

<b>Report to</b>	<b>Audit Committee</b>
<b>From</b>	<b>Corporate Core Department</b>
<b>Risk Reference</b>	<b>CC/1</b>
<b>Risk Description</b>	<b>Council liability for the death of an employee or member of the public.</b>
<b>Recommendation</b>	<b>For analysis and discussion</b>

## **Context**

An internal audit of Bury Council health and safety arrangements was undertaken in 2020 which gave an overall opinion of a limited level of assurance.

The report reminds the Council that failure to comply with Health and Safety legislation carries a risk of a charge of Corporate Manslaughter which, if proven, would result in unlimited fines, remedial orders and publicity orders.

## **Internal Audit Findings**

The key concerns raised by internal audit are as follows:

- There is no formal reporting process in place to inform the Executive Team of health and safety related issues, performance or to provide assurance to the Chief Executive that the Council's responsibilities for Health and Safety are being met.
- The reporting of injuries, diseases and dangerous occurrences is not being undertaken in line with the required timescales detailed in legislation.
- A new health and safety policy was drafted in the previous financial year (2020/21). The policy has undergone Union consultation, but it has not been taken to Cabinet for formal approval, although it is accepted that this will be progressed once feedback from the audit has been provided in order that any necessary adjustments may be made.
- No assurance can be given on the level of compliance across the Council with regards to fire risk management. It is unclear on how often the Council expects fire risk assessments to be undertaken, as a corporate decision has not been taken/recorded.
- Assurance cannot be provided that the necessary health and safety risk assessments for buildings and services have been undertaken to demonstrate compliance with covid 19 requirements.

The report provided a set of recommendations to respond to these findings, of which two were classified as fundamental:

- The governance structure around health and safety requires review
- An annual health and safety report should be produced and presented to the relevant committee providing an overview of organisational and departmental issues and performance and to identify future priorities

This note provides an update on immediate actions against the fundamental recommendations above and responsibility / actions within the wider improvement plan.

## **Immediate Response & Assurance**

Proposals against the two fundamental recommendations made by Internal Audit are as follows:

### **1. Annual Report**

The framework for an annual health and safety report has been developed and work is underway to deliver the first report by the end of the 2021 calendar year. The production of real-time performance information will be maintained by the corporate health and safety team and released on a quarterly basis

### **2. Governance**

Governance proposals for health and safety have been developed as follows:

- The corporate health and safety advisory team will be moved to the leadership of the Director of People and inclusion and maintain responsibility for advice to managers; internal investigations; accident reporting and staff training. The service will be subject to a structural review
- A Facilities management team will be established under the leadership of the Operations department Assistant Director of Operations (Strategy), to assume responsibility for the management of council buildings. Pending the establishment of a substantive team a short term project team will be established to support urgent compliance checks
- A proposal for a corporate Health and Safety JCC is being developed with the Trades Unions and will also be in place by year end.

Consistent with the arrangements above it is proposed that the corporate risk owner for accident and incidents at work is moved to the Operations department.

### **3. Wider priority work**

The ability to progress a number of the other recommendations is predicated on the existence of a single record of all buildings, occupancy and compliance. Work has progressed to achieve this as follows:

- Work has begun to establish a small Facilities Management (FM) service under the leadership of Head of Corporate Landlord. A minimum requirement for £100k funding has been identified of which £50k will be met by the Corporate Core but the balance is outstanding. Whilst the FM team is substantively established a fixed term project team will be sourced to support the compliance work, below. A 12-month team is required for which funding has been identified for the first 5 months
- a pilot 34-point compliance check list for completion in all buildings against statutory / regulatory / business requirements has been developed, including fire risk assessments which were particularly referenced by the audit report. This exercise will deliver :

- A definitive list of all operational buildings; service occupancy and identification of Building Owners. The number of buildings is understood to be c116 but details are still vague
- Location of all buildings that can be grouped into geographic hubs across the borough
- Overall % compliance and RAG rating across the estate as a basis for risk management and remedial action

Application of the compliance check list at Humphry House concluded a 44% compliance rate. This would be a typical outcome from the proposed desk top exercise across the estate. Funding will be required to address remedial works at this scale

### **Delivering wider recommendations through a Taskforce**

The detail of all recommendations, mapped by accountability against the governance described above, is appended.

Internal audit proposed that a “Taskforce” was established to oversee production of and delivery against an improvement plan. It is proposed that the Taskforce is comprised as follows, accountable direct to the Chief Executive:

- A Unison representative
- Chris Beadsworth, head of Corporate Landlord
- Sam McVaigh, Director People & Inclusion

### **Key Issues**

Key issues associated with immediate response are as follows:

- The work to complete a checklist for all 16 buildings is a major piece of work to complete in its entirety. Options will be required to progress a proportionate approach
- The totality of funding for a facilities management team has not yet been resolved. Options must be considered to identify the balance of both fixed term and substantive resource requirements as described above
- Funding will also be required to address the schedule of improvements to work places which the compliance audit is likely to identify. Options for reinvestment of capital receipts from the current schedule of accelerated disposals will be explored.

