

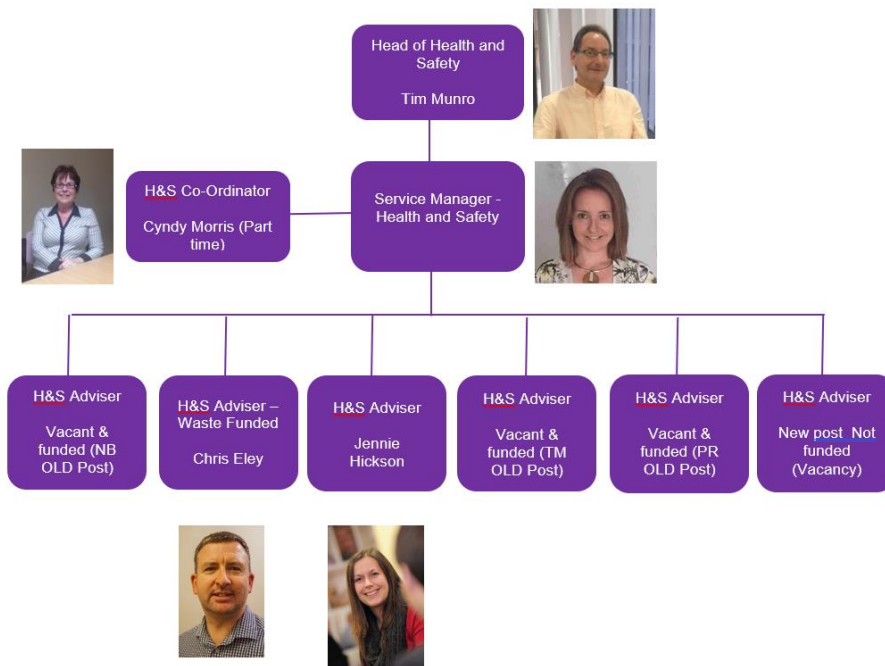
City of Wolverhampton Council
Health and Safety Management Report
September 2021

1.0 Purpose of the Report

- 1.1 To update members as to the progress and changes made with regard to managing health and safety.

2.0 Introduction and Background

- 2.1 This report will focus on the achievements and work priorities of the health and safety team, and a view of planned objectives for the next 12 months.
- 2.2 Strategically the overall responsibility for health and safety remains with the Chief Executive and Directors of the Council. In January 2020 delegated responsibility for health and safety moved from the Deputy Chief Executive to the Director of Governance.
- 2.3 Operationally, the Council's specialist health and safety team now sits within the Governance Directorate. Previously the health and safety team reported through the Corporate Assurance Team which following a review of the health and safety function during 2020 SEB made the decision to move the team within responsibility of the Director of Governance in line with the Chief Executives delegated responsibility.
- 2.4 The team structure was initially strengthened and made more directly accountable with the introduction of a Head of Health and Safety post, which was appointed to in November 2020. The Head of Service - Health and Safety in conjunction with the Director of Governance carried out a review of the remaining team structure to ensure that the team is fit for purpose and able to deliver to the needs of the organisation.



The proposed team structure shown above has been progressed and evaluated from a financial and human resources point of view. The financial cost of the above proposed structure requires an increase in the staffing budget for the Service Manager position and one additional Health and Safety Adviser post. The increase of £83,115 has been met from within existing Governance budgets. The first phase has been completed with an internal applicant, Natalie Barrow, successfully being appointed to the Service Manager – Health and Safety post. Previously Natalie was in one of the teams now vacant Health and Safety Adviser posts.

3.0 Discussion

- 3.1 This section of the report describes key areas of health and safety work during the previous 12 months. It describes the leadership required for health and safety and also, following the plan, do, check, act methodology for effective health and safety management, described and supported in Health and Safety Executive publication HS(G)65 '*Managing for Health and Safety*', provides an overview of recent work in progressing the health and safety agenda within the Council. The publication can be accessed [here](#) and relevant extracts are shown in *italics* in the following paragraphs.
- 3.2 *Protecting the health and safety of employees, partners or members of the public who may be affected by our activities is an essential part of risk management and must be led by the senior post holders in the Council. Failure to include health and safety as a key business risk in decisions can have significant business impact. Many high-profile safety cases have been rooted in failures of leadership.* Health and safety law places duties on organisations and employers, and directors can be personally liable when these duties are breached: members have both collective and individual responsibility for health and safety. Following effective systems and processes for managing health and safety will help the Council find the best ways to lead and promote health and safety, and therefore meet our legal obligations.

