

A Single Health & Safety (H&S) Organisation – Final Draft Report

Summary

- 1) This report provides an update on progress, following the Executive meeting on 9th February 2017 and the decision to approve the creation of a shared Health & Safety Service. Both North Yorkshire County Council (NYCC) and City of York Council (CYC) have agreed to create a shared organisation for the delivery of health and safety services to the two councils under a shared service agreement. The organisation will be referred to as Yorsafety in this report.
- 2) The report also outlines the options for any income sharing agreement in relation to revenues generated by Yorsafety which would be shared between the two councils, and requests approval for the recommended option as delegated by the CYC Executive.
- 3) The report confirms that the arrangements will be subject to regular monitoring by nominated chief officers from each council and that two reports a year relating to performance of the shared service will be provided to the Executive Member for the Environment.

Recommendations

- 4) The Executive Member is asked to:
 - a) note the progress made in establishing the shared service; and
 - b) approve the mechanism of sharing any additional income generated by the shared service based on percentage of investment into the service.

Reason: To ensure the Executive Member and residents are assured that future H&S services are resilient and related financial agreements are robust and transparent.

Background

- 5) In February 2017 a report including a business case was submitted to the CYC Executive; it outlined the different options around the various delivery models available to deliver the service going forward. At the meeting the proposal to create a formal shared internal organisation, with the option for trading, for the delivery of health and safety services to CYC and NYCC was agreed. In addition the Executive Member for Environment was delegated to agree the final arrangements and in particular the income sharing agreement. NYCC had, prior to this, also approved the recommended model.

Shared Service Arrangements In Progress

- 6) The following arrangements are currently being put in place with a view to creating the shared service on or after 1st May 2017:
 - a) As NYCC will host the organisation, current CYC staff will TUPE transfer to the employment of NYCC subject to appropriate consultation with the staff and Trade Unions and this work is currently ongoing.
 - b) The shared service arrangements follow the same principles as outlined in the current informal agreement with similar governance arrangements, however the final legal agreement is still being constructed by Legal officers.
 - c) Arrangements for support services are in the process of being specified and agreed. Whilst NYCC is the host authority, staff from Yorsafety will still require the same accommodation at West Offices and necessary ICT equipment and support to continue to communicate with, and support, CYC services.
 - d) Governance arrangements are being established which will include a client Officer Group consisting of an Assistant Director at each council supported by a finance representative and the Head of Health and Safety. The Officer Group is a purely internal body belonging to both councils as the service remains an internally provided council service, not to be confused with a Board of Directors of an external body/company. Its role will be to monitor the shared service agreement and to ensure service delivery, quality and performance are maintained and delivered. As previously agreed an annual report from the Officer Group will be submitted to the Executive Member for the Environment for information, with an interim report 6 months into the year.

- 7) A significant element of ensuring the shared service is sustainable in the future is the continuation of providing services to other public bodies. Both current services provide services to, for example schools, and can charge others for services which support each councils' financial strategy. The paragraphs below outline some proposals on how any income generated could be shared between the two councils. There are a number of options to consider as follows:
- a) a *pro rata* percentage based on level of investment into the shared service,
 - b) income generated on the basis of a geographic boundary of each council
 - c) by individual transactions undertaken by H&S officers.
- 8) More detail of each is provided at Paragraph 13 below with the conclusion that the recommended option is **Option a)**.
- 9) Whilst the chosen option will be secured within the shared service agreement, it may be recommended by the Yorsafety Officer Group in the future that the basis of the surplus sharing agreement should be reviewed and changed if it appears that the mechanism is not working properly for one or both councils.
- 10) In such cases the s151 officers in both councils will take a view and ensure that such decisions are considered appropriately in public within each council's budget strategy and discussed with Executive members, ensuring clear, transparent and appropriate decision-making.

Consultation

- 11) Executive and Council Management Team continues to support the changes recommended in this report.
- 12) Staff and Trade Unions have also been consulted and are aware of the contents of this report.

