

Report of: the Director of Resources and Housing

Report to: Executive Board

Date: 18th April 2018

Subject: Health, Safety and Wellbeing Performance and Assurance Report

Are specific electoral wards affected? If relevant, name(s) of ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

This report is designed to provide assurance to the Executive Board on health, safety and wellbeing matters and to enable it to demonstrate how duties assigned in the Leeds City Council Health and Safety Policy are discharged.

Recommendations

It is recommended that the Executive Board notes the contents of this report and recognises that a proportionate approach to risk management within the council continues to be applied.

1.0 Purpose of this report

- 1.1 The purpose of this report is to briefly review the period April 2016 to December 2017 in terms of the council's performance on health, safety and wellbeing, the improvements made and the challenges ahead.

2.0 Background information

- 2.1 Leeds City Council is committed to ensuring the health, safety and wellbeing of its employees and those affected by its undertaking, including service users, members of the public, contractors and school pupils.
- 2.2 The council has many responsibilities in terms of health and safety – as a duty holder with large numbers of employees, a regulator (through Environmental Health) and a large-scale procurer and commissioner of goods and services that can influence safety through the supply chain.

3.0 Main Issues

3.1 Roles and Responsibilities

- 3.1.1 A safe and healthy workforce is a prerequisite to the delivery of excellent services to local communities. Elected members, particularly Executive Board and portfolio holders, have a significant part to play in securing the health and safety of the council's workforce, as their decisions have a major influence on both local authority staff and the public. The Deputy Leader is health and safety 'Champion' for Executive Board. The Scrutiny Boards can also play an important role, acting as a 'critical friend'.
- 3.1.2 Members are not responsible for managing health and safety services on a day-to-day basis, but can affect it through strategic decisions on plans, priorities and budgets. Elected Members also have potential criminal and civil liabilities as individuals or as a collective body.
- 3.1.3 The Council's Health and Safety Policy is signed by the Leader of the Council alongside the Chief Executive.
- 3.1.4 Day to day management of health and safety within the organisation is the responsibility of officers in charge of service provision. The Chief Executive is ultimately accountable and members of the council's Corporate Leadership Team have a collective role for directing the health and safety strategy. The Director of Resources and Housing is the nominated Director for Health and Safety.
- 3.1.5 Corporate Leadership Team, Executive Board and service managers receive competent health and safety advice from a professionally qualified Health and Safety Team, which is part of Human Resources.
- 3.1.6 Compliance with health and safety legislation by the council is enforced by the Health and Safety Executive and fire safety by the West Yorkshire Fire and Rescue Service.

3.1.7 Civil claims for compensation can also be brought against the Council by employees or members of the public injured or made ill due to the council's work activities.

3.2 Sensible Risk Management

3.2.1 Health and safety is about saving lives, not stopping people living. Leeds City Council supports the Health and Safety Executive's campaign for sensible risk management, where it is based upon practical steps to protect people from real harm and suffering - not bureaucracy. The approach is to seek a balance between the unachievable aim of absolute safety and the kind of poor management of risk that damages lives and the economy.

3.3 The National Picture

3.3.1 A lot of current health and safety legislation derives from European Directives and there has been some uncertainty regarding the impact of 'Brexit' on the future of regulation. Current legislation is risk-based and has been found to be fit for purpose by several independent reviews. The UK government has said to date that it has a "clear commitment to protect workers' rights and ensure that they keep pace with the changing labour market."

3.3.2 The need for health and safety regulation was brought into sharp focus by the Grenfell Tower tragedy in which 72 people died and over 70 people were injured following a fire in a multi-story block of social housing. Dame Hackitt's independent review has to date found that 'the current regulatory system for ensuring fire safety in high-rise and complex buildings is not fit for purpose'. The tragedy prompted a thorough review of similar buildings in Leeds, both public and private sector owned, which will be discussed later in this report.

3.3.3 The current priorities for health and safety determined by the Health and Safety Executive are work-related stress, musculoskeletal disorders and occupational lung disease. All of which are relevant to work undertaken within Leeds City Council.

