

Health & Safety Interim Report 2018/19

Summary

1. This report presents the Interim Report relating to the work of the Health & Safety (H&S) shared service which operates on behalf of City of York Council (CYC) and North Yorkshire County Council (NYCC) and under a partnership agreement.
2. The Interim Report also provides an update on H&S incidents and the annual review of the City of York Council H&S Policy. The policy statement (see Annex A1 and A2) now recognises that there are major schemes planned across the city including close partnership working with other organisations. The policy has also been revised to recognise the council's ongoing commitment to protecting staff from verbal and violent aggressive behaviour.
3. The report will assist the Executive Member in proactively monitoring the overall systems and management of health and safety across the council.

Recommendations

4. The Executive Member is asked to:
 - a) note the Interim Report including the work of the Shared H&S Service;
 - b) note the ongoing work to refresh the arrangements relating to the Safety Advisory Group (SAG), and agree a report back to Executive on the work with partner agencies to clarify roles and ensure the work of the SAG is well supported and following best practice;
 - c) endorse the Corporate Health and Safety Policy noting that the previously supported position that verbal and aggressive behaviour towards council staff and contractors working on the council's behalf, will not be tolerated, is now included within the Statement of Intent; and
 - d) consider any areas of H&S risk management for further reporting at future decision sessions.

Reason: To ensure the Executive Member and residents are assured that H&S services are resilient and the council has proper arrangements in place for managing and responding to H&S risks.

Background

5. At the Executive Member for the Environment's Decision Session meeting on 2nd July 2018 the Annual Health and Safety performance report for the financial year 2017/18 there was a commitment to provide an interim report during the year 2018/19. This report would cover progress against the key priorities identified in the annual report, other performance issues and any emerging risks – performance activity of the service will be reported in the Annual Report in more detail.
6. In terms of ongoing performance the Assistant Director acting as H&S client meets with the Joint Head of Health & Safety on a fortnightly basis to discuss progress, incidents and resources. The Head of Service also reports to Corporate Management Team and to the Shared Service Client Officer Group on a quarterly basis. The opinion of the Assistant Director is that the service is operating effectively and as laid down in the published service level agreement which can be found at :

https://www.york.gov.uk/downloads/file/13454/shared_service_agreement

Progress against Key Priorities

7. In the Annual Report the key projects for the coming year included the joint procurement of a comprehensive health and safety reporting and management system for CYC and NYCC councils. This system is to include accident/incident reporting, risk assessment, audit and inspection and activity reporting. This is intended to help bring a number of disparate H&S processes into one solution. This will be rolled out not only to both councils but schools and other clients buying into the service. A system has now been procured following an open tender exercise led by NYCC but involving both councils in the specification and approval processes. A comprehensive roll out plan is being developed with implementation planned during 2019/20. In the mean time CYC's current incident reporting system will be supported and remain in operation until the new system is ready to launch.
8. The 2017/18 Annual Report also identified that there would be a continued focus on Construction, Design and Management (CDM) and associated construction related activities. As such specific health and safety resource is now embedded with Building Services to directly support the service. In addition to CDM support and site visits, the officer supporting this team is currently providing briefing sessions (which take the form of enhanced Tool

Box Talks) to those delivering construction services. This is a significant area of work with support being provided on over 21 major projects, 19 Building Services schemes and 42 Property Services projects.

