

# **Somerset West and Taunton Council**

## **Audit and Governance Committee – 13th December 2021**

### **Health and Safety Management System – Performance framework and Improvement Programme**

#### **Report Authors:**

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#### **1. Executive Summary / Purpose of the Report**

**1.1** The purpose of this report is to provide the Audit and Governance committee with:  
A) an introduction to the Health & Safety (H & S) Performance Framework – the approach for how the Audit & Governance Committee will be kept updated on Health & Safety (H & S) Performance, and  
B) an introduction to, and progress against delivery of the H & S Management System (HSMS) Improvement Programme.

**1.2** In future meetings, the Audit & Governance Committee will be asked to review the HSMS Scorecard data together with the observations / recommendations / conclusion summary. The reporting categories have been identified as key deliverables under the requirement of a H & S Committee.

**1.3** The HSMS Improvement Programme Brief (appendix B) sets out the various workstreams within the programme, including a new H & S Committee governance structure. All Improvement delivery activity will be tracked within a single consolidated action plan (implemented November 2021) and through the established Corporate Programme Management Office (PMO) arrangements and processes (monthly reporting to the Internal Operations Directorate Board, and Senior Management Team - SMT).

#### **2. Recommendations**

**2.1** The committee is asked to note and endorse:  
A) the H & S Performance Framework  
B) the HSMS Improvement Programme - as the approach to improving the Health & Safety Management System and culture.

#### **3. Risk Assessment**

**3.1** An efficient and effective H & S Management System helps the council comply with its duties under the Health & Safety at Work Act (1974) and the Management of Health & Safety Regulations 1999. This will thereby mitigate the legal, financial, and reputational risks associated with non-compliance of these key legal requirements and associated legislation, based on operational activity.

**3.2** Subsequently, effective measurement of the performance of Health & Safety systems will galvanise the continuous improvement of risk mitigation controls.

**3.3** During Quarter 1 (2021/22) an audit on Health & Safety was carried out by SWAP – this was reported to the Audit & Governance committee 13<sup>th</sup> September 2021, with an audit opinion reported as ‘limited assurance’.

**3.3.1** A significant corporate risk was identified (as defined below):

“The Council does not have sufficient arrangements in place to identify, monitor and mitigate against health and safety risks that could cause staff, stakeholders and public harm – leading to subsequent legal, financial and reputational damage”.

**3.3.2** A summary of the work completed and findings by SWAP is as follows:

- “The Council has a statutory duty to keep its employees, members, customers, contractors and anyone else who uses its services safe from risks to their health and safety under the Health and Safety at Work Act 1974. The failure to adhere to relevant health and safety legislation and regulations puts health and safety at risk and exposes the Council to legal, finance and reputational damage.
- The Council had not received an audit of corporate health and safety since 2014 and therefore assurance was sought by senior management that the Council was adhering to health and safety legislation and regulation and the risks in these areas were minimised. Despite the absence of a recent audit the Council has been developing its approach to health and safety and this continues to be work in progress. The audit scope was designed around the Health and Safety Executive’s HSG65 framework”. (please see para 4.2 for further details of HSG65)
- The Council is currently at the ‘PLAN’ and ‘DO’ stages of HSG65 and therefore only limited testing could be done under ‘CHECK’ and ‘ACT’. Our audit focussed on the high priority areas the Council need to address and therefore contractors were only looked at briefly. When looking at accidents and incidents we relied upon second line of defence controls. Landlord Health and Safety was considered out of scope for this audit. This area has been covered by previous audit work.
- Our reason for providing limited assurance was because there is inadequate oversight of health and safety matters at Member level, this coupled with an incomplete risk scoping exercise, the audit framework not being developed or implemented and a lack of clarity with regards to who has received health and safety training and who has not.
- There were three Priority 2 recommendations - *“Important findings that need to be resolved by management”* (and eight Priority 3 recommendations) made within this review. The three priority 2 recommendations raised in our report are detailed below. Health and Safety is on the Senior Management Issue log to monitor improvements. The recommendation made in this review will be followed up to ensure they have been implemented and reported back to the Audit Committee.

- **SWAP recommendation 1)** Corporate Governance matters need to be strengthened, including raising the profile of health and safety through a Member Champion and reporting of health and safety work to Members. Sub-Committees would be advisable for all Directorates, as currently they only exist for Housing & Communities and External Operations.
- **SWAP recommendation 2)** While the Risk Assessment Scoping sessions have been scheduled and are underway, they are not complete, therefore the Council does not have a complete record of the health and safety risks it needs to manage. To date the Audit Framework has not been developed.
- **SWAP recommendation 3)** Health and Safety training is being carried out upon induction and refresher training is also being delivered, however Members have not received any. Reports can also be run from Learning Management System (LMS), but analysis in this area could be better and this would provide greater assurance that staff and Members know to manage health and safety.