3.3.3 New sentencing guidelines for health and safety offences and corporate manslaughter came into force from 1st February 2016 and these have already had a significant impact on the size of fines for non-compliance with health and safety with total UK fines tripling in the first year after the new guidelines. Local authorities have not escaped this with Nottingham County Council being fined £1m when a tractor being operated by a council employee struck and injured a disabled man.

3.3.4 National security has also been prominent in recent years with a number of 'terror' attacks through the UK, which has led to the national threat level being raised to highest level at certain points. This, of course, impacts on LCC and the communities it services.

3.4 Management of Health, Safety and Wellbeing in LCC

- 3.4.1 Health and safety management in the council is based on an approach advocated by the Health and Safety Executive, which is in use in most public and private sector organisations. This is realised through the Health and Safety Policy and a series of Health and Safety Policies (Performance Standards), jointly agreed with the Trade Unions. Co-operation and consultation with the workforce on health and safety matters is extremely positive and this is facilitated through Directorate/ Service level Health and Safety Committees and a Corporate Health and Safety Committee.
- 3.4.2 Assurance meetings are held every month between the Director of Resources and Housing, the Head of Health and Safety and the Chief and Deputy Chief Officers from Human Resources.
- 3.4.3 A High Hazard Services Group also meets every quarter. This is made up of Chief Officers/ Heads of Services, Health and Safety, HR, Insurance and Legal and is chaired by the Director of Resources and Housing. The purpose is to share good practice across the organisation and learn any lessons to aid continual improvement.
- 3.4.4 The Deputy Leader, Cllr J Lewis, chairs the Corporate Health and Safety Committee and he is briefed and kept updated on any significant health and safety matters.

3.5 Fatal Accident Involving a Sub-Contractor Working on the Flood Alleviation Scheme

- 3.5.1 LCC has been working with an external sub-contractor, Bam Nuttall, for a number of years to construct movable weirs as part of the city's Flood Alleviation Scheme. On the 30th October 2017 two sub-contractors entered the water near the weir in a boat to carry out some work. Unfortunately the boat capsized and one of the sub-contractors, a specialist marine employee, tragically lost his life in the water despite best efforts to save him.
- 3.5.2 The Police are currently in the process of undertaking a formal investigation into this matter. Leeds City Council are supporting its own staff who were present on site and also working collaboratively to review safety in and around these areas of water.

3.6 Health, Safety and Wellbeing Performance

This compares the last two financial years of complete records i.e. 2016/17 compared to 2015/16. It also takes into account the reduction in headcount and so considers 'incident rates' instead (number of incidents divided by headcount x 1000).

Performance Headlines

a) Accidents Reported to the Health and Safety Executive (HSE)

This gives an indication of the more serious work related accidents, as the HSE require notification of accidents resulting in broken bones, absence from work for over 7 days, death, dangerous occurrence or hospital treatment/stay.

A reduction in specified injuries, lost-time accidents and reportable diseases
(This represents one of the lowest reportable incident rates amongst 14 regional local authorities.)



b) Formal Enforcement Action

This two year period has, yet again, not resulted in any prosecutions or enforcement notices by the enforcement agencies.



n.b. there has been 3 'notification of contravention' letters sent to services relating to: lack of control of wood dust at a refurbishment project; forestry works being undertaken by a specialist contractor on behalf of LCC; and clarity around health and safety roles between various internal and external contractors on a construction project.

c) Accident Figures

The most reports relate to incidents of verbal and/or physical assaults, followed by injuries relating to manual handling and slips, trips and falls.

LCC - the overall accident/incident rate has reduced from 15.95 to 15.72 per 1000 employees. Whilst there has been a slight increase in accidents, there has been a reduction of 0.52 incidents per 1000 employees of verbal and physical assaults. Both verbal and physical assaults have reduced.



Schools –

There has been a reduction in accidents by 0.4 per 1000.

