

## **Report to Joint Consultative and Safety Committee**

**Subject:** Health and Safety Annual Report 2018/19

**Date:** 27<sup>th</sup> August 2019

**Author:** Health, Safety and Emergency Planning Officer

### **Purpose**

To provide JCSC members with an annual report on matters relating to health and safety (H&S). The report covers the Health and Safety and Emergency Planning Officer's (HSEPO) delivered work plan and significant work streams for 2018/19. It references key assurance risks, assurance statements and then outlines the Senior Leadership Team (SLT) agreed HSEPO work plan for 2019/20. The report asks the committee to note the report. The report includes HSEPO recommendations agreed by SLT. This report is in the respect of those H&S functions the Council discharges in the capacity as an employer. Please note the HSEPO additional duties as the lead officer for emergency planning and business continuity are only briefly referenced. (these duties in themselves entailed considerable amounts of work in the development of the winter preparations guidance and BREXIT work streams).

### **Recommendation(s)**

#### **THAT:**

- 1) For the committee to support the findings of the report and continue to recognise the importance of H&S.**
- 2) To note the report and the agreed SLT H&S action plan for 2019/20.**
- 3) To note that SLT considered and agreed in June the HSEPO request for a corporate H&S training budget be established of £6000 per annum.**
- 4) To note that SLT considered and agreed in June the HSEPO request for administration support to aid the delivery of eLearning, Asset Register updating, Training Matrix work, and AssessNET – risk assessment module full implementation; and**
- 5) To note that SLT considered and agreed in June the HSEPO request for four weeks administration support to aid the delivery of**

## occupational health surveillance.

### 1 Background

- 1.1 The HSEPO acts principally as the specialist H&S practitioner for the Council. He provides appropriate advice, assistance and interventions to aid management to meet their statutory obligations and facilitates a consistent application of the Council's H&S policy, as necessary to stop injury, harm or loss from occurring. Whilst recognising the formal responsibilities placed upon relevant managers, the HSEPO has a general responsibility and authority to provide an appropriate enforcement role when there is a discernible breach of H&S.

The HSEPO completed a comprehensive work plan during 2018/19. The HSEPO strives to undertake his work in a supportive manner and a hands-on approach where needed. The planned work was implemented, checked and findings acted upon. He takes great pride in the service provided to the Council within the given resource available.

The H&S service continued to deliver and positively contribute towards the Council's vision of '*Serving People, Improving lives*'.

#### 1.2 Summary of key H&S achievements (2018/19):

- HSEPO assisted the service areas and officers with H&S requests to meet their service plan and Gedling Plan objectives. An example includes the Eagle Square redevelopment and Arnold Market refurbishment successes.
- Achieved the Royal Society for the Prevention of Accidents (RoSPA) Leisure Safety award. The HSEPO was the lead for the award submission along with the Leisure Centre Manager (Carlton Forum and Calverton Leisure Centres) with valuable input from other leisure service officers. A team effort where the Council was awarded the *RoSPA Silver Award – for excellence among companies that primarily offer services direct to guests and visitors during 01 January 2018 – 31 Dec 2018*. The Award ceremony is in June 2019.
- *Ghazi-Nooray V Gedling Borough Council* court case 27<sup>th</sup> April 2018; the HSEPO attended court to support the defence of a civil claim. The Council successfully defended the claim.
- The Council achieved the highest officer attendance of the annual health promotion (Health fair); a second session was arranged for two types of health checks due to high demand.
- The HSEPO directed **£42,000 of risk management reserve** funds to H&S risk mitigation.

- Substantial improvements have been achieved in legionella bacterium control. The Council now has comprehensive guidance, suite of risk assessments, water system schematics, log books, disinfection programmes and competence training. Significant proportions of these costs have been addressed through the risk management reserve. This investment was crucial to bring the Council up to industry and HSE guidance standards, this will now in the future only require modest levels of investment to maintain standards and support refresher competence training. Legionella control mitigates the risk of harm to others and guards against significant HSE prosecutions such as the two examples below:

1. *Tendring District Council Health and Safety Executive (HSE) fine in December 2018 of £27,000 after legionella bacteria was found in the gym showers. A visitor to Walton-on-the-Naze lifestyles centre contracted Legionnaire's disease in November 2016. Legionella control in-house was poor, those responsible were not properly trained. Matthew Taylor, prosecuting, told the court that had been the case for nearly 10 years from 2007 and said its legionella controls were "poorly implemented".*

