



## Corporate Health and Safety Update

<b>Corporate Priority:</b>	<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</p>
<b>Relevant Ward Member(s):</b>	n/a
<b>Date of consultation with Ward Member(s):</b>	n/a
<b>Exempt Information:</b>	No
<b>Key Decision:</b>	No

### 1 Summary

- 1.1 The Council has a wide range of Health and Safety responsibilities, reflecting its role as an employer, commercial and residential landlord, and a public body delivering a wide range of services.
- 1.2 This report seeks to provide assurance to Cabinet that health and safety is being proactively and appropriately managed. It provides an update on the Council's Health and Safety activities over the last 12 months, current performance and planned actions and next steps.
- 1.3 This report will also be considered by the Council's Joint Staff Working Group in January 2023.

## 2 Recommendation(s)

### That Cabinet:

- 2.1 Note the contents of the report
- 2.2 Support the key areas of focus in 2023 (see section 8.1)

## 3 Reason for Recommendations

- 3.1 Health and Safety is taken seriously by the Council and this report seeks to provide assurance and confidence in the continued emphasis across the organisation. The Council seeks to not only meet its statutory and regulatory requirements, but to enable a culture of continuous learning and improvement.

## 4 Background

- 4.1 The Council has a wide range of Health and Safety responsibilities, reflecting its role as an employer, commercial and residential landlord, and a public body delivering a wide range of services. Health and Safety is a statutory requirement that all Members and Officers in the Council must give a high priority and embed throughout. It is important that it is embedded in all that the Council does, from operational service delivery through to decision making.
- 4.2 Significant progress has been made over the last 12 months. This report seeks to provide assurance to Cabinet that health and safety is being proactively and appropriately managed.
- 4.3 As an annual review, it provides an update on the Council's Health and Safety activities over the last 12 months, current performance and planned actions and next steps.
- 4.4 Key Achievements in 2022 are varied and include:
  - Health and Safety Policy Manual development and implementation of initial 25 safety management standards
  - Positive outcome from a HSE spot check of covid 19 compliance
  - Landlord Health and Safety Audit achieved grades of substantial assurance for controls and good for compliance (previously a limited assurance audit area)
  - Review and revamp of the Health and Safety Policy / Manual
  - Improved and embedded a new Accident, Incident and Near Miss reporting procedure resulting in increased awareness and a higher number of reports (under reporting was previously an area of concern)
  - Implementation of operational audit tool for council assets (corporate and housing) and across teams. Completion of 75 separate operational audits (buildings / teams) and associated action planning and improvement
  - Delivery of in-house health and safety training (29 separate courses delivered)
  - Panic alarm / pager process reviewed and revised, including with other partners within Parkside
  - Employee protection register arrangements reviewed and revised

- Water hygiene and legionella management arrangements strengthened
- Collaborative approach to ensure safe effective and proportionate risk management arrangements for council events such as Mayor’s Concert, Recruitment Days, Race Night, Tributes to HM Queen Elizabeth II and Proclamation of HM King Charles III
- Improved water safety signage designed and being installed at Melton Country Park
- Through approval of the HRA Business Plan, designation of Director for Housing and Communities as nominated person with responsibility for compliance with landlord health and safety on behalf of the Council
- Consistent and robust advice, guidance and support on health and safety from lead officer and expert in health and safety
- Corporate and team commitment and motivation across the council

## 5 Main Considerations

### 5.1 Health and Safety Policy

5.2 Improvements have been made to the Council’s Health and Safety Policy. Rather than a single policy document, it has been developed in a way that it can be used as a manual, with quick access to relevant sections and guidance as required. The policy comprises three key parts:

- Statement of Intent
- Health and Safety Roles and Responsibilities
- Safety Management Standards

5.2.1 **Statement of Intent:** Implemented in November 2021 and displayed in all council buildings, this sets out the Council’s corporate commitment to health and safety. It is signed by both the Chief Executive and Leader of the Council. The Statement of Intent, re-signed in January 2023, (Appendix A) commits to the following principles:

- Developing a culture that is not risk averse, but understands that risks must be effectively managed
- Ensuring that employees, members of the public, service users and tenants are properly protected
- Empowering staff to sensibly manage health and safety risks within their working environment
- Ensuring that those who create risks manage them responsibly and understand that failure to manage risk responsibly is likely to lead to robust action
- Ensuring the health and safety competence of any potential/selected contractors appointed to undertake work and all relevant health and safety checks have been made and are satisfactory
- Educating individuals to understand that as well as the right to protection, they also must exercise personal responsibility