Verbal and physical assaults increased by 3.02 per 1000. n.b. these figures currently include all schools, not only those where LCC is the employer.



d) Insurance Claims

Employee Liability and Safety Related Public Liability Claims Reduced



Key Performance Indicators



100% of LCC buildings have a current Asbestos Management Plan in place, with 99.8% of annual reviews undertaken so far in 2017/2018 i.e. just 1 premises to re-inspect.

100% of maintained/controlled schools have a current Management Plan in place, with 100% of annual reviews up to date.



All LCC occupied buildings have a Fire Risk Assessment in place and 97% of these have been reviewed in the past 3 years. Some work is required to review arrangements in premises leased out by LCC.

All maintained/controlled schools have a Fire Risk Assessment in place. 57% of these schools have confirmed that assessments have been reviewed and the remainder are currently being followed up.



A wide variety of health, safety and wellbeing training is being undertaken across LCC and in schools e.g. mental health and stress; first aid; manual handling/moving and handling; fire safety; lone worker training; de-escalation techniques; emergency care and control and team teach in schools; and asbestos awareness.



The in-house Occupational Health Service continues to meet employees to provide support to help keep them at work or return to work from a period of sickness absence.

Health surveillance for relevant employees is also undertaken e.g. hearing, lung function, skin, and hand-arm vibration. This has been further enhanced by the appointment of an Occupational Health Technician to undertake the surveillance and work pro-actively with services.



In 2016/2017, 1190 calls were made to the Employee Assistance Programme and 265 employees were seen for face to face counselling. Support was provided for a whole range of life challenges which people were facing.



The Health and Safety Management System has operated largely as expected. Good assurance in relation to the control environment and compliance was noted by Internal Audit in a review of health and safety in October 2015.

The Annual Council Risk Report, considered by Executive Board, defines the overall rating for 'health and safety' as high because of the possible impact should things go wrong. The stated target is to reduce the probability from possible to unlikely.

Achievements in this reporting period and the key challenges are detailed below.

3.7 Key Achievements

3.7.1 There were a number of key achievements which have improved health, safety and wellbeing in the past two years. These are both cross-cutting and service-specific and highlights include:

3.7.2 Schools

- ✓ **Keeping Schools Safe in West Yorkshire** – LCC Health and Safety has been instrumental in a joint initiative with other councils, Emergency Planning, Police and West Yorkshire Fire and Rescue Service to design and deliver training for Headteachers and other school staff. The aim was to share information, advice and provide practical tools and templates for schools to produce plans to keep pupils safe.
- ✓ **Weapons in Schools** - the Health and Safety Team are also working with colleagues from the Youth Offending Service, Social Care, Police and other services, to produce a detailed pathway and support process for schools dealing with incidents involving weapons.
- ✓ **Violence and Aggression** - a lot of incidents of violence and aggression are reported by schools. This is mainly from pupils with challenging behaviour. Qualified staff in the Health and Safety Team deliver Care and Control training for schools and are regularly involved in multi-agency pupil risk assessments.

3.7.3 Employee Wellbeing

- ✓ **Mental Wellbeing** - The council continues to maintain its status as an active Mindful Employer and have introduced several interventions to help to prevent mental ill health being caused by work and to support people who have mental health conditions. These have included: training (nearly 800 managers trained); the introduction of self-referral for face to face counselling; supporting the Healthy Minds staff network; working with Healthy Minds on a mental health seminar for managers; awareness campaigns; and a joint group with the Trade Unions to look at stress in the workplace.
- ✓ **Men's Health** – major research from Leeds Beckett University found that men in Leeds are more likely to die at a younger age than women for all causes of

death and that most of these illnesses are preventable. Health and Safety/HR has responded to this through a range of interventions including: toolkits; awareness campaigns; tailored sessions for services and drop-in sessions at the front line. Well over 1,000 front-line employees have been reached so far at Building Services, Parks, Safer Leeds and Street Cleansing. This has already had positive results by men seeking medical advice and benefiting from early treatment.

- ✓ **Blood Pressure** - LCC Public Health has secured funding for blood pressure checks to be undertaken for staff in front line services and these are now being undertaken.
- ✓ **Musculoskeletal Disorders** – a direct referral scheme has been introduced to allow staff access to our Physiotherapy provider to help respond earlier to problems that could lead to time away from work or delay a return.