2. *Health care provider Bupa Care Services fined £3 million in June 2018 in a prosecution brought by HSE following the death of an 86 year old resident of its Hutton Village care home in Brentwood, Essex from Legionnaires' disease.*

- Between 2015/16 and 2018/19 the Council through the HSEPO work plan and advice has invested over **£100,000** towards H&S risk mitigation.
- Leisure obtained their overall best external H&S audit results on record in 2018/19. This achievement is even more noteworthy given the ageing stock of premises within the service.
- The HSEPO delivered an unplanned H&S audit and report at the request of the Director of Health & Community Wellbeing of the Newstead Centre in Bestwood.
- More than 40 hours of H&S support has been received from a personal assistant to SLT to update the Council's Asset Register, supporting the eLearning project work and the reformat of the corporate staff training matrix.
- The implementation and population of the AssessNET system has made significant progress. SLT recognised the additional support needed to push progress forward and as a result the Community Relations Projects Officer supported service areas in the transfer of Word based risk assessments onto AssessNET.
- The HSEPO provided risk assessment advice for operation sceptre, the knife amnesty housed in the Civic Centre for the first time in Quarter 2 of 2018/19. See image 1. An image of the knife amnesty collection bins

used during the amnesty.

Image 1.



Operation Sceptre: Knife amnesty took 418 bladed weapons off the streets. The haul deposited during the amnesty was 50% higher in half the time of the last amnesty in 2013, when 278 knives were handed in over two weeks.

- The Corporate Health and Safety (CHAS) group met every quarter and were provided with comprehensive briefing reports.
- There has been a considerable amount of resource directed to the UK's exit from the European Union.

### 1.3 Progress and report of the last financial years H&S service objectives.

Each H&S enabler has been risk assessed using standard risk definitions. See **Appendix 1 and 2**, each of the five key H&S enablers are supported with assurance statements.

HSEPO 2018/19 action plan are referenced as the five key health & safety enablers. The H&S strategic work plan 2018/19 was delivered as previously agreed with SLT.

A breakdown of 2018/19 H&S action plan is outlined in **Appendix 3**.

### 1.4 Health and Safety Guidance, assistance and changes to H&S legislation (Key H&S enabler No. 1)

National legislation, HSE guidance, case law, networking with the Nottinghamshire Risk Management Group (NRMG), industry best practice, alongside organisation learning, officer requests and H&S practitioner liaison have all contributed to the HSEPO work priorities. They also played a role in developing the Council's H&S management system. Some were not known when the objectives were set and had to be accommodated, likewise for Councillor requests.

To enable continued competent advice to the Council, the HSEPO maintained his H&S professional membership with the Institute of Occupational Safety and Health (IOSH) with his Graduate membership status and continuous professional development. The HSEPO became a full member of the International Institute of Risk and Safety Management

(IIRSM); with designatory letters of MIIRSM. He recently became the secretary for the Nottinghamshire Risk Management Group.

H&S practitioners historically in the past have quietly gone about their business and more subtle in the support and direction; with H&S seeing a huge shift in punishments and costs associated with HSE enforcement action for negligent actions, a shift in approach had to change. The HSEPO remains pragmatic and realistic in his assistance and approach; but now has had to evolve into more direct interventions to address clear discernible breaches of H&S legalisation.

There was significant changes in February 2016 that revised Sentencing Guidelines for Health and Safety Offences. The Sentencing Council published definitive guidance covering new sentences for individuals who commit gross negligence manslaughter. The changes were effective in courts on 1<sup>st</sup> November 2018, and now includes jail time of up to 18 years for the worst offenders. This change as well as the HSE increasing their Fees for Intervention (FFI) from £129 to £154 per hour, almost a 20% increase in 2019. FFI applies to any organisation such as the Council that receives a notification of contravention from a HSE inspector for a 'material breach', in effect where an officer, department, service area or the Council as the body corporate is found to be in breach of and clearly not following HSE legislation, regulations, guidance, approved codes of practice or industry standards. The FFI applies from the initial identification of a breach to taking any action multiplied by the hourly rate.

