

## **Audit & Governance Committee**

19 July 2017

Report of the Assistant Director, Customer & Digital Services

## **Health & Safety Audit Actions**

### **Summary**

1. This report is the follow up to the update received by this Committee on 7 December 2016. The report was requested by the Committee as part of the consideration of outstanding audit actions. The report also provides an update of the governance and oversight arrangements in place for managing Health & Safety (H&S) in the council.

### **Recommendations**

2. Members are asked to:
  - a) note/comment on the progress made in implementing outstanding audit actions; and
  - b) note/comment on the governance and oversight arrangements for H&S in the council.

### **Background**

3. Arising from an internal audit monitoring report presented on 28 September 2016:

*'Members expressed concern that a number of follow-up actions from the Health and Safety audit were still outstanding, several of which were priority two actions. Concerns were expressed that any failure to abide by the requirements of health and safety legislation could have severe consequences for the Council. Members sought assurances that the agreed actions were on target to be completed within the specified timescale and requested that a report on this be provided at the next meeting'.*

4. On 7 December 2016, members received a further update report and:  
*‘Officers gave an update on the progress that had been made in implementing the actions arising from the audit and stated that processes had been strengthened, including closer working with the Property Services team. This was enabling a more co-ordinated approach to be taken. Details were also given of the new management structure and of the joint working arrangements with North Yorkshire County Council. Members were informed that the Executive Member for the Environment had received two assurance reports, which were available on the council’s website. In February 2017 the Executive Member would be considering proposals in respect of shared services’.*
5. Members requested that a further update should be brought to the Committee in July 2017.

## **Progress**

6. The action plan previously received at the Committee is shown at the Annex to this report, with updates provided below:

### **Lone Working (Actions 1 and 2):**

7. Lone Working has been discussed at the council’s Joint H&S Committee (JHSC) with trades unions and also at Council Management Team (CMT). A revised compliance note has been drafted and circulated, and new procedures in place to ensure risk assessments are checked by H&S prior to accessing personal protection facilities/equipment. All Departmental Management Teams (DMTs) will be discussing key priorities for addressing lone working risks over the next month.

### **Risks at Property (Actions 3, 4 and 5)**

8. An H&S Officer now attends Property Team meetings and the H&S team receive updates of when property changes occur. A premises register is in place with Property Services informing H&S of new acquisitions and disposals in ‘real time’ rather than a quarterly report although further work is being undertaken relating to provision of relevant information.

9. The requirement for identification of H&S obligations for each 'individual' premise is unrealistic and not an appropriate strategy for managing property risk. A strategy is being developed in relation to statutory compliance based on a common structure however due to the challenges with integrating needs into IT solutions; an alternative efficient solution is being investigated.
10. In relation to services working in isolation (H&S, Property Services, Facilities Management & Housing) work is ongoing and progress is being made towards a strategic corporate approach to risk management.

### **Fire Risk Assessments (Actions 6 and 7)**

11. Fire Risk Assessments (FRAs) are issued with a requirement to return the completed action plan within 30 days of the issue. Significant areas of concern are escalated. There is a new FRA system now in place. These actions were complete at the point of the previous report. An update on fire risk assessments in housing was given at the Portfolio Holder's decision session held on 3rd July 2017:

*'Following the tragic events at Grenfell Tower it is appropriate to provide a short update on how CYC has approached the management of fire risk in CYC property. Fire risk is considered at the design stage for any project in consultation with building control and North Yorkshire Fire and Rescue Service as appropriate. Staff from CYC undertake fire risk assessments of CYC property and provide action plans to managers where these are required. Where there are significant risk or the costs involved are substantial then appropriate action plans are developed so the risks can be appropriately addressed.*

*Prior to these tragic events CYC was already reviewing its fire safety arrangements and currently chairs a Local Government Fire Safety Sub Group to ensure we are fully aware of best practice and consider ways of minimising fire risk. A special meeting of this group has been scheduled for 12 July to consider any early learning points from the fire at Grenfell Tower.'*

### **Asbestos and Legionella (Actions 8 and 9)**

12. Whilst these actions were reported as complete in the previous report an officer from North Yorkshire County Council (NYCC) has been undertaking a review to ensure accuracy of records. The review of the

asbestos management system is ongoing with a number of areas for improvement identified. These include the planned introduction of a new format premises asbestos management register that will address any inconsistencies of information and provide a system of current information that can be updated in real time should any changes take place (asbestos material removed or discovered). Annual asbestos condition surveys are ongoing and generally up to date and are undertaken by officers from the H&S Team. The structure and access of information requires change however due to the challenges of integrating needs with the IT solution (highlighted in paragraph 8) a further solution is being investigated.

