

Health & Safety Interim Report 2017/18

Summary

- 1) This report gives an overview of the performance of Health & Safety (H&S) shared service formed by North Yorkshire County Council (NYCC) and City of York Council (CYC) and operating under a partnership agreement. It also provides an update on the ongoing fire mitigation measures in place following the Grenfell Tower fire in London.

Recommendations

- 2) The Executive Member is asked to:
 - a) note the fire risk mitigation measures in place and the key H&S risks together with the council's response to managing and responding to those risks; and
 - b) note the progress made in embedding the H&S shared service.

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

Background and Summary Conclusions

- 3) 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 Corporate 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.
- 4) 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.

Fire Safety

- 5) The Portfolio Holder for the Environment, along with residents and the wider public, has been particularly concerned about the fire safety arrangements across the council following the tragic event, in June 2017, at Grenfell Tower fire in West London which killed 71 residents. This was covered briefly in the report to the Portfolio Holder on 3rd July 2017 and a further more detailed report on 2nd October 2017.
- 6) The October 2017 report outlined a number of actions to which the council was committed and one of the aims of this report is to provide an update on this activity. This is to reassure the Portfolio Holder and residents as to current status of the risk mitigation arrangements and further planned improvements.
- 7) The council had already a strong commitment to mitigating the risk from fire, however following the Grenfell tragedy a review was undertaken, across the organisation, of fire prevention and mitigation measures. The main way this was/is done is through fire risk assessments with particular attention to where there is sleeping risk. This review identified that some risk assessments had not been completed for communal areas of residential blocks. This was addressed as a priority and is now complete.
- 8) In addition this review identified 307 follow up reviews needed of fire risk assessments (FRAs) that were not of the same standard of recent FRAs and were up to three years old. The requirement within the Regulatory Reform (Fire Safety) Order 2005 is a regular review and is not specific, however three years is the CYC recommendation for review of properties of this type. Housing staff have been trained to identify and report any fire issues in the interim time. An appropriate framework contract was identified and the contract is currently being finalised with a suitably qualified contractor with target date (subject to contract) for completion by March 2018.
- 9) A schedule for the outstanding FRA reviews has been produced which prioritises those property types most at risk; i.e. converted houses/flats; sheltered and older persons housing and hostels; and blocks where fire incidents have previously occurred. There was also a commitment of more intrusive assessments to check the compartmentalisation (fire spread prevention measures e.g. between floors or rooms of a building) between properties where void properties become available in the blocks where reviews are due to be carried out. This work will be carried out by appropriately qualified fire risk contractors.

- 10) There has been considerable public interest in the underlying causes of the fire and in order to establish the facts the government commissioned an inquiry, led by Sir Martin Moore-Bick, to focus on the circumstances of the fire.
- 11) In addition, and due in part to early indications coming out of the ongoing investigation, an independent review of building regulations and fire safety law, led by Dame Judith Hackitt, was also commissioned. At the time of writing the October 2017 Portfolio Holder report it was hoped that some early recommendations from the review would be released in the autumn of 2017. The full report is not expected until spring 2018 and an interim report on the findings was published on 18th December 2017. Unfortunately due to the date of publication it has not been possible to include a full *précis* of the initial findings in this report but more detail will be provided at the meeting on 8th January 2018.
- 12) It should be noted that the main focus of the independent review is in relation to high rise housing and Dame Hackitt has acknowledged that there is no clear definition of this, but is normally considered to be buildings over 18 metres or 4 stories in height). Whilst the council has very few buildings which would be near this height although there are buildings across the city which would meet the criteria.
- 13) A number of professional organisations such as; Institution of Occupational Safety and Health (IOSH), Construction Industry Council, British Safety Council and the Royal Institute of British Architects have all commented to the independent review. Some of these comments are being shared in professional journals and it is apparent from the submissions that there are very different views on potential solutions. However most seem to agree that the current regulatory arrangements are not working.
- 14) The key finding of the interim report confirms this view with the following statement:

“The work of the review to date has found that **the current regulatory system for ensuring fire safety in high-rise and complex buildings is not fit for purpose**. This applies throughout the life cycle of a building, both during construction and occupation, and is a problem connected both to the culture of the construction industry and the effectiveness of the regulators.”

Consequently it is expected that there will be changes to the regulatory regime however it has not been possible to establish at this time what these may be. What is possible, however from the report, is to identify a direction of travel which is based on six themes:

Regulation and guidance

- The rules for ensuring high-rise and other complex buildings are built safe and remain safe should be more risk-based and proportionate.
- Those responsible for high-risk and complex buildings should be held to account to a higher degree.
- There should be a shift away from government solely holding the burden for updating and maintaining guidance, towards greater responsibility for the sector to specify solutions which meet the government's functional standards.
- Regulations and guidance must be simplified and unambiguous.

Roles and responsibilities

- Primary responsibility for ensuring that buildings are fit for purpose must rest with those who commission, design and build the project.
- Responsibility and accountability must rest with clearly identifiable senior individuals and not be wholly dispersed through the supply chain.
- Roles and responsibilities across the whole life cycle of a building must be clearer.