- 3.3 Plan Requirements : Senior leadership within the Council should set the direction for effective health and safety management. *They need to establish a health and safety policy that is much more than a document – it should be an integral part of our organisation’s culture, of its values and performance standards. All members should take the lead in ensuring the communication of health and safety duties and benefits throughout the organisation. Directors must develop policies to avoid health and safety problems and must respond quickly where difficulties arise or new risks are introduced; other senior leaders must make sure that health and safety is properly addressed. Health and safety should appear regularly on the agenda for appropriate strategic meetings. The Chief Executive can give the clearest visibility of leadership, but organisations find it useful to delegate this responsibility to an appropriately positioned and responsible Director. The presence in the senior leadership team of a health and safety director can be a strong signal that the issue is being taken seriously and that its strategic importance is understood. An independent Cabinet member can act as a scrutineer – ensuring the processes to support organisations facing significant health and safety risks are robust.*
- 3.4 The submitted amendments for a revision of the Council’s Corporate Health and Safety Policy make it clear that the Council is committed to ensuring the health, safety and welfare of employees and persons affected by our activities. It also reinforces the clear responsibilities at both strategic and operational level for leading, managing and implementing effective health and safety practice. The Chief Executive has delegated responsibility for health and safety to the Chief Operating Officer, who provides a regular update to the Cabinet Member with responsibility for health and safety. The Head of Service ; Health and Safety, attends these meetings on a quarterly basis to provide a strategic overview on health and safety practice and also an operational perspective with regards to health and safety performance indicators.
- 3.5 In addition to a health and safety policy effective planning of health and safety requires organisations to have an agreed strategic Health and safety Plan, aligned with corporate values and objectives to implement its health and safety strategy. The Council’s current Health and Safety Plan was last formally reviewed in 2019. It is now timely that this plan is reviewed and realigned with the Relighting our Council, and Relighting our City plans. The Chief Operating Officer has required the Head of Service - Health and Safety to review the existing plan and prepare an update for discussion and approval at both Strategic Health Safety and Wellbeing Board and SEB.
- 3.6 Do : *Delivery of the health and safety agenda depends on an effective management system to ensure, so far as is reasonably practicable, the health and safety of employees, customers and members of the public. Organisations should aim to protect people by introducing management systems and practices that ensure risks are dealt with sensibly, responsibly and proportionately. In particular :*
- a) *Leadership is more effective if visible – Senior leaders can reinforce health and safety policy by being seen on the ‘shop floor’, following all safety measures themselves and addressing any breaches immediately.*

- b) *Consider health and safety when deciding senior management appointments.*
- c) *Having procurement standards for goods, equipment and services can help prevent the introduction of expensive health and safety hazards. The health and safety arrangements of partners, key suppliers and contractors should be assessed: their performance could adversely affect ours.*
- d) *Setting up a strategic committee, chaired by a senior executive, can make sure the key issues are addressed and guard against time and effort being wasted on trivial risks and unnecessary bureaucracy.*
- e) *Providing health and safety training to some or all of the senior post holders in an organisation can promote understanding and knowledge of the key issues.*
- f) *Supporting worker involvement in health and safety, above the legal duty to consult worker representatives, can improve participation and help show our commitment.*

3.7 With regards to the 'doing' phase of effective health and safety management there are a number of initiatives relevant to the points above which have been progressed during the last year :

- a) As part of the Council's approach to Covid control a process was developed and implemented whereby all services which were to remain operational completed specific Covid risk assessments which were reviewed and approved by the Head of Service - Health and Safety and Director specifically responsible. These were then shared and reviewed on an ongoing basis with employees. Where services paused their delivery and looked to resume through the pandemic, a process was agreed by SEB which required an initial 'in principal' approval to resume the service, a service and task specific Covid risk assessment to be developed and then agreed through the health and safety team, Human Resources, Trades Union consultation, Corporate Landlord, and final approval was granted during a review of all the above by Central Recovery Group.

Once agreed for a return to service re-assurance visits have also been undertaken to monitor the effectiveness and implementation of agreed Covid controls at site.

- b) Health and safety considerations in procurement can have more implications with regards to risk management in construction and facilities related contracts. The health and safety team continues to provide specific advice with regards to the health and safety elements of contracts where appropriate. Examples include Wolverhampton Homes waste management, City of Wolverhampton Council and Wolverhampton Homes window cleaning contracts and various City Centre redevelopment activities.

These reviews have identified a need for more formal and robust process to ensure that no procurement contract which should receive a more detailed health and safety input, misses this vital assessment. As a result the Head of

Procurement and Head of Service - Health and Safety are developing a revision to current procurement processes to ensure this happens every time it needs to.

