

Somerset West and Taunton Council

Audit and Governance Committee – 13th June 2022

Health & Safety Management System – Performance framework and Improvement Programme

This matter is the responsibility of Cllr Benet Allen

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 4.4.3)

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 13th 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 scheduled for Quarter 2 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. These reports will also soon have functionality to incorporate data into presentational format, that will improve the quality of data communicated to committees.
- 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.
- As the new H & S Committee structure has embedded in well, feedback is being collated from Assistant Directors on the required frequency of future meetings, to ensure that the function remains effective and efficient.
- A communication campaign was circulated in March to attract additional H & S Committee employee representatives (resulting in 3 new members at Tier 2). Also work continued to encourage collaborative working alongside UNISON Representatives, to pull a plan together to jointly investigate incidents and to complete audits.
- The H & S Team prepare for the next SWAP audit (follow-up from report completed in August 2021), with initial meetings planned for the 1st weeks of June.

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 HSMS Improvement Programme Work-stream progress summary:

Governance work-stream:

- Since the inception of the new H & S governance arrangements in November 2021, Tier 2 and 3 groups have built up good momentum and pace and are now in the rhythm of meeting either monthly or bi-monthly and are following a consistent and structured agenda.
- Improved communication routes have been created (via TEAMS channels) and all committee actions and attendance 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.
- The principle of each Directorate having a dedicated H & S Partner to support and advise on specific H & S requirements is proving to be valuable support (as well as developing good relationships and increasing visibility of H & S).

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 27th April (**and attached at appendix B**). Work is in progress to develop an e-learning module to communicate the revised policy and to collate employee declarations.
- The revised H & S Policy and additional work completed on sub-policies is also providing good preparation to contribute to the LGR alignment processes.

Risk Management work-stream:

- 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 assessment	Percentage complete
Housing & Communities	425	44%
External Operations	494	27.3%
Development, Place and Planning	123	35%
Internal Operations	212	37.3%

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. Once developed, sample audits will be completed alongside UNISON colleagues as outlined in H & S Committee regulation.

People work-stream:

- Work progressed with 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.
- Member Training has been developed and delivery dates now need to be agreed with the Governance Team. This training will be combined with the roll-out of risk assessment for Member activity, to ensure that the necessary control measures are incorporated to ensure personal safety.
- 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, to ensure that the workforce is prepared to step into Vesting day 'safe and compliant'. This scorecard reporting is also monitored at the Tier 2 and 3 H & S Committee meetings.
- Due to an increase in the number of vehicle related incidents and near miss events (that have subsequently been discussed in H & S Committee), a training requirement has been identified. Time will be invested into establishing the necessary course of action to deliver driver training for both fleet and pool car drivers. A conclusive update will be provided in the next report.

Contractor work-stream:

Significant progress has been made in relation to Contractor Management:

- Through on-going collaborative working between the H & S Team and Procurement, a centralised Contractor 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).
- Dedicated resource has recently been allocated for the on-going review of and engagement with the highest priority contractors (CIS) - initially for a period of 3-4 months, this will ensure that all existing CIS contractors will be vetted for essential H & S compliancy, and the databases / procurement and finance systems cleansed accordingly.
- A detailed 'process-mapping' exercise is also underway that will review the 'cradle-to-grave' process for new suppliers / contractors – introducing greater clarity (eg roles and responsibilities), and more efficient processes. This work should be complete by June/July, and will then inform a new Contractor Management Policy and Procedure documents (which will then be shared with relevant Officers).
- When the revised Contractor Management Policy has been approved, any teams that engage with contractors/suppliers will receive training on the revised policy and improved procedures.

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

- A Business Case for a new H & S software solution is currently in development with final 'due diligence' checks are currently underway, however if approved, the software project has the potential to be a key element of the H & S support and systems workstream of the HSMS Improvement Programme. This 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:
 - Risk management (i.e., dynamic risk assessment);
 - H & S event reporting (accidents / incidents / near misses);
 - Contractor management.

The software would also then enable the H & S Team to undertake risk auditing and profiling, monitor risk assessment completion, and identify and track risk mitigation actions.
- As a result of some recruitment failures, the team continues to operate with one Case Manager position down; subsequently workload has been distributed across the existing team to ensure 'business as usual' compliance but the effect has hit some areas in the consolidated action plan, where certain target completion dates have not yet been delivered. Recruitment continues but the current market for H & S professionals is limited and in addition, it is suspected the the LGR process may be deterring individuals to apply for the role.
- 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.

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: recruitment campaign for the Tier 2 H & S Consultative & Reporting committee; H & S questionnaire (re Executor risk assessments); E-learning mandatory modules (including Fire Safety, DSE); Risk Assessments, reporting (accidents / incidents / near misses); Vehicle safety / safe driving etc
- Local Government Re-organisation programme (LGR) - a new H & S 'sub-workstream' has been formed as part of the overall 'People' workstream. The SWT Lead H & S Specialist is the 'co-lead' (along with a colleague from Somerset County Council), working with representatives of all 5 partner authorities to identify and deliver the essential 'products' and align H & S management approaches in preparation for Vesting day (1st 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

Appendix A	H & S Scorecard High Level Summary (with observations & recommendations)
Appendix B	Revised H & S Policy

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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
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