

Report Number: SWT 127/22

# **Somerset West and Taunton Council**

## **Audit and Governance Committee – 12<sup>th</sup> September 2022**

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

**This matter is the responsibility of the Portfolio Holder for Communications and Corporate Resources, Cllr Benet Allen**

#### **Report Authors:**

**Sean Papworth – Assistant Director, Corporate Services**

**Dan Webb – Health & Safety Improvement Programme Manager (temp)**

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

**1.1** The purpose of this report is to provide the Audit and Governance committee with:

- A) a progress update on the Health & Safety Performance Framework
- B) a progress update against delivery of the H & S Management System (HSMS) Improvement Programme.

**1.2** The HSMS Improvement Programme sets out the various workstreams within the programme, including the H & S Committee governance structure. All Improvement delivery activity will be tracked within a single consolidated action plan (implemented since 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 Scorecard data, together with the observations/recommendations/conclusive summary (appendix A)
- B) the HSMS Improvement Programme progress update (detailed in section 4.4)

#### **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 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.
- 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, and the committee may wish to note that a review of the 2021 SWAP audit is currently underway and is expected to be ready for final reporting in Quarter 3 2022/23.

## **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. 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

These process controls all form part of the HSMS Improvement Programme outlined in section 4.4 of this report.

**4.2** 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. There 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

4.2.1 The Audit & Governance committee should note that the 'Safety committee' referred to above in 4.2 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.

4.2.2 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)

### 4.3 H & S Performance Framework

4.3.1 Focusing on the key reporting requirements (4.2), Tiers 1, 2 & 3 have reporting mechanisms to measure these categories of performance and future reporting will follow these categories.

4.3.2 **Scorecard** – the content of the scorecard reporting categories is summarised 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.

#### 4.3.3 Progress Update:

- Directorate Scorecards are in place and deliver a statement of health, reporting on all key indicators identified in 4.2. Reporting has been developed (within Power BI software) to allow a 3 year analysis across all data sets.
- Ahead of each monthly meeting (-7 days), a committee pack is circulated via the TEAMS H & S channels, containing links to scorecards, action plans, sickness data, Learning & Development update and the agenda for the next meeting. Committee groups are encouraged to analyse the data, observations and recommendations in preparation for discussion at the next meeting, with an objective to encourage engagement and improve the overall effectiveness of the committee.
- Action owners are asked to update the progress notes within ‘paths to green’ tasks and to update the RAG status, ahead of the committee meetings. This allows a bird’s eye view on progress and to identify additional H & S support requirements. Currently a report is being developed to provide a summarised snapshot/status report on all outstanding actions.

### 4.4 HSMS Improvement Programme

4.4.1 In addition to the implementation of the new governance arrangements described in 4.2 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. The HSMS Improvement Programme has been formed to manage a series of projects and initiatives that will ensure the organisation transforms to a new improved operational state, as well as responding to recommendations made within SWAP & BSG Audits.

4.4.2 All audit recommendations and improvement programme workstream actions are included and tracked through a centralised H & S Action Plan, which can be filtered by specific workstream or Directorate. Workstream leads provide progress updates at monthly Tier 2 Corporate H & S Management Committee meetings.

4.4.3 The H & S Team have been working with SWAP on the H & S audit follow-up review (one year on from the report completed in August 2021), and this is near to completion. A final report is anticipated in the next few weeks, however an early draft received 25<sup>th</sup> August indicates that “considerable progress has been made in respect of The Council’s Health and Safety arrangements. Most findings are completed, and the two findings assessed as ‘In Progress’ will also be complete upon the implementation of the new Health and Safety Management Software. Two findings that will not be completed by SWT are not considered high risk and have been classed as ‘Superseded’ as part of LGR”.

#### **4.4.4 HSMS Improvement Programme Work-stream progress summary:**

##### **a. Governance work-stream:**

As referenced above in 3.3.1, the SWAP Audit recommendation addressed through this workstream is: “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”.

- Since the inception of the new H & S governance arrangements in November 2021, Tier 2 and 3 groups have built up good momentum and are now in the rhythm of meeting either monthly or bi-monthly and are following a consistent and structured agenda.

##### **b. Policy work-stream:**

- The overall SWT Corporate H & S Policy has been reviewed and refreshed to include an A-Z suite of H & S arrangements. This was approved by SMT 27<sup>th</sup> April and included in the previous report to this committee 13<sup>th</sup> June 2022.
- The revised H & S Policy and additional work completed on sub-policies is also providing good preparation to contribute to the LGR alignment processes. Collation and harmonisation of a suite of core H & S policies is a key LGR ‘product’ for Vesting Day, and a process of priority policy reviews and sign-off will commence in the next few months.