- c) The communication and consultation methods for health and safety continue to be followed as described in the Health and Safety Policy. Operationally this takes place through six Operational Health and Safety Groups, each chaired by an appropriate Head of Service. They each meet quarterly, approximately 4 weeks before each Strategic Health Safety and Wellbeing Board. Each meeting is supported by a member of the health and safety team, an HR representative and one or more trades union representatives. These meetings have been reconfigured to ensure all services can be represented and the process of setting each meetings agenda and reviewing action items given more assurance, with the Chair meeting with the health and safety teams representative prior to, and post meeting. Reports from each of the meetings are provided to the next Strategic Health Safety and Wellbeing Board. The Strategic Health Safety and Wellbeing Board meets [quarterly] and itself has agreed revised terms of reference and is now chaired by the Chief Operating Officer to provide the necessary strategic leadership on health and safety matters and a route for any significant risks to be raised with SEB/Councillors.
- d) A current and up to date knowledge of a pragmatic and proportionate approach to managing health and safety at a senior level is fundamental to ensuring that health and safety is taken seriously and receives appropriate senior level commitment. Previously some members of SEB had attended the IOSH Safety for Senior Executives workshop. Following changes in the senior leadership of the organisation additional workshops have been arranged to ensure that all postholders at Director and Head of Service level hold this qualification and have the tools to effectively integrate health and safety into their business as usual activities. The delivery will take place between September and December 2021 and will see around 90 employees at this level complete this course deemed mandatory for their role. At an operational level, all managers and supervisors are required to attend an 'in house' managing health and safety qualification developed and delivered by the health and safety team. This programme is currently underway and has moved to a virtual delivery model during the current Covid pandemic. We plan for one course to be run each month.

3.8 Check : *Monitoring and reporting are vital parts of a health and safety culture. Management systems must allow the organisation to receive both specific (e.g. incident-led) and routine reports on the performance of health and safety policy. Much day-to-day health and safety information need be reported only at the time of a formal review. But only a strong system of monitoring can ensure that the formal review can proceed as planned – and that relevant events in the interim are brought to the organisations attention.* In particular :

- a) Effective monitoring of sickness absence and workplace health can alert the board to underlying problems that could seriously damage performance or result in accidents and long-term illness.

- b) The collection of workplace health and safety data can allow the board to benchmark the organisation's performance against others in its sector. Appraisals of senior managers can include an assessment of their contribution to health and safety performance.
- c) Boards can receive regular reports on the health and safety performance and actions of contractors. Some organisations have found they win greater support for health and safety by involving workers in monitoring. It is worth noting here that the Health and Safety Team actively engage with the recognised Trades Unions in carrying out joint workplace inspections and visits with their formally appointed Statutory Safety Representatives. These take place for both planned activities/routine inspections and other special purpose visits. An example of this is that during the last 12 months, upto end September, 16 joint inspections have taken place to workplaces where services are looking to resume service delivery from, and weekly employee health and safety surgeries take place in waste services.
- d) As part of the Corporate Health and Safety Plan rereferred to in section 3.5 (Plan Requirements) the Chief Operating Officer has required the Head of Service - Health and Safety to develop a suite of relevant health and safety data monitoring information which can be used on an ongoing and comparative basis to monitor and report on health and safety performance within the organisation. This information will form part of these reports in the future.

3.9 This section aims to provide an overview of both operational activity, and information relating to the implementation of health and safety policy. It covers both the action taken to date and also the work which continues to be delivered by the health and safety team.

Coronavirus ; The ongoing pandemic has led to a significant change in the daily work of the health and safety team. It is not appropriate here to detail all activities related to this but highlights include :

- a) Providing support to the procurement and adult services team in vetting the quality, suitability and compliance of personal protective equipment items required to ensure safe working practice with Covid. This included face coverings, safety glasses, safety visors, gloves, face masks for aerosol generating procedures, and hand sanitiser. During March 2020-August 2020 around 40 certifications were checked each day. Currently most items of personal protective equipment are procured through the Governments portal, but none the less the quality and suitability of items of personal protective equipment require to be checked after each delivery received to ensure its acceptability, and this continues to be provided through the health and safety team. In addition to the above, ongoing minuted personal protective equipment assurance meetings take place between Chief Operating Officer, Head of Health and Safety, Head of Procurement and Head of Service Adult Provision. Initially at the height of the pandemic these took place on a twice weekly basis, but as supplies have stabilised and our procurement routes become better

established have moved to a fortnightly basis. The purpose of the meetings is to identify any emerging supply issues at an early stage, monitor usage across the council to ensure adequate stocks are available when called for and ensure that items of personal protective equipment supplied to employees is not only health and safety compliant but also fit for purpose.

