

## AUDIT COMMITTEE – 30<sup>th</sup> April 2022

<b>Title of paper:</b>	<b>Annual Report of health and safety within the council</b>	
<b>Director(s)/ Corporate Director(s):</b>	Malcolm Townroe, Director of Legal and Governance	<b>Wards affected: All</b>
<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>	a) All Corporate Directors ensure their directorate colleagues can demonstrate up to date training in the mandatory health and safety courses, and, where appropriate, asbestos management, by Friday 8th July 2022;	
<b>2</b>	b) All Corporate Directors ensure that all outstanding Accident/Violence/Audit recommendations are completed and recorded on the corporate system by Friday 8 <sup>th</sup> July 2022, and	
<b>3</b>	c) Audit Committee notes the absence of any HSE intervention in the council in the past three years.	

### **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. Further reports were considered in January 2020 and April 2021.

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 directorates 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.

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.

However, from March 2020 to January 2022, almost 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 and, despite advertising the post twice subsequently, no appointment has been made. The post is to be advertised again shortly.

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, and chairing the special COVID Health and Safety Panel with the Unions.

This has also required working with the managers, unions and HR on the various assessments and checklists that have been completed to ensure compliance with the current COVID arrangements.

### 2.3 Training

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 2022 Safety Management update refresher E-session. The Corporate Safety Advice team has introduced a new module (module 4) which has been developed for CLT 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)
- Safety Management Update 2022 (Modules 1, 2 & 3)
- DLT and CLT Health & Safety Management Training (Module 4)

The update sessions (for Modules 1, 2 and 3) 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.

The table below is based on the current structure chart for SLMG colleagues. Some results are skewed by vacancies/new starters/leavers.

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.

(Figures at March 2021 in brackets)

<b>Mandatory Health and Safety Training (SLMG results only)*</b>					
<b>Directorate</b>	<b>SLMG posts</b>	<b>Module 1</b>	<b>Module 2</b>	<b>Module 4</b>	<b>'competency' within 3 years</b>
<b>People's</b>	19	3	1	11	63% (70%)
<b>Resident Services</b>	18	12	12	17	94% (100%)
<b>Growth &amp; City Development</b>	16	8	7	14	88% (95%)
<b>Finance and Resources</b>	16	4	5	14	88% (95%)

\*date check 22<sup>nd</sup> March 2022 on the latest NCC structure Chart

These figures are lower than in the previous year but there has been significant staff changes over the past year. There has been considerable flux in staffing at this level and many colleague's focus has been on COVID rather than Training courses. 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.

Each Corporate Director has been informed of those colleagues who are not yet deemed 'competent' and it is expected that the % figures above will increase over the next month.

## 2.4 Audits

The Corporate Safety Advice team undertake numerous audits of services in the Council and produced 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.

However, since March 2020, there had been limited face to face compliance auditing undertaken but these are now beginning to be resumed as part of normal business operations. The CSA team have currently scheduled audits at residential homes, libraries and leisure centres.

(Figures at March 2021 in brackets)

### **Module 1 (Legal Responsibilities of Management)**

<b>Directorate</b>	<b>Moderate risk</b>	<b>High Risk</b>	<b>Very High Risk</b>
<b>People's</b>	0 (0)	0 (0)	0 (0)
<b>Resident Services</b>	0 (0)	0 (0)	0 (0)
<b>Growth &amp; City Development</b>	0 (0)	0 (0)	0 (0)

<b>Finance and Resources</b>	0 (0)	0 (0)	0 (0)
------------------------------	-------	-------	-------

## Module 2 (Risk Assessment & Document Management)

Directorate	Moderate Risk	High Risk	Very High Risk
<b>People's</b>	24 (3)	15 (1)	0 (0)
<b>Resident Services</b>	31 (24)	8 (8)	0 (0)
<b>Growth &amp; City Development</b>	4 (3)	1 (1)	0 (0)
<b>Finance and Resources</b>	0 (0)	0 (0)	0 (0)

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

Directorate	Moderate Risk	High Risk	Very High Risk
<b>People's</b>	5 (5)	0 (3)	0 (0)
<b>Resident Services</b>	11 (22)	0 (38)	0 (0)
<b>Growth &amp; City Development</b>	8 (5)	0 (3)	0 (0)
<b>Finance and Resources</b>	0 (0)	0 (0)	0 (0)

\*date check 22nd March 2022

It is pleasing to note that there are no incidents in the Very High Risk category and a total reduction in High Risk category for Module 2 but a concerning upward trend relating to Risk Assessment and Document Management. Whilst such matters may appear 'academic', the HSE are always keen to see documentation about to Risk relating to the incident under investigation.