The Statement of Intent also commits the Council to taking all reasonable steps to prevent injury and ill health by:

- Providing safe and healthy working conditions, equipment and procedures in line with corporate policy
- Ensuring that there is an effective management structure in place to adequately control the health and safety risks arising from our activities
- Ensuring that incident investigations identify why and how an incident happened in order to prevent a recurrence and not as a means to attach blame
- Ensuring that employees are competent to do their work by providing them with adequate information, instruction, training and supervision
- Consulting with employee safety representatives on matters affecting our employees' health, safety and welfare

- 5.2.2 **Health and Safety Roles and Responsibilities:** Finalised in May 2022 this updates, strengthens and clarifies responsibilities for health and safety. Every employee has a responsibility in law for the health and safety of themselves and of others. Specific roles and responsibilities are set out within this section of the overarching policy. This can be found at Appendix B.
- 5.2.3 **Safety Management Standards:** A suite of safety management standards which outline specific work activities and how to safely manage and lead, and what actions are required of managers and employees to keep colleagues and the workplace safe. Safety Management Standards are supported by information sheets, supporting guidance, toolkit and templates to support individuals and teams to achieve and demonstrate compliance.
- 5.2.4 Safety Management Standards are saved in alphabetical order on the staff intranet for staff to search, access guidance and templates and implement standards relevant to their work areas.
- 5.2.5 The format being implemented also makes it easier to update operational standards, templates, and guidance (rather than needing to review and update a large policy document).
- 5.2.6 The development and implementation of each Safety Management Standard has been scheduled according to their priority. Training and briefing sessions on safety management standards have taken place where appropriate, led by the Council's Health and Safety Officer.
- 5.2.7 To date, 25 Safety Management Standards have been approved and published on topics from First Aid, Fire Safety, DSE, COSHH, Statutory Inspections to Risk Assessment, Manual Handling and Lithium-Ion Batteries & Charging.
- 5.3 Five Safety Management Standards are currently in development and a final 22 will be progressed over the next twelve months to complete the suite of standards.
- 5.3.1 An update on the current status of the development and implementation of Safety Management Standards is included at Appendix C.

#### 5.4 **Assurance and Compliance**

5.5 There are several ways in which the Council seeks assurance in relation to Health and Safety. This includes operational audit and assurance arrangements based on HSE requirements, and through service or subject specific internal audits. Several key examples are included within this report.

5.6 Additionally, external assurance is sometimes sought from outside regulatory bodies on key topics. Recent examples include:

- HSE spot check of Covid 19 controls and safety in the workplace
- Regulator of Social Housing request for assurance of damp and mould management in council Homes

5.7 An internal audit of the Council's management of corporate health and safety is proposed for inclusion in the internal audit programme 2023/24.

#### 5.7.1 **Operational Audit and Assurance**

5.7.2 A health and safety audit tool has been introduced and implemented by the Council's Health and Safety Officer, based on the key areas of compliance recognised by the HSE. Not every section is relevant to every team, or to every audit.

5.7.3 In 2022, the audit tool was used as appropriate to each circumstance to achieve a baseline position for compliance across the Council's corporate assets (including buildings, car parks, allotments, public toilets, leisure centre facilities, play areas) and housing assets (communal areas / sheltered schemes) and across teams and to provide initial action plans to strengthen and improve health and safety compliance. The baseline audits highlighted areas for improvement including updating team and building risk assessments and lone working arrangements, training needs analysis, structured contractor management and cyclical maintenance and inspection arrangements in council buildings. Significant work has been progressed since and feedback about the audits as a tool for improvement has been very positive.

5.7.4 Audits will be repeated in 2023 and annually thereafter, and from 2023 will attract a compliance grading. This will be monitored by the Health and Safety Working Group and overseen by the Senior Leadership Team.

#### 5.7.5 **Internal Audit and Assurance - Landlord Health and Safety Audit, July 2022**

5.7.6 As a landlord, the Council has several responsibilities to ensure the safety of its housing properties. This significant audit sought to provide assurance, through sample tests, on compliance with annual servicing and safety checks on gas, electrical installations, passenger lifts and fire safety equipment; risk assessments of fire and water safety; and the timely and satisfactory completion of any remedial actions. The arrangements for ongoing monitoring of compliance rates and contractual coverage for compliance works were also in scope. The information below is extracted directly from the audit report on this audit, which was reported to the Council's Audit and Standards Committee in November 2022.

