

CABINET

15 SEPTEMBER 2020

ANNUAL HEALTH AND SAFETY REPORT: APRIL 2019 TO MARCH 2020

Report of the Executive Director of Corporate Services

1.0 Purpose of Report

- 1.1 A summary health and safety report is produced for Cabinet every year to review the management of health and safety at work within the Council.
- 1.2 This report refers to the period April 2019 to March 2020; however, some of the incident statistics cover April 2017 to March 2020 in order to provide some medium-term context to the data.

2.0 Description of Decision (Recommendations)

- 2.1 It is recommended that Cabinet note the content of the Annual Health and Safety Report: April 2019 to March 2020 and refer the report to Council for information.

3.0 Background

- 3.1 This report follows a standard format and summarises Health and Safety achievements, significant health and safety events, incidents reported to the Health & Safety Executive, Council-wide initiatives to improve health and safety performance and confirms future priorities.

4.0 Health and Safety Priorities and Achievements 2019/20

Employee Protection Register (EPR)

- 4.1 The new Employee Protection Register (EPR) became live in January 2020. EPR is a central online register of potentially violent persons who may pose a significant risk to staff and is used to help inform risk assessments for employees who may come into contact with them. Historical cases that were held on various systems in different services were reviewed and transferred, where appropriate, to the EPR prior to its launch. This meant that from go -live approximately 90 cases were available for reference and the subsequent control measures included into services' risk assessments.
- 4.2 There are currently 95 live cases on the system. Any new cases and those subject to review are considered on a monthly basis. At this present time there have been no EPR appeal cases.

Lone Worker Protection

- 4.3 One of the key risk mitigations for employees working alone is that they have a reliable and robust communication system that they can use in order to contact someone for advice or assistance. Following a successful pilot of the JonTek system, it was expanded to include all areas of the council, SCAS and TfC that have lone workers (around 800 staff). Feedback from users regarding device usage and performance has been very positive.

Alcohol and Substance Misuse Testing

- 4.4 A new code of practice was launched in August 2019 which introduced alcohol and substance misuse testing, initially within the Council, and subsequently adopted within SCAS and TfC. So far there have been 2 tests for alcohol carried out for 'Reasonable Cause' (where an employee is suspected of being under the influence of alcohol or misusing drugs whilst at work); there was one negative and one positive result, with relevant HR processes subsequently followed. No tests for drug misuse have been undertaken at this time.

Watch Your Step - Slips, Trips, and Falls Initiative

- 4.5 The 'Watch your Step' initiative commenced in February 2020 and was publicised through our communication networks. E-learning courses have also been finalised and available to staff on the Learning Management System with the intention that all staff complete an Introductory STEP package as a minimum requirement.
- 4.6 The package provides an easy way to learn about slips and trips, how they are caused, why preventing them is important and how to tackle hazards in the workplace to prevent them from happening and has been tailored to suit different work areas. Due to the Covid-19 pandemic, further promotion of the watch your step initiative is temporarily suspended but will continue when business as usual working arrangements are resumed however the e-learning tool is available for staff to use.

5.0 Significant Health and Safety Incidents during 2019/20

SCAS Leechmere – Asbestos Exposure Near Miss - September 2019

- 5.1 Whilst fitting new ceiling lights, building debris from coated ceiling boards fitted above the false ceiling, was found lying on top of a ceiling tile. The debris had fallen from or been knocked out of the coated ceiling boards at some unknown time in the past.

- 5.2 Following a full investigation, the asbestos register and procedure and the contractor induction system were updated and Site Asbestos Monitoring Officer (SAMO) training carried out. This was a near miss incident and no staff were exposed.

Employee operating a ride on mower, collision with a fence – June 2019

- 5.3 In June 2019 a ride on grass cutter operated by an employee collided with a fence and the employee sustained an injury. The incident occurred while the operator was reversing on a slope after carrying out a parallel cut close to the fence.
- 5.4 The Health & Safety Team supported the management investigation which found that the operator had undergone the necessary training to operate the machine, and there were no defects with the machine. The slope was within the operating capabilities of the machine. To prevent a re-occurrence the slope risk assessment was revised so the strip adjacent to the fence would be cut with a Ferris Pedestrian Mower.

