

HAMBLETON DISTRICT COUNCIL

Report To: Scrutiny Committee
12 January 2017

From: Chairman of Scrutiny Committee

Subject: **POLICY REVIEW – HEALTH AND SAFETY**

All Wards

1.0 SUMMARY:

1.1 The purpose of this report is to review the evidence recorded to date and consider whether any further information is required before determining whether to conclude the Review.

2.0 BACKGROUND:

2.1 The Committee has previously agreed to undertake this Review and identified information and issues that it would like to consider. The Project Plan for the review is attached as Annex A.

2.2 The Terms of Reference of the review are as follows:

To consider whether the existing plans, policies and working arrangements for Health and Safety Management within the Council are effective and to ensure that the Council's Health and Safety procedures meets or exceed the legal requirements.

2.3 A summary of the key points highlighted from the evidence is attached at Annex B to the report along with a full memorandum of evidence at Annex C.

3.0 RECOMMENDATION:

3.1 The Committee is asked to determine whether any further information is required to assist with the Policy Review or whether conclusions can be formulated to enable the draft report to be prepared.

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Background papers: None
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SCRUTINY COMMITTEE

POLICY REVIEW – HEALTH AND SAFETY MANAGEMENT

TERMS OF REFERENCE:

To consider whether the existing plans, policies and working arrangements for Health and Safety Management within the Council are effective and to ensure that the Council's Health and Safety procedures meets or exceed the legal requirements

SCOPE

- To review the existing arrangements for Health and Safety Management, including the secondment arrangement with NYCC
- To review the Corporate Health and Safety Plan for 2016-2017
- To review the Health and Safety Policy 2016
- To consider performance on the key improvement priorities for 2016-2017
- To consider how the Corporate Policy and Plan is being implemented in the key risk areas for Health and Safety in the Council

OBJECTIVES

- To investigate whether the existing arrangements for Health and Safety Management are effective and fit for purpose
- To ascertain whether any significant Health and Safety issues remain unresolved and to consider a way forward to resolving these issues
- To review the Corporate Health and Safety Policy and Health and Safety Plan for 2016-17 taking into consideration any outstanding issues that remain unresolved
- To review existing arrangements for Health and Safety Management and consider whether these are effective

WITNESSES

- Chief Executive, Dr Justin Ives
- Executive Director, Mick Jewitt
- Dominic Passman, Health and Safety Risk Manager
- Head of Service – Environment, Paul Staines
- Head of Service – Leisure and Communities, Steve Lister

DOCUMENTS/EVIDENCE

- Health and Safety Policy 2016
- Health and Safety Plan for 2016/17
- Progress reports on the implementation of the Health and Safety Plans
- WASS Health and Safety Plan 2016/17
- Leisure and Communities Health and Safety Plan 2016/17

OTHER METHODS/CONSULTATION/RESEARCH

Task and Finish Groups.

OFFICER SUPPORT

Louise Hancock, Democratic Services Officer
Gary Nelson, Head of Service – Legal and Information (Monitoring Officer)

TIMESCALE

Commencing September 2016
Projected completion January 2017
Report to Cabinet February 2017

Key Points From Evidence

The following is a summary of the key points highlighted from the evidence received:

- It was acknowledged that there was a comprehensive corporate Health and Safety Plan in place and arrangements for monitoring and review through regular meetings of the Health and Safety Group.
- It was recognised that there were very detailed service specific Health and Safety plans in place which were regularly monitored and reviewed.
- The agreement with NYCC ensured that the District Council had competent Health and Safety advice for the Council.
- Feedback to Members on the progress of service specific Health and Safety Plans was an area identified for possible improvement as this was not currently provided to Scrutiny Committee.