##### **c. Risk Management work-stream:**

As referenced above in 3.3.1, the SWAP Audit recommendation addressed through this workstream is: “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”.

- The H & S Partners continue to support each Directorate with their risk management plans. Each team has been allocated a risk action plan (defined by the previous risk scoping exercise). The action plans are a statement of risk appetite, to establish where risk is apportioned and what specific control measures are required. This encompasses both corporate and operational H & S requirements.

- Recent months have focused on the completion of generic risk assessments suites; these are assessments for common theme corporate type activities that are essential for basic H & S (i.e. DSE, Lone Working, working from home). Team managers have been tasked with sharing the suites with their teams and completing a declaration (with all audit trails saved on SharePoint centrally).
- All risk action plans and completion statistics are discussed at Tier 3 Directorate Group Committee meetings to illustrate a statement of risk management for each team.
- Current completion rates are reported as follows: -

Directorate	Total number of risk assessments required	Percentage complete
Housing & Communities	315	96%
External Operations	219	99%
Development, Place and Planning	116	100%
Internal Operations	215	94%

*Please note – the number of Risk Assessments required figures above have been adjusted since the previous report in June. The specific assessments relating to COSHH (Control of Substances Hazardous to Health) and PUWER (Provision and Use of Work Equipment) have been removed and are being recorded separately. The table above is now a true reflection of where SWT are in completing the risk assessments in line with the risk assessment action plans.*

- Work continues to develop the risk assessment audit framework, to ensure sufficient review dates are scheduled, to ensure continuity of compliancy. Target date for completion of all risk assessments as identified in the risk scoping exercise is 31<sup>st</sup> August 2022.
- The content of the risk assessments (in relation to formatting) enables the risk assessment to be used as a safe system of work.
- All relevant risk assessments are to be loaded onto the new H & S software system (see H & S Support & Systems section below) by end of September, with the intent of going live end October.
- Lone Working – through the Risk Management process, it has been identified that SWT does not have a complete understanding of the current lone working across the Authority and what equipment is required to ensure all staff are safe (this also encompasses the duty of care with many staff homeworking). As such, this is now included as a separate corporate issue and is a high priority on the H & S Improvement action plan.
  - A survey has been sent to SWT managers to gather information around teams and individuals lone working operations. This will enable us to risk assess the hazards that each team faces in their day-to-day duties, and the efficacy of current controls.
  - Information gained during this exercise will be used to implement the correct level of control from the range of solutions offered by 'People Safe' currently used by SCC, which we will adopt by vesting day, allowing us to easily align with this system, and provide an enhanced level of safety for our staff compared to where we are today.

#### **d. People work-stream:**

- Work continues to progress the collation and assessment of 'must have' compliancy training for all Depot operational teams. All team managers have a

statement of training requirements and subsequently are responsible for arranging refresher/training for their teams. Reporting and processes have been embedded for the Learning & Development/People Team to review training requirements with managers on a monthly basis. The H & S Team is also involved in the monthly assessment to ensure a competent workforce is delivering services; any areas of risk are issued with a SAN (Safety Action Notice – RED Cards) until training has been refreshed.

- H & S Induction Training has remained up to date, with regular weekly sessions programmed in to capture the latest onboarding activity. Training continues to be delivered across MS Teams with some specific Depot operations inductions being delivered face-to face.
- Member H & S training has suffered further delays (due to the absence of the SWT H & S Specialist), the H & S team continue to develop a plan to deliver this and are also assisting the LGR H & S training working group, which is also working towards Members' H & S training. In the meantime, the SWT Governance team are progressing the recently updated Risk Assessment for Member Safety along with some LGA guidance, which we can utilise for some specific risk-based training.
- Reporting has been developed within the LMS (Learning Management System) to allow managers to view a statement of completed mandatory e-learning modules. In addition, the Learning & Development/People Team has also been running a campaign of refresher reminders for all mandatory suites, thus ensuring that the workforce is prepared to step into Somerset Council in a 'safe and compliant' position. This scorecard reporting is also monitored at the Tier 2 and 3 H & S Committee meetings.
- A new monthly joint meeting for the H & S and HR/People teams has been implemented allowing for all pertinent data and cases to be reviewed and actions identified, areas covered include Sickness, Executor risk assessment / Occupational Health cases & trends, Recruitment and 'on-boarding', Training / Learning & Development. The first meeting was a productive session, but no obvious themes were evident from the data across all Directorates.

