Resident Services</b>	24	8	0
<b>Growth &amp; City Development</b>	3	1	0
<b>Finance and Resources</b>	0	0	0

#### **Module 3 (Premises Management & H&S Compliance)**

<b>Department</b>	<b>Moderate risk</b>	<b>High Risk<sup>^</sup></b>	<b>Very High Risk</b>
<b>People's</b>	5	3	0
<b>Resident Services</b>	22	38	0
<b>Growth &amp; City Development</b>	5	3	0
<b>Finance and Resources</b>	0	0	0

\*date check 10<sup>th</sup> March 2021

<sup>^</sup> "High Risk" in Module 3 all relate to the mandatory three year training for relevant colleagues being out of date, rather than a direct physical risk to colleagues or service users.

It is difficult to compare the current situation with that at January 2020. However, the number of outstanding actions, from January 2020, were reduced as a direct result of action taken after the Audit Committee meeting.

## **Health & Safety Executive (HSE)**

### **2.12 Interventions – last 3 years**

In the last 3 years, the HSE has not formally intervened in any incidents

### **HSE Fines**

No fines have been issued against the Council in the last 3 years and there have been no HSE Fee for Intervention claims

### **Asbestos Issues**

#### **Asbestos related incidents**

2.13 In the last three years, four incidents were recorded re possible asbestos exposure in three sites. Two of the four cases were recorded at the Eastcroft depot, with one incident recorded at a school boiler room and one incident within the boiler room at the Theatre Royal.

#### **Asbestos training**

2.14 It is not possible for Corporate Safety Advice to know how many colleagues should have taken these courses – each Department should ensure that those colleagues who have a role in the management of asbestos are suitably and sufficiently trained.

2.15 Number of colleagues trained in asbestos issues by department:

Department	Asbestos Management	Asbestos Inspection	What is Asbestos	Asbestos Expose Process
People's	13	28	45	25
Resident Services	63	193	323	120
Growth & City Development	5	1	2	1
Finance and Resources	3	0	8	3

2.16 A list of those colleagues who are deemed competent by way of attending and passing the above modules has been supplied to Corporate Directors so that they can cross check that the relevant people in their departments are suitably and sufficiently trained.

### Accident & Violence Reporting

2.17 Managers must ensure that all accidents, near misses and work related ill health incidents are reported using the online accident reporting system and that they complete a suitable and sufficient investigation. Departmentally, Resident Services also use the system to record Road Traffic Collisions, irrespective of whether a colleague was injured.

Similarly, the City Council takes violent and threatening behaviour against its colleagues seriously and any such incidents need to be recorded and investigated with the aim of ensuring safe working conditions.

Top date 01/04/2020 – 31/03/2021 (in **Bold**)

Bottom date 01/04/2019 – 31/03/2020 (in *italics*)

		Department			
		People's	Resident Services	Growth & City Development	Finance and Resources
No of accidents	Total No.	<b>146</b> <i>278</i>	<b>301</b> <i>555</i>	<b>3</b> <i>7</i>	<b>2</b> <i>20</i>
	Employee	<b>72</b> <i>129</i>	<b>290</b> <i>454</i>	<b>2</b> <i>7</i>	<b>2</b> <i>17</i>
	3 <sup>rd</sup> Party	<b>74</b> <i>149</i>	<b>11</b> <i>101</i>	<b>1</b> <i>0</i>	<b>0</b> <i>3</i>
Outstanding accidents (older than 1 month) which have yet to be fully investigated / closed		<b>30</b>	<b>26</b>	<b>0</b>	<b>1</b>
No of violent incidents		<b>174</b> <i>441</i>	<b>53</b> <i>121</i>	<b>3</b> <i>3</i>	<b>0</b> <i>4</i>
Outstanding violent incidents (older than 1		<b>21</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>month) which have yet to be investigated / closed</b>				
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- 2.18 The figures for 2020/21 are clearly lower than the incidents reported for the previous year. This is most likely to be due to the service reduction that occurred through the COVID restrictions and is not likely to be reflected in the incident figures that will occur once services restart.
- 2.19 It should be noted however that a number of the services offered by the Resident Services Directorate, did continue through the pandemic (but not those provided by Sports and Culture Division).
- 2.20 The number of investigations into outstanding accidents/violent incidents is lower than in previous years, indicating that managers are, generally, making timely investigations into the circumstances surrounding those events.
- 2.21 NCC has adopted the Health & Safety Executive's (HSE) accepted definition of workplace violence which is 'any incident in which a person is abused, threatened or assaulted in circumstances relating to their work'. This covers verbal abuse / assault, threats and physical assault.
- 2.22 Although the reporting parameters on accident recording has changed over the past 4 years (notably in the inclusion of road traffic collisions into the statistics) and taking into account seasonal variations, the number of accidents per 1000 FTE appears to be increasing. Some of this increase may be due to Corporate Safety Advice's efforts to encourage the reporting of all accidents. Trends and causation are monitored at the Corporate Health, Safety and Welfare Panel meetings

### **CHSWP Attendance**

- 2.23 The Corporate Health, Safety and Welfare Panel is the main council consultation meeting with the joint Trade Unions and is held quarterly. The Council's guidance on the attendance at these meetings says:
- "The panel comprises:
- Trade Union appointed safety representatives from the recognised trades unions within Nottingham City Council;
  - Management representation / responsible person from each Directorate;
  - Supporting Representation from Corporate Safety Advice, Corporate HR and the Wellbeing and Health Improvement Team."
- 2.24 The May 2020 meeting of CHSWP was cancelled, after consultation with the Trade Unions, due to the urgency of other COVID related work by officers. However, the other scheduled meetings were held via MS Teams and the regular, ongoing, liaison between the CSA team and the Joint TU convenor have continued. At present, I believe the Panel is working well with representation from all departments and specialist advisors where necessary. Trade Unions bring issues to the meeting that have not been resolved at Departmental meetings. In addition to this Panel, a sub group, the Asbestos Working Group have the option to meet bi-annually to raise matters specifically relating to the asbestos management process or incidents. However, these meetings have not occurred this year by mutual agreement. The Trade Unions are aware that any issues relating to potential or actual failures in the

asbestos procedures can be flagged to the Chair of CHSWP and would be investigated immediately. There have been some issues upon which management and Unions have disagreed, but, overall, there is a unity of purpose between the two sides.

### **3 Background Papers other than Published Works or Those Disclosing Exempt or Confidential Information**

3.1 None

### **4 Published Documents Referred To In Compiling This Report**

4.1 Competence in health and safety. Health and Safety Executive  
<http://www.hse.gov.uk/competence/index.htm>