

CABINET MEETING – 8 SEPTEMBER 2022

EXECUTIVE SUMMARY SHEET – PART I

Title of Report:

Annual Health and Safety Report: April 2021 – March 2022

Author(s):

Assistant Director of Assurance and Property Services

Purpose of Report:

The purpose of the report is to enable Cabinet to review the management of health and safety at work within the Council during 2021/22.

Description of Decision:

Cabinet is requested to note the content of the Annual Health and Safety Report: April 2021 to March 2022.

Is the decision consistent with the Budget/Policy Framework? Yes

If not, Council approval is required to change the Budget/Policy Framework

Suggested reason(s) for Decision:

A summary health and safety report is produced for Cabinet every year to provide an overview of the management of health and safety at work within the Council. This report follows a standard format, summarising significant health and safety events, incidents reported to the Health & Safety Executive, Council-wide initiatives to improve the health and safety performance system and confirms future priorities. The provision of an annual report is a key measure in reviewing the management of health and safety at work within the Council and the Council's compliance with its legal obligations in relation to health and safety at work.

Alternative options to be considered and recommended to be rejected:

There are no alternative options recommended.

Impacts analysed;

Equality N/A **Privacy** N/A **Sustainability** N/A **Crime and Disorder** N/A

Is the Decision consistent with the Council's co-operative values? Yes

Is this a "Key Decision" as defined in the Constitution? No

Is it included in the 28 day Notice of Decisions? No

ANNUAL HEALTH AND SAFETY REPORT: APRIL 2021 - MARCH 2022

Report of the Assistant Director of Assurance and Property Services

1.0 Purpose of Report

- 1.1 The purpose of the report is to enable Cabinet to review the management of health and safety at work within the Council during 2021/22.

2.0 Description of Decision (Recommendations)

- 2.1 Cabinet is recommended to note the content of the Annual Health and Safety Report: April 2021 to March 2022.

3.0 Introduction

- 3.1 This report details Health and Safety priorities and achievements, significant health and safety events, incidents reported to the Health & Safety Executive, Council-wide initiatives to improve health and safety performance as well as information from formal health and safety audit/inspection reports used to maintain and challenge the Council's health and safety management system.

4.0 Health and Safety Priorities and Achievements 2021/22

Covid-19

- 4.1 The past 2 years have seen many necessary restrictions imposed on everyday life to manage and mitigate COVID-19. Workplace Covid Regulations, enforced by the Health and Safety Executive (HSE), meant that all work environments had to be appropriately risk assessed to ensure as far as reasonably practicable the risk of transmission to staff, service users and visitors was reduced to its lowest practicable means. Where transmission was likely to have taken place through work activities this was reportable to HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR).
- 4.2 During this time government guidance was constantly changing meaning the swiftness of interpreting and developing appropriate guidance for staff was paramount. As a result, new ways of working have been developed some of which remain embedded into working practices even though the threat of Covid-19 has significantly reduced, e.g., agile working.

- 4.3 Vaccines have enabled the gradual and safe removal of restrictions on everyday life over the past year and as a result from the 1st of April 2022 HSE COVID-19 restrictions were replaced by public health advice and therefore the requirement to report workplace transmission under Covid was also removed for these circumstances.
- 4.4 As we look forward to the future and living with Covid the government's 'reasonable best case' prediction is there may be a comparatively small resurgence in infections during autumn/winter 2022-23, and in their 'reasonable worst case' a very large wave of infections with increased levels of severe disease. The 'optimistic central' and 'pessimistic central' scenarios are considered the most likely.
- 4.5 The health and safety team will continue to work with and be guided by public health colleagues as the Covid threat changes over the coming year.

Fire Risk Assessment (FRA) process

- 4.6 Due to the unforeseen situation created by the Covid-19 pandemic through 2020/21 and the disruption to normal working practices, the fire risk assessment schedule became impacted. Premises, especially educational settings worked hard to ensure they were Covid secure by minimising external visitors. As a result, an increased volume of fire risk assessments necessitated a prioritising of H&S team resources culminating in a decision to carry out those assessments due via an off-site pragmatic risk-based approach until such times when site visits could be resumed. Tyne & Wear Fire Rescue Service agreed with this approach.
- 4.7 As restrictions were lifted and resumption of site visits became acceptable the FRA schedule was prioritised. The five-year fire risk planner is up to date and to avoid future spikes in workloads in the coming years, some of those earmarked for assessment in busy years will be brought forward into quieter periods but no more than one year early.

