

Audit Committee – 27th September 2024

Title of paper:	Annual Report of Health and Safety within the Council	
Director(s)/ Corporate Director(s):	Beth Brown, Interim Director of Legal and Governance Ross Brown Corporate Director of Finance and Resources	Wards affected: All
Report author(s) and contact details:	Paul Millward, Head of Resilience 0115 8792980 paul.millward@nottinghamcity.gov.uk	
Other colleagues who have provided input:	Rob McCutcheon, Team Leader, Corporate Safety Advice	
Does this report contain any information that is exempt from publication? No		
Brief Summary		
<p>This report seeks to provide assurance that the council is compliant with health and safety legislation and guidance by reference to the HSE's 'Managing For Health And Safety, HSG65' process. It also considers the effectiveness of internal controls for the management of health and safety.</p> <p>The overall picture of compliance with HSG65 is good and, where improvements are required in compliance with this process, the necessary systems are in place. I consider that the level of compliance in 2023/34 has remained steady from previous years' assessments.</p> <p>As in previous years, the policies, procedures and training for managers have been maintained, but good health and safety compliance requires all managers to implement these policies at service level.</p>		
Recommendation(s):		
	<ul style="list-style-type: none"> a) Audit Committee notes the compliance with the Health and Safety Executive's HSG65 processes and that the monitoring of this compliance is in place; b) The committee requests that all Corporate Directors ensure that all outstanding Accident/Violence/Audit recommendations are completed and recorded on the corporate system by 13th December 2024; c) The committee requests that 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 13th December 2024, and d) Audit Committee notes the absence of any HSE intervention in the council in the past three years. 	

1 Reasons for recommendations

1.1 The Audit Committee's terms of reference include:

Purpose

- (a) provide an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards

(b) provide independent assurance to those charged with governance of the adequacy of the risk management framework and the internal control environment, and,
Objective:

(h) consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions

- 1.2 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 Both criminal and civil law apply to workplace health and safety. As an employer, Nottingham City Council must protect employees and others from getting hurt or ill through the work it undertakes. If we don't comply with this requirement, the Health and Safety Executive (HSE) may take action against the council under criminal law and a person affected may take a claim for compensation against the council under civil law.
- 2.2 Health and safety law for Great Britain is made up of Acts of Parliament and statutory instruments (regulations). The main legislation is the Health and Safety at Work etc. Act 1974 (HSWA). It sets out the general duties which employers have towards employees and members of the public and employees have to themselves and to each other.
- 2.3 Certain work activities have specific regulations, such as those for construction work or working with asbestos.
- 2.4 The framework for compliance with legislation and regulations is contained in the Health and Safety Executive's 'Managing For Health And Safety, HSG65'. This guidance explains the Plan, Do, Check, Act approach (plan what you need to do; do the right things to implement your plan; check your control measures; and act if your measures are not working) and shows how it can help achieve a balance between the systems and behavioural aspects of management. It also treats health and safety management as an integral part of good management generally, rather than as a stand-alone system.
- 2.5 The CSA team work to the HSG65 guidance.
- 2.6 The council as a whole has not applied for one of the formal assurance standards - ISO 45001 Health and safety management standard or BS EN ISO 9001 Quality management system on the grounds of practicality, cost and capacity. However, a few service areas do hold ISO 45001 (e.g. Neighbourhood Services). Some other services are externally monitored, including leisure centres, schools and care centres.
- 2.7 In Nottingham City Council, the corporate team (3.6FTE) are responsible for the policies, procedures, advice, training, consultation with Trade Unions and auditing of the council's health and safety arrangements whilst service managers are responsible for the services they provided, assisted by specific health and safety posts in directorates.
- 2.8 **Plan**

2.8.1 Policy statement

The 'Plan' aspect of the HSE definition describes how the council should manage health and plan to make it happen in practice. This is essentially, the council's health and safety policy. The Health, Safety and Welfare Policy Statement, signed by the Chief Executive and Leader (April 2022) is reviewed regularly and will be reviewed with the new Chief Executive and leader imminently.

2.8.2 All individual policies and procedures are reviewed every three years unless incidents or legislation require action earlier. There is no set time for review of policies in legislation.

2.8.3 Consultation with Trade Unions

There are currently two formal forums for trade union consultation within Nottingham City Council:

a) Corporate (Corporate Health Safety & Welfare Panel (CHSWP) which meets quarterly. The purpose of this meeting is to identify and consult on strategic matters and the impact on the safety of all colleagues on concern to the authority as a whole.

b) Directorate Safety Committees which considers directorate specific matters.