Memorandum of Evidence

The Committee took evidence from Mick Jewitt, Executive Director and Dominic Passman, Health and Safety Risk Manager, NYCC

Mick Jewitt explained in detail the following documents:-

- Health and Safety Policy
- Hambleton District Council Corporate Health and Safety Plan 2016 – 2017
- Waste and Street Scene Health and Safety Action Plan 2016 – 2017
- Leisure and Communities Health and Safety Action Plan 2016 – 2017

Mick reported that the Health and Safety Policy was reviewed on an annual basis and that it had recently been reviewed and had taken into consideration recent management changes.

He also reported that Scrutiny Committee received quarterly monitoring reports on Health and Safety performance.

As Executive Director, Mick was also appointed as the 'Health and Safety Director' to ensure that health and safety risk management issues were properly addressed by Senior Management Team and more widely in the District Council. The role included maintaining an adequately resourced Health and Safety Risk Management Service and also Chairing the Health and Safety Group.

Mick highlighted several areas within the HDC Health and Safety Policy, specifically the responsibilities of Executive Directors, Heads of Service, Managers, Employees and Elected Members.

The Corporate Health and Safety Plan was reviewed annually and monitored at the Health and Safety Group. Actions arising were cascaded down into the individual service areas. Milestones within the Plan would be updated as they progressed or had been completed.

In relation to the Secondment Agreement with North Yorkshire County Council, Mick reported that the Secondment Agreement had just been signed for a further 3 years from 1 September 2016 until 31 August 2019. The agreement with NYCC ensured that the District Council had competent Health and Safety advice for the Council. The employees of North Yorkshire County Council were under Mick's management when at the District Council. Under the agreement, the District Council receives 3 days per week. NYCC pays their employees' salaries however the District Council pays a contribution for 2 officers which equates to £36k per year. This was only a marginal increase on the sum paid under the previous agreement.

Both the Waste and Street Scene and Leisure and Communities Health and Safety Action Plans apply the Corporate Policy and Plan within their services.

The Committee enquired as to what were the main differences between the new plans and the old plans and was advised they had been built on the previous system which the Health and Safety Risk Manager at NYCC had helped to develop. The plans have been improved and updated to reflect best practices and changes in the organisation.

The Committee ask if they were working ok was advised that yes they were. If we looked back 3 years ago when the Council had their own Health and Safety Officer, the level of service was patchy and not as good as it should have been. The Council had had a visit by the Health and

Safety Executive within the Waste and Street Scene, particularly the Depot, and several Improvement Notices were issued. The response to that and the feedback received highlighted that the internal service was lacking and we were not getting sufficient support. The arrangement was terminated and the District Council brought in new arrangements which had resulted in significant improvements.

The Committee wished to know whether those issues that were outstanding 3 years ago had been resolved and was advised that yes they had been resolved. There had been an inspection over 3 days with 3 Inspectors and there was going to be a follow-up visit on 4 October for 1 day by 1 inspector and this would highlight the extent to which we had improved. All the matters identified in the Improvement Notices had been addressed.

The Committee asked for details on those issues from 3 years ago and was advised that there were issues around personal and protective equipment which had been dealt with; asbestos and fly tipping which had also been dealt with and there was also more general criticism following the visit about access to advice and specialisms within the authority which had been addressed through the arrangement with NYCC.

The Committee enquired as to whether there was anything in place for mental health issues and was advised that there were arrangements through HR who have separate procedures. However, in Waste and Street Scene there were issues around sickness levels generally which was included within the plan and was subsequently monitored.

The Committee observed that the WASS was very comprehensive but the Leisure Plan seemed a little sparse asked as to why this was and was advised that this was not a reflection on how well they do Health and Safety, this reflected the different services and that they had different starting positions. The Corporate priorities were set out in each plan for each year.

The Committee asked who dealt with asbestos in the Leisure Centres and was informed that an asbestos review had been undertaken which had resulted in a detailed report and action plan which had been implemented. Ultimately, health and safety was the responsibility of the Chief Executive, other officers such as Mick Jewitt, Design and Maintenance with support by Health and Safety. At property level there were nominated persons such as duty officers.

Very recent work had been undertaken and there was an action plan going to be presented to Management Team on Monday, 5 September which would then go to the Corporate Group on Tuesday, 6 September, and then be cascaded down.