- b) Support, training and guidance on risk assessment and safe working practice in setting up and running the food hub at Aldersley Leisure Village. During the establishment of the food hub the health and safety team were on site to advise on emerging health and safety issues and ensure that the operational managers and teams involved received appropriate health and safety support. Overall the health and safety team initially supported the delivery of 14 induction sessions and conducted 8 briefings with regards to employees personal safety whilst making food deliveries.
- c) Support, training, guidance and reassurance visits in setting up and operating the various Lateral Flow Test Sites across the City. As the City rolled out its local testing sites the health and safety team working closely with colleagues in public health provided both site support and involvement in delivery of training in ensuring whether at City Council sites or third party sites the service took place safe and without foreseeable risk. To date the team have supported with 7 individual site setups and thereafter, at each site, fortnightly assurance inspections.
- d) Working in collaboration with Public Health colleagues providing support, training and guidance in setting up both the fixed and mobile Covid vaccination sites across the City.
- e) Support to 51 local authority and 59 non-local authority educational establishments with regards to producing Covid risk assessment for their establishments. This was done via holding three specific workshops for the headteachers and business managers initially, and reviewing their documentation once completed. Ongoing support, and further workshops, has been provided as legal and best practice guidance has changed and remains a significant and important part of the health and safety team's work. This support has been well received by headteachers and business managers, and the health and safety team have established themselves as a valuable resource for schools to consult with and seek advice from.
- f) Monitoring and carrying out appropriate investigation of each reports of employees who has tested positive for Covid is a legal requirement under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013. Infection attributable to workplace transmission then becomes reportable under the regulations. A total of 348 reports have been received in the health and safety team across the City Council and reviewed by them. Six of these have to date have been attributed as workplace transmission and reported to the Health and Safety Executive. A further 433 cases have been reported in school settings of which 19 were reported the Health and Safety Executive. As a result

of the notifications we have been contacted by the Health and Safety Executive who have advised that they intend to take no further action against the Council as a result of these workplace transmissions.

It is worth noting that the workplace transmissions occurred due to lapses by individuals in following the Covid secure requirements documented in service and setting risk assessments, such as not socially distancing during break times, sharing of vehicles with individuals outside of their own household, and sharing of food and drinks. As a follow up to each of these events a briefing note was prepared by the health and safety team and circulated to all manager/supervisors and employees reminding them of the importance in following the Covid secure requirements.

- g) Homeworking assessments – At the start of the pandemic the Health and Safety Executive made a statement that employees working from home was a temporary arrangement and needed no additional consideration than that given to employees occasionally working from home. As the pandemic has remained with us they have updated their view of this requiring employers to consider homeworking arrangements for employees accordingly. In response to this the health and safety team working with Human Resources, ICT and Agresso Business team have developed an online form for all employees carrying out any element of homeworking. The intention of this process is that the Council as the employer can show it has considered employees homeworking arrangements and where appropriate taken action to ensure that homeworking arrangements are compliant with health and safety requirements.

Completion of the homeworking assessment automatically processes requests for additional equipment to be used at home, including IT peripherals (Screens, mouse, keyboards), provision of a DSE compliant chair, and if necessary access to suitable office accommodation, as well as any specialist equipment required in compliance with 'reasonable adjustments' resulting from employees personal circumstances or special needs.

To date 2873 assessments have been sent out to employees to complete. A total of 1775 have been completed by employees (61%). The health and safety team continue to prompt and chase up both managers and employees to complete the relevant parts of the assessments. In order to ensure as large a take up as possible we are actively looking at alternative ways to contact and remind employees and managers of the requirement for them to complete the assessments, including making the completion of the homeworking assessments as a pre-requisite for the testing of portable electrical appliances which is shortly due to be embarked on.

- 3.10 Building Compliance Issues : Whilst a number of the Council's building initially were, and some still do, remain unoccupied our legal compliance responsibilities continue, whether occupied or not.

On re-opening or resumption of services these compliance duties need to receive adequate and necessary scrutiny to ensure that not only are we compliant with our duties, but that employees and service users accessing the buildings can do so safely.

