

Audit Committee – 31 March 2023

Title of paper:	Annual Report of Health and Safety within the Council	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Director of Legal and Governance	Wards affected: All
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Other colleagues who have provided input:	Rob McCutcheon, Team Leader, Corporate Safety Advice	
Exempt Information: None.		
Recommendation(s):		
1	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 7 July 2023;	
2	All Corporate Directors ensure that all outstanding Accident/Violence/Audit recommendations are completed and recorded on the corporate system by Friday 7 July 2023, and	
3	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.

- 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. Particular emphasis continues to consider:

- 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.

At last year’s Audit Committee, the following resolution was passed:

- 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) All Corporate Directors ensure that all outstanding Accident/Violence/Audit recommendations are completed and recorded on the corporate system by Friday 8th July 2022; and
 - c) Audit Committee notes the absence of any HSE intervention in the council in the past three years.
- a) – was completed successfully.
 - b) – all Corporate Directors were notified of this requirement and whilst not all outstanding records were completed there was a significant and welcome reduction.
 - c) – the council has continued to avoid any HSE intervention over the past year.

Following a lengthy vacancy for one of the posts of Corporate Safety Advisor, we were successful in employing a suitably qualified person who started last autumn. The section is now fully staffed, for the first time since 2020.

The Team Leader, Corporate Safety Advice, has been central to providing health and safety advice for the Future Ways of Working project and has ensured that health and safety concerns relating to colleagues working from home were properly addressed. For instance, in 2022-23 there have been 1606 remote working and 565 office based Display Screen Equipment assessments, a significant increase on previous years.

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) allow 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.

Mandatory Health and Safety Training (SLMG results only)*					
Directorate	SLMG posts	Module 1	Module 2	Module 4	‘competency’ within 3 years
People’s	18	3	3	17	95%
CERS	18	12	12	18	100%
Growth & City Development	16	8	7	16	100%
Finance and Resources	15	4	5	15	100%

*date check 1st February 23 on the latest NCC structure Chart

These figures are higher than in the previous year as Corporate Safety encouraged all corporate directors to complete this training as part of the preparation work for this committee.

It is important, particularly in terms of any future investigation by the Health and Safety Executive, that managers can demonstrate ‘competency’ so steps are always taken to target those managers who need to complete relevant courses.

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 have yet to be enacted or updated on the CSA audit system by managers. The Council puts itself 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.

The CSA team have concentrated this year on auditing Children’s residential day centres and leisure centres.

Module 1 (Legal Responsibilities of Management)

Directorate	Moderate risk	High Risk	Very High Risk
People's	0	0	0
CERS	0	0	0
Growth & City Development	0	0	0
Finance and Resources	0	0	0

Module 2 (Risk Assessment & Document Management)

Directorate	Moderate Risk	High Risk	Very High Risk
People's	20	8	0
CERS	3	0	0
Growth & City Development	3	1	0
Finance and Resources	4	2	0

Module 3 (Premises Management & H&S Compliance)

Directorate	Moderate Risk	High Risk	Very High Risk
People's	1	3	0
CERS	11	0	0
Growth & City Development	0	0	0
Finance and Resources	0	8	0

Date checked February 2023

Face to face audits restarted in 2022 with the removal of restrictions relating to COVID and have continued in 2023. The backlog of audits due to COVID has reduced significantly and continued audits next year will hopefully eliminate it completely. It is pleasing to note that there are no incidents in the Very High Risk category and a total reduction in High Risk category from previous years.

Even with the increase in audits completed, overall the risks have continued to reduce and Corporate Safety Advice have revisited a number of locations to address the outstanding issues. As previously noted, such matters may appear 'academic', but the HSE are always keen to see documentation about 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

The HSE has not formally intervened in any incidents, issued improvement or prohibition notices.

HSE Fines

No fines have been issued against the Council and there have been no HSE Fee for Intervention claims.

2.6 Asbestos Issues

Asbestos related incidents

No incidents have been identified in the last year relating to asbestos exposure.

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 in 2022-23:

Directorate	Asbestos Inspection	Asbestos Awareness	Asbestos Exposure Process
People's	28	42	25
CERS	85	193	60
Growth & City Development	10	19	10
Finance and Resources	0	5	0

The number of colleagues who are trained in the management of asbestos continues to grow. The Joint Management/Trade Union Asbestos Working Group indicated last year that they wished to ensure greater compliance in this area and progress has been made in this area.

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. Communities, Environment and 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.

		Directorate			
		Peoples	CERS	Growth & City Development	Finance and Resources
No of accidents	Total No.	205	411	11	8
	Employee	117	340*	10	7

	3 rd Party	88	71	1	1
Outstanding accidents (older than 1 month) which have yet to be fully investigated / closed		29	28	3	3
No of violent incidents		314	57	3	0
Outstanding violent incidents (older than 1 month) which have yet to be investigated / closed		30	13	0	0

*includes RTC incidents

Generally, the overall figures show a reduction on the previous year and the number of comparable accidents and violent incidents are less than pre COVID levels, although the number of outstanding investigations over a month old for both accident and violence has remained consistent.

However, the number of investigations against outstanding accidents/violent incidents remains high, indicating that managers are, generally, making timely investigations into the circumstances surrounding those events. Managers are reminded to complete them regularly but it is disappointing that the level of un-investigated incidents remains roughly at the same level as last year's figure.

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."

At present, 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. Overall, there is a unity of purpose between the management and union representatives on this panel.

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 2024.

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>