

**Audit Committee – 31<sup>st</sup> January 2020**

<b>Title of paper:</b>	Annual Report of Health and Safety within the Council	
<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>	To note that Corporate Directors have been requested to ensure their departmental colleagues can demonstrate up to date training in the mandatory health and safety courses, and, where appropriate, asbestos management, by Friday 27 <sup>th</sup> March 2020;	
<b>2</b>	To note that Corporate Directors have been requested to ensure that all outstanding Accident/Violence/Audit recommendations are completed and recorded on the corporate system by Friday 27 <sup>th</sup> March 2020, and	
<b>3</b>	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.
- 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 were 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 continues to improve 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.

### 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 has introduced a new module (module 4) which has been developed for SMT and DLT level managers. This module covers 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 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.

<b>Mandatory Health and Safety Training (SLMG results only)*</b>					
<b>Department</b>	<b>SLMG posts</b>	<b>Module 1</b>	<b>Module 2</b>	<b>Module 4 (where required)</b>	<b>'competency' within 3 years</b>
<b>Children &amp; Adults</b>	19	13	10	8	100%
<b>Commercial &amp; Operations</b>	26	22	21	6	100%
<b>Development &amp; Growth</b>	14	10	10	6	95%
<b>Strategy &amp; Resources</b>	17	6	7	12	94%

\*date check 3<sup>rd</sup> January 2020 on the April 2019 structure Chart

## 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 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 table below shows a marked improvement from data originally submitted to Audit Committee in November 2018.

### Module 1 (Legal Responsibilities of Management)

<b>Department</b>	<b>Moderate risk</b>	<b>High Risk</b>	<b>Very High Risk</b>
<b>Children &amp; Adults</b>	4	0	0
<b>Commercial &amp; Operations</b>	8	0	0
<b>Development &amp; Growth</b>	8	0	0
<b>Strategy &amp; Resources</b>	0	0	0

### Module 2 (Risk Assessment & Document Management)

<b>Department</b>	<b>Moderate risk</b>	<b>High Risk</b>	<b>Very High Risk</b>
<b>Children &amp; Adults</b>	34	1	0
<b>Commercial &amp; Operations</b>	29	3	0
<b>Development &amp; Growth</b>	7	1	0
<b>Strategy &amp; Resources</b>	1	0	0

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

Department	Moderate risk	High Risk <sup>^</sup>	Very High Risk
Children & Adults	13	20	0
Commercial & Operations	38	1	0
Development & Growth	6	1	11
Strategy & Resources	0	0	0

\*date check 3<sup>rd</sup> January 2020

<sup>^</sup> “High Risk” in Module 3 largely relates to the mandatory three year training for relevant colleagues being out of date, rather than a direct physical risk to colleagues or service users.

### 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

In the last three years, there have been six incidents recorded re possible asbestos exposure in three sites. 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 others were at the Eastcroft depot and Central Library.

### 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
Children & Adults	13	18	27
Commercial & Operations	63	116	204
Development & Growth	5	3	6
Strategy & Resources	3	4	4

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. Departmentally, Commercial and Operations 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.

		Department			
		Children & Adults	Commercial & Operations	Development & Growth	Strategy & Resources
<b>No of accidents (colleagues and 3<sup>rd</sup> parties)</b> Data for 01/04/2018 - 31/03/2019	Total	380	781*	13	4
	Employee	196	616*	13	2
	3 <sup>rd</sup> Party	184	165	0	2
<b>Outstanding accidents (older than 1 month) which have yet to be fully investigated / closed</b>		<b>46</b>	<b>19</b>	<b>3</b>	<b>3</b>
<b>No of violent incidents</b> Data for 01/04/2018 - 31/03/2019		392	152	7	9
<b>Outstanding violent incidents (older than 1 month) which have yet to be investigated / closed</b>		<b>39</b>	<b>5</b>	<b>1</b>	<b>0</b>

\*includes RTC incident

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.

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 increasing. Some of this increase may be due to Corporate Safety Advice's efforts to encourage the reporting of all accidents. Trends and causation are monitored at the Corporate Health, Safety and Welfare Panel meetings

## **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, 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. In addition to this Panel, a sub group, the Asbestos Working Group meet bi-annually to raise matters specifically relating to the asbestos management process or incidents. 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>