The Panel has representation from directorates and specialist advisors where necessary. Trade Unions bring issues to the meeting that have not been resolved at Directorate meetings. In addition to the Corporate Panel, a sub group, the Asbestos Working Group, meet bi-annually to raise matters specifically relating to the asbestos management process or incidents.

2.9 Do

- Assess risks – prioritise, assess and control safety, health and workplace risks

The CSA intranet site sets out various risk assessment form templates for different types of risks (e.g. general/office risks. Stress, manual handling, first aid, working at heights, hybrid working etc.) Guidance for completing of each type of risk assessment is also given. The CSA team can provide advice and support in completing templates.

- Provide information and training

2.9.1 Information

The 'Safety Policy & Arrangements' (SPA) section of the Safety Manual contains the specific policies and arrangements on health, safety & welfare issues that may be present within working environments. There are currently 42 separate Policies and Arrangements covering the major areas of risk. The Policies and Arrangement are subject to regular consultation with the Trade Unions. All of these polices were updated in 2023.

2.9.2 Training

In terms of training 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. There are numerous H&S courses available on Learning Zone and a few face to face courses. In addition there is a culture of Toolbox talks across certain services.

Some 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.

One area of training which has been specifically targeted is on asbestos, following the council prosecution by the HSE in 2009. The corporate policy for asbestos notes that the duty holder (any person with delegated duty for asbestos) has an Asbestos Log Book and has undertaken asbestos management awareness training in order to assist them in their role. Monitoring of compliance with asbestos regulations will be enhanced by the operation of the Corporate Landlord Model (as many premises will be under the direct management of one team) and a continually updated list of building managers. Local training on asbestos within the relevant directorates is undertaken for all identified colleagues who are likely to access asbestos containing materials.

There were no asbestos incidents identified within the last year.

2.9.3 Reporting Incidents.

The council must report certain accidents, incidents and diseases to HSE under Regulations known as RIDDOR. The Corporate Safety Advice team maintain detailed arrangements and reporting mechanisms for RIDDOR incidents and these are available to all managers.

In addition, the CSA team maintain a reporting system for managers and colleagues relating to accidents, near accidents, and violence to colleagues. Information relating to such incidents is considered at both Directorate and Corporate Safety meetings at each meeting.

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.

Other issues

Consideration to vulnerable workers is contained in various policies including a specific SPA for New and Expectant mothers at work, and PEEPs (personal evacuation plans).

The council provides approved first aid training and ensures first aid kits are in-date.

Other aspects of the HSE's 'Do' recommendations concern the provision of adequate workplace facilities (toilets/welfare provision etc.) and the display of the health and safety law poster.

2.10 Check

This aspect of the HSE's assurance method checks that our processes and procedures are working properly and that the risks stay controlled. The HSE recommend: "Making regular, planned checks of the workplace to look for risks that may have been overlooked, or people who are not working safely".

The CSA team undertake regular checks of service area's compliance with the main aspects of health and safety legislation via compliance audits. A report of improvements required following the audit is produced for the manager, categorised into Low, Medium and High Risks. Compliance audits can be a mixture of on-site visits or manager self-auditing questionnaires. The manager holds the legal responsibility for health and safety in their services, rather than the CSA team.

The previous audit regime covered only the main areas of health and safety legislation but now also covers specific areas of health and safety largely unique to that service area.

With the new use of the Learning Zone as the recording system, the Corporate Safety Advice team have been able to give more information to managers and improve the follow up process so as to check that managers have acted on their recommendations. Service Audit recommendations have been escalated to Directors where additional action has been required.

The CSA team have concentrated in 2023/24 on auditing Children's & Adults Social Care, Children's Integrated Service, Markets, Museums and Libraries and 56 audits were completed.

Where common themes are identified, they are highlighted to the relevant manager(s).

The figures below are the results from audits over past two financial years. There were no areas identified as being at Very High Risk (a Very High Risk would, largely, relate to asbestos, legionella or fire issues which did not have any risk assessment in place at all). High Risks often relate to a lack of assessment or up to date documentation. If a Very High Risk was identified, Corporate Safety would intervene with the relevant service area until the Risk level had been reduced.