At the height of the pandemic additional planning and agreement took place with colleagues in Corporate Landlord to ensure that our approach was not only compliant but also pragmatic. Initially we had a number of buildings which remained operational, but service providers for compliance issues had downscaled their response as a result of lockdown. The process for ensuring our buildings remained safe and able to open when required necessitated the team in Corporate Landlord agreeing with service providers what we needed from them and securing that commitment. This was an issue presented not only across the corporate estate but across educational establishments likewise. It was important that site responsible persons for all buildings received timely accurate information for their buildings to ensure that for those that were open they operated safely, and those that planned to re-open to deliver essential services to our residents could do so without unnecessary delay, and fully compliant.

The key areas included those relating to fire safety, asbestos, and legionella. It is good to note that these issues have received appropriate specialist input to ensure that we have not re-occupied any building that we were not satisfied were safe and that buildings which remained open did so in a compliant manner. The table below shows a summary of the position as of March 2021 with regards to compliance related issues :

Fire Risk Management	%	Comments
Assets with a valid fire risk assessment (FRA)	99	excludes leased assets / leased areas in multi occupancy assets (responsibility of lessee) and voids (separate risk assessments)
Asbestos Management		
Assets with valid Management Survey	97	CWC requirement for Corporate, Community assets and maintained schools. Additionally for leased assets during voids between occupancy
Legionella Management		
Assets with valid Legionella risk assessment	94	

Whilst it is pleasing to see that in these 3 main areas of compliance there are current assessments and condition surveys it should be noted that remedial work to

address the required works in the areas of fire risk management and legionella management are currently behind schedule. A solution to rectify this is currently being discussed and agreed with the Head of Projects and Works. Regarding the requirement to re-inspect asbestos containing materials on an ongoing basis, this is currently being addressed by extending the remit in the current asbestos surveying and sampling contract to include re-inspections.

3.11 *Act* : A formal strategic review of health and safety performance is essential. It allows the organisation to establish whether the essential health and safety principles – strong and active leadership, worker involvement, and assessment and review – have been embedded in the organisation. It tells us whether our systems are effective in managing risk and protecting people.

1. Performance on health and safety and wellbeing is increasingly being recorded in organisations' annual reports to investors and stakeholders. Good health and safety performance should be celebrated at a central and local level.

As mentioned previously in this report health and safety features on the monthly meetings between the Chief Operating Officer and Cabinet member holding responsibility for that portfolio. These meetings include operational updates and any specific matters requiring attention.

In addition the Chief Operating Officer reports on the quarterly Strategic Health Safety and Wellbeing Board meetings to SEB.

It is noted that previously there has not been an agreed formal reporting mechanism to Councillors on health and safety matters. It is therefore proposed that following this report an annual health and safety report be provided to Cabinet on an ongoing basis going forward.

4.0 Conclusion

- 4.1 The last 2½ years have seen significant changes in the personnel, structure and reporting arrangements of the health and safety team, together with the national and local pressures of the Coronavirus pandemic.
- 4.2 Overall the team have responded proportionally and pragmatically to the health and safety requirements of the City Council and our City's residents. It has been a challenge to provide this but the professional approach of the team and the One Council of the Council as a whole in responding to the challenges across a broad range of business as usual and Covid related demands has not only raised the profile of the importance of effective health and safety management across the services delivered by the City Council, but developed stronger working relationships between the team and services.
- 4.3 The demands on the health and safety team have been acknowledged by the senior management team in the organisation in supporting the provision of additional resources to ensure that the health and safety team will be in an excellent position to respond to both current and future demand.

- 4.4 It would be pertinent to highlight that whilst the overall assessment of the provision of a health and safety service is in a good place, there is more that can and needs to be done with regards to embedding a constructive health and safety culture in all areas of the organisation and ensuring that health and safety risk is managed in the same business as usual way as other business and operational risks.
- 4.5 For any local authority there are potentially serious risks for inadequate consideration of health and safety issues. The punitive measures include not only enforcement powers of inspectors but can include both personal and corporate liability proceedings. The key is sensible and pragmatic risk management namely:
- Ensuring that employees and the public are properly protected
 - Providing overall benefit to society by balancing benefits and risks, with a focus on reducing real risks – both those which arise more often and those with serious consequences
 - Enabling innovation and learning not stifling them
 - Ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action
 - Enabling individuals to understand that as well as the right to protection, they also have to exercise responsibility

Sensible risk management **is not** about:

- Creating a totally risk free society
 - Generating paperwork mountains
 - Scaring people by exaggerating or publicising trivial risks
 - Stopping important recreational and learning activities for individuals where the risks are managed
- 4.6 The Council is in a positive place in respect of the way in which it is meeting its Health and Safety duties and will continue to ensure that it takes these risks seriously and delivers on these duties.