- 5.7.7 Since 2019/20, the Council has invested much time and resource in ensuring a robust control framework is in operation for the completion, recording and monitoring of these works. The Council's housing system is used to monitor completion of the majority of inspections and servicing, and to generate monitoring data to inform decision making which ensures transparency over the status of works and properties with expired certificates. There remain several properties requiring Electrical Installation Condition Reports (EICRs) where access has not been granted by tenants - but it is of assurance that these are being accurately tracked and addressed, with support from Tenancy Services. Record keeping is comprehensive and enables actions arising from inspections to be logged, tracked and monitored.
- 5.7.8 In sample testing, 100% of properties selected had an up-to-date annual gas safety certificate (where applicable); an EICR within the last five years; and an asbestos survey of all areas of the property (either management or refurbishment level).
- 5.7.9 In sample testing of housing blocks, evidence was held to confirm that 100% had a fire risk assessment on file and actions were being monitored both in internal records and, in some cases, verified in follow up visits from the fire service. A review has been conducted of provision of fire extinguisher and alarm coverage in the housing blocks and advice acted upon in ensuring, for example, that extinguishers are only provided in properties where a trained officer is on site. Housing blocks with emergency lighting and fire safety/detection equipment had evidence of servicing within the last six months. Properties with passenger lifts have records of six-monthly servicing activity and properties with communal water tanks are subject to monthly temperature checks and are programmed for refreshed risk assessments.
- 5.7.10 In the majority of cases, records were available to demonstrate that actions arising from inspections or assessments had been completed – with all outstanding actions clearly logged and with evidence of orders placed or steps taken to progress outstanding matters. Contracts are now in place for the majority of the compliance works which provides assurance that value for money is being sought and that all work is subject to a consistent, approved specification.
- 5.7.11 Internal Audit provided the following assurance opinions over the management of landlord health and safety and the associated risks:

Assurance Opinion		
<b>Control environment</b>	Substantial	●
<b>Compliance</b>	Good	●
<b>Organisational impact</b>	Minor	●

**5.7.12 External Assurance: HSE Spot Check of Covid 19 Compliance**

- 5.7.13 In January 2022, the council received a spot check from the HSE (Health & Safety Executive) of our Covid prevention compliance at Melton Borough Council, with a particular focus on Parkside. The process for a spot check is generally an initial telephone call and a follow up visit or request for evidence if there are any areas of concern.

5.7.14 Several things were covered as part of the spot check including:

- How we manage visitors, customers, and arrangements for large meetings
- General working arrangements for staff in the offices
- Our cleaning arrangements and regime, including ventilation
- Risk Assessments
- Communication
- Leadership and corporate commitment
- Staff wellbeing
- Services we provide ourselves and those we contract out

5.7.15 The inspector was satisfied with the things in place and the leadership and commitment to ensuring covid safe measures are followed up. As such, no recommendations were made. Feedback from the inspector was that:

*“It is always refreshing to speak with someone who can talk through how they have applied government guidance in the context of the day-to-day work that the organisation undertakes. Clearly you have invested a lot of your time into the covid arrangements and as a result there are no direct recommendations I would make. Talking to you it was great to hear that the Chief Executive, elected members and senior officers have been visible and highly supportive. It does sound as though you have a really good management system in place”*

**5.7.16 External Assurance: Regulator of Social Housing request for assurance of damp and mould management in council Homes**

5.7.17 As Landlords and as Strategic Housing Authorities, Councils have an important role to play in keeping tenants safe, including taking action to address hazards that occur and seeking to prevent hazards where possible. The tragic death of Awabb Ishak because of damp and mould in his home has understandably raised the profile of damp and mould as a housing and health risk within both the social housing sector and private rented sector.