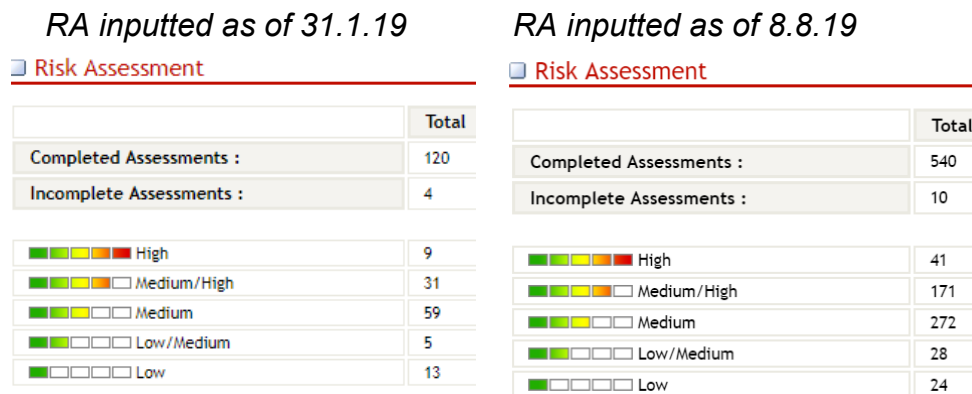
Ultimately, this means that any non-compliance within the Council, our activities through meeting the Gedling Plan objectives now come with a more significant repercussions if officers or our contractors get it wrong. This also continues to justify the level of resource the Council invests in H&S and the support given to the HSEPO.

Leadership plays a crucial role in maintaining and improving H&S standards. For any H&S management system to succeed leadership must remain visible and active in health, safety and welfare matters. For example, a strategic review of H&S was undertaken with the backing of SLT, along with SLT's support of the HSEPO recommendations to further aid the H&S service.

The H&S software AssessNET continued to develop and support the Council's overall H&S management system. This past year saw an increased level of usage, supported by a comprehensive programme of training and awareness at all levels of the Council. AssessNET enables

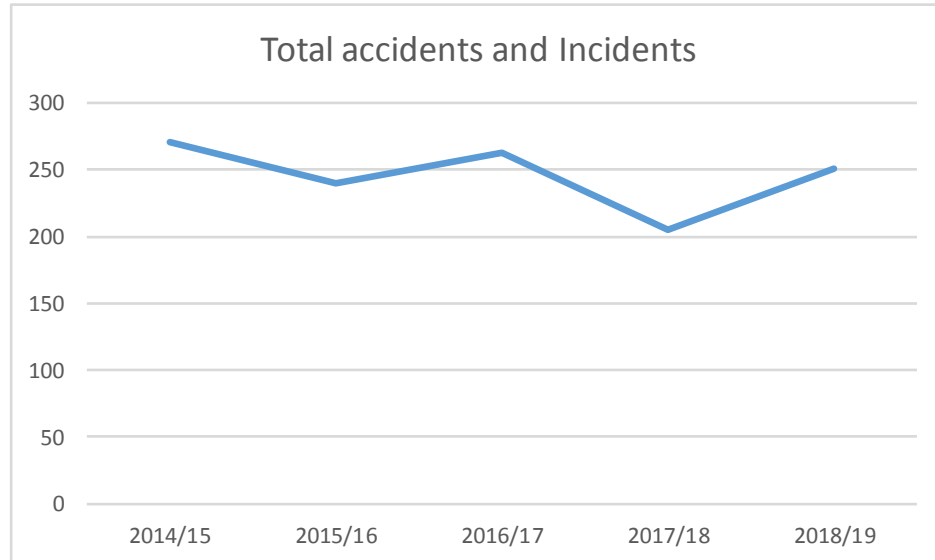
an improved and immediate identification of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required.

Below is an example of how risk assessment module implementation has made great progress since January 2019 to the start of August, from 120 to 540 risk assessments now recorded on the AssessNET risk assessment module. A threefold increase. To date just over 50% of risk assessments have an overall Medium risk rating.