Competence

- There is a need to raise levels of competence and establish formal accreditation of those engaged in the fire prevention aspects of the design, construction, inspection and maintenance of high-rise residential and complex buildings

Process, compliance and enforcement

- There needs to be a golden thread for high-rise residential and complex buildings so that the original design intent, and any subsequent changes or refurbishment, are recorded and properly reviewed, along with regular reviews of overall building integrity.
- There is a need for stronger and more effective enforcement activity, backed up with sufficiently powerful sanctions for the few who do not follow the rules.

Residents' voice and raising concerns

- Residents need to be reassured that an effective system is in place to maintain safety in their homes.
- There must be a clear, quick and effective route for residents' concerns to be addressed.

Quality assurance and products

- Products must be properly tested and certified and there is a need to ensure oversight of the quality of installation work.
- Marketing of products must be clear and easy to interpret.

- 15) From these statements it is possible to see a clear direction of travel, particularly in relation to high rise buildings however it will be some time before any of these actions result in regulatory change. Consequently it is essential that the council continues to work towards reducing the risk from fire where practicable. CYC has been undertaking fire risk assessments for a number of years and increasingly' and where possible, use the services of the Shared Health and Safety Service. The service follows the guidelines of the Institution of Fire Engineers (IFE) for core competency and brings in specialist advice where appropriate for example in fire engineered buildings. One of the advantages of the shared health and safety team was an increased capacity to deal with this demand, in addition there are a number of competent contractors that are available to support this work.
- 16) A further area of concern has been that there is a disconnect between those who construct a building and those who occupy it on a day to day basis. It is essential that clients needs are clear with those designing and constructing the end use of the building. How this is done and regulated is via the framework outlined in the Construction, Design and Management Regulations 2015. The Council Management Team is currently reviewing these arrangements across the council and looking for ways to ensure that the council is fulfilling its responsibilities. It is planned that any changes that are deemed necessary from this review will be implemented by the end of March 2018.

Shared Service Main Activities - April– December 2017

- 17) The council's Health & Safety Policy drives CYC's commitment to health and safety and is reviewed by the Chief Executive annually. The latest version was adopted in August 2017. The policy is implemented through the work of the CMT, individual directors and the Health and Safety Champions for each Directorate. However most of the work is driven through the Joint Health and Safety Committee (JHSC) which consists of the champions for each department with Trade Union colleagues. The

membership of and attendance at this committee has been improved and will continue to drive forward the health and safety agenda.

- 18) There have been a number of key projects ongoing led through this committee these include; a review of the council's alcohol, drug and substance misuse policy, lone worker protection and an update of health and safety arrangements. A task and finish group has also been created to review the asbestos and legionella compliance notes. This work is due to be completed by March 2018. The control and mitigation of asbestos risk is a key area of work. A gap analysis (involving a review of approximately 800 records) of asbestos information has already been undertaken for corporate and commercial buildings.
- 19) To support the work of the JHSC the shared H&S service is working with Department Management Teams to develop health and safety action plans that will focus on key priorities for up to the next 3 years. This not only allows the shared H&S service to ensure it is adequately resourced to undertake this work but ensure departments are fully engaged in the process to ensure that the plans are effective.

Shared H&S Team Performance

- 20) Performance will be easier to report on going forward once the Directorate Action Plans are developed. In the meantime the combined team structure is now completed and new skills brought in to support the well established York delivery team. In addition to supporting the JHSC work outlined in paragraph 18 above they have supported the council in responding to health & safety incidents and accidents. Also they have advised on risk assessment work at the Mansion House, the Crematorium and West Offices ahead of or during essential maintenance work.
- 21) There have been two recent audits of H&S related areas the reports from these are currently in development. The final reports will be discussed at a future Audit & Governance Committee. The areas covered are:
 - a) H&S Follow-up report (to follow up previous H&S actions)
 - b) Safety at Public Events (based on a request from Audit & Governance Committee). This is not directly a H&S team service but looks at a key H&S risk area for the city, not just the council.

Consultation

- 22) The Council Management Team have received the detail from this report.

Options

- 23) There are no options in this report given that the recommendations are to note the content only.

Analysis

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

Council Plan

- 25) 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

- 26)
- a. **Financial:** None
 - b. **Human Resources (HR):** The report relates to all employees of the council. The H&S shared service is hosted by NYCC.
 - c. **Equalities:** None
 - d. **Legal:** The content of this report contributes to evidence that the council is complying with the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety at Work etc. Act 1974 and associated regulations.
 - e. **Crime and Disorder:** There are no crime and disorder implications to this report.
 - f. **Information Technology (ICT):** None
 - g. **Property:** None
 - h. **Other:** No known implications.

Risk Management

- 27) The controls and evidence in this report mitigate/minimise risks associated with any breach of H&S and fire safety regulations.

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Report Approved



Date

19th December 2017

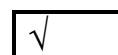
Specialist Implications Officer(s)

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 2nd October 2017. The record is [here](#).

Report and decision record from Executive Member for Environment Decision Session on 3rd July 2017. The record is [here](#).

Report and decision record from Executive Member from the Environment Decision Session on 12th April 2017. The record is [here](#).

List of abbreviations used in this report:

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| CYC | City of York Council |
| NYCC | North Yorkshire County Council |
| HR | Human Resources |
| H&S | Health & Safety |
| CMT | Corporate Management Team |
| JHSC | Joint Health & Safety Committee |
| RRO | Regulatory Reform (Fire Safety) Order 2005 |
| FRA | Fire Risk Assessment |