5.7.18 In November 2022, the Regulator of Social Housing (RSH) wrote to all social landlords, including Melton Borough Council, to seek information and assurance relating to identifying, assessing, and remedying damp and mould in tenants' homes. The RSH specifically requested information on:

- a) The approach taken to assess the extent of damp and mould issues affecting our tenants' homes, including how the prevalence of category 1 and category 2 damp and mould hazards is assessed
- b) Details of the most recent assessment of the extent of damp and mould hazards in our homes, including the prevalence of category 1 and category 2 hazards
- c) The action being taken to remedy any issues and hazards, and to ensure that our homes meet the Decent Homes Standard
- d) How individual damp and mould cases are identified and dealt with promptly and effectively when raised by tenants and residents

- 5.7.19 Melton Borough Council submitted its response to the RSH on 19<sup>th</sup> December 2022. The recent improvements in housing including services improvements, stock condition survey (inclusive of a HHSRS assessment for each property), HRA Business Plan and HRA Asset Management Plan have enabled a robust and confident response, as well as identification of areas where the Council's response could be further strengthened.
- 5.7.20 The Council's HRA Business Plan and Asset Management Plan are clear that tenant safety is an absolute priority for the Council and will always remain so. The Council can demonstrate a detailed understanding of the prevalence of damp and mould hazards in tenants' homes and can demonstrate a robust response whilst also ensuring that future stock investment plans help us to tackle some of the known causes of damp and mould in our properties.
- 5.7.21 A summary of the Council's response to the Regulator of Social Housing was provided to the Scrutiny Committee in January 2023. The report can be accessed [here](#).

## 5.8 Health and Safety Training

- 5.9 The Council has some mandatory health and safety training requirements and for all managers. Mandatory training completion data is shown below (January 2023 figures) and work is underway to ensure that compliance in this area is maximised as soon as possible.
- 5.9.1 Introduction to workplace Health and Safety: 88% / Introduction to Health and Safety for Managers: 81%
- 5.10 Additionally, 29 separate training sessions and workshops have been delivered across the year, including 11 familiarisation workshops on safety management standards (online), 13 face to training sessions and 5 practical first aid sessions.
- 5.11 Examples include:
- Hazard spotting (Environmental Maintenance Team)
  - Manual handling and working at height (Environmental Maintenance Team)
  - Communicable disease and infection control awareness (Facilities Team)
  - COSHH risk assessment
  - Working at height
  - Risk assessment
  - Lone working

## 5.12 Corporate Health and Safety Working Group

- 5.13 The Council's Health and Safety Working Group (HSWG) meets monthly, chaired by the Director for Housing and Communities and represented by teams across the council and by the Portfolio Holder for Corporate Governance, Finance and Resources. Collectively, the HSWG has responsibility for:
- Oversight and progress of health and safety action plan
  - Reviewing health and safety performance, identifying any gaps or areas for improvement and ensuring that appropriate action is taken



- Being informed of any significant health and safety challenges, failures and outcomes of investigations
- Receiving information on monitoring and audit activities
- Ensuring health and safety implications are addressed in all decisions
- Informing the Director for Housing and Communities (Health and Safety SLT Lead) of any key health and safety issues

5.14 Information and updates from the HSWG group (by way of written reports) is provided to the Joint Staff Working Group and to the Senior Leadership Team.

5.15 This annual report will also be provided to the Joint Staff Working Group in January 2023.

## **6 Consultation**

6.1 Information and updates from the HSWG group (by way of written reports) is provided to the Joint Staff Working Group as a standing agenda item. Reports are also provided on a quarterly basis to the Senior Leadership Team.

6.2 This annual report will be provided to the Joint Staff Working Group at their meeting in January 2023.

6.3 The Council also carried out an annual review workshop with members of the Health and Safety Working Group on 11<sup>th</sup> January 2023. This provided an opportunity to reflect on what works well, what doesn't work so well and what we can do differently. This was a positive session and reinforced the progress and momentum achieved in 2022.

## **7 Options Considered**

7.1 None. Health and Safety is taken seriously by the Council and this report seeks to provide assurance and confidence in the continued emphasis across the organisation. The Council seeks to not only meet its statutory and regulatory requirements, but to enable a culture of continuous learning and improvement.

## **8 Next Steps – Implementation and Communication**

8.1 The report will also be considered by the Joint staff Working Group on 26<sup>th</sup> January 2023. The Health and Safety Working Group will continue to oversee progress of health and safety actions.

- Key areas for the 2023 action plan include:
- Progress of remaining 25 safety management standards
- Movement of position of safety information noticeboards to printing areas to improve awareness and access to key information
- Corporate / housing asset follow up compliance audits
- Team follow up compliance audits

- Review and ensure sufficient resilience and sustainability of improved health and safety arrangements
- Analysis of stress and associated support needed within the organisation
- Ensure timely compliance with Government Protect Duty

## **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 off for accidents and ill health, accident investigation, replacement of equipment etc. Other financial implications could include any action or intervention taken by regulatory bodies and associated implications (for example the HSE).
- 9.2 The risks to the organisation associated with any decisions to reduce costs on health and safety management across council services should be considered carefully.