13. The Head of H&S has also challenged the achievability of Action 9 given that responsible officer structures are constantly moving in that structures and people change. At the time of the last review, the Legionella Compliance Note had recently been updated and linked to Assistant Directors accepting responsibility who were trained at the time, but due to a manager leaving this has already become an issue. To compensate H&S officers have been picking this up through individual risk assessments. In addition the issue of appointing Nominated Persons will be addressed by implementation of new asbestos management registers given that individuals will be named on the registers. In relation to Legionella control and related Nominated Persons - currently this is not an issue as all associated responsibilities of this role are being undertaken by the council's Water Management contractor HSL.
14. H&S are focussing on updating the Compliance Note for asbestos aligning to the NYCC policy followed by training/e-learning on management responsibilities on asbestos awareness (available from September 2017) .This will then move the focus from an operational administrative task to the management of risk.

### **HAVS (Hand Arm Vibration Syndrome) Monitoring (Action 10)**

15. HAVS monitoring is an element of health surveillance (see paragraph 16).

### **Health Surveillance (Action 11)**

16. The Business Support service continue to facilitate health surveillance appointments. These monitor workplace/occupational health risks such as HAVS.

17. Business Support has direct contact with the managers and supervisors of the teams requiring health surveillance. An independent calendar holds all the appointments. Health surveillance runs on an annual programme and each year managers/supervisors are contacted to confirm whether their teams have had any change in members or activities as this may impact on the type of surveillance provided.
18. New starters who require health surveillance are picked up on the Work Health Assessment Form (WHAF) administered through Human Resources or schools administrative support. The form asks whether Hand Arm Vibration is a risk of the job, where this is the case their names are forwarded to [occhealthappointments@york.gov.uk](mailto:occhealthappointments@york.gov.uk) to be added to the schedule.
19. Missed appointments remain an issue for some services. To mitigate this, the costs of the missed appointments are charged to the operational budgets and information is escalated to the relevant Head of Service.

## **Governance and Oversight Arrangements**

20. On 3 July 2017 the Executive Member for the Environment received an H&S Annual Report 2016/17 including an overview of the Health & Safety (H&S) governance arrangements, key risks and activity in operation during 2016/17. It also gave a progress update on the newly formed H&S shared service formed by NYCC and City of York Council (CYC) operating under a collaboration agreement.
21. The full report is available at:

<http://modgov.york.gov.uk/ieListDocuments.aspx?CId=870&MId=10030&Ver=4>

and the following extract is relevant to the work of this Committee:

*The H&S governance arrangements are the main driver for the council's improvements in health and safety management, and continue to come from the commitment of the Chief Executive, supported by the Council Management Team (CMT) and Heads of Service. Integral to this is the work undertaken by colleagues across the council to ensure services are delivered in a safe and healthy manner.*

*This is further improved by elected member oversight of the management of health and safety undertaken by the Portfolio Holder for*

*the Environment, and the Audit and Governance Committee who have requested reports in the past year in order to effectively scrutinise the activities of the council in relation to health and safety.*

22. The Shared H&S Service for NYCC and CYC was established on 1 July 2017 and the governance arrangements are outlined in the report and defined in the Collaboration Agreement available at:

[https://www.york.gov.uk/downloads/file/13454/shared\\_service\\_agreement](https://www.york.gov.uk/downloads/file/13454/shared_service_agreement)

*..... The work of the H&S Shared Service, and compliance with the collaboration agreement will be monitored by a client officer group consisting of senior managers from both councils. The agreement was being finalised at the time of the publication of this report and when available will be published in due course on the council's website.*

23. The responsible Assistant Director will provide an annual and an interim report each year to the Executive Member's Decision Session, monitoring the work and performance of the shared service.

### **Consultation**

24. None necessary for this report.

### **Options**

25. There are no alternative options to noting/commenting on the points raised in this report.

### **Risk Management**

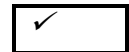
26. The improved controls and evidence in this report seek to mitigate/minimise risks associated with any breach of H&S regulations.

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**Report Approved****Date 10/7/17****Specialist Implications Officer(s)** *List information for all***Wards Affected:** *List wards or tick box to indicate all***Annexes**

Annex A Summary of Actions and Response: Health & Safety

**List of Abbreviations Used in this Report**

H&S	Health & Safety
CYC	City of York Council
NYCC	North Yorkshire County Council
CMT	Council Management Team
DMT	Directorate Management Team
JHSC	Joint Health & Safety Committee
FRA	Fire Risk Assessment
HAVS	Hand/Arm Vibration Syndrome
WHAF	Work Health Assessment Form
IT	Information Technology