Options

- 13) The options in paragraph 7 have been reviewed and conclusions drawn as follows:

Option a) pro rata based on budget investment. Had the shared service been established as a separate service delivery vehicle eg a company limited by shares, then any surplus or profit would be distributed based on the shareholding/investment made. This option is based on the

same principle. Once the shared service budget has been agreed and each council's contribution fixed then this will inform the basis of any future profit share calculation (an illustrative example is 27.5% CYC to 72.5% NYCC). This is the simplest option to implement and there will be no resourcing cost to implement this option.

Option b) geographical location of work. It is recommended that this option is too restrictive to implement given that an increasingly fragmented public sector (e.g. Multi Academy Trusts) operate over wide geographic areas which do not reflect traditional boundaries. Both councils also already have clients who operate outside the council boundaries. Any expansion plans for Yorsafety could include, for example, other local authorities which again do not fall into current council boundaries. Systems would be needed to record location/time of work carried out and for reporting purposes.

Option c) per transaction. Although potentially providing the most transparent option, it is recommended that this option should be excluded as it would significantly increase business support/system costs. To work effectively it would need individual officers to record specific actions for clients, that would need to be recorded and reported and would still need to include an element of Option a) or b) for non NYCC/CYC work . This could be complex for officers, who may be working on multiple projects across both or more organisations.

- 14) The recommended option for approval is therefore Option a)

Analysis

- 15) All information is contained in the body of the report.

Council Plan

- 16) Outcomes achieved by the activities covered in this report help to deliver priorities in the Council Plan 2015-19 in support of 'A prosperous city for all', ensuring that as an employer the council sets a positive example of supporting employees to achieve their full potential.

Implications:

- 17)

a. Financial: All expenditure will be contained within existing budgets, all surpluses will be subject to the sharing agreement which is the subject of this report. Options b) and c) are likely to incur additional

costs due to necessary monitoring and recording systems required. Any variation from or changes to the income sharing agreement would not be undertaken by the client Officer Group but via the s151 Officers in both councils and via appropriate member or officer public decision-making routes.

- b. Human Resources (HR):** All HR activity relating to transfer of staff is taking full account of TUPE legislation and requirements.
- c. Equalities:** None
- d. Legal:** Legal Services at both councils have been consulted on the proposals and provided assistance in drawing up all necessary agreements.
- e. Crime and Disorder:** There are no crime and disorder implications to this report.
- f. Information Technology (ICT):** There are minor IT implications for CYC arising from this report. It is proposed that CYC would continue to provide access to necessary IT systems with appropriate hardware. Preparations are ongoing.
- g. Property:** There are no property implications to this report. It is proposed that the council would provide fully serviced accommodation to the staff of the shared service, keeping within the provision currently made available to NYCC/CYC H&S staff.
- h. Other:** No known implications.

Risk Management

- 18) The shared service collaboration offers an opportunity to deliver efficiencies and economies of scale. Should a sharing agreement not be approved, then the benefits of joint working may not be realised and the resilience of the service could be affected. If an option other than Option a) is chosen then additional costs will be incurred in systems and officer time involved in monitoring and recording the data needed to feed into the sharing calculation.

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Report Approved**Date** 3rd April 2017**Specialist Implications Officer(s)**

Financial: Ian Floyd, Director of Customer & Corporate Services

Legal: Andrew Docherty, AD for Legal & Governance

Wards Affected: *List wards or tick box to indicate all*

All**Background Papers:**

Report and decision record from Executive Member for Environment Decision Session on 9th May 2016. The record is [here](#).

Report and decision record from Executive Member for Environment Decision Session on 28th November 2016. The record is [here](#).

Report and decision record from Executive on 9th February 2017. The record is [here](#).

Annexes:

None

List of abbreviations used in this report:

CYC	City of York Council
HR	Human Resources
H&S	Health & Safety
ICT	Information and Computer Technology
NYCC	North Yorkshire County Council
MAT	Multiple Academy Trust
TUPE	"Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014".