### **Financial Implications reviewed by: Director for Corporate Services**

## **10 Legal and Governance Implications**

- 10.1 Accountability for the duty of care towards our employees under the health and Safety at Work Act etc. 1974 and the Management of Health and Safety at Work Regulations 1999 sits with the Chief Executive Officer of the Council. Arrangements describing how this accountability is discharged are outlined in the health and safety policy.
- 10.2 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. Clarity around roles and responsibilities of individuals and groups (such as the Joint Staff Working Group and Health and Safety Working Group) is achieved through the health and safety policy, in addition to training, audit and monitoring.
- 10.3 Failure to manage statutory health and safety duties by any Council Service can result in uninsured unlimited fines in the criminal courts, additional insurance losses and significant reputational damage. There can also be personal culpability if health and safety risks are not managed appropriately.
- 10.4 The draft Social Housing (Regulation) Bill will require that the council nominate a senior officer to be the person responsible for compliance with health and safety across its housing stock. That person must be “sufficiently senior to drive a culture of safety throughout the landlord organisation” and will be the public face of compliance for the council and tenants. Whilst the Bill is still being progressed through Parliament approval of the HRA Business Plan in July 2022 confirmed that the post of Director for Housing and Communities was designated as the Council’s nominated person responsible for compliance with landlord health and safety on behalf of the council.

### **Legal Implications reviewed by: 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 exit in an emergency all go hand in hand with good safety management.

## 12 Community Safety Implications

12.1 None arising directly from this report.

## 13 Environmental and Climate Change Implications

13.1 None arising directly from this report.

## 14 Risk & Mitigation

Risk No	Risk Description	Likelihood	Impact	Risk
1	Risk of failure of governance of health and safety risks	Low	Critical	Medium
2	Risk of significant harm caused to Members, staff, clients, service users, volunteers, or contractors due to ineffective management of hazards	Low	Critical	Medium
3	Risk of failure to manage statutory duties as a landlord (commercial and dwelling)	Low	Critical	Medium
4	Lack of awareness of health and safety across the organisation	Low	Critical	Medium

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

Risk No	Mitigation
1	Governance arrangements in place, including regular reporting to JSWG and SLT. Annual review of health and safety valuable to enable reflection and forward planning. Assurance arrangements clear including operational audits, internal audit and proactive response to external audit / assurance requests. Portfolio Holder oversight and support. Clear roles and responsibilities embedded and continued investment in health and safety.
2	Mitigated through effective governance and embedding a safe working culture into the organisation. Assurance arrangements clear including operational audits, internal audit and proactive response to external audit / assurance requests. Training and support for staff / teams. Portfolio Holder oversight and support. Clear roles and responsibilities embedded and continued investment in health and safety.
3	Mitigated through effective governance and embedding a safe working culture into the organisation. Assurance arrangements clear including operational audits, internal audit and proactive response to external audit / assurance requests. Training and support for staff / teams. Portfolio Holder oversight and support. Clear roles and responsibilities embedded and continued investment in health and safety. Evidence of improvements in housing / landlord services evidenced through internal audit of landlord health and safety.
4	Mitigated through effective governance and embedding a safe working culture into the organisation. Awareness raising is key. Monthly H&S updates through the corporate messenger. Reporting to SLT, standing agenda item on team meeting agendas (checked through operational audits). Policy now more accessible and easier to navigate and update. Reflection on communication through annual review with H&S working group. Movement of position of safety information noticeboards to printing area in 2023 to improve awareness and access to key information.

## 15 Background Papers

- 15.1 Health and Safety Policy / Safety Management Standards
- 15.2 Health and Safety Action Plan – archived completed items
- 15.3 Health and Safety Action Plan – current / 2023
- 15.4 [Landlord Health and Safety Audit, 2022](#)
- 15.5 [Scrutiny Committee Report, Damp and Mould \(January 2023\)](#)
- 15.6 [Corporate Health and Safety Update \(Cabinet\) October 2020](#)
- 15.7 [HRA Business Plan](#) and ([Council Report](#)) July 2022

## 16 Appendices

- 16.1 Appendix A: Health and Safety Policy, Statement of Intent
- 16.2 Appendix B: Health and Safety Policy, Roles and Responsibilities
- 16.3 Appendix C: Safety Management Standards - Position Update
- 16.4 Appendix D: Water Safety Signage, Melton Country Park

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