

Report of: the Deputy Chief Executive

Report to: Executive Board

Date: 14th December 2016

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 sensible 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 2015/16 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 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 Chief Executive, Leader of the Council and Deputy 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 CLT has a collective role for health and safety leadership. The Deputy Chief Executive 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 The 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 Impact of National Changes on Health, Safety and Wellbeing

- 3.3.1 The UK's health and safety system is risk-based and currently includes laws from EU directives. It has been found to be fit for purpose by several independent reviews (e.g. Professor Lofstedt, 2011). Professional bodies, such as the Institution of Occupational Safety and Health, are working to ensure that these health and safety standards are maintained post-Brexit.
- 3.3.2 In February 2016 a new national health and safety strategy was launched, 'Helping Great Britain to Work Well'. Central to this is protecting people by managing risk in a proportionate and effective way, supporting innovation and increasing productivity. There are six key strands, two of which are particularly important for Leeds City Council i.e. highlighting and tackling the costs of work-related ill health and anticipating and tackling new health and safety challenges.
- 3.3.3 New sentencing guidelines for health and safety offences and corporate manslaughter came into force from 1st February 2016. The new guidelines are intended to improve sentence consistency and address concerns that fines for corporate health and safety offences have, in the past, been too low relative to the harm caused, culpability and the means of offenders. The most notable feature is that fines are now intrinsically linked to turnover of the defendant which, for local authorities, the Annual Revenue Budget is considered as the equivalent of turnover and the best indication of the size of the organisation. There is a caveat that any fine may be substantially reduced if the offending organisation is able to demonstrate the impact of any fine on the delivery of public services. Early signs, however, suggest much higher fines will be levied against local authorities with one London Borough recently fined £500,000 for a non-fatal injury to one of its employees.

3.4 Assessment of Health, Safety and Wellbeing Performance for 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 Performance Standards, jointly agreed with the Trade Unions. Co-operation and consultation with the workforce on health and safety matters is extremely positive. There are Directorate/Service level Health and Safety Committees and a Corporate Health and Safety Committee.

3.4.2 Headlines of health, safety and wellbeing performance 2015/16 compared with 2014/15:

Headlines		
Total accidents, incidents and assaults across LCC and schools	down by 6%	↓
Verbal and physical assaults to employees	down by 10%	↓
Injuries related to manual handling	down by 14%	↓
Injuries related to slips, trips and falls	down by 4%	↓
Specified injuries reported to the HSE	increased by 3	↑
'Lost time accidents' reported to the HSE	increased by 25	↑
Reportable Diseases	down by 2	↓
Enforcement Notices served during the year	(Nil)	↔
Health and safety prosecutions of the Council	(Nil)	↔
Employers Liability Claims	all claims reduced	↓
Health and Safety Related Public Liability Claims		
Sickness Absence		

Key Hazards: Fire and Asbestos



100% of LCC buildings have a fire risk assessment, 91% of reviews are up to date. 99.6% of schools have an adequate Fire Risk Assessment, 67% of reviews are up to date – this is currently being addressed.

LCC is the largest local authority to have a Fire Safety Concordat with the Fire Service.



100% of LCC buildings have a current Asbestos Management Plan in place, with 100% of annual reviews undertaken. 100% of schools have a current Management Plan in place, with 98.85% of annual reviews up to date.

The policy to ensure the effective Management of Asbestos has been reviewed and implemented. A council-wide Asbestos Working Group is in place



A wide variety of health, safety and wellbeing training is being undertaken across LCC and in schools e.g. mandatory E-learning for managers; 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.



Over 2000 referrals have been made to the in-house Occupational Health Service.

Health surveillance for relevant employees has been undertaken e.g. hearing, lung function, skin, and hand-arm vibration.

3.5 Assurance



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 Risk Report, considered by Executive Board on 27th July 2016, 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.

The majority of performance indicators agreed by CLT had been met satisfactorily. The only areas requiring further work were: to ensure completion of Fire Risk Assessment Reviews in all schools; and to review and develop Health and Safety Performance Standards, where required.

Key challenges identified were: to review the health surveillance programme; and to ensure suitable, sufficient and up to date risk assessments are completed across all service areas.

3.6 Key Achievements

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

- The development and delivery of mandatory e-learning to all managers on health and safety.
- The launch of a new Health and Safety Policy.
- The launch of a Wellbeing Strategy for the workforce which has, for example, led to improvements in how counselling and physiotherapy are accessed by employees.
- LCC continues to be the largest local authority to have a Fire Safety Concordat with the Fire and Rescue Service in the country.
- Co-operation and consultation with the workforce on health and safety matters is extremely positive.
- A framework for 'Integrating Diversity and Inclusion into the Built Environment' for Leeds City Council has recently been adopted.
- Increased work to support LCC's status as a Mindful Employer e.g. development and delivery of training and a thriving staff support network, Healthy Minds.
- Violence and aggression to council staff has reduced significantly, but remains a key priority. Most of the incidents to staff occur in school environments where there are pupils with challenging behaviours and

complex needs. On-going support is provided to schools including specific 'Team Teach' training which promotes the promotion of de-escalation strategies and the reduction of risk and restraint. This supports teaching, learning and caring, by increasing staff confidence and competence, in responding to behaviours that challenge, whilst promoting and protecting positive relationships. Other support includes advice on developing pupil risk-assessments and positive handling plans

Work is also on-going to produce additional guidance and training for Elected Members to enhance their personal safety whilst carrying out their role.

3.7 Looking Forward



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 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, Deputy 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 one of the Council's key risks and was covered in the Annual Risk Report to Executive Board on the 27th July 2016.

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 for the next three years.

12.0 Recommendations

12.1 The Executive Board is asked to note the contents of this report and that a sensible approach to the management of health and safety risk 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.