3.7.4 Access, Inclusion and Culture Change

- ✓ **Changing the Workplace** – there has been some excellent joint working across the council to put people at the heart of the Changing the Workplace Programme. This was exemplified in the Merrion House design and supporting the movement of staff into the refurbished offices. This ranged from making the building as accessible and inclusive as possible through application of the Inclusive Design Principles endorsed by the Executive Board to ensuring every member of staff with additional needs had an individual assessment and reasonable adjustments put in place.
- ✓ **Disability** - HR has worked closely with the Disabled Staff Network to produce a strategy and Action Plan for improving the experience of disabled colleagues in LCC. We have achieved Disability Confident status level 2 and are currently working towards level 3 for access, inclusion and diversity.

3.7.5 Fire Safety

- ✓ **Post Grenfell** - after the Grenfell Towers tragedy, referred to above, the council set about working with others across the city to review the safety of the council's own housing stock and also privately owned multi-storey premises. This was a comprehensive piece of work involving many services and the engagement of specialist testing companies. There are 22 LCC owned high rise blocks across Leeds which were cladded for insulation purposes. All inspections and tests revealed no problems. In addition every LCC owned tower block was visited to provide information and advice to residents and weekly stakeholder meetings were held. 70 privately owned tower blocks were also identified and LCC worked with owners, landlords and the Fire Service to provide advice and support.
- ✓ **False Alarms** - the Markets service has introduced several interventions to reduce the inconvenience and costs associated with false fire alarms.
- ✓ **Partnership** - LCC continues to be the largest local authority to have a Fire Safety Concordat with the Fire and Rescue Service in the country.

3.7.6 Security

- ✓ **Threat Level** – the council responded well to the threat level being raised to its highest level. High level groups were established in accordance with Emergency Planning procedures and every council building was quickly assessed in terms of additional security needs and these were put in place.
- ✓ **Security Audits** – audits have been undertaken on council buildings to evaluate current security provision in relation to the level of risk. Recommendations for improvements to some premises were made and these are being addressed.
- ✓ **Event Safety** – LCC hosts many events across the city and through careful planning by service event management teams these have continued to safe events. We also have a role in considering other non-council events across the city through a Strategic Safety Group with other partners.
- ✓ **Elected Members** - work has been on-going to produce additional guidance and training for Elected Members to enhance their personal safety whilst carrying out their role. A safe lone working solution has now been procured to help Members to discreetly raise the alarm and receive assistance if they are faced with a difficult situation.

3.7.7 Property Related

- ✓ **Estate Management** - some joint work has been undertaken across the council to develop a clearer approach to managing the council's estate. This has involved having clear accountabilities, roles and reporting lines.
- ✓ **Construction** – health and safety must be built into construction or refurbishment projects right from the design stage. This involves not just thinking about the construction phase but also the future use of the building and hazards that may be posed during routine maintenance, for example. LCC is involved in many projects of all scales. One recent success in Parks and Countryside was the completion of the Arium a 1,000 sq ft Nursery with shop, café and play area. It is the largest Nursery in the country.
- ✓ **Improvement** – one example was in Civic Hall where a refurbishment of the 3rd Floor West under Changing the Workplace allowed for asbestos and a false floor to be removed. This permitted a much larger useable and accessible space to be created. This was due to different services and disciplines working together to find a longer-term solution.

3.7.8 Sharing Best Practice

- ✓ The Health and Safety Team continue to work with public and private sector colleagues nationally and regionally to share best practice and learning. We are represented on forums relating to general health and safety, schools safety, safety in social care, waste and recycling, fire and construction.