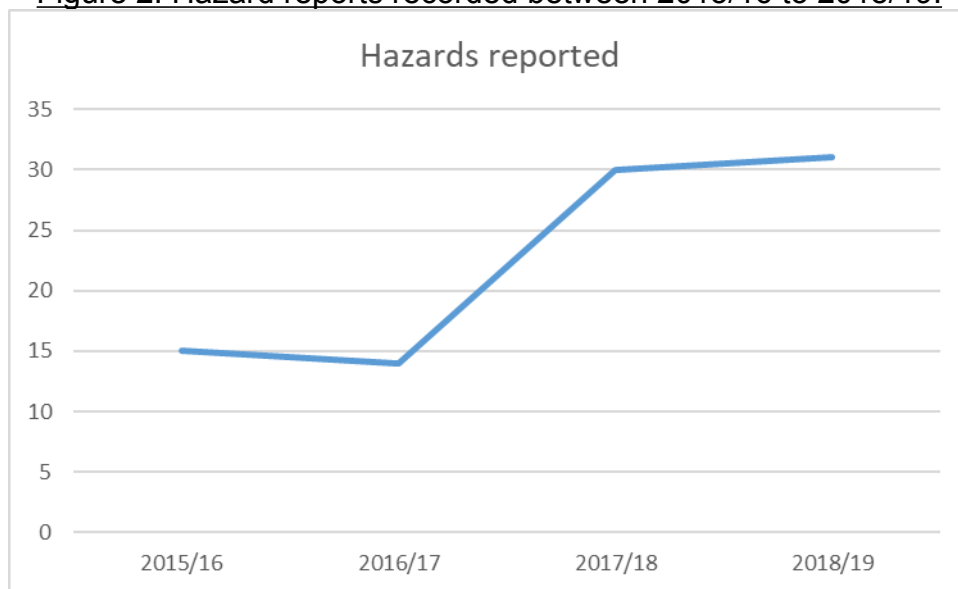
AssessNET and other H&S digital options has the potential to support and influence gaps in H&S knowledge that often exist within large organisations such as the Council. The HSEPO cannot be everywhere at once and so he relies on the H&S system to provide wider resilience when he is not available.

Figure 1. Total Accident and Incident Events From 2014/15 to 2018/19.



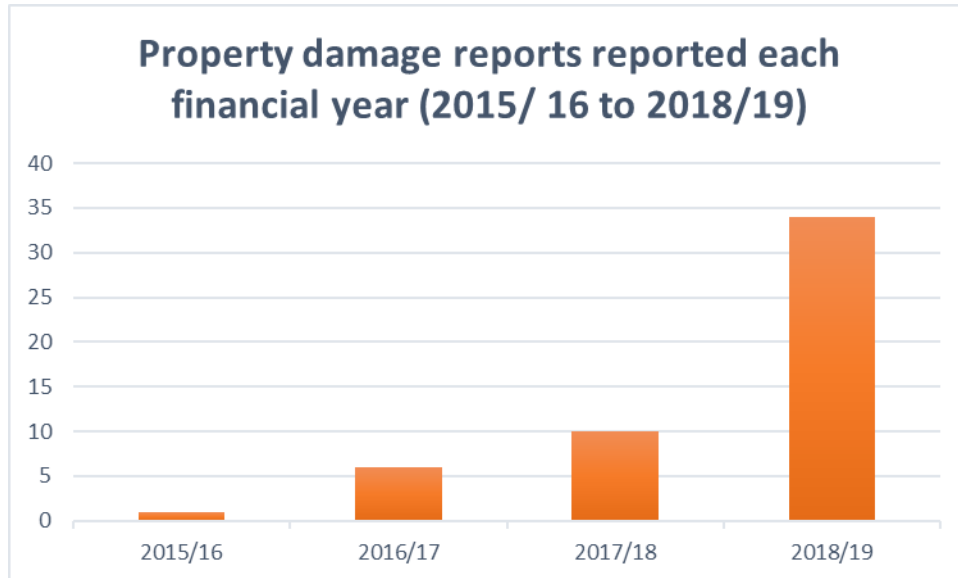
The last five years of accident and incident reporting has seen a steady level of reporting with no real significant increases or dips identified in the levels of reporting. For 2014/15; 2015/16; 2016/17; 2017/18 and 2018/19 saw 271; 240; 263; 205 and 251 adverse events reported respectively.

**Figure 2. Hazard reports recorded between 2015/16 to 2018/19.**



Since AssessNET hazard reporting was introduced, the number reported has doubled in recent years. They are as follows: 2015/16, 2016/17, 2017/18 and 2018/19 had 15, 14, 30 and 31 reports respectively. This level of reporting is expected to be maintained if not increase. The increase in reporting is not a reflection of a worsening position, more a better reflection of the reality and possible under reporting in the past.