Module 1 (Legal Responsibilities of Management)

Directorate	Moderate risk	High Risk	Very High Risk
People's	2 (0)	0 (0)	0 (0)
CERS	0 (0)	0 (0)	0 (0)
Growth & City Development	0 (0)	0 (0)	0 (0)
Finance and Resources	0 (0)	0 (0)	0 (0)

Module 2 (Risk Assessment & Document Management)

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

Directorate	Moderate Risk	High Risk	Very High Risk
People's	2 (1)	3 (3)	0 (0)
CERS	0 (11)	2 (0)	0 (0)
Growth & City Development	0 (8)	0 (0)	0 (0)
Finance and Resources	0 (0)	0 (8)	0 (0)

Module 3 (Premises Management & H&S Compliance)

*date check 30th May 2024
(Figures at March 2023 in brackets)

Even with the increase in the number of audits completed overall, the risks continue to relatively reduce and Corporate Safety Advice have revisited all the outstanding audits and addressed the concerns identified as part of the process to move to the new system.

A procedure, agreed between the CSA team and Wellbeing, for Health surveillance, is also in place and complies with relevant legislation.

Training levels are assessed regularly and numbers of colleagues undertaking training is monitored both at Directorate and Corporate safety meetings. There is an extensive list of courses available to colleagues via Learning Zone and specific training in the directorates is also provided.

For the mandatory DLT/SLMG training, at August 2024, 74% of SLMG managers had completed the relevant management courses and were deemed 'competent' in relation to 'knowledge' part of the HSE definition. The comparable at March 2023 was 97%. This year's lower figure is largely due to an increased turnover of colleagues leaving and starting. However, these figures are monitored continually, and colleagues are reminded of the necessity to maintain 'competency'.

A new metric of % of all potential managers trained (as opposed to just SLMG) in

relevant modules has been developed and currently this is at 83% as at July 2024.

The Incident reporting system is well used and anonymised data is considered with the Trade unions at Directorate and Corporate Safety meetings to analyse trends and to consider mitigations in future.

		Directorate			
		Peoples	CERS	Growth & City Development	Finance and Resources
Accidents	Total No.	235 (200)	247 (240)	22 (9)	12 (8)
	Employee	101 (112)	155 (169)	20 (8)	11 (7)
	3 rd Party	134 (88)	92 (71)	2 (1)	1 (1)
Outstanding accidents (older than 1 month) which have yet to be fully investigated / closed		35 (29)	26 (28)	6 (3)	4 (3)
No of violent incidents Physical and Verbal threats		428 (314)	63 (57)	3 (3)	26 (0)
Outstanding violent incidents (older than 1 month) which have yet to be investigated / closed		26 (30)	4 (13)	0 (0)	0 (0)

Top figure 01/04/2023 – 22/03/2024 (in Bold)

Bottom date 01/04/2022 – 31/03/2023 (in brackets)

Included are the previous years figures so it is possible to see direction of travel.

Generally, the overall accident figures have remained similar to the previous years figures but violence has increased within Peoples. (This maybe be as a result of Schools being actively encouraged to report incidents via this system and some schools have used the system as part of their behaviour management process.) The overall number of comparable accidents and violent incidents is still less than pre COVID levels, and the number of outstanding investigations over a month old for both accident and violence has remained roughly constant.

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 these investigations regularly (as it their responsibility to do), but it is notable that the level of un-investigated incidents remains roughly at the same level as last year's figure. The CSA team escalate any significant or urgent matters.

Some incidents are reportable to the HSE and a system is in place, via CSA, to ensure this happens correctly and promptly.

Relevant statistics from HR as to levels and causation of absence is considered at every directorate and corporate safety meetings. The trends in absence are considered and action, where possible is taken. Much of the mitigation actions are devised between CSA, Wellbeing and HR, all of whom sit on the Corporate Safety Panel.

Health & Safety Executive (HSE)

In the last 3 years, the HSE has not intervened formally in any incidents. However, it should be noted that HSE currently have an interest in two ongoing matters.

2.11 Act

The HSE note that reviewing health and safety performance will help decide if the arrangements are still effective.

- All accidents/violent incidents and near misses are investigated and future mitigations put in place. The CSA team, via the intranet system, monitor the status of investigations and follow up where investigations have not taken place or are unsatisfactory.
- The Risk Assessment forms are regularly reviewed as part of the cyclical review of all health and safety documentation and takes into account information available since the last reviews.
- New risks are risk assessed and the Team leader Health and Safety offers professional advice to services as to suitability of risk mitigations and compliance with legal standards.

2.12 Looking forward

Whilst this report is an annual 'look back' at health and safety in the council, I note that the move to the 'Corporate Landlord' function within the council has provided some improvement in terms of consistency in health and safety practices and an improvement in 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 2025 when fully operational.

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>