3.8 Challenges

To instil and maintain a positive health and safety culture LCC needs to continually seek to improve. With this in mind the current challenges are:

- ❖ **Violence, Aggression and Abuse** – this is an issue both in some public-facing council premises and with staff carrying out their duties in the community. A council-wide lone working solution is to be procured in addition to revised policy, guidance and training.
- ❖ **Projects, Contracting and Commissioning** – here we are looking to improve the management of projects and contractors, including clarity around legal roles and responsibilities.
- ❖ **Mental Wellbeing** – we must continue to work with Trade Unions colleagues and other partners to prevent, identify and support people with mental health problems. To assist this we are procuring a new Employee Assistance Programme and working on a Supporting Staff at Work Policy and guidance, which will include the need for managers to hold a Wellbeing Conversation with staff.
- ❖ **Guidance and information** – we must look to standardise, simplify and share all health and safety information to ensure that it is clear what people need to do to keep safe and compliant without the need for too much bureaucracy.
- ❖ **Work-related Ill-Health** – continuing to look for innovative ways to prevent workers from exposure to hazardous substances like silica dust or wood dust through better tools, on tool extraction, dust reduction, personal monitoring and health surveillance.

3.9 Looking Forward

3 year priorities were agreed by CLT in 2016 and have been reviewed as still being relevant.

Health, Safety and Wellbeing Priorities for 2016 - 2019



4.0 Corporate considerations

4.1 The council has many roles in relation to health, safety and wellbeing and as an employer LCC must be an exemplar in this respect. A council-wide approach to health and safety management is essential to ensure the right priorities are identified and addressed in a pragmatic way which will enhance, not stifle, the delivery of efficient services to the people of Leeds.

5.0 Consultation and engagement

5.1 A collaborative approach to the management of health, safety and wellbeing is essential to ensuring its success. Consultation with key stakeholders is on-going including Trade Unions, service managers, the Disabled Staff Network, Elected Members, enforcement bodies and other private and public sector organisations. This has resulted in the joint development of policy and procedures, awareness raising campaigns and training/development.

6.0 Equality and diversity / cohesion and integration

6.1 A positive attitude to health, safety and wellbeing enhances the council's position as an inclusive, diverse and equal employer. In particular, there are close links with disability in: ensuring that work does not contribute to or exacerbate ill health; that a 'social model of disability' approach is taken, that reasonable adjustments are understood and always considered appropriately; that health and safety is not used as a barrier to employment based on an individual's disability; and that stigma around mental health is removed and appropriate support provided. Health and safety policy and procedures are always developed to take into account the needs of all members of staff and service users.

7.0 Council policies and best council plan

7.1 This report assists the Council in determining whether it is complying with its Health and Safety Policy, which is signed by the Chief Executive and Leader of the Council.

7.2 A large percentage of council employees are also residents of Leeds and so using the workplace setting to enhance their health, safety and wellbeing also contributes to many aspects of the Best Council Plan, particularly around helping to reduce health inequalities.

7.3 Ensuring council staff are not injured or made ill by the work they undertake is a key part of Treating People Fairly and helps underpin the effective delivery of the Best Council Plan.

8.0 Resources and value for money

8.1 No funds are being sought in this report.

8.2 A positive approach to health, safety and wellbeing contributes to savings in respect of: reduced sickness absence; less money paid out in Employer and Public Liability claims; reduced likelihood of prosecutions by enforcement bodies and subsequent large fines; less damage to property, equipment and council vehicles; and increased morale leading to higher efficiency.

9.0 Legal Implications, access to information and call in

9.1 This report addresses LCC's compliance with its statutory duties laid out in the Health and Safety at Work etc. Act 1974 and related health and safety regulations.

9.2 The report is subject to call in, and does not contain any exempt or confidential information.

10.0 Risk management

10.1 Health and Safety is on the Corporate Risk Register and the annual report on risk and performance to Executive Board usually contains an assurance report on health and safety covering what the risk is, how the risk is being managed and what more needs to be done to address any concerns.

11.0 Conclusions

11.1 Good progress continues to be made in the management of health, safety and wellbeing within the Council. Performance is improving across most indicators. There is a clear strategic vision for what needs to be achieved and key risk priorities have been identified until 2019.

12.0 Recommendations

12.1 It is recommended that the Executive Board notes the contents of this report and recognises that a proportionate approach to risk management within the council continues to be applied.

13.0 Background documents¹

13.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.