**Figure 3. Property Damage reports**



Property damage reports have seen year on year increases in the level of reporting; between 2015/16 to 2018/19 the year totals for property damage reports were 1, 6, 10 and 34 respectively. Like hazard reports this does not show a worsening position, more a better reflection of reality and possible under reporting in the past. The levels of reporting have also largely followed a similar pattern of the total number of officers trained in accident and incident investigation; and the awareness of AssessNET through the briefing sessions delivered.

### **H&S Training delivery (Key H&S enabler No. 2)**

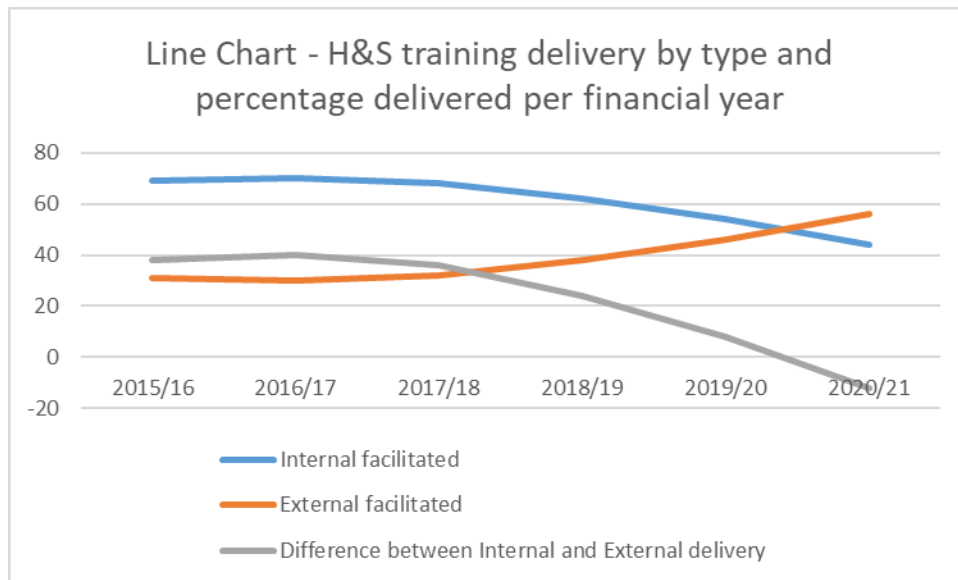
- 1.5 The HSEPO role includes promoting and providing regular safety training and education for employees in collaboration with management. A comprehensive training plan was delivered. There were additional ad hoc sessions delivered at management requests and sessions delivered to address gaps identified from internal learning.

The Figure 4, line chart shows that internal facilitated training was delivered on a relatively high level between 2015/16 to 2017/18. In 2018/19 the introduction of AssessNET software saw higher levels than normal of smaller briefing sessions. However, the level of training delivery by a single officer is unsustainable. Therefore, a new H&S training policy was proposed at the CHAS group meeting in January 2018 (quarter 3) and subsequently agreed in Quarter 4. This effectively has rationalised the level of internal facilitated training and increased the level of bought in training provision moving forward.

Figure 4 Line Chart for H&S training delivery of internal and external sessions



Please note. The left hand vertical axis shows numbers by percentage (%)