**e. Contractor work-stream:**

Significant progress has been made in relation to Contractor Management:

- Contractor policy – there is a draft policy, and initial process analysis work completed leading to improved set-up process for new contractor / suppliers.
- The priority remains with the retrospective vetting / cleansing of existing Construction Industry Scheme (CIS) / high-risk contractors. Agency resource has been retained to undertake this work, and some key outputs achieved to date are:
  - A database of all 'CIS' contractors has been produced, with an accurate picture of 'active' and 'inactive' contractors
  - A significant number of deactivated contractors have been removed from the database (due to not being used by SWT in the last 2 years)
  - All CIS contractors have been contacted, and most active contractors have now responded to requests for H & S and Insurance information and have been successfully processed and vetted
  - An even smaller number have failed H & S verification – and these are being actively engaged with

**f. H & S Support & Systems (including 'Business-as-usual') work-stream:**

- **H & S software solution** - Following the approval of the Business Case by SMT 23<sup>rd</sup> June 2022, a project to introduce a new H & S software solution is currently underway and gathering momentum. The software project is a key element of the H & S support and systems workstream of the HSMS Improvement Programme, and will enable staff in highest risk work areas (ie Repairs and Maintenance Teams at Depot, Voids, Street Scene and Parks & Open Spaces and teams associated with construction project management), to remotely access a user-friendly system for:
  - H & S event reporting (accidents / incidents / near misses and hazards) - stage 1 - to be implemented by the end of September 2022
  - Risk management (i.e., dynamic risk assessment) - stage 2 – to be implemented by the end of October 2022
  - Contractor management – stage 3 – to be implemented by the end of November 2022

The software will also enable the H & S Team to undertake risk auditing and profiling, monitor risk assessment completion, and identify and track risk mitigation actions.

- **Site H&S Inspections** – A new programme of site H & S inspections undertaken by the H & S team began in July. The intent of a site inspection is to benchmark the safety practices observed on site against relevant criteria in legislation and regulations. Following inspections action plans are developed to assist the site in recording and monitoring any recommended corrective actions. The intent is to complete a weekly inspection of identified SWT owned or operated sites. The inspections also extend to the monitoring of contractor safety performance and compliance with the implementation of their risk assessments and method statement pertaining to the work being undertaken.

g. **Leadership / Culture & Communications:**

- **A Communications Plan** is in place that enables a focus on both proactive and responsive H & S messages – a number of recent corporate and targeted communications have occurred, eg:
  - Hot weather advice
  - E-learning mandatory modules (including Fire Safety, DSE);
  - Lone worker questionnaire (for managers)
  - Reporting (accidents / incidents / near misses);
  - Safe driving / Speed reduction initiative
- **Local Government Re-organisation programme (LGR)** - the H & S 'sub-workstream' (part of the overall 'People' workstream) involving the SWT H & S team and representatives of all 5 partner authorities continues to prepare the essential 'products' and align H & S management approaches in preparation for Vesting day (1<sup>st</sup> April 2023) and beyond.

## 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 because 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 2022/23 to enable the delivery and improvement of the H & S function

## **7. Legal Implications**

**7.1** There are no legal implications directly because 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 because 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 because 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 because of this report.

## **12. Partnership Implications**

**12.1** There are no partnership implications directly because 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 because 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 because 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 because of this report.

## **16. Consultation Implications**

**16.1** There are no Consultation implications directly because 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	H & S Scorecard High Level Summary (with observations & recommendations)
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**Glossary of Terms**

Abbreviation	Full Description
CDM	Construction Design Management
COSHH	Control of Substances Hazardous to Health
CPP	Construction Phase Plan
H & S	Health & Safety
HAVS	Hand Arm Vibration Syndrome
HSE	Health & Safety Executive
HSMS	Health & Safety Management System
IP	Injured Party
LGR	Local Government Reorganisation
LOLER	Lifting Operations and Lifting Equipment and Regulation
PCI	Pre-Construction Information
PQQ	Pre-Qualification Questionnaire
PUWER	Provision and Use of Working Equipment Regulation
RA	Risk Assessment
RAMS	Risk Assessment and Method Statement
RIDDOR	Reporting of Injuries, Diseases and Dangerous Occurrences Regulation
SAN	Safety Action Notice
SSOW	Safe System of Work
SWT	Somerset West and Taunton

