

AUDIT COMMITTEE – 30th November 2018

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	
Recommendation(s):		
1	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 25 th January 2019;	
2	All Corporate Directors ensure that all outstanding Accident/Violence/Audit recommendations are completed and recorded on the corporate system by Friday 25 th January 2019;	
3	Audit Committee notes the number of HSE intervention in the council in the past three years	
4	Update on recommendations 1 & 2 to be reported to Audit Committee in February 2019.	

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 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.

Improvements are required in:

- Being able to demonstrate that our managers are trained in health and safety issues affecting their services;

- Asbestos management by managers. This area is improving but more work is necessary;
- Completion of 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;
- Completion of 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.

A version of this report was considered by Corporate Leadership Team in August and work has been on going since then to improve Departments standards.

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. The Corporate Safety Advice team is introducing a new module (module 4) which has been developed for SMT and DLT level managers. This module will cover the strategic management aspects of modules 1 & 2 and is intended to replace the need for SLMG managers to attend the full, operational based, courses.

The courses are:

Legal Responsibilities of Management (Module 1)

Risk Assessment & Document Management (Module 2)

Premises Management & H&S Compliance (Module 3)

DLT and SMG Health & Safety Management Training (Module 4)

Further, it was agreed that managers would be required to refresh their knowledge at least every three years 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 latest 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)*				
Department	SLMG posts	Module 1	Module 2	'competency' within 3 years
Children & Adults	19	13	11	63%
Commercial & Operations	27	21	19	74%
Development & Growth	19	14	11	65%
Strategy & Resources	18	7	8	42%

*date check 16th October 2018 on August 2018 structure

2.4 Audits

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 at risk if, having audited services and having made recommendations, it then fails to implement those recommendations.

The figures below are the results from 299 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. Up to date figures will be available at the Committee meeting, if required.

Module 1 (Legal Responsibilities of Management)

Department	Moderate risk	High Risk	Very High Risk
Children & Adults	33	0	0
Commercial & Operations	20	0	0
Development & Growth	4	0	0
Strategy & Resources	3	0	0

Module 2 (Risk Assessment & Document Management)

Department	Moderate risk	High Risk	Very High Risk
Children & Adults	106	198	0
Commercial & Operations	117	211	0
Development & Growth	17	12	0
Strategy & Resources	7	19	0

Module 3 (Premises Management & H&S Compliance)

Department	Moderate risk	High Risk	Very High Risk
Children & Adults	92	120	88
Commercial & Operations	179	205	124
Development & Growth	8	15	11
Strategy & Resources	7	5	0

* August 2018

2.5 Health & Safety Executive (HSE)

Interventions – last 3 years

In the last 3 years, the HSE has formally intervened in 2 incidents, both within Commercial & Operations Department.

- Finger amputation whilst using mower – September 2014
- Overturning all-terrain vehicle – July 2016

HSE Fines

Finger amputation whilst using Mower – May 2017

“An investigation by the Health and Safety Executive (HSE) found the council had removed some of the manufacturer’s safety measures of the machinery, and replaced it with its own design which was not to the required safety standard.

The council failed to suitably control the risks posed by the physical equipment in use and also didn’t fully consider training needs of the employees to operate the machinery in a safe and appropriate manner. Failures were also identified in the levels of supervision provided for the lawn mowing activity by apprentices.

The body has today been fined £33,000 and ordered to pay costs of £12,000.

“This was a preventable incident which would have been avoided if suitable control measures, levels of training, supervision and monitoring were applied.”
(HSE website)

Overturning all-terrain vehicle

Although the overturning ATV did not result in continued action against the council, the council were required to pay the HSE’s ‘Fee for Intervention’.

2.6 Asbestos Issues

Asbestos related incidents

In the last three years, there have been six incidents recorded re possible asbestos exposure. All six cases involved the Commercial and Operations Department. Four incidents were recorded at Enviroenergy as a precaution for potential exposure to asbestos at the back of insulating circuit boards and the other two were incidents at Woolsthorpe and Woodthorpe Grange.

2.7 Asbestos training

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.

Number of colleagues trained in asbestos issues by department:

Department	Asbestos Management	Asbestos Inspection	What is Asbestos
Childrens & Adults	87	47	42
Commercial & Operations	364	279	306
Development & Growth	37	9	18
Strategy & Resources	3	7	10

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.

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. 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.

		Department			
		Children & Adults	Commercial & Operations	Development & Growth	Strategy & Resources
No of accidents (colleagues and 3rd parties) Data for 01/10/2017 - 30/09/2018	Total	322	608*	5	16
	Employee	151	485*	5	14
	3 rd Party	171	123	0	2
Outstanding accidents (older than 1 month) which have yet to be investigated / closed		35	20	2	2
No of violent incidents Data for 01/10/2017 - 30/09/2018		314	129	7	8
Outstanding violent incidents (older than 1 month) which have yet to be investigated / closed		86	11	3	3

*includes RTC incidents

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 slightly increasing. Trends and causation will be monitored at the CHSWP meetings.

2.9 **CHSWP Attendance**

The Corporate Health, Social 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, 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. 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>