

Personnel Committee – 28th January 2010

Health & Safety Annual Report

Report of the Director of HR & OD

1.0 Purpose of Report

- 1.1 A health and safety report is produced for Committee on a six monthly basis to review the management of health and safety at work within the Council.

2.0 Description of Decision

- 2.1 Personnel Committee is requested to recommend the contents of this report to Cabinet for approval.

3.0 Background

- 3.1 This report is the covers the time period 1st April – 31st September 2009.
- 3.2 It provides detail on significant health and safety events, Council-wide initiatives to improve health and safety performance and information from formal health and safety audit reports, which have been used to capture all of the pro-active and reactive auditing undertaken by health and safety professionals since July 2009.

4.0 Significant Health and Safety Incidents

4.1 Community & Cultural Services - Refuse Collection

- 4.1.1 On 11th May, a Refuse Collection Vehicle (Kerb-it Recycling) was working in Springwell Village. An employee emptied the vehicle's troughs, they caught an overhead cable, it became detached from the pole it was connected to and fell. It narrowly missed a member of the public and landed on the wing mirror of the vehicle.
- 4.1.2 Following this incident, the Operational Manager has undertaken route risk assessments to identify all overhead cables that present a risk and re-iterated tool-box talks about tipping troughs with all operatives. The risk is principally associated with the Kerbsider vehicles, because they tip above the roof level of the vehicle. These vehicles will be replaced in April 2010.

4.2 Community & Cultural Services - Play and Urban Games

- 4.2.1 Between April and June a total of 8 accidents occurred involving children playing on the Cone Climber within the Rectory Park Play Area at

Houghton-le-Spring. Injuries ranged from chipped teeth to multiple broken bones. The data was subsequently assimilated in June this year.

- 4.2.2 In common with all of the city's play areas Rectory Park is an unsupervised facility. The Cone Climber equipment was part of an overall provision, selected by children and young people. It was one of three provided in the city, the others being located at Rickleton (since autumn 2007) and East Herrington Park (summer 2008) without known incident. The understanding within the service is that it is constructed to the relevant British Standard (EN1176) and it is sited on a soft play surface (EN1177).
- 4.2.3 Interviews conducted by Health and Safety would suggest that a common factor in all of the incidents at Rectory Park was that each child was holding on to the mid rail of the equipment whilst other children were spinning it. It eventually reached such a rotational speed that the child could no longer hold on and subsequently was thrown from the equipment landing on the soft play surface.
- 4.2.4 All three Cone Climbers were removed from the play areas, following a site meeting with representatives from the Play service, Health and Safety and Risk Management, pending a meeting with the manufacturers and advice from the Health and Safety Executive.
- 4.2.5 Two of the incidents have been reported to the HSE as required by the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995. The HSE have been requested to provide advice regarding design safety and any modifications which may be required to the kit.
- 4.2.6 Signage in play areas is currently under review as part of the Council's Play Pathfinder programme. Consideration will be given, as part of this process, to including information relating to the reporting of injuries that occur in play areas.

4.3 Barbara Priestman School –Asbestos Incident

- 4.3.1 An asbestos exposure occurred at Barbara Priestman School in December 2008 which was subject to HSE investigation.
- 4.3.1 The council's Building Surveyor, who was acting as client for the school had verbally informed the principle contractor of the location of asbestos and had agreed a safe method of work, which would involve no disturbance to the material. However, the principle contractor had further sub-contracted the job and had failed to pass on the information..
- 4.3.2 HSE have now signed off their investigation into this incident, confirming they are happy with the action the Council has taken to improve the competence of building surveyors, the management system relating to

contractors and the management of local asbestos registers during building and maintenance work.

- 4.3.3 However HSE have indicated that they intend to undertake a pro-active audit of how the Council complies with the Control of Asbestos Regulations, specifically it's duty to manage asbestos in buildings. HSE anticipate undertaking this audit before April 2010.

4.4 Chief Executive's – Land & Property Services – Port of Sunderland

- 4.4.1 During a heavy lifting operation on 14/08/09 being carried out at the Port of Sunderland, a port employee was struck by a heavy wire, knocked to the ground and trapped. He suffered a fractured heel from the impact with the ground. The incident was reported to the Health and Safety Executive as a major injury. This resulted in a 15-week period of absence. An Employer Liability Insurance claim has been received.

- 4.4.2 The Lift was carried out by an external organisation, however the Port supplied employees to assist the sub contractor with the lifting operation. The internal investigation identified a number of failings in the management and control of lifting operations at the Port including:-

- inadequate risk and method statements produced by the company in charge of the operation;
- no vetting of proposed system of work by Port management;
- failure to develop or communicate to operatives a safe system of work
- inability to demonstrate a 'competent person' as defined by the Lifting Operations and Lifting Equipment Regulations (LOLER) for planning and supervising lifting operations;
- failure to provide operatives with the required 3 yearly refresher training relating to lifting operations.

- 4.4.3 A formal audit report was produced detailing 11 actions, including the suspension of Port controlled lifting operations until the relevant training had been delivered.