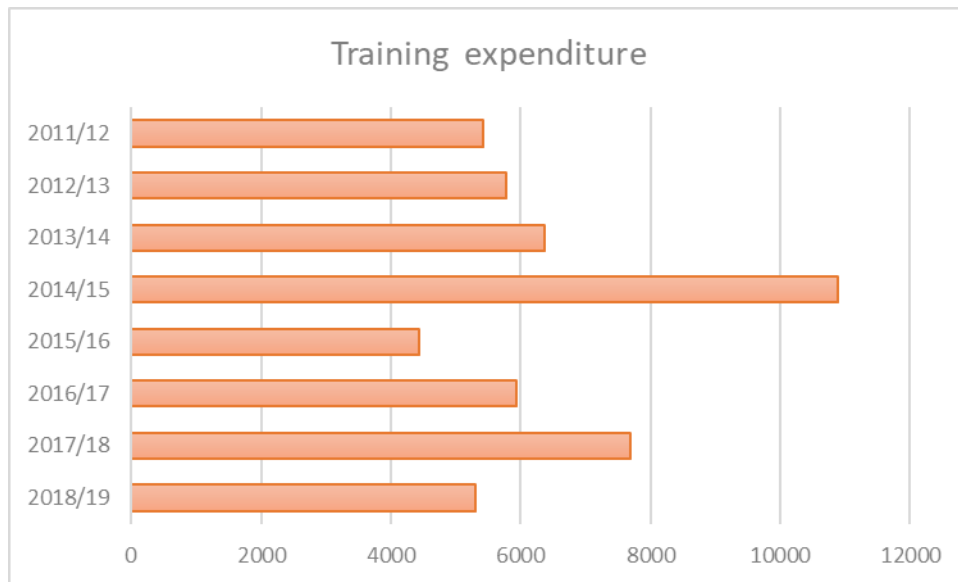


As the planned action to introduce eLearning software is completed and external training delivery trend is likely to continue, it can be reasonably assumed that external training will overtake the number of internal delivered training sessions by 2020/21, then after that level out. This may fluctuate over time to accommodate service area demands for training.

It is generally understood in the workplace and within the H&S profession that employees will commonly avoid systems they do not know how to use, no matter how intuitive it may be, so training is a must, and more often than not with H&S a statutory requirement. In terms of the level of attendance to H&S training, there have been several examples of late cancellations or none attendance when officers were booked onto training throughout the year. SLT agreed to support addressing this issue.

Regardless of this observation the level of training attendance to H&S training sessions had overall good attendance levels at training sessions.

Figure 5. Total expenditure directed to H&S external training provision between 2011/12 to 2018/19



An eight year average expenditure of £6500 per financial year is spent on external H&S training requirements. The spike in 2014/15 was to cover the Level 6 Diploma costs for the HSEPO after he took post. Previously there was no dedicated H&S training budget. As of June 2019 SLT agreed to support the HSEPO recommendation that a corporate H&S training budget be established to fund external H&S training needs for 2019/20 onwards. This is on top of the budget needed for eLearning software. Please see the breakdown of external training courses in Appendix 5.

**H&S Audits, Inspections and site visits** (Key H&S enabler No. 3)

- 1.6 The HSEPO completed planned and unannounced periodic interventions. These identified both good and improvement areas. When the HSEPO identified unsafe plant, working procedures or practices, he provided advice on addressing the issues and remedial action to overcome any negative observations. In extreme circumstances stopped work or escalated these matters to management.

**Accidents, Incidents, Investigations and learning** (Key H&S enabler No. 4)

- 1.7

The HSEPO continued to collate, prepare and submit accident statistics and other safety reports for management to measure safety performance. Since January 2018, the Council continues to maintain an improved level of compliance with RIDDOR<sup>1</sup> regulations.

Quarter 2 (2018/19) saw an increase in interest amongst officers that

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<sup>1</sup> RIDDOR – Reporting of Injuries, Diseases Dangerous Occurrences Regulations 2013

manage, operate and enforce H&S on outdoor inflatables; linked to high profile tragic child deaths across the UK prompting H&S reminders for officers to be issued; advice included checking inflatables had a Pertexa Inflatable Play Accreditation (PIPA) certificates. PIPA is an inspection scheme set up by the inflatable play industry to ensure that inflatable play equipment conforms to recognised standards.

Tree Liabilities and work to raise the profile of this area was highlighted by a Court of Appeal decision in the case of Cavanagh v Witley Parish Council, the Judgement found that the Parish Council's approach to inspection of trees on a blanket three yearly cycle was inadequate and failed to take into account trees in higher risk locations, asserting that a more frequent and rigorous inspection on the particular tree in question would have identified the decay that subsequently led to the tree falling into the path of a bus. A tree management strategy and framework is viewed as necessary. The Parks department has undertaken several tree surveys and the risk recorded on the corporate risk register.

The HSEPO undertook several work streams on cemetery & memorial safety: It is established law that ownership of memorials remains with the family of the deceased. However, in discharging their duty of care to employees, visitors and other members of the public, as a burial ground operator the Council needs to have in place management and monitoring systems to control the risks from memorials. The cemeteries team undertake topple testing within Council cemeteries. The risk of injury or death caused by a failed or collapsing memorial remains extremely low. However, as is often the case with tree accidents where statistical risk is extremely low also, the public reaction to an incident of this nature is often quite challenging and calls into question the associated levels of risk that was originally assigned and how they were subsequently managed.