## Annex – All recommendations by accountable service

Facilities Health and Safety improvements (Corporate Landlord)	Workforce Health and Safety improvements (Corporate Core)
<ul style="list-style-type: none"> <li>• A decision on the frequency of fire risk assessments / reviews should be made corporately and communicated</li> <li>• The Health and Safety team / Facilities Management team should have a system and records in place to report and provide assurance on the level of compliance with fire risk management across the Council.</li> <li>• Guidance to those expected to undertake Fire risk assessments should be reviewed, it should be clear and precise and ensure that a consistent approach is applied when risk assessments are undertaken.</li> <li>• The review of the COVID-19 arrangements in place for buildings and staff should be completed and any services operating without the necessary risk assessments should be contacted to complete assessments as priority</li> <li>• The Health and Safety team should have systems/procedures in place to enable them to monitor and provide assurance on the level of compliance with facilities management risk assessments.</li> <li>• A central record of Council buildings and responsible officers should be held and be made available to the Health and Safety team.</li> <li>• The Health and Safety Team/Facilities Management Team should be able to demonstrate that statutory risk assessments are up to date at each establishment and should hold accurate information of risk assessments required, and risk assessments undertaken.</li> <li>• The Health and Safety Team should check and monitor to ensure that the risk assessments are in place and cover all the statutory requirements and are maintained up to date in accordance with legislation and best practice guidance</li> <li>• A decision should be reached on the level of PAT testing to be applied to Council equipment whilst employees are agile working.</li> </ul>	<ul style="list-style-type: none"> <li>• The governance structure around health and safety requires review including a reporting line to Members and senior managers</li> <li>• An annual health and safety report should be produced and presented to the relevant committee</li> <li>• The Health and Safety policy should undergo formal approval, publication and annual review</li> <li>• RIDDOR reportable incidents must be reported within the HSE specified timeframes and managers made aware of this</li> <li>• The system in place for recording accidents, incidents and near misses should undergo review</li> <li>• The guidance on the intranet, 'Instructions to use the Accident, Incident and Dangerous Occurrence Report Form HS1' should be reviewed and updated to include the current process. Checks need to be undertaken to ensure that all accident/injury reports have been captured within either the iTrent system or on the spreadsheet held by the Health and Safety team for the period between October 2019 and April 2020</li> <li>• All documents relating to Health and Safety incidents should be accurately and securely filed and should be retained in line with data retention policies</li> <li>• The Health and Safety team should have systems/procedures in place to enable them to monitor and provide assurance on the level of compliance with display screen equipment and personal COVID risk assessments</li> <li>• Managers should be reminded of their responsibilities in completing all relevant risk assessments and keeping</li> </ul>

Facilities Health and Safety improvements (Corporate Landlord)	Workforce Health and Safety improvements (Corporate Core)
<ul style="list-style-type: none"> <li>• Arrangements for PAT testing should then be put in place to ensure that the Council are following statutory and best practice requirements.</li> <li>• The current contract for Portable Appliance Testing should be reviewed to determine if it is still appropriate for the current working arrangements, and if not, the contract should be re-tendered with a new agreement being in place from 1<sup>st</sup> March 2022</li> </ul>	<p>them up to date for all members of their service/team</p> <ul style="list-style-type: none"> <li>• A formal annual inspection plan for independent reviews should be put in place by the Health and Safety team to identify issues and provide assurance that Managers are complying and fulfilling their health and safety responsibilities.</li> <li>• A formal follow up process should be put in place to ensure that the weaknesses identified in the audit reviews are actioned by the Service Manager.</li> <li>• The health and safety reviews and outcomes should be reported to Senior Officers and committee Members</li> <li>• The Health and Safety guidance published on the intranet should be regularly reviewed to ensure all guidance is relevant and up to date.</li> <li>• Guidance should be re-circulated to staff</li> <li>• The Health and Safety team should take advantage of the e-learning modules available and consider if any modules should be mandatory for particular members of staff and/all members of staff (e.g. Health and Safety in the Workplace).</li> <li>• Key performance indicators should be introduced to monitor the uptake of health and safety modules</li> <li>• The Health and Safety team should undertake periodic assessments on the Health and Safety training undertaken by Managers across the Council and be able to provide assurance on the level of knowledge and understanding Managers have for Health and Safety responsibilities</li> <li>• Managers should be made aware and regularly reminded of their responsibilities to keep their knowledge up to date and retain a record of all Health and Safety training undertaken to demonstrate that they</li> </ul>

Facilities Health and Safety improvements (Corporate Landlord)	Workforce Health and Safety improvements (Corporate Core)
	<p>are up to date with current practices and responsibilities.</p> <ul style="list-style-type: none"> <li>• A training analysis should be undertaken to ensure that Managers/employees are receiving training appropriate to their role</li> </ul>

<b>Report to</b>	<b>Audit Committee</b>
<b>From</b>	<b>Operations Department</b>
<b>Risk Reference</b>	<b>OPS/17</b>
<b>Risk Description</b>	<b>Shortage of staff, particularly LGV Class II drivers required to drive RCVs, sweepers and tippers, also Vehicle Workshop staff from Manager to Mechanics. In addition, national shortage of HGV drivers and high market rate.</b>
<b>Recommendation</b>	<b>For analysis and discussion</b>

### **Immediate Response & Assurance**

The concern around the availability of HGV remains as a result of reduced availability of trained drivers, this is a National issue and many Local Authorities are experiencing the impact of these shortages.

In Bury we have reacted quickly to address the situation by securing the employment of additional HGV drivers in order to mitigate some of the risk.

We are also developing a programme for career progression initiatives in order to allow those who wish to do so to take the HGV training and progression route with financial support packages available for those who wish to do so.

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