Alcohol and Substance Misuse Testing

- 4.8 Within the last reporting period (April 2020 to March 2021) there was an increase in testing where specific concerns were raised or identified; 109 tests were carried out for both alcohol and substances with 3 findings detected, 1 for alcohol and 2 for substances.
- 4.9 Further testing was carried out during this reporting period for specific services and as a result it was identified that the current Alcohol and Substance Misuse Code of Practice required a review. The review was undertaken with HR colleagues and it was agreed to be morphed into a specific HR Policy to ensure anomalies and potential gaps could be addressed.

Display Screen Equipment (DSE), Home and Agile working

- 4.10 As we continue home and agile/hybrid working our DSE management arrangements must be appropriate to the full range of these new ways of working. The DSE Code of Practice and eLearning, as well as HR agile working policies, have been updated in line with our new working arrangements. The eLearning now includes a simplified self-assessment questionnaire which is sent to line managers to address any issues in the first instance. Should the manager not be able to remedy the issues an escalation process to OHU and H&S team is in place.

Watch Your Step - Slips, Trips, and Falls Initiative

- 4.11 Slips trips and falls is the biggest incident cause across SCC, SCAS and TfC. Following on from the HSE introducing a charge per person in July 2020 for access to their STEP tool the H&S team developed a replacement course for delivery via the council's eLearning management system.
- 4.12 In this reporting period, slips, trips and falls awareness and promotion of the eLearning course and quiz was shared across all of the organisation through a combination of H&S Adviser updates at service meetings, safety spotlights and Yammer publications. As a result, more than 2,500 staff have completed the awareness training in this period with a marked reduction of incidents noted in 2021/22.
- 4.13 Promotion of slips trips and falls awareness will continue throughout 2022/23.

Review of the Health and Safety Management System

- 4.14 Whilst our existing health and safety management system remains robust and legally compliant, the Plan-Do-Check-Act principle means that constant review is essential to not only maintain compliance but to go beyond compliance and create an effective health and safety management system which improves our health and safety performance, improves legislative awareness and compliance, and has a positive impact on employee morale.
- 4.15 Following on from the progress within the last reporting period this process widened with work progressing in the more high-risk work environments. A reporting system of automated actions from H&S audits, fire risk assessments and certain incident reports has also been developed and tested. This is currently being rolled-out to all Directorates and service areas on a phased approach based on risk level. H&S Advisers will also meet with Assistant Directors on at least a quarterly basis to assist with the development of action plans and closure of actions identified via the reporting dashboards.

5.0 Significant Health and Safety Incidents during 2021/22

Port of Sunderland – July 2021

- 5.1 Work was being undertaken within a cargo hold of a ship discharging packs of MDF boards from the vessel which arrived from Turkey. The load had become damaged during transit. During unloading the packs came apart and some of the boards that became free struck the operative who sustained crush injuries to his back culminating in a sustained period within hospital.
- 5.2 The incident was reported to HSE as per the requirements within RIDDOR. HSE attended site and carried out their own investigation resulting in the Council receiving an Improvement Notice and Fee For Intervention.
- 5.3 The learning points from this Improvement Notice will be shared across the whole organisation to ensure that lessons are learned, and where necessary, any appropriate control measures are implemented.

Environmental Services - August 2021 - Reversing Refuse Collection Vehicle (RCV) Collision

- 5.4 The driver of an RCV reversed without use of his reversing assistants. One was some distance away, the other remained in the cab. Consequently, the RCV struck a parked car, which hit another parked car behind it. Fortunately, there were no pedestrians at the rear of any of the vehicles.
- 5.5 The Health & Safety Team supported the management investigation and drafted a refresher toolbox talk, for officers to cascade to all drivers and crews, reminding them that they must act in accordance with their training.
- 5.6 This agency driver no longer works for the council.

Port of Sunderland – December 2021

- 5.7 Work was being undertaken at the Port of Sunderland transporting a load via the Port's internal road network. The load being transported was a winch unit weighing 27.8 tonnes. As the load was nearing the end of its journey into Wear Dock, the load became dislodged and fell from the trailer on top of a nearby parked transit van. The cab of the vehicle crumpled above the driver due to the weight of the winch and he was pinned by his right shoulder into his seat. He was able to pull himself free from his seat and was able to walk unaided away from the crushed vehicle.
- 5.8 A full investigation was carried out by the H&S team and the resultant recommendations and actions shared with relevant personnel via a SMART action plan. This incident was also reported to HSE under RIDDOR

6.0 Council wide Health and Safety initiatives and priorities for 2022/23

Health & Safety Assurance Framework

- 6.1 The H&S Assurance Framework was suspended due to the Covid Pandemic. Following on from the review of the H&S management system, Plan-Do-Check-Act principle, and ongoing role out of H&S actions and monitoring arrangements it was agreed that maintaining the old H&S Assurance Framework would not be necessary. The rationale being that the H&S actions tracker and monitoring arrangements were robust enough to allow for this.
- 6.2 This will be monitored over the coming year to ensure that the necessary assurance is maintained.