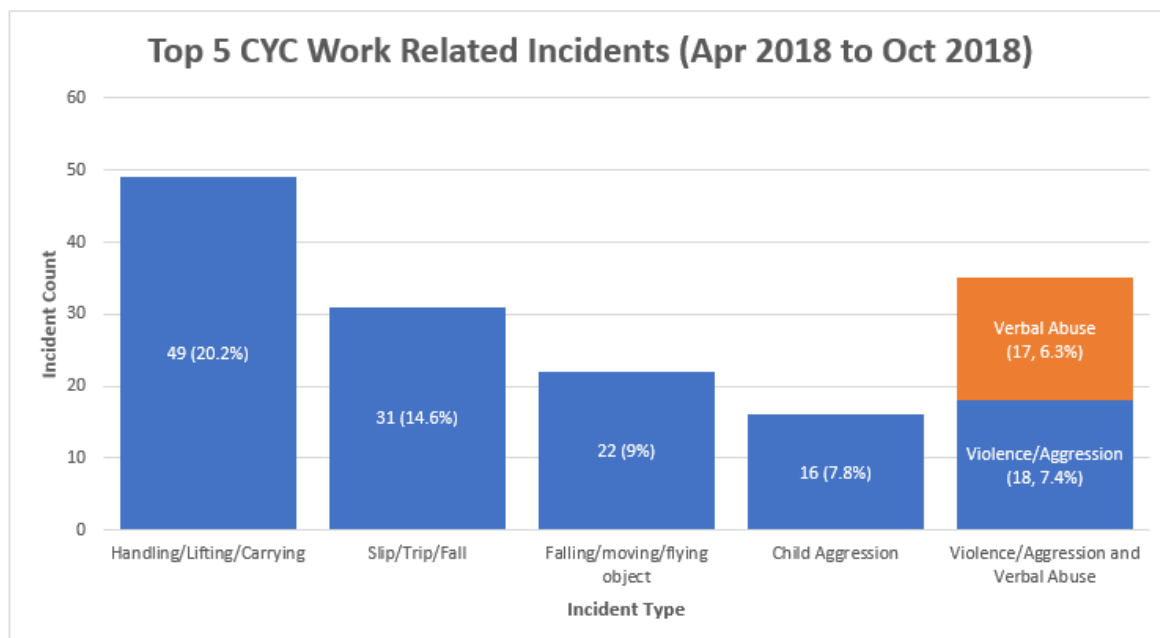
9. Other members of the team are providing support to the Property and Asset Management Teams to support the consideration of health and safety risks at an early design stage to mitigate those risks when the projects go live. This includes undertaking site advisory visits, unannounced and announced inspections and talking to construction staff on site.
10. In light of the number of public events held across the city and to address recommendations by internal audit on the operation of the Safety Advisory Group (SAG) the operation of this group has been reviewed. A Safety Advisory Group is a non statutory group made up of partner agencies which provide category 1 response, as defined by the Civil Contingencies Act, in an emergency. This group considers applications from event organisers and considers whether enough planning has been put in place to ensure the event can go ahead safely. This group is operated by the Planning and Public Protection Service which is putting refreshed arrangements in place with additional plans to work with partner agencies to ensure the work of the SAG well supported and following best practice.
11. Asbestos management arrangements have been revised and updated, and related training is currently being rolled out across the council. This is to be followed by water hygiene (which includes the risks from legionella) and a further project on substance misuse. In both of these cases the revised arrangements have been agreed in consultation with services and Trade Union colleagues and training is planned to be delivered during the rest of this financial year.
12. The risk from fire continues to be a key priority and the team continues to undertake significant work to mitigate this risk particularly in relation to property with local and national historic significance, The Team is working with national specialists to consider if the actions the council has taken are appropriate whilst remaining proportionate to the risk. This work is in addition to undertaking more routine fire risk assessments(FRAs). For example FRAs have been undertaken in 10 Independent Living Schemes, 14 childrens and youth facilities, 8 public realm buildings and a number of specialist facilities.
13. In Housing the backlog of fire risk assessments (FRAs) was completed by April 2018. Ongoing work includes:
 - the team is working through a scheduled programme of FRAs in line with the policy of annual assessments for sheltered and hostel accommodation, and 3 yearly ones for blocks of flats. Any remedial

works required as a result of the assessments are carried out where necessary. Building Services have also taken on the FRAs for the properties leased to ‘changing lives’ and the subsequent work required;

- smoke alarms are now routinely tested by gas engineers when carrying out gas servicing. If engineers find that there are no smoke alarms present in a property an order is placed with the council’s electrical teams to fit them;
- by April 2019 staff teams will have completed training on the fire policy and will have a clear understanding of their roles and responsibilities.

14. Schools have a difficult task in balancing risk and education priorities, for example the recent email threats which have resulted in school closures in some areas and risk managed approaches in others. As such a schools health and safety conference took place in July 2018 and included a health and safety training session for headteachers. Schools continue to be supported through specific agreements with the Shared Service and through a dedicated Schools team covering the council boundaries of York and North Yorkshire. This service continues to work with education colleagues to ensure that schools continue to operate safely.

H&S Incidents



15. The total number of incidents (147) reported in 6 months is running at lower than half (43%) of the 344 reported for the full 2017/18 financial year. This and the lower number of slips, trips and falls reported to date (31 for 6 months compared to 105 last year) may reflect the weather conditions which will turn wintry over the next few months, which means that the numbers are expected to increase.

