



Cabinet

14 October 2020

Report of: Cllr Ronnie De Burle – Portfolio Holder for Corporate Finance and Resources

Corporate Health and Safety Update

Corporate Priority:	<p>Priority 1: Excellent services positively impacting on our communities</p> <p>Priority 2: Providing high quality council homes and landlord services</p> <p>Priority 5: Ensuring the right conditions to support delivery (inward)</p>
Relevant Ward Member(s):	N/A
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

- 1.1** This report seeks to provide an update to Cabinet with respect to the Council's Health and Safety activities, in relation to both current performance and planned actions and activities.
- 1.2** The Council has a wide range of H&S responsibilities, reflecting its role as an employer, commercial and residential landlord, and a public body delivering a wide range of services. Since the Covid 19 outbreak, further risks and responsibilities have required immediate management right across the Council's activities. This report aims to provide assurance to Cabinet that risk continues to be actively and appropriately managed.

2 Recommendations

That Cabinet:	
2.1	Notes the content of the report; and
2.2	Approves the proposed actions and continued improvements as detailed in the report.

3 Reason for Recommendations

- 3.1** Health and Safety is taken seriously by the Council and it adopts an approach of active and proportionate management of risk. The Council seeks to not only meet its statutory and regulatory requirements, but to foster a culture of continuous improvement. As shown by the unprecedented challenge posed by Covid 19, the Council needs to be responsive to manage emerging risks and changing guidance.
- 3.2** The arrangements contained within the report provide a framework for building on existing good practice and continuing to strengthen the Council's management of health and safety risk. Health and Safety is a statutory requirement that all Members and Officers in the Council must give a high priority and embed in all decision making.

4 Background

- 4.1** As noted above, the Council's health and safety (H&S) responsibilities are wide ranging because of the variety and scope of the Council's functions and, as such, it is only practicable within the confines of this report to provide a summary of higher-level issues and operational activities, with a focus on the higher-risk areas.
- 4.2** The Management of Health and Safety at Work Regulations 1999 require all employers to review their health and safety management systems. The guidance of the Health and Safety Executive is based on the PDCA model (Plan, Do, Check and Act), which are the four core elements of managing Health and Safety effectively. It is based around sound planning and policy, risk profiling and implementation of the Council's safety objectives, checking implemented safety measures and measuring performance and acting wherever necessary, including annually reviewing safety performance and acting on any lessons learnt.

5 Main Considerations

Governance

- 5.1** The health, safety and wellbeing of staff, Councillors, service users and other customers within the Council is of paramount importance and governance arrangements should allow continuous monitoring of performance within the authority in order that improvements can be made to ensure legal compliance, financial savings and, most importantly, the safety of staff, Councillors, clients, service users, volunteers and our contractors.
- 5.2** Following a vacancy in the Council's H&S Officer post and the corporate restructure in April 2020, it is natural to reconsider governance arrangements to ensure responsibilities were clear. The table below summaries revised internal governance arrangements:

Group/individual	Key (relevant) terms of reference
Senior Leadership Team (SLT)	a) Chaired by Head of Paid Service with ultimate responsibility b) Strategic direction, oversight and support c) Quarterly agenda item
Health and Safety Action Group (HSAG)	a) Chaired by Director for Housing and Communities b) Attended by nominees from all Service areas c) Meeting monthly – first meeting 14 October 2020 d) Through Support, Check, and Challenge provides

	<p>oversight of all aspects of organisational health and safety:</p> <ol style="list-style-type: none"> i. Review of H&S Policy ii. Consider reports/data to identify trends iii. Setting and monitoring performance indicators iv. Identify weaknesses and good practice v. Formulate work plans (including Internal Audit activity) <p>e) Meeting notes provided to Portfolio Holder and open invitation to attend</p>
FM Group	<ol style="list-style-type: none"> a) Meeting of partners based at Parkside b) To report into the HSAG
Fire Safety Management Working Group	<ol style="list-style-type: none"> a) Cross-cutting group working on fire safety issues b) To report into the HSAG
Housing Improvement Programme Board	<ol style="list-style-type: none"> a) Oversight of the Housing Action Plan, with a specific focus on landlord compliance
Joint Staff Working Group	<ol style="list-style-type: none"> a) Consultative working group between Members and Trades Union on employee relations b) Issues to be raised by Unions/Members by exception (covered in current Terms of Reference)

- 5.3** In addition to the PDCA principles identified above, the HSAG will focus on previous and current performance, accident data, audit and inspection work, new regulations, training (to develop competencies and comply with the law) and new initiatives, identified through various internal and external sources.
- 5.4** Training sessions on corporate H&S governance are booked in for 24 September and 05 October 2020 for members of the Senior Leadership Team and middle managers – this is an Institution of Occupational Safety and Health accredited course.
- 5.5** Cabinet is invited to note the current Whistleblowing Policy allows escalation of concerns outside existing and proposed management/governance arrangements if they prove inadequate. In addition, Internal Audit continue to conduct independent reviews of process and procedure for assurance, including a follow-up audit of Landlord H&S due this financial year and an audit seeking assurance over the controls in place to ensure statutory compliance with inspection regimes on corporate premises and the management of the Council's property portfolio.
- 5.6** A review has been undertaken of the vacant H&S Officer post and the responsibilities clarified to reflect a more corporate, cross-cutting role, with the following purpose and task:
- To provide a professional, practical and comprehensive Health and Safety advisory and support service for the Council to achieve a continuous improvement in health and safety performance and service delivery.*
- Provide support and expertise in health and safety across all areas of the Council's activities
 - Promote a positive health and safety culture in the workplace
 - Support managers carrying out risk assessments
 - Ensure working practices are safe and comply with legislation and good practice