Undergrowth Clearance – November 2019

- 5.5 In November 2019 an employee was working as part of a team clearing trees and undergrowth adjacent to properties. After felling a tree, the employee was pulling out cut branches when a branch gave way suddenly causing him to fall backwards on to some shrub stumps, that had been cut previously by people unknown, sustaining an injury.
- 5.6 The Health & Safety Team supported the management investigation which found that the operator was experienced and had undergone the necessary training in the use of chainsaws and pole-saws. Recommendations from the investigation resulted in a toolbox talk being issued to all employees engaged in similar work, reminding them that the work area should be cleared of vegetation and any protruding stumps cut flush before starting work. Also, that branches should be cut in a way to make them easy to release if they become trapped within undergrowth.

Pallion Salt Store Bays - November 2019 to February 2020

Removal of Asbestos Debris

- 5.7 A lease of Bays 1 and 2 former Shipyard Sheds was taken as part of a larger acquisition of land for the construction of the Sunderland Strategic Transport Corridor. Part of this project required the relocation of the salt/grit pile from Beach Street.
- 5.8 Prior to occupation for winter maintenance activities, an asbestos management survey identified that loose asbestos debris was present. This survey was only partial as the salt pile prevented full access.

- 5.9 Air tests were carried out and resulted in a Clearance Certificate for re-occupation being issued. Following statutory 14-day notification to HSE, work to remove the material from the surveyed areas commenced on 27th January 2020 and was completed by 7th February 2020.
- 5.10 Further analysis of areas, including high level areas that could not be accessed because of the salt pile, was scheduled for February 2020. Whilst a clearance certificate had been issued, a decision was taken to suspend winter maintenance activities from the building and to operate out of Houghton Market Street Depot.

Structural Damage to Bay Wall in Bays 1 & 2

- 5.11 In January 2020 work commenced to move some of the salt pile to allow the asbestos management survey to be completed on the remaining high-level areas in the Bays. As work progressed, cracks appeared in the dividing wall between the Bays. Work was stopped immediately.
- 5.12 Officers from various Council Services and the Landlord's representative supported the Health & Safety Team's investigation and identified that the dividing wall which had been constructed by a contractor on behalf of the Landlord had not been constructed to recognised industry standards and its structural integrity was being affected by the loading shovel operations.
- 5.13 The wall was temporarily shored on each side and the Council's Infrastructure & Engineering Officers provided the Council and the Landlord with a design specification for replacement of the wall, to be paid for by the landlord. This is due to commence in the coming months and will be complete to allow Winter Maintenance operations in 2020.

Health and Safety Enforcement Interventions during 2019/20

Elephant Tea rooms

- 5.14 On 15th January 2020 a Health and Safety Executive (HSE) Inspector visited the premises as part of an unannounced routine inspection to assess how well health and safety was being managed during the refurbishment works. During the visit the inspector witnessed two material breaches to health and safety legislation and a Notice of Contravention (NOC) was issued as well as notification that a Fee For Intervention (FFI) would be applied:

Contravention 1: Construction (Design and Management) Regulations 2015 Regulations 30, 31 & 32

- Ensure that there are appropriate means in place of raising the alarm in the event of a fire, other than shouting FIRE
- Ensure that there is sufficient firefighting equipment on site.

Contravention 2: Control of Substances Hazardous to Health Regulations 2002, Regulation 7(1)

- Ensure that employees are adequately protected when wearing Respiratory Protection Equipment (RPE).
- Ensure that the correct vacuum (H or M class extraction) is used when removing/cleaning small debris and dust.

5.15 At the time of the visit the refurbishment works were nearing completion. A full and thorough investigation was carried out by the Health & Safety team supported by Building Services Senior Managers. A subsequent reply to HSE's NOC was sent outlining the measures taken to address the contraventions and to ensure no reoccurrences.

