

Somerset West and Taunton Council

Audit and Governance Committee – 12 December 2022

Health & Safety Management System – Performance framework and Improvement Programme

This matter is the responsibility of the Portfolio Holder for Communications and Corporate Resources, 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.
- 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).

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. 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 responses can be found in 4, and the committee should note that a review of the 2021 SWAP audit was completed and commented on during the last committee meeting. In summary all recommendations have been actioned with those remaining either linked to the implementation of the Assure H&S system or wrapped into the H&S LGR workstream.

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.

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.
- We are now able to draw information from the Assure H&S system which once fully implemented will replace the need for Power BI reporting. Until this time, we will report in a hybrid manner to ensure all data is captured.

4.4 HSMS Improvement Programme

4.4.1 In addition to the implementation of the new governance arrangements described in 4.2.2 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 H&S Improvement Programme exists to manage a series of projects and initiatives to ensure the organisation transforms to an improved operational state, as well as responding to recommendations made within SWAP & BSG Audits.

4.4.2 Progress Update

- Following a year of successfully implementing the programme, the associated projects have reduced with most elements becoming Business as Usual ('BAU'). At this stage it is just the H&S system, small amounts of Risk and Policy work that remain.
- As delivery of the remaining elements concludes we will seek to close the programme if agreed at all appropriate levels.

4.4.3 HSMS Improvement Programme Work-stream progress summary:

a. Governance work-stream:

- Concluded – governance arrangements have all now been adopted as part of ‘BAU’.

b. Policy work-stream:

- The Contractor and CDM polices are in the final review stage at time of writing and will conclude the policy workstream with any further work and Local Government Reorganisation (‘LGR’) policy writing sitting within BAU or the LGR workstream.

c. Risk Management work-stream:

- All relevant risk assessments are being loaded onto the Assure H & S system and will shortly go live giving our operatives access to dynamic risk assessments on their phones at the point of work.
- Lone Working – through the Risk Management process, it has been identified that SWT does not have a complete understanding of the current lone working across the Authority and what equipment is required to ensure all staff are safe (this also encompasses the duty of care with many staff homeworking). As such, this is now included as a separate corporate issue and is a high priority on the H & S Improvement action plan.
 - A survey has been completed by SWT managers to gather information around teams and individuals lone working operations. Identifying specific numbers in each of the High, Medium & Low risk categories.
 - Working alongside SCC, we are utilising spare capacity within the current pool of safety tools to mitigate the risk.

d. People work-stream:

- Concluded – continued improvement to training reports continues as BAU within the Learning & Development (‘L&D’) team.
- A monthly joint meeting for the H & S and HR/People teams has been implemented allowing for all pertinent data and cases to be reviewed and actions identified, at the current time no obvious themes are evident from the data across all Directorates.
- The recently refreshed / revised H & S Policy is now being communicated to all staff through the corporate e-learning system as a mandatory module

e. Contractor work-stream:

- Concluded - Significant progress has been made in relation to Contractor Management: A database of all Construction Industry Scheme (‘CIS’) contractors has been produced, with an accurate picture of all active contractors now available. Figures are reviewed and updated weekly and will shortly be moved into the Assure system for ongoing management.

f. H & S Support & Systems work-stream:

- H & S software solution
 - H & S event reporting (accidents / incidents / near misses) - went live at the end of September 2022
 - Risk management (i.e., dynamic risk assessment) - stage 2 – to be implemented early December 2022

- Contractor management – stage 3 – to be implemented in early January 2023.

The software will also enable the H & S Team to undertake risk auditing and profiling, monitor risk assessment completion, and identify and track risk mitigation actions.

5. Business as Usual ('BaU') Updates

5.1 Member H & S – the H&S team working alongside the Governance Team have developed a Member Risk assessment and Members guidance pack, this is currently undergoing review and will be circulated shortly, with the intention it can be utilised in the future Somerset Council too.

5.2 Site H&S Inspections – We continue a programme of planned and ad-hoc site H & S inspections. The intent of a site inspection is to benchmark the safety practices observed on site against relevant criteria in legislation and regulations.

- Following inspections action plans are developed to assist the site in recording and monitoring any recommended corrective actions.
- The inspections also extend to the monitoring of contractor safety performance and compliance with the implementation of their risk assessments and method statement pertaining to the work being undertaken.

5.3 Officer Engagement – We are seeing a continued increase in the proactive engagement of officers across the council, seeking advice and support in advance of matters becoming safety critical, a key cultural indicator of the advances we are making as an organisation.

6. Links to Corporate Strategy

6.1 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.

6.2 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'.

7. Finance / Resource Implications

7.1 There are no financial / resource implications directly because of this report.

7.2 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).

7.3 There are approved operational budgets in 2022/23 to enable the delivery and improvement of the H & S function

8. Legal Implications

8.1 There are no legal implications directly because of this report.

8.2 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).

9. Climate and Sustainability Implications

9.1 There are no Climate and Sustainability implications directly as a result of this report.

10. Safeguarding and/or Community Safety Implications

10.1 There are no Safeguarding and/or Community Safety implications directly because of this report.

10.2 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.

11. Equality and Diversity Implications

11.1 There are no Equality and Diversity implications directly because of this report.

11.2 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).

12. Social Value Implications

12.1 There are no Social Value implications directly because of this report.

13. Partnership Implications

13.1 There are no partnership implications directly because of this report.

13.2 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.

14. Health and Wellbeing Implications

14.1 There are no Health and Wellbeing 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 Health

& Wellbeing risks, and may even present opportunities for improved Health and Wellbeing (e.g. reduced staff sickness levels).

15. Asset Management Implications

15.1 There are no Asset Management implications directly because of this report.

15.2 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)

16. Data Protection Implications

16.1 There are no Data Protection implications directly because of this report.

17. Consultation Implications

17.1 There are no Consultation implications directly because of this report.

17.2 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.

18. 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 (delete if not applicable)

Appendix A	H & S Scorecard High Level Summary (with observations & recommendations)
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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
HSMS	Health & Safety Management System
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