**3.4** Subsequent to the SWAP audit (outlined above), together with an additional External Audit report (August 2021) - commissioned by the Director of Housing & Communities - on some of our operational / trade services by the Building Safety Group (BSG), plus internal reviews by the H & S team, it was decided by SMT to include H & S on the Corporate Issues Register.

- The summary Issue description is - "Low maturity health and safety management systems"
- The key impacts of this issue are stated as - "To date we have seen the impact through personal injury and associated insurance claims. We have continued risk of further injury, financial and reputational damage".

### **3.5 Actions in Response to Audit recommendations (SWAP & BSG)**

Further information detailing the recommendation response to date can be found in 4

## **4. Background and Full details of the Report**

**4.1** The Health & Safety at Work Act 1974 contains general and specific duties with which all workplace environments (public authorities such as the Council) must comply.

**4.2** The general duty requires a robust HSMS structure to deliver to the requirements of the Act, within a framework recommended by The Health & Safety Executive (this is known as the HSG65 framework). This constitutes implementing process controls for:

- H & S Policy and Procedure
- Risk Management and Risk Assessment
- Safe Systems of Work/Safe Work Procedures
- Audit Framework
- Mechanisms for continuous improvement

**4.3** Under Section 2 (4-7) of The Health & Safety at Work Act (H&SaWA), law also stipulates a link to the Safety Committee and Safety Representatives Regulation 1977. This outlines the legal requirement to ensure that a suitable safety committee is in

place (where necessary) and that key H & S Performance indicators are monitored, to measure the effectiveness and efficiency of the HSMS. These areas are namely:

- Changes to workforce that could affect H & S
- Accidents/Incidents/Near Miss
- Risk Management & Risk Assessment
- Occupational Health/Sickness/Wellbeing
- H & S Training
- Emergency Arrangements (Evacuation/First Aid/Emergency Response)
- Audit/Inspection – conclusive reporting

**4.3.1** The Audit & Governance committee should note that the ‘Safety committee’ referred to above in 4.3 is what is in place through the ‘Tier 2’ H & S Committee (Officers) - which is specifically to comply with H&SaWA obligations. As part of the ‘Tier 1’ governance arrangements, however, Elected Members are involved through the Audit & Governance committee.

**4.4** As part of the response to the corporate risk and issue (as outlined in the Risk assessment – section 3 above), a new governance structure for H & S Committee was launched in November 2021, implementing a 3-tier approach:

- **Tier 1** – Senior Management Team
- **Tier 1** – Elected Members and Executive Portfolio Holder, Audit & Governance Committee
- **Tier 2** – H & S Committee (Consultative & Reporting)
- **Tier 2** – H & S Committee (Corporate Management Group) – steering and decision making
- **Tier 3** – Directorate Groups (x4)

## **4.5 H & S Performance Framework**

**4.5.1** Focusing on the key reporting requirements (4.3), Tiers 1 & 2 have reporting mechanisms to measure these categories of performance and future reporting will follow these categories.

**4.5.2** Scorecard – the content of the scorecard reporting categories is outlined in Appendix A. Reporting will also include a summary of observation/recommendation and conclusive actions. Scorecard reporting is reflected from Tier 3 up to Tier 1.

**4.5.3** Risk Management & Risk Assessment - risk action plan progress will be reported and split by Directorate via statistical data, including statements of risk assessment reviews,

**4.5.4** Emergency Arrangements – reporting will include an update SWT’s Emergency Response Officer.

## **4.7 HSMS Improvement Programme**

### **Introduction and background**

**4.7.1** In addition to the implementation of the new governance arrangements described in 4.4 above, the response to the corporate risk and issue (as outlined in the Risk assessment – section 3 above) has also been to implement a robust programme management approach.

**4.7.2** Several improvement activities have already been delivered, or are currently in progress, however, the new HSMS Improvement Programme has also been approved by SMT. This programme has been formed to manage a series of projects and initiatives that will ensure the organisation transforms to a new improved operational state. A Programme Brief provides an overview, and can be found in Appendix B.

**4.7.3** Subsequent response to recommendations made within SWAP & BSG Audit  
All recommendations have been tracked in a centralised H & S Action Plan, progress to date includes:-

- Development of Policy Catalogue
- Delivery of new corporate governance structure for H & S Committee, including new Directorate Groups and a new intranet page
- Improved Risk Management processes, risk action plans and progress statistics
- Delivery of emergency training (mandatory compliance)
- Implementation of a new H & S Intranet page and links to bespoke Directorate areas for risk management and scorecard
- Statutory equipment checks and the development of PUWER (Provision and Use of Working Regulation 1998) Register
- Improved H & S Team structure with H & S Partners assigned to Directorates, to improve bespoke elements of HSMS.