The Committee wished to know what obligation did elected Members/officers have to wear personal protective equipment and was advised that the Corporate Health and Safety Policy set this out in detail.

The Committee also asked what pressure could be brought to bear to wear PPE and was advised that the policy was very strictly adhered to and that there had been dismissals, not necessary because of PPE, but for not following health and safety policies.

The Committee commented that, in respect of the Planning Committee, PPE had been issued many years ago but not so recently and that perhaps this needed refreshing. The Committee was advised that if you are issued PPE you are required to wear it, the responsibility comes back to the individual. There are pockets of good practice but perhaps there were areas that needed to be brought up to standard.

The Committee observed that the WASS staff shortages was not a good enough excuse or reason for why something had not been actioned and it was agreed that where health and safety actions

had been identified they would be dealt with. Any specific issues from the WASS Plan would be raised with Paul Staines when he attended to give evidence.

The Committee asked whether it would be possible to have a concise email or communication to Members that highlighted the different issues reflected in previous years and was advised that this was something that could be explored.

The Committee enquired how was the Hambleton Forum covered and was advised that, as the District Council lease this out, the tenants had responsibility and this would be set out in the tenancy agreement. As a landlord, the District Council only have responsibility for certain issues.

The Committee asked whether the District Council connected with other authorities and was advised that as NYCC was a shared service they provided their services to other authorities. Leisure had been under external scrutiny for a long time and there was a regional group 'WISH'. Best practice was also shared amongst different authorities to learn from others and adopt best practice.

The Committee took evidence from Paul Staines, Head of Service – Environment and Peter Marshall, Health and Safety Risk Manager, NYCC

Paul Staines provided an update on the issues that had been raised by the Health and Safety Executive previously which had resulted in enforcement notices being issued. Namely the personal and protective equipment; asbestos and fly tipping and pedestrian vehicle signage within the depot.

Paul reported that Asbestos removal was now outsourced to specialist contractors and noise generated from kerbside collection vehicles had been reduced. Health and safety was at the core of the Waste and Recycling Strategy and included actions such as reducing manual handling, etc. Reversing operations and the use of a reversing assistance had been improved however there had been 6 staff dismissals because of infringements.

Other improvements had also been made on welfare facilities; vehicle checks and benchmarking and that support had also improved because the District Council now had a dedicated Health and Safety Risk Manager monitoring the Waste and Street Scene Health and Safety Action Plan.

Paul was pleased to report that the Health and Safety Executive had visited the Depot on 12 October and did not raise any recommendations for improvement. This had been attributed to the hard work and commitment of the officers in the Depot who had gone above and beyond to ensure that all the necessary changes had been implemented. Work was continuing in looking at the culture and behavioural changes in the workplace and that there were still improvements that could be made.

Peter reported that one of the problems that staff encounter whilst on their rounds is the actions of the public such as overtaking the lorries onto incoming traffic. Risk assessments on routes were being carried out and there was an opportunity to redesign routes and stop reversing on routes to help eradicate some of these hazards. There was also the potential to move towards a mapping system which would help with the mapping of the rounds.

Paul also reported that, apart from having a dedicated resource for Health and Safety, one of the duties of one of the Managers at the Depot was specifically Health and Safety Management and staff training.

Paul attended regular meetings which were held every 6 weeks and also a quarterly corporate meeting which was chaired by the Executive Director, Mick Jewitt. The action plan was regularly monitored and updated at these meetings to ensure that actions were being implemented.

The Committee commented that it was good to hear that the report from the HSE did not raise any issues, this was excellent news. The Committee asked whether CCTV was used and if so, how useful was it in identifying any wayward practices. The Committee was informed that there was a new 360° system installed in the vehicles which did record when activated. It could be used to review evidence in disciplinary cases. It also helped employees with good practice and claims for damage could be reviewed. When carrying out the procurement exercise, the District Council did not consider anybody who did not provide CCTV.