- Prepare health and safety policies and support in the development of internal processes and safe systems of work
- Keep records of inspection findings and produce reports that suggest improvements
- Record incidents and accidents and produce statistics for managers

Landlord Health and Safety (Dwellings)

- 5.7** Cabinet will be aware of the serious concerns raised in 2019 relation to the Landlord function, and the development of the Housing Improvement Programme (HIP) to deliver Compliance to H&S Regulation, Recruitment, Training, ICT and all essential works as part of the Council's Landlord responsibilities. The HIP Board continues to meet to monitor performance in this area, with the last meeting on 14 September 2020: significant improvements can be noted, although the Covid lockdown has impeded fire safety works in particular; Officers continue to work closely with the Leicestershire Fire Service. However, gas certification as at 14 September 2020 was at 100% compliance, a major achievement during the lockdown due to Covid 19.

Landlord Health and Safety (Commercial)

- 5.8** A thorough internal review of the compliance of Corporate Assets (asbestos, gas etc) was undertaken in August and showed no areas of significant concern.

Grounds Maintenance

- 5.9** In January 2020, concerns were raised regarding training records relating to the use of chainsaws, pole saws and pesticide application. As a result, all activities involving these processes were stopped, and training undertaken following the wider Covid 19 lockdown. The service now has sufficient operatives trained in the above activities, with additional training for the whole team scheduled for completion.
- 5.10** The oversight of health and safety compliance, including the arranging of training, risk assessment and inspections will be built into a new team leader role in the grounds maintenance section.

Covid 19 Response

- 5.11** The Council has since March 2020 developed over thirty risk assessments and associated Safe Systems of Work (SSOW) in relation to Covid 19. This includes not only office-based risk of Covid 19 transmission (leading to a reduction in desks being available, hand sanitiser being provided, reduction in seating in break out areas etc) but also SSOW in relation to home visits and meetings, both internal and with partners. A comprehensive assessment of the Parkside Offices has been undertaken in advance of its partial re-opening to the public; this has included the erection of screens in reception and interview rooms and a one-way system for visitors.
- 5.12** Risk assessments have also been obtained from the Council's contractors, including repairs contractors working in tenant's homes and the Council's Leisure Contract provider. The restart of functions as lockdown has eased has been managed through internal management Covid Business Continuity Meetings, with appropriate record keeping and oversight.

Workforce accidents and incidents

- 5.13** Under the legislation there is a requirement for the effective reporting on accidents, incidents and near misses. Some accidents require reporting to the Health and Safety Executive if they meet the criteria under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR). The guidance has been checked and

communicated on how this applies to cases of coronavirus. Since 01 April 2020 there have been no reports made under RIDDOR with two accidents (one slip/trip or fall; one manual handling) resulting in minor injuries which have been investigated with improvements made.

- 5.14** It is of course important all employees understand their responsibilities in regards H&S and there is mandatory “Understanding Health and Safety” training for all employees – this is monitored to ensure 100% completion.

Wellbeing – staff survey results

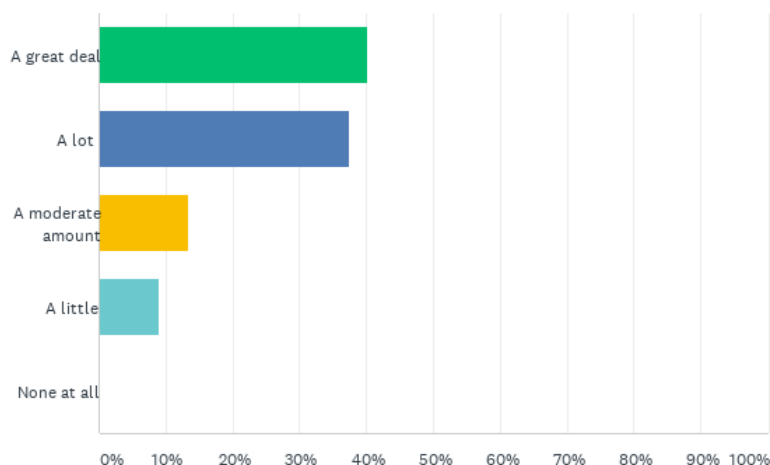
- 5.15** As part of the employer’s duty of care the Council takes very seriously the mental well being of employees; Covid-19 has been a time when this has been particularly important. The Council undertook an employee survey in July 2020. The aim of the survey was:

- To check on the wellbeing of colleagues 3 months into the lockdown due to Covid-19
- To ensure there is effective engagement and communication
- To identify if relationships with managers remain positive
- To identify what is working well and where there may be areas for improvement

