

**REPORT OF THE STRATEGIC DIRECTOR – ORGANISATIONAL DEVELOPMENT**

**HEALTH AND SAFETY EXECUTIVE AUDIT AND INSPECTION FINDINGS**

**1. Purpose of Report**

- 1.1 To inform the Committee of the outcome of an audit on the Council's Health and Safety management by the Health and Safety Executive (HSE).

**2. Recommendation**

- 2.1 To note the HSE recommendations and the actions being taken with regards to the findings.

**3. Statement of Reasons**

- 3.1 The Strategic Plan 2008/12 sets out the nine top priorities for the Council, of which the final one is "Delivering through Improvement". Within this priority, a key area is to "manage our risks through applying strong controls at all levels of our organisation". This includes how we manage Health and Safety within the Council.
- 3.2 Lichfield District Council's Health and Safety team manages a shared service and has provided health and safety support to Tamworth Borough Council (since February 2006) and Stafford Borough Council (since November 2008) through a shared service agreement. The joint working arrangement provides an opportunity for:
- Improved resilience in having a team of 3 people supporting the 3 Councils, rather than a single person in each. This ensures continuity of health and safety cover for all 3 authorities during periods of employee absence through holidays/sickness
  - Joint policy and procedure work, sharing best practice, networking and knowledge between similar organisations
  - Improving the specialist health and safety knowledge that Lichfield District Council can tap into
  - Sharing places on externally delivered training courses thus increasing numbers and reducing the per head cost to all authorities
  - Bringing in additional funding for Lichfield District Council to support the management costs
  - Increasing the amount of income generated by providing additional training courses which would be charged separately
- 3.3 In October 2009 we were informed by the Health and Safety Executive that they intended to conduct an enforcement audit (as part of their national policy) of key subjects across all local authorities in Staffordshire over the following 2 year period. As part of this programme the HSE visited this Council during November 2009 to inspect the waste, refuse and recycling service and again on the 8<sup>th</sup> and 9<sup>th</sup> March 2011 for the other subject areas. Our partners in the Shared Service arrangement have similarly been audited.

- 3.4 During March 2011 the HSE inspector interviewed Directors, service managers, employees and union representatives with regard to the following service / subject areas:
- Competence of Safety Advisors
  - Safety Management System in the Council
  - Parks and Gardens
    - Use of chemicals / pesticides biocides
    - Arboriculture / use of chains saws
    - Hand Arm Vibration
  - Maintenance of gas fired systems and use of Low Pressure Gas (LPG)
  - Leisure centres /swimming pool safety
  - Management of asbestos and legionella within buildings
  - Contractor control and vetting
  - Violence, aggression and lone working
  - Role/duties as landlord (inc premises jointly managed like community centres)
  - Event Management
- 3.5 Following the audit and inspection, the HSE inspector wrote to us to confirm the findings, the letter is set out on **Appendix A**. It is pleasing to note the introductory comment by *the inspector that she was “encouraged by the attention that Health and Safety issues receive at the Council. The shared service with Stafford and Tamworth Councils appears to directly benefit all three Councils”*.
- 3.6 There were 7 areas identified where recommendations were received and an Action Plan has been developed setting out the recommendations and the work we intend to carry out to address them. This is attached at **Appendix B** for the Committee to consider.

<b>4. Any Alternative Options</b>
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4.1 None

<b>5. Consultation</b>
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5.1 The Action Plan has been agreed with managers and employee representatives and working groups for relevant subject areas have been set up.

<b>6. Financial Implications</b>
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6.1 Most recommendations relate to development and documenting of procedures. Financial pressures from recommendations relating to maintenance will be covered by existing premises budgets.

<b>7. Strategic Plan Implications</b>
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7.1 The Action Plan supports the delivery of the top priority identified at 3.1 above.

<b>8. Risk Management Issues</b>
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8.1 The comprehensive nature of this Audit demonstrates that in the main the Council is managing the risks associated with Health and Safety issues well. Specific risks associated with this report are set out below:

Risk	Likelihood/ Impact	Risk Category	Countermeasure	Responsibility
Actions within health and safety action plan not completed.	Low/medium	Tolerable	<ul style="list-style-type: none"> <li>▪ The action plan is intended to ensure the issues are resolved.</li> <li>▪ This risk is monitored by the Strategic Director as the Lead Officer for the Council.</li> </ul>	Health and Safety Manager, Directors and Managers

Field Operations Directorate

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HM Principal Inspector

Mr C Brookes

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Date 5 April 2011

Reference 1013670

For the attention of Rita Booth

Dear Madam

#### **HEALTH & SAFETY AT WORK ETC. ACT 1974**

I write to confirm matters raised at my visits of 8<sup>th</sup> and 9<sup>th</sup> March 2011. I would like to thank all those employees I met for their time and I was encouraged by the attention that Health and Safety issues receive at the Council. The shared service with Stafford and Tamworth Councils appears to directly benefit all three Councils.