The Corporate Safety Advice team advise Directorates on a regular basis about outstanding accident investigations and will press for all investigations to be concluded in a timely manner.

### 2.5 Health & Safety Executive (HSE)

#### 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

### 2.6 Asbestos Issues

#### Asbestos related incidents

In the last three years, two incidents (down from four in the previous year's report) were recorded regarding possible asbestos exposure in two sites: one was recorded at the Eastcroft depot and one within the boiler room at the Theatre Royal.

### 2.7 Asbestos training

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

Number of colleagues trained in asbestos issues by Directorate:

(Figures at March 2021 in brackets)

Directorate	Asbestos Management	Asbestos Inspection	What is Asbestos	Asbestos Expose Process
People's	2 (13)	34 (28)	38 (45)	29 (25)
Resident Services	42 (63)	151 (193)	247 (323)	108 (120)
Growth & City Development	2 (5)	11 (1)	12 (2)	10 (1)
Finance and Resources	3 (3)	7 (0)	2 (8)	2 (3)

The above figures show an overall reduction in the number of colleagues currently trained in asbestos management and processes which cannot wholly be explained by the reduction in the number of colleagues employed by the council. The Joint Management/Trade Union Asbestos Working Group have indicated they wish to examine the reasons for the reduction and management will seek to ensure greater compliance.

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 directorates are suitably and sufficiently trained.

## 2.8 Accident & Violence Reporting

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. 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 figure 01/04/2021 – 22/03/2022 (in Bold)  
 Middle figure 01/04/2020 – 31/03/2021 (in italics)  
 Bottom date 01/04/2019 – 31/03/2020 (in brackets)

		Directorate			
		People's	Resident Services	Growth & City Development	Finance and Resources
No of accidents	Total No.	<b>241</b> <i>146</i> (278)	<b>434*</b> <i>301*</i> (555)	<b>7</b> <i>3</i> (7)	<b>4</b> <i>2</i> (20)
	Employee	<b>119</b> <i>72</i> (129)	<b>368*</b> <i>290*</i> (454)	<b>6</b> <i>2</i> (7)	<b>4</b> <i>2</i> (17)
	3 <sup>rd</sup> Party	<b>122</b> <i>74</i> (149)	<b>66</b> <i>11</i> (101)	<b>1</b> <i>1</i> (0)	<b>0</b> <i>0</i> (3)

<b>Outstanding accidents (older than 1 month) which have yet to be fully investigated / closed</b>	<b>47</b> 30	<b>18</b> 26	<b>0</b> <u>0</u>	<b>2</b> 1	
<b>No of violent incidents</b>	<b>415</b> 174 (441)	<b>56</b> 53 (121)	<b>3</b> 3 (3)	<b>3</b> 0 (4)	
<b>Outstanding violent incidents (older than 1 month) which have yet to be investigated / closed</b>	<b>29</b> 21	<b>8</b> 0	<b>2</b> 0	<b>0</b> <u>0</u>	

\*includes RTC incidents

I have included three sets of figures in the table above as the 202/21 figures are not comparable to the current year's figures.

The figures for 2020/21 (middle) are clearly significantly lower than the incidents reported for the current year and 2019/20 year which is largely due to school closures in 2020 and the cessation or reduction of other services due to the COVID restrictions. However, it should be noted that a number of the services offered by the Resident's directorate, did continue through the pandemic excluding those provided by Sports and Culture.

Generally, the number of comparable accidents and violent incidents has reduced slightly from 2019/20 to 2021/22. However, the number of outstanding investigations over a month old for both accident and violence has slightly increased.

However, the number of investigations into outstanding accidents/violent incidents remains high indicating that managers are, generally, making timely investigations into the circumstances surrounding those events and are reminded to complete them regularly.

Trends and causation are monitored at the Corporate Health, Safety and Welfare Panel meetings.

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.

## 2.9 CHSWP Attendance

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.”

Although some meeting of CHSWP were cancelled in 2020, by agreement with the Trade Unions, due to the urgency of other COVID related work by officers, meetings resumed in 2021 and 2022.

At present, I believe the Panel is working well with representation from all directorates and specialist advisors where necessary. Trade Unions bring issues to the meeting that have not been resolved at Directorate 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.

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.

## 2.10 Looking forward

Whilst this report is an annual ‘look back’ at health and safety in the council, I note that the expected move to the ‘Corporate Landlord’ function within the council should drive some improvement in terms of consistency in health and safety practise and, therefore, an improvement in accidents and compliance statistics. It can also be noted that the increased prominence of the role of the statutory officers in the Council, who include health and safety as part of their discussions, should similarly help drive improvements. These factors will be addressed in the next Annual Report in 2023.

## 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>