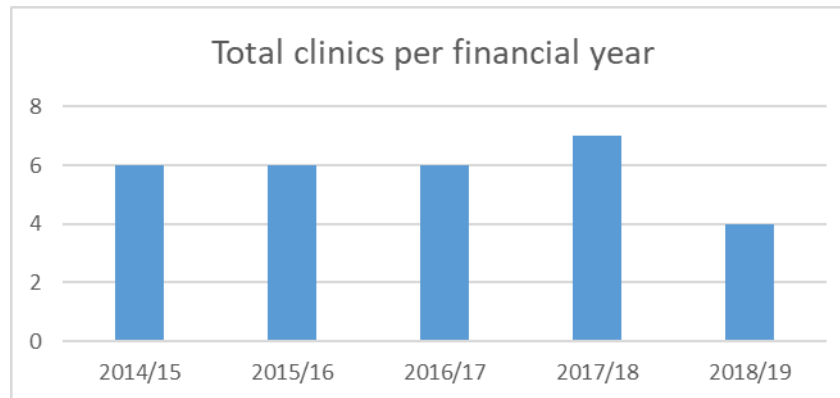
### **Occupational Health and Promotions (Key H&S enabler No. 5)**

- 1.8 H&S occupational health management and surveillance continued to be delivered in cooperation with local management. However, at times this was on a reduced level due to high levels of work commitments.

The Council is reflecting the wider population trend of an ageing workforce and as officers work for longer, they are naturally presenting management and the HSEPO with more complex health cases to manage, with several this past year absorbing resource to provide advice and support.

Figure 6. Shows the level of Occupational Health clinics arranged by the

## H&S service between 2013/14 to 2018/19



The level of clinics being arranged had dipped to 4 in 2018/19 clinics for the first time since 2014/15 when the current HSEPO took post. SLT agreed with the HSEPO recommendation to support this area with four weeks of administration assistance. This was effective from July 2019.

The HSEPO officer continued to use Specsavers corporate eye test vouchers for computer Visual Display Units (VDU) vouchers; and for Driver's eye care vouchers to officers that operate any Council fleet vehicle as part of their duties. The vouchers on redemption cover the cost of the eye test and dependant on circumstance pay a contribution towards the cost of corrective eye wear.

The HSEPO continues to manage two occupational health contracts.

The annual health fair, like the clinics, are important workplace health arrangements. They provide strong welfare interventions, with links to the reduction of workplace sickness and ill health absence. The Health fair 2018/19 was initially completed over 5<sup>th</sup> and 6<sup>th</sup> December; a successful event with annual recorded attendance their best on record.

The health promotion feedback received verbally on the day was positive. A staff survey had 43 responses to a survey sent to 82 attendees, this included helpful constructive feedback. This feedback was circulated to officers. As a result of staff comments and high demand an additional health promotion session was arranged in January 2019.

## **2 Proposal**

### Forward plan

The HSEPO will continue to modernise and seek to implement appropriate cost effective systems (software & hardware options) and through positive interventions to remove discernible breaches of health, safety and welfare

regulations and through the H&S action plan 2019/20. The HSEPO will continue to use all reasonable resources available to communicate H&S. For example, as AssessNET becomes more utilised the focus will shift from general awareness of AssessNET and basic inputting exercise to maximising the quality and robustness of the data recorded. There will be a new focus on the adage 'what gets measured, gets managed'.

The ongoing and planned construction works across the borough including the Arnold Market site will require HSEPO input and training new officers such as the new town centre manager post.

The HSEPO will continue to support wider management to challenge colleagues to raise and maintain H&S standards where necessary.

The HSEPO role as the lead Emergency planning officer, notably, as the UK's new EU exit (Brexit) deadline approaches which is currently set at 31st October 2019. It is foreseeable that there will be some considerable increases in workload, this will likely delay some H&S work streams.

Councillor and officer H&S assistance requests are expected to remain at historical levels, at the time of writing this report, they had remained so.

### **3 Resource Implications**

Planned work will either be completed within existing budgets, or provision from other budgets and through the administration support agreed by SLT required to maintain the service.

It is recognised that there needs to be close scrutiny of budgets in order that H&S costs are managed to an acceptable level. H&S and other expenditure rationalisation will continue to be an important factor before funds are committed.

### **4 Appendices**

- 4.1 Appendix 1. Risk Level definitions.
- 4.2 Appendix 2. Risk assurance assessments
- 4.3 Appendix 3. 2018/19 H&S action plan
- 4.4 Appendix 4. 2019/20 H&S action plan
- 4.5 Appendix 5. List of H&S external training courses