

Operational Decision Record

Publication Date 15 August 2024	Decision Reference Number 5161
Decision Title	
Procurement of an external contract to deliver Hand Arm Vibration Syndrome (HAVS) monitoring system for 3 years.	
Decision Value	
Up to £119k for 3 -year contract	
Revenue or Capital Spend?	
Revenue	
Spend Control Approval	
Has the spend been approved by Spend Control Board? Yes Spend Control Board approval reference number: 4134	
Department	
Communities, Environment and Resident Services	
Contact Officer (Name, job title, and contact details)	
Bushra Hussain, Service Manager, Bushra.Hussain@Nottinghamcity.gov.uk Eddie Curry, Head of Service, Eddie.Curry@Nottinghamcity.gov.uk	
Decision Taken	
<ol style="list-style-type: none">1. To note the decision of the S151 who has approved spend of up £119k to procure & award an external contract for HAVS monitoring software and handwear devices for operatives who use small tools for 3 years, (Spend Control ID: 41342. To authorise the Director of Resident Services to carry out the required procurement exemption exercise and enter contracts related to the delivery of HAVS monitoring software and handwear devices for GreenSpace & Natural environment services with current provider Reactec for 3 years until such time a corporate tender is in pace for the authority.	
Reasons for Decision and Background Information	
<ol style="list-style-type: none">1. Allow GreenSpace operations to monitor the HAVS risk for a large front-line workforce which is its legal obligation under Health and Safety at work act on an interim basis until such time as a corporate term has been agreed.	

2. GreenSpace cannot robustly comply with the Control of Vibration Regulations 2005 without ongoing replacement and further investment of hardware and software.

3. Until such time as a corporate approach to monitoring vibration exposure levels has been agreed Greenspace's have a duty to comply with HAVS legislation. This interim measure will help ensure the authority is mitigating its risks. Running a 3-quotation process runs the risk of awarding to a new supplier which would require new IT systems, which will result in additional costs to NCC

4. There is no framework available and with a large front line workforce we are not able to manage the risk using HSE paper based system as this will require dedicated admin support which will outweigh the cost of the electronic system. once the corporate approach has been agreed we will move towards utilising the corporate framework.

5. Failure to fully manage the HAVS risk in the interim whilst a corporate tender is being explored could lead to irreversible injuries to employees, leaving the authority open to civil claims and criminal prosecution.

Other Options Considered and why these were rejected

For small organisations and limited use of equipment a paper based HAVS monitored could be appropriate however for NCC, the different roles, equipment and exposures would make this ineffective. This is not feasible as services who we have large numbers of frontline staff will require dedicated resource to monitor this therefore the cost of this will outweigh the financial benefits of having an automated system.. Paper based systems will struggle to account for individual needs based on Occupational health advised, specific identified risk factors for colleagues which can only be done using an automated system effectively.

Reasons why this decision is classified as operational

- Has a value below £300,000
- Within agreed policies and within the overall agreed budget controlled by the officer taking the decision

Additional Information

Insurance & Risk Comments

The control of Vibration at Work Regulations 2005 came into force on 6 July 2005. These regulations require employers to assess and control the risks to the health and safety of their employees from vibration.

The regulations introduce action and limit values for hand-arm and whole-body vibration which must be adhered to. It is therefore crucial that the Council adopts a process whereby the vibration levels can be monitored and recorded. Whilst this is only one aspect of controlling vibration levels along with other measures such as training, equipment selection and servicing it is perhaps the most difficult one to

adhere to as without some specific monitoring equipment the onus is on the employee to record equipment usage and trigger times.

Prior to the introduction of monitoring equipment in Residents Services a paper based method of recording was used, this proved to be challenging for employees in recording accurate trigger times and impossible for managers to keep on top of the monitoring and challenge to trigger times required, this resulted in operational difficulties for managers and difficulties for the Council in defending civil claims brought by employees who had developed HAVS (Hand Arm Vibration Syndrome) through alleged over exposure to vibrating equipment. With the introduction of monitoring equipment accurate information on tool usage and exposure was available which gave the Council the opportunity to evidence that we were not in breach of legislation, vibration exposure was being controlled and claims generally are with the use of this equipment able to be defended.

The Insurance & Risk team are therefore in support of the requirement for monitoring equipment and the need to tender for this equipment.

Jackie Handley
Insurance & Risk Manager
Jackie.Handley@Nottinghamcity.gov.uk
29th April 2024

Finance Comments:

The total cost of the decision is £119k, which consists of £117k towards the 3-year service plan for the Hand Arm Vibration Syndrome (HAVS) monitoring devices, with various products being included as part of the 3-year warranty, and with an additional £2k contingency in place for products outside of warranty that may need to be replaced within the 3-year period.

The amount to be split has been agreed by the individual service areas determined by the usage of the equipment and have all agreed to contribute their portion of the contract for each year.

Budget has been identified across all service areas involved and budget has been dedicated for the contract (operational equipment), or budget realignment will be taking place to accommodate the budgetary obligation for this contract across the 3-year period.

It is the service area's responsibility to ensure that there is enough budget available to cover the contract but if unable to against the dedicated budget line, the funding would need to be met by underspends within the service or over achievement in income to ensure there is no pressure on the MTFP.

Sohaib Chaudhry
Senior Commercial Business Partner (Resident Services)
Sohaib.chaudhry@nottinghamcity.gov.uk
Tuesday 23rd July 2024.

Health & safety comments

Termination of the current contract with Reactec would leave Residents Services (and other services) without the arrangements to fully comply with the legislation (Health & Safety at Work Act 1974, Management of Health & Safety at Work Regulations 1999, Provision & Use of Work Equipment Regulations 1998 and Control of Vibration at Work Regulations 2005), but also in breach of its existing policy and procedures (NCC Procedures & Managers' Guide to Using Reactec HAVS Equipment 2019). The current policy and procedures have been developed and implemented after detailed consultation with all relevant parties in Residents Services, Insurance & Risk Management and Corporate Safety Advice.

Vicky Cook

Safety Adviser

Vicky.Cook@Nottinghamcity.gov.uk

Information Compliance comment

The project will require a Data Protection Impact Assessment (DPIA) due to the processing of personal information. The DPIA is underway and will be completed before the devices are deployed.'

Jeremy Lyn-Cook

Information Policy Specialist

Jeremy.Lyncook@nottinghamcity.gov.uk

Wednesday 31st July 2024.

Decision Maker (Name and Job Title)

Mary Lester, Director for Resident Services



Scheme of Delegation Reference Number

1 (sub-delegated from Colin Parr)

Date Decision Taken

13.08.24