**4.7.4** This document is a high-level summary, including:

- The programme description and vision: ***a strong H & S culture is embedded, and effective management system is integrated across the organisation.***
- The work-streams, that make up the programme are (initially):
  - H & S Policy
  - Governance and control
  - People / HR
  - Contractor management
  - Construction Design management (CDM)
  - Risk management and audit framework
  - H & S support and systems
  - In addition - 'Culture' change / development, and communications & engagement will be treated as cross-cutting themes throughout the programme and all work-streams / projects & activities (rather than work-streams in their own right)
- Scope and dependencies
- Key outcomes and benefits
- Budget and resource
- Programme governance
- Issues and risks

**4.7.5** The Audit & Governance committee will receive high-level updates on progress of the HSMS Improvement programme as part of quarterly H & S reports.

## **5. Links to Corporate Strategy**

**5.1** Paragraphs 4.1, 4.2 and 4.3 above outline legal and statutory responsibilities for Health and Safety, for which of course the Council must comply in the delivery of all its operations.

**5.2** In addition, the delivery of a robust H & S function – both internally, and externally (e.g. to contractors and partners), with transparent monitoring and reporting – relates to the corporate aim of being ‘a transparent and customer-focussed council’.

## **6. Finance / Resource Implications**

**6.1** There are no financial / resource implications directly as a result of this report.

**6.2** The Health & Safety Management System provides a vehicle for the avoidance of detrimental financial risks and may even present opportunities for cost savings (e.g., reductions in insurance premiums and claim payments).

**6.3** There are approved operational budgets in 2021/22 to enable the delivery and improvement of the H & S function (as referred to within the HSMS Improvement Programme brief – Appendix B

## **7. Legal Implications**

**7.1** There are no legal implications directly as a result of this report.

**7.2** The Health & Safety at Work Act 1974 places duties and obligations upon the Council. The Health & Safety Management System provides a vehicle to meet those obligations to ensure compliancy, and therefore for the avoidance of detrimental legal risks, and may even present opportunities for cost savings (e.g., reductions in insurance claim payments).

## **8. Climate and Sustainability Implications**

**8.1** There are no Climate and Sustainability implications directly as a result of this report.

## **9. Safeguarding and/or Community Safety Implications**

**9.1** There are no Safeguarding and/or Community Safety implications directly as a result of this report.

**9.2** Improved Health & Safety processes and effective risk management assist the mitigation of risk and promote the welfare of vulnerable children and adults. Operational procedure is strengthened by integrated Health & Safety and Safeguarding

processes, in turn providing the necessary protection for vulnerable groups and individuals delivering the services.

## **10. Equality and Diversity Implications**

**10.1** There are no Equality and Diversity implications directly as a result of this report.

**10.2** The Health & Safety at Work Act 1974 places duties and obligations upon the Council. The Health & Safety Management System provides a vehicle to meet those obligations to ensure compliancy, and therefore for the avoidance of detrimental Equality and Diversity risks (e.g., disability / pregnancy & maternity risk assessments).

## **11. Social Value Implications**

**11.1** There are no Social Value implications directly as a result of this report.

## **12. Partnership Implications**

**12.1** There are no partnership implications directly as a result of this report.

**12.2** The HSMS Improvement Programme is made of actions that are deliverable within the H & S Committee Corporate Structure at all three 'tiers'. Various specialist Workstream Leads have been identified within the Committee Management Group (Tier 2) therefore all partnerships at the present time are associated to internal services.

## **13. Health and Wellbeing Implications**

**13.1** There are no Health and Wellbeing implications directly as a result of this report.

**13.2** The Health & Safety at Work Act 1974 places duties and obligations upon the Council. The Health & Safety Management System provides a vehicle to meet those obligations to ensure compliancy, and therefore for the avoidance of detrimental Health & Wellbeing risks, and may even present opportunities for improved Health and Wellbeing (e.g. reduced staff sickness levels).

## **14. Asset Management Implications**

**14.1** There are no Asset Management implications directly as a result of this report.

**14.2** The Health & Safety at Work Act 1974 places duties and obligations upon the Council. The Health & Safety Management System provides a vehicle to meet those obligations to ensure compliancy, and therefore for the avoidance of detrimental Asset Management risks, and may even present opportunities for improved asset management (e.g., through robust 'FABRIC' assessments – buildings / assets / locations / places)

## **15. Data Protection Implications**

15.1 There are no Data Protection implications directly as a result of this report.

## 16. Consultation Implications

**16.1** There are no Consultation implications directly as a result of this report.

**16.2** The introduction of the new 3-tier governance arrangement provides significant opportunities for consultation on Health & Safety matters with all levels and areas of the Council.

## 17. Scrutiny/Executive Comments / Recommendation(s) - N/A

### Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – Yes**
- **Cabinet/Executive – No**
- **Full Council – No**

**Reporting Frequency: Quarterly**

### List of Appendices (delete if not applicable)

Appendix A	Scorecard Summary – H & S Key indicators
Appendix B	HSMS Improvement Programme Brief

### Contact Officers

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