16. Of concerning note is that the numbers of Violence and Aggression incidents are already standing at 18 which is the same number of incidents reported in total for last year. Verbal aggression is running at around the same rate as last year (17 compared to the full year figure of 36). This merits the addition of clear statements of zero tolerance in the council's Health & Safety Policy and further discussions on the numbers and causes will be discussed at the Council's Joint Health & Safety Committee with the Trade Unions and separately with the Corporate Management Team (CMT). These results could be due to an increased awareness of reporting processes following the corporate review of lone working undertaken across all council services.
17. Also of note is the 50% increase in Handling/Lifting/Carrying incident reports (49 for this year compared to 34 in the previous 12 months). The H&S Team will analyse and discuss these results with affected service areas and agree preventative action but an early indication is that half the incidents relate to one area which has changed its threshold for reporting.
18. With regard to any single or multiple significant incidents that do not feature in the top 5 there have been two cable strikes in the 6 month period. In response a 'permit to dig' scheme has been implemented, the investigations in the first case are complete and ongoing in the second case.
19. Whilst this report is focussed on the council's own health and safety arrangements as an employer, it does have some responsibilities as landlord which are very different and are enshrined in relevant lease agreements. There have been a number of concerns raised about public safety relating specifically to the Spark:York facility. The organisation has a lease with the council as landlord with clear requirements around compliance with relevant legislation, including health and safety legislation, and has in place all relevant insurances and safety certificates. Addressing one or two of the points raised Spark:York has installed a lift which has building control sign off and systems in place to manage the capacity of the venue within approved levels.
20. In relation to other matters raised, the tenants installed a roof canopy without the requisite consents. Due to the breach in the lease, the Council as landlord issued a Forfeiture Warning Notice and is monitoring the situation very closely. The Fire Service are responsible for regulating the fire safety aspects under the Regulatory Reform Order (RRO), which includes risk assessments required to be undertaken by the tenants. Those fire safety aspects falling within the council's Building Regulation remit concerning the structure have been addressed; these relate to occupancy and materials. In relation to employee health and safety Spark:York and its tenants have their own legal responsibilities as employers in relation to Environmental Health and reporting/responding to the Health & Safety Executive (HSE).

21. The Executive Member has asked to be kept informed about any response CYC needs to make in light of the Morandi Bridge collapse which took place in Genoa in August of this year. It is too early for any learning at this stage, however at his Decision Session held on 15 November 2018 the Executive Member for Transport & Planning received a report on bridge maintenance and a related new code of practice. The report can be found [here](#).

CYC Health and Safety Policy Update

22. Under the provisions of the Health and Safety at work etc. Act 1974 each employer, where they have 5 or more employees, must draw up and bring to the attention of their employees a Health and Safety Policy. CYC has had one in place for a number of years which is updated annually - the revised policy statement has been updated and is attached at Annex A1 with an updated organisational structure for Health & Safety responsibilities contained in Annex A2 which is a supporting document within a suite of documents which form the council's 'safety management system'.
23. The policy statement reflects that violence and aggression to staff still remains in the top 5 causes of incidents to staff in that a specific clause has been added to the council commitments to address this. At the Decision Session held on 3rd July 2018 the Executive Member clearly wished to reinforce that the position of violence and aggression to staff was unacceptable and this is now clearly reflected in the Policy. Annex A2 has been amended to separate out the role of Executive Members within the H&S organisational governance structure.

Consultation

24. Members of the Corporate Management Team are briefed regularly on key risk areas and issues raised in this report.

Options

25. There are no options in this report given that the recommendations on the content of the Annual Report are to note the content only. As part of his portfolio monitoring role of H&S matters the Executive Member can identify any areas of specific H&S risk for further reporting at future decision sessions.

Analysis

26. All information is contained in the body of the report.

Council Plan

27. 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

28.

1. **Financial:** None
2. **Human Resources (HR):** The report and H&S Policy relates to all employees of the council. The H&S shared service is hosted by NYCC.
3. **Equalities:** None.
4. **Legal:** The content of this report contributes to evidence that the council is complying with the Health and Safety at Work etc. Act 1974 and associated regulations.
5. **Crime and Disorder:** There are no crime and disorder implications to this report.
6. **Information Technology (ICT):** None.
7. **Property:** None
8. **Other:** No known implications.

Risk Management

29. The shared service continues to assist the council to mitigate the risk to those affected by the council activities from incidents, accidents and other losses due to the ineffective arrangements as regards health and safety.

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Report Approved



Date 20/11/18

Specialist Implications Officer(s)

Financial: Ian Floyd, Director of Customer & Corporate Services

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 2nd July 2018. The record is [here](#).

Report and decision record from Executive Member for Environment Decision Session on 3rd September 2018. The record is [here](#).

List of abbreviations used in this report:

CDM	Construction, Design and Management
CMT	Corporate Management Team
CYC	City of York Council
HR	Human Resources
H&S	Health & Safety
HSE	Health & Safety Executive
NYCC	North Yorkshire County Council
SAG	Safety Advisory Group