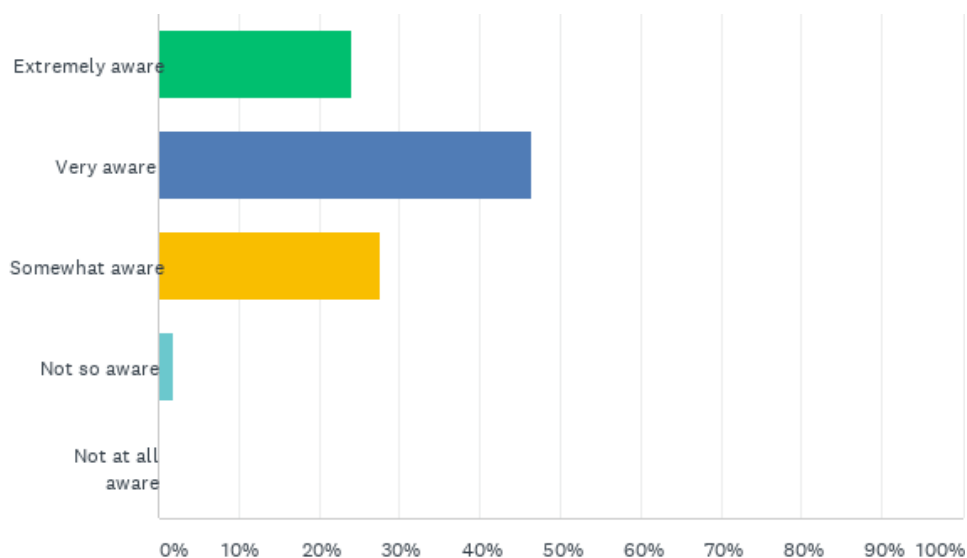
- 5.16** The results of the survey indicated that a majority of people had been successfully working from home and despite “ups and downs” the general well being of employees was good. Working with Occupational Health and the Employee Assistance Programme regular messaging and support had and continues to be available to employees who may require additional help especially during the extended period on the pandemic.

- 5.17** The responses to two key questions are reproduced below:

I understand the steps the Council is taking to ensure my health and well being at work



I know where to go for help and support with my health and well being



Contract Management

- 5.18** Internal Audit has undertaken an assessment of a sample of contracts, specifically in relation to the H&S responsibilities. Various improvement actions have been identified and completed, placing increased emphasis on contract terms and active contract management.

6 Options Considered

- 6.1** Given statutory and regulatory requirements and the commitment to the HSE's principles, alternative options have not been considered.

7 Consultation

- 7.1** The HSAG is attended by representatives from all Directorates. Members and Trades Union representatives are members of the Joint Staff Working Group.

8 Next Steps – Implementation and Communication

The first meeting of the HSAG will focus on development of a work plan, following the principles outlined above, and recruitment to the vacant H&S Officer post will provide additional development of H&S management processes.

9 Financial Implications

- 9.1** Failure to meet statutory requirements has direct financial implications. On top of this are hidden costs associated with staff having time for accidents and ill health, accident investigation, replacement of equipment etc. Therefore the risks to the organisation associated with any decisions to reduce costs on health and safety management in services should be considered carefully.

Financial Implications reviewed by: Director for Corporate Services

10 Legal and Governance Implications

Failure to manage statutory health and safety duties by any Council Service can result in uninsured unlimited fines in the criminal courts often now in the millions of pounds, additional insurance losses and significant reputational damage. Occasionally employees and managers are given custodial sentences for serious health and safety omissions.

Legal Implications reviewed by: Louise Arnold, Snr Solicitor 29.09.20

Sign off: Monitoring Officer

11 Equality and Safeguarding Implications

- 11.1 Effective health and safety management outlined in this report supports all equality and diversity policies. Maintaining buildings, providing safe access and egress in an emergency all go hand in hand with good safety management.

12 Community Safety Implications

- 12.1 No direct implications.

13 Environmental and Climate Change Implications

- 13.1 Good safety management supports good environmental practices

14 Other Implications (where significant)

- 14.1 No direct implications.

15 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Risk of failure of governance of H&S risks	Low	Critical	Medium Risk
2	Risk of significant harm caused to Members, staff, clients, service users, volunteers or contractors due to ineffective management of hazards	Low	Critical	Medium Risk
3	Risk of failure to manage statutory duties as a Landlord (commercial and dwelling)	Low	Critical	Medium Risk

		Impact / Consequences			
		Negligible	Marginal	Critical	Catastrophic
Likelihood	Score/ definition	1	2	3	4
	6 Very High				
	5 High				
	4 Significant				
	3 Low			1,2,3	
	2 Very Low				
	1 Almost impossible				

Risk No	Mitigation
1	This is mitigated by the current governance arrangements, and the proposed improvements
2	Mitigated through effective governance and embedding a safe working culture into the organisation
3	Mitigated by clear action plans and performance measures across both functions

16 Background Papers

16.1 Current H&S Policy

16.2 Housing Improvement Programme Board Report 14 September 2020

17 Appendices

17.1 None

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