- 4.4.4 All actions must be completed to enable the Council to minimize the risk of another incident and potential serious injuries to employees, to comply with legislation, and to protect itself against further claims.

4.5 Chief Executives Office – Personal Watercraft (jet skis)

- 4.5.1 Following the fatal incident involving a Jet Ski rider on the River Wear on 20/9/09 a Council working group is developing options for the improved management of Personal Watercraft (Jet Skis).

4.5.2 The group is chaired by Councillor Allan and attendees included Councillor Hall and officers .

4.5.3 Work has been undertaken to identify best practice and typical approaches by similar authorities on this issue. Options with recommendations will be discussed with the working group in the near future.

5 Council wide initiatives to drive improvements in performance

5.1 Revised General Health and Safety Policy Statement and Organisational Arrangements

5.1.1 The Council's General Health and Safety Policy Statement outlines our commitment to protect health and safety. The organisational arrangements describe the responsibilities of Elected Members, Chief Executive, Executive Directors, Corporate Directors, Heads of Service, Managers and Employees with regard to health and safety. It describes what action we will take to ensure our general statement is implemented.

5.1.2 This document has been revised to reflect the new Council structure. It can be viewed or downloaded from council-net.

5.1.3 Personnel Committee are asked to note that the Director of Human Resources and Organisational Development has been appointed as the board-level champion for health and safety.

5.2 Employee Survey

5.2.1 Work has commenced in preparation for surveying employee views. . Personnel Committee will be updated on progress.

5.3 Directorate reports to the Central Health and Safety Forum

5.3.1 Currently Directorates verbally report progress on implementing the Council's Health and Safety Management System at the Central Health and Safety Forum.

5.3.2 In order to better monitor progress, and provide a formal audit trail the attached quarterly form will be distributed to Directorates for return prior to the Forum. Directorates will be asked to outline what action has been taken to address any areas of concern. The information supplied will then be used to report to EMT and Personnel Committee. The report form is attached as appendix 1 for information.

6.0 Formal Audit Reports and Action Plans

- 6.1** From the 1st July 2009, a standard Health and Safety Management System Audit Report and Action Plan system has been used to capture the pro-active and reactive auditing undertaken by health and safety professionals. A sample audit report is attached as appendix 2.
- 6.2** Whenever an area of non-compliance is identified, forms have been issued to the relevant local manager, and copies provided to the relevant Head of Service and Chair of Directorate Health and Safety group.
- 6.3** As part of the system managers are required to verify by telephone or e-mail that the action assigned to them has been completed.
- 6.4** This information has been used to generate health and safety performance management information for this report.
- 6.5** The number of non-conformance forms issued should not be used as an indicator of performance, since this is linked to the number of high risk activities in each area, and therefore where the Council's health and safety audit resource is focused. The performance measures must be based on the completion of actions within agreed timescales.
- 6.6** The table in appendix 3 details the total number of audits undertaken in each directorate for this quarter, using the Council organisational structure in place at that time, the findings and the category within which they fall (critical, major, minor,) and whether managers have verified that actions have been completed.
- 6.7** It should be noted that no audits were undertaken in Health, Housing and Adults Services; however an audit plan is now operating across the Directorate.
- 6.8** It became apparent that the majority of managers were not aware of the system for reporting and had not been telephoning or e-mailing the health and safety team to confirm actions had been implemented. Therefore for this reporting period all managers issued with reports have been recently contacted to seek clarification that actions have/or have not been implemented. After undertaking this exercise, it is pleasing to note that the vast majority of actions have been completed within the allocated timescales.
- 6.9** Directors with unverified actions have been supplied with a breakdown of Audit Reports by service area and are asked to formally confirm to the Health and Safety Manager that actions have been implemented by the end of February 2010.

6.10 The introduction of the planned audits in schools has been met with some concern from Head teachers groups, relating to schools not having sufficient time to achieve compliance with existing health and safety legislation and Council codes of practice. Corporate Personnel has meet with the NAHT representative and are attending Head teachers Groups to discuss how to ensure positive engagement with the audit process.

6.11 To further support the implementation of the pro-active audits in schools, Councillors sitting on Governing Bodies are asked to inform Head Teachers that the health and safety audit is a review of health and safety management in the school, to identify good practice and any areas where school's need support to demonstrate compliance with legislation and Council codes of practice. The Actions Plans produced at the end of each audit are designed to assist local school management in closing any gaps which could lead to accidents, or be identified during their routine OFSTED inspection.

7.0 Conclusions

7.1 Significant progress has been made in developing a standard health and safety management system for the Council, with all of the elements of policy, organisation, planning, monitoring, audit and review now in place.

7.2 The challenge we face as an organisation is to fully embed the system to all areas of the Council so that preventable significant events do not occur.

7.3 The introduction of the closed audit system, and the regular reporting of performance to both EMT and Personnel Committee will provide the drive to ensure the system is fully implemented by all areas of the Council.

8.0 Alternative Options

8.1 There are no alternative options proposed.

9.0 For Decision

9.1 Personnel Committee is asked to note the Council's performance on health and safety and refer the contents of the report to Cabinet for approval