

# **Somerset West and Taunton Council**

## **Audit and Governance Committee – 22<sup>nd</sup> March 2022**

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

**This matter is the responsibility of Executive Councillor Ross Henley, Corporate Resources**

#### **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) 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 4.7.5 with further summary breakdown in appendix B)

#### **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

## 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

**4.2.1 Progress Update** – a risk scoping exercise has been completed for each Directorate and risk assessments action plans are active and linked to Tier 3 Committee Groups.

Risk Action Plans consist of a list of risk assessments associated with the team’s activity, together with any generic risk assessments suites that need to be implemented and communicated to the team. These will incorporate controls for ensuring necessary training, supervision, instruction and the issue of relevant equipment and PPE to be able to perform their tasks safely. It may also be necessary to ensure safe systems or work (SSOW) are in place as an extra layer of safety procedure.

Supported by the H & S Partner for each Directorate, managers have responsibility to ensure their action plans are progressed and reported at the Tier 3 H & S Committee. H & S Partners present a risk assessment health check at each Directorate committee meeting, to illustrate a statement of risk management within the Directorate. This is the current position: -

Directorate	Risk Assessment Reviews	% Complete
Housing & Communities	699	21.3%
Dev, Place & Planning	242	43.8%
Internal Operations	311	19%
External Operations	619	11.8%

**4.2.2** Work continues to develop the risk assessment audit framework, to ensure sufficient review dates are scheduled, to ensure continuity of compliancy. Completion of this task is reliant on the risk assessment action plans begin delivered first.

**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. 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

**4.3.1** 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)

**4.4.1 Progress Update** – Since November Tier 2 and 3 groups have built up good momentum and pace and are now in the rhythm of meeting every month and are following a consistent and structured agenda. Improved communication routes have been created (via TEAMS channels) and all committee actions are tracked and reviewed at each meeting. Tier 3 groups are chaired by Assistant Directors and early stages already indicate improvements in H & S ownership and accountability.

**In the last quarter we have held 18 H&S specific meetings driving 82 actions/ recommendations through the associated action Plan.**

**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 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.

**4.5.3 Progress Update** – Directorate Scorecards are in place and deliver a statement of health, reporting on all key indicators identified in 4.3. Ahead of each monthly meeting, a committee pack is circulated containing links to scorecards, action plans, risk management plans and agenda. 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.

## **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** – draft H & S Policy and Contractor Management Policy to be escalated via the next Tier 2 and SMT for approval on 6<sup>th</sup> April
- **Delivery of new corporate governance structure for H & S Committee, including new Directorate Groups and a new intranet page** - now in place and building up pace and momentum
- **Improved Risk Management processes, risk action plans and progress statistics** – all risk action plans in place and progress statistics monitored at Tier 3 Committee groups
- **Delivery of emergency training (mandatory compliance)** - contract monitoring in place to ensure that compliancy training does not cease, Safety Action Notice (RED cards) issued where necessary, to postpone activities where compliancy training is required/awaiting delivery. L&D / People Team are working up a revised process and scorecard to ensure clarity of upcoming compliancy training for all directorates, which will be displayed during the Tier 2 H&S Management Meeting.

- **Implementation of a new H & S Intranet page and links to bespoke Directorate areas for risk management and scorecard** – new intranet page for H & S delivered with links into **Directorate** specific risk areas, containing action plans and completion statistics.
- **Statutory equipment checks and the development of PUWER (Provision and Use of Working Regulation 1998) Register** – Work in Progress, this exercise spans 2 Directorates (Housing and External) and will eventually link into the risk assessment process, to ensure training for the use of equipment is formalised within the risk assessment control measures. The PUWER Register is already in place and the work required to link to the relevant risk assessments and training database, will form part of the risk actions plans (noted in 4.2.1).
- **Improved H & S Team structure with H & S Partners assigned to Directorates, to improve bespoke elements of HSMS** – full team structure now in position (x5 in total), consisting of Team Lead Specialist, x2 H & S Partners (picking up x2 Directorates each), Case Manager (soft H & S) and admin support. The team gained full capacity structure at the end of January with training/coaching still underway.

#### 4.7.4 Progress Update – identified above against each action

4.7.5 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

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

4.7.7 Progress Update – All workstream progress is reviewed at Tier 2 Committee meetings, actions are captured in the consolidated action plan and are filtered by specific workstream, with the workstream lead providing a progress update at the

meeting (work continues to develop completion statistics for each individual workstream).

Significant progress has been made in relation to Contractor Management; with collaborative working between the H & S Team and Procurement, a centralised database has been developed. This is accompanied by a dedicated centralised SharePoint storage area, with automated links into the database, to ensure all necessary contractor documentation is accessible. Work continues to develop proformas for all types of engaging contractor/supplier, with annual reviews currently being completed for higher risk contractors (CIS – Construction Industry Scheme).

## **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 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 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

Appendix A	H & S Scorecard High Level Summary (with observations & recommendations)
Appendix B	HSMS Improvement Programme – progress update summary

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