

Health & Safety Interim Report 2019/20

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). The shared service has been in operation since July 2017 and operates under a collaboration agreement.
2. It also provides an update on H&S incidents and the annual review of the City of York Council H&S Policy. The new draft policy statement (see Annex B) now makes a clear commitment to taking a firm and *'positive approach to health, safety and wellbeing through encouraging active participation, by all stakeholders, in the elimination, where reasonably practicable, or active management of health, safety and wellbeing risk.'*
3. In addition the report presents proposals for changes to the Collaboration Agreement which underpins the delivery of the shared service between CYC and North Yorkshire. Importantly it recommends a change to the current surplus sharing agreement for traded services.
4. The report will assist the Executive Member in proactively monitoring the overall systems and management of health and safety across the council.

Recommendations

5. The Executive Member is asked to:
 - a note the Interim Report including the work of the Shared H&S Service and consider any areas of H&S risk management for further reporting at future decision sessions;
 - b endorse the Corporate Health and Safety Policy;
 - c agree the proposed changes to CYC/NYCC Collaboration Agreement:

- i the minor administrative changes to the report to eg reflect changes in legislation;
- ii the change to the surplus sharing agreement.

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

6. 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. as laid down in the published agreement which can be found at:

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

Progress against Key Priorities

7. The interim note at Annex A to this report summarises the Head of Health & Safety's review of Health & Safety work at CYC during the first 6 months of the 2019/20 year.
8. The Assistant Director continues to be satisfied that the Health & Safety Service continues to deliver a robust and sustainable service to the council in full compliance with the requirements of the Collaboration Agreement.

CYC Health and Safety Policy Update

9. 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 H&S 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 B.
10. There is a focus on H&S culture in the new policy statement reflecting the conclusions of a recent session with the Executive Directors and Assistant Directors about what they see as the necessary shift in H&S culture at CYC. These include the steps that need to be taken in light of accidents and incidents, and particularly acts of aggression and violence that continue to dominate the statistics and impact on the wellbeing of the council's workforce. The focus over the next two years delivered through Organisational Development, communications and corporate/directorate Health & Safety Plans will be for CYC employees to 'Go Home Safe, Go Home Healthy'.

Changes to the CYC/NYCC Shared H&S Service Collaboration Agreement

11. The key change is a proposal to change the surplus sharing element of the agreement. The option analysis associated with this decision is summarised in Annex C and the preferred recommendation is to proceed with Option 1 which would see the ending of the surplus sharing agreement.
12. The proposed changes can be found in the amended Collaboration Agreement at Annex D. Many are minor and reflect the changes necessary to reflect eg legislative change such as updated data protection regulations and others relate to the implementation of Option 1 should this be agreed.

Consultation

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

Options

14. There are no options relating to Annex A given that the recommendation 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.
15. In relation to the H&S Policy at Annex B the Executive member can choose not to endorse the policy and/or request changes to the policy in light of the information presented regarding incidents and risks at the council. A revised policy can be brought back to a future Decision Session if changes are requested.
16. In relation to the changes to the surplus sharing agreement the Executive member can accept or reject the proposals. Rejection of the proposals could carry the implications as outlined in Annex C, and as outlined in the Analysis and Financial Implications below.
17. In relation to the other minor recommended changes to the Collaboration Agreement there is the option to accept or reject the changes. They have been made by the Legal Teams of both councils and as such would carry legal risks if not implemented.

Analysis

18. All information and is contained in the body of the report for recommendations a), b) and c) i).
19. In relation to c) ii) the key analysis focuses on the estimated financial analysis of doing nothing or making the change:

	Do Nothing	Change to recommended approach
Core Charge	£214,600	£177,900*
Surplus estimate for 20/21	£38,400**	Reduce and fix at £0
Increase to admin charges to NYCC	£7000***	£0

*Reflects removal of schools (traded service) post

**Could be a plus or minus figure in future years. A minus figure would require a contribution in future years.

*** Does not include CYC costs of resolving ongoing issues with complex finance matters relating to different managing different commercial and non commercial accounts

20. The surplus figures in previous years are as follows:
 - a. 2017/18 - £26,995 (part year from July 2019)
 - b. 2018/19 - £53,506
 - c. Estimated 2019/20 - £50,000

Council Plan

21. Outcomes achieved by the activities covered in this report help to deliver all priorities in the Council Plan 2019/23 in terms of safe delivery of all frontline services.

Implications

- 22.

a) **Financial:**

- i) The financial implications of Option1 and recommendation c(ii) is that in the short term the proposal is cost neutral. In the long term, given the increasing academisation of schools and the strength of the market place it is likely that the surplus could reduce and/or turn into a loss. The recommendation safeguards the council from this risk. The reserve created from the surplus funds has funded the new corporate H&S IT system, annual pay increases, and H&S communications
- ii) Under Option 1 there will no longer be funding for the H&S reserve which funds CYC ongoing corporate H&S costs eg maintenance of the IT system, and other council wide costs such as those mentioned in 22i) above. A separate base budget will need to be established created from the reduced core service charge to fund such costs in future.

b) **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. If recommendation c ii) is supported then there will be a reduction in a post needed to support the schools service which will be reflected in the reduced core service charge. The continuation of the shared service and NYCC trading activity will sustain the service in the long term

c) **Equalities:** None.

d) **Legal:**

- (i) 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.
- (ii) The amendments to the Collaboration Agreement in Annex C have been agreed by the CYC and NYCC legal departments.

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

23. 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.
24. If recommendation c)ii is not supported the risk will be that if losses are incurred by trading in the CYC area that CYC has to contribute to mitigating that loss. The corresponding implication of accepting the recommendation is that CYC can no longer benefit from a share in trading surpluses that occur within the York boundary.

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Report Approved **Date** 20th November 2019

Specialist Implications Officer(s)

Financial: Debbie Mitchell, Corporate Finance & Commercial Procurement
Manager
Legal: Walter Burns, Legal Services

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

Annexes

- Annex A Summary of Health & Safety Service Activity – April to September
2019
- Annex B Draft Health & Safety Policy Statement December 2019

- Annex C Options Appraisal for the future Shared Health & Safety Service
Annex D Revised Draft Collaboration Agreement

Background Papers:

Original Collaboration Agreement Approval – 12th April 2017. Executive Member for the Environment Decision Session:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=870&MID=10325>

List of abbreviations used in this report:

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