The Committee took evidence from Steve Lister, Head of Service – Leisure and Environment and Dominic Passman, Health and Safety Risk Manager, NYCC

Steve presented the Leisure and Communities Health and Safety Action Plan to the Committee and circulated additional documentation on Managing Health and Safety at Hambleton's Leisure Centres and an updated Health and Safety Quarterly report which had just been approved at the quarterly meeting. Steve reiterated to the Committee how important Health and Safety was in the Leisure Centres and that the approach to Health and Safety was based on policy and enshrined in all practices that are undertaken.

The document Managing Health and Safety at Hambleton Leisure Centres was based around a number of stages: policy; planning; risk profiling; organising; implementing your plan; measuring performance; investigating accidents/incidents/near misses; reviewing performance and learning lessons. Steve outlined each stage which was based on the 'Plan, Do Check, Act Cycle'.

Policy: is implemented in the Leisure Centres after it has been approved – enshrined in all practices undertaken.

Planning: various arrangements in place, ie documents and procedures, actions plans, etc. Some are corporate based others are service based, eg waterslides. Some procedures are determined for us such as the leisure attendants and lifeguards – lifeguards have to be qualified and adhere to the Royal Life Saving Society Standards. We have to ensure there are the appropriate number of lifeguards in appropriate locations to ensure they are in the right place at the right time.

Risk Profiling: this is about management being clear on risks and providing a suite of risk assessments, both corporate and service specific ones to ensure they are right, suitable and sufficient.

Organising: controls, communications, co-operation and competence – eg lifeguards have to undertake a full week's worth of training and continue with personal development at least 3/4 hours a month – this policy links straight into the disciplinary procedure – it is very strict.

Implementing your plan: steps you take to ensure your plan is implemented effectively.

Measuring performance: there are two main ways to measure performance – actively and reactively. Actively includes pre-open checks, pre-closure inspection and specialists to audit our sites which is a very lengthy exercise for each site and a very thorough approach. We have quest assessments at all centres. The key focus is on health and safety. We have to check certificates, mystery visits are undertaken to check practices – a recent check at Bedale scored 100%.

Investigating accidents/incidents/near misses: approach to investigation when necessary includes the Health and Safety Risk Manager and others. We have external assistance, eg when dealing

with near misses they get logged and investigated why the incident happened – we learn lessons and avoid in the future.

Reviewing performance and Learning lessons: quarterly reports are submitted to the Corporate Health and Safety Team as well as to staff in the centres. Learning lessons is the most difficult as hard lessons may to be learnt because of individual circumstances.

The Health and Safety Action Plan determined improvements that the Council would like to see happen over the year. This originated from the Corporate Action Plan.

Benchmarking involved staff and there were various mechanisms for this to happen such as the quest system and also site visits by staff to other centres to look at different standards and operating procedures.

The Committee asked how were risks prioritised in the action plan and how were the conclusions reached and was advised that profiling risks never went away. You had to make sure the best practices were in place and continuing to learn was always at the top. Risks for equipment may be less priority and some risks may come from the quest assessments or new legislation. At the quarterly meetings new risks may be identified or the existing priorities were revised.

The Committee asked whether there was an end point and was advised that risk assessment was ongoing and was always going to be. We have an ambitious plan and may achieve 75% of these. It may be too ambitious but we also have to make sure we deal with the low scoring ones.

The Committee asked whether as a result of staff turnover, were new staff a big health and safety risk and was it possible to perhaps look at how to retain staff that had already been invested in. The Committee was advised that the District Council would like to retain staff but, as the profile of staff was quite young, they may not be sure what it was exactly they would want to do as a career and may move on into different areas. We had to be realistic.

The Committee asked whether the quarterly reports that were considered by the Health and Safety Group included progress on previous data as this would be useful to be included so that progression could be monitored. The Committee was informed that the Corporate Health and Safety team had this information however service specific reports were not provided to Scrutiny. The question of how to keep Members informed needed to be reviewed corporately.