6.0 Council wide Health and Safety initiatives and priorities for 2020/21

Health & Safety Assurance Framework

- 6.1 The Corporate Health & Safety Assurance Framework has been developed to map the Health & Safety responsibilities that the Council has, establish who is responsible for managing those responsibilities and gather the appropriate assurances that the responsibilities are being fulfilled.
- 6.2 The Assurance Map is based on the 4 Health & Safety risks within the Corporate Risk Profile, in addition to key 'Operational' risks which are based on the suite of Health and Safety Codes of Practice and guidance.
- 6.3 The results of the assurances gathered through the Framework are reported to the Executive Health & Safety Forum and Chief Officers Group and feed into the Audit and Governance Committee reporting arrangements.
- 6.4 Round 2 commenced in January/February and was subsequently paused due to the Covid Pandemic. This will be rescheduled at an appropriate time.

Watch Your Step - Slips, Trips, and Falls Initiative

- 6.5 Although this initiative started in the previous reporting period it was paused due to Covid19 restrictions however it will be reintroduced at an appropriate time following normal resumption of working arrangements.

Health and Safety Training for Senior Leaders

- 6.6 In October and November an additional 14 senior leaders successfully completed the IOSH 'Leading Safely' qualification, which is the nationally recognised and accredited training for senior leaders. A further session for another 11 senior leaders was planned for 21st April 2020 but was cancelled due to Covid19 restrictions however it will be rescheduled as soon as possible following normal working arrangements.

Display Screen Equipment (DSE), Home and Agile working

- 6.7 As staff continue home and agile working the DSE management arrangements must be appropriate to these new ways of working. The existing DSE Code of Practice and e-learning will be updated in line with our new working arrangements and it is anticipated that this should be available in the Autumn.

Review of the Health and Safety Management System

- 6.8 Whilst our existing health and safety management system is 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.
- 6.9 In the last reporting period some changes were made to the health and safety management systems within Building Maintenance and Highways Operations including the development of a legal register, creation of a local Health and Safety policy, introduction of a matrix risk assessment, production of unambiguous safe working procedures as well as a refresh to training and competency matrices, courses and toolbox talks.
- 6.10 This process has already widened with work progressing in City Development, Port of Sunderland, Property Services and Environmental Services and will move into all areas on a phased approach based on risk level.
- 6.11 The aim is to achieve a balance between the systems and behavioural aspects of health and safety management. It will also continue to embed health and safety awareness as an integral part of the organisation's culture and management systems.

Covid-19 Pandemic

- 6.12 Towards the end of February and into March 2020 the Covid-19 pandemic became pronounced within the UK. A collaborative approach ensured that measures were implemented to protect the public and staff.
- 6.13 A new code of practice was introduced and guidance documents, risk assessment templates and procedures provided to assist managers and staff to work safely during these challenging times. The primary focus was for those who could work at home to do so, and where this was not possible, additional controls allowed essential tasks to be continued and critical services to be delivered.
- 6.14 During this time government guidance was constantly changing meaning the swiftness of interpreting and developing appropriate guidance for our staff was paramount. As a result, new ways of working have been developed some of which will remain embedded into working practices even when the threat of Covid-19 has reduced or disappeared.

- 6.15 A focus on Covid-19 will continue to ensure that our guidance and procedures are in line with the national guidance and we continue to provide Covid-secure working environments.

7.0 Recommended Priorities for 2020/21

- 7.1 The priorities for Health and Safety Management for the coming year are:
- to continue to focus on the Covid-19 pandemic, to provide advice and support and to review and update guidance as and when necessary;
 - to continue to focus on the Watch Your Step - Slips, Trips, and Falls Initiative;
 - to continue to focus on the Health & Safety Assurance Framework – round 2
 - to continue to update the Display Screen Equipment (DSE) guidance for Home and agile working; and
 - to refresh and update the Health and Safety Management System as necessary.

8.0 Incident Reporting and Statistics

- 8.1 The number of incidents reported reduced in 2019- 20 from the previous year from 1,871 to 1,571 and the percentage of incidents that are defined as incidents which are reportable to the HSE under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) remained very low at 2.3%.

9.0 Other Relevant Considerations/Consultations

- (i) **Financial Implications** – There are no direct costs arising from the report. Any costs associated with the priority actions for 2020/21 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

10.0 Background Papers

10.1 Not applicable