Review of the Health and Safety Management System and action monitoring

- 6.3 the Plan-Do-Check-Act principle means that constant review is essential to maintain compliance and go beyond compliance and develop an effective health and safety management system to improve our health and safety performance, legislative awareness and compliance and therefore has a positive impact on employee morale.
- 6.4 Our goal for 2022/23 is to achieve a balance between the systems and behavioural aspects of health and safety management. We will also continue to embed health and safety awareness as an integral part of the organisational culture and management systems.

Health and Safety Training for Senior Leaders and managers

- 6.6 Development is being finalised on a training package for managers which will complement the IOSH Managing Safely courses some managers have already undertaken.
- 6.7 Training for Chief Officers and Assistant Directors is planned for September 2022 with regard to Leading Health & Safety - Mock Investigation. The decisions made after a serious incident can have a lasting impact on any Health & Safety investigation. Whilst it is important that the right impression of the organisation is given to the Regulators at the outset, it is also important that the decisions made don't create legal and reputational risks for the organisation and individuals within it.

- 6.8 This session will be delivered using an example from our organisation and will give the attendees a very good understanding of not only what happens in the aftermath of a serious incident, but their responsibilities and consequences under health and safety law. Ultimately this will help to maintain/improve our health and safety culture across the organisation.

Learning Management

- 6.9 The Council's current Learning Management System (LMS), referred to as The Learning Hub, which is managed and maintained by the Workforce Development team, has some inherent limitations which impact the organisation's ability to efficiently and effectively record H&S training and outcomes.
- 6.10 The current system does not automatically send out reminders to managers (or staff) advising that their staff training is due to expire or requires refresher, the responsibility to manage and monitor this relies on the manager having an up to date and separate training matrix in place.
- 6.11 In the short term, the Health and Safety Manager is to work with the Learning and Development (L&D) Manager to review and where necessary develop new H&S training courses. It is envisaged that 'bolt on' tools can be added to the existing LMS which can help to make eLearning more engaging to the users. They will also look to develop a notification tool which will email a manager alerting that staff training is due to expire and if possible, an online training matrix.
- 6.12 In the long term, the L&D Manager will look into the possibility of procuring a more up to date LMS which will give the functionality that the organisation requires for future years.

8.0 Incident Reporting and Statistics

- 8.1 Of all major incidents reported, the percentage of incidents that are defined as incidents which are reportable to the HSE under RIDDOR were 5.8% (42 in number of which 5 were Covid related) for 2021/22.
- 8.2 This figure has decreased from 2020/21 (7.3% and 71 in number of which 42 were Covid related) due to Covid-19 work related incidents declining most likely due to the success of the vaccines.
- 8.3 The numbers of searches staff have carried out within the Employee Protection Register (EPR) were a total of 4,915 searches which is very positive and shows that EPR is now widely used across all areas of the organisation.
- 8.4 From 1st April 2021 the H&S audit programme was suspended due to Covid restrictions and only recommenced face to face when case rates were at an acceptable level.

8.5 There were a total of 54 Audits carried out with an average compliance score of 88.66%. A score of 85% or over demonstrates good to best practice and should give assurance that the health & safety management system is robust.

9.0 Reason for Decision

9.1 A summary health and safety report is produced for Cabinet every year to provide an overview of the management of health and safety at work within the Council. This report follows a standard format, summarising significant health and safety events, incidents reported to the Health & Safety Executive, Council-wide initiatives to improve the health and safety performance system and confirms future priorities. The provision of an annual report is a key measure in reviewing the management of health and safety at work within the Council and the Council's compliance with its legal obligations in relation to health and safety at work.

10.0 Alternative options considered

10.1 There are no alternative options to consider.

11.0 Other Relevant Considerations/Consultations

- (i) **Financial Implications** – Any costs associated with the priority actions for 2022/23 will be considered at the appropriate time.
- (ii) **Risk Analysis** – It is not considered that a separate risk analysis is necessary. The assessment of risk is inherent in the management of health and safety and the identification of priorities for further action.
- (iii) **Legal Implications** – The provision of an annual report is a key measure in reviewing the management of health and safety at work within the Council and the Council's compliance with its legal obligations in relation to health and safety at work.
- (iv) **Policy Implications** – No additional policy implications have been identified.
- (v) **Implications for Other Services** – All services of the Council have responsibility for ensuring safe working environments and work collaboratively through the management system in place to achieve this.
- (vi) **The Public/External Bodies** – Not applicable.
- (vii) **Project Management Methodology** – Not applicable
- (viii) **Procurement** – Not applicable

12.0 Background Papers

12.1 Not applicable