Various health and safety matters were discussed at the visits. Advice on these matters is contained in the enclosed Appendix. Those issues marked 'priority' should receive your prompt attention. You should aim to deal with other matters within three months. Would you please write to confirm what actions have been taken in respect to my report before **1<sup>st</sup> September 2011**.

Section 28(8) of the 1974 Act is concerned with the provision of information to employees about matters relating to their health, safety and welfare at work. To comply with my duties under this Section, I have copied this letter to Vic Perrin.

If you believe these actions are not justified, you should make representations to my line manager, Mr C Brookes within the next two weeks. If you require any further advice on these matters please contact me.

Yours faithfully

**Mrs C Killen**  
**HM Inspector of Health & Safety**

cc Steve Langston, Health and Safety Manager

## Health and Safety Action Plan following HSE Audit and Inspection on 8<sup>th</sup> and 9<sup>th</sup> March 2011

Ref	Recommendation (Quoted from HSE letter)	Management Response	To be implemented by:
<b>PRIORITY ITEMS REQUIRING IMMEDIATE ATTENTION</b>			
1	<p><b>Hand Arm Vibration (HAV's)</b></p> <p>You should ensure that the Council has:</p> <p>a. Written risk assessments that: identify employees at risk from HAV; make a valid estimate of their exposure and consider the available options for controlling risk.</p> <p>b. Where exposure is likely to exceed the Action Level (i.e.100 points) you should ensure that exposure is reduced to a level that is as low as reasonably practicable.</p>	<p>Vibration is actively managed within the services. The inspector found that whilst we follow good practice we should improve the documented evidence to prove what we do.</p> <p>Since the visit the HSE have received a specific action plan from the Council detailing how we intend to ensure that the measures are implemented. The action plan was accepted as an exceptional piece of work with demonstration of the full commitment of the Council</p> <p>The inspector intends to visit again in September 2011 to check on the progress made with the action plan.</p>	Receiving immediate attention
2	<p><b>Gas Safety Checks</b></p> <p>You should ensure that gas safety checks are made on all gas appliances at a minimum of every twelve months, and that records are kept of such checks.</p>	<p>Gas safety checks and maintenance contracts are in place for all gas installations.</p> <p>The central co-ordination of the contract is to be investigated.</p>	Receiving immediate attention
<b>OTHER ITEMS REQUIRING ATTENTION (NON PRIORITY)</b>			
3	<p><b>Monitoring Audit &amp; Review</b></p> <p>Monitoring procedures should be documented to ensure that all key areas are covered and that the checks are carried out as planned.</p> <p>It is also important that you review your audit procedures to ensure that the key health and safety issues are part of an ongoing audit system. Any lessons learnt from the monitoring and audits should be included in reviews of procedures and risk assessments.</p>	<p>Reactive and spot check audits are already conducted on a frequent basis, however a formal audit plan is under development.</p>	August 2011

Ref	Recommendation (Quoted from HSE letter)	Management Response	To be implemented by:
4	<p><b>Life Guards at Pools</b> – level of life guards required during swimming lessons run by Staffordshire County Council</p> <p>As the pool is under your control you do retain a residual responsibility. Pool supervision should be agreed in the hire agreement with any third parties and checks should be made to ensure that this agreement is met.</p>	<p>Pool hire agreements are being reviewed and supervision levels will be specified.</p> <p>Following the inspection the inspector has confirmed that lifeguard levels run by Staffs County are also considered appropriate but the requirement to update the hire agreement still stands</p>	August 2011
5	<p><b>Thermostatic mixing valves</b></p> <p>You should ensure that your plumbing provider is following a documented maintenance schedule which takes into account local conditions (eg hard water) and the risk of valve failure.</p>	<p><u>Action Completed</u></p> <p>Following further investigation with the contractor this already forms part of the water maintenance contract.</p>	<u>Action Completed</u>
6	<p><b>Selection of Contractors</b></p> <p>You should ensure that the contractors you use have asbestos awareness training where appropriate. Although the HSE do not recommend any specific courses there are generally two levels of training available</p>	<p>This relates to contractors being able to recognise potential asbestos that may not have been identified through asbestos surveys (example by HSE was given as hidden areas that could not have been sampled (i.e. behind fixed shelving)</p> <p>Tenders and contractor appraisals will consider levels of training in relation to asbestos.</p>	August 2011
7	<p><b>Management of Health and Safety</b></p> <p>You may like to consider producing a Premise Manager's check sheet to ensure that they are carrying out the required checks on such things as gas safety checks, contractors visiting when expected and water temperatures from thermostatic mixing valves.</p>	<p>Premise managers have already been provided with training regards their roles and responsibilities.</p> <p>Further training schedules for premise managers will be developed.</p>	August 2011