

Finance and Resources Committee

10:00am, Thursday, 5 March 2020

Health and Safety Performance in 2019

Item number	
Executive/routine	
Wards	All
Council Commitments	

1. Recommendations

- 1.1 Committee is recommended to review and note health and safety progress and performance in 2019.

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Health and Safety Performance in 2019

2. Executive Summary

- 2.1 The focus during 2019 was to continue to deliver the Council Health and Safety Strategy and Plan for 2018-2020, which was approved by the Finance and Resources Committee in March 2018.
- 2.2 Good progress has been made during 2019 to improve the Council's health and safety performance across all six key priority areas set out in the Strategy, building on progress made in previous years.
- 2.3 2019 again saw a focus on supporting people at all levels to ensure they are suitably trained and informed.
- 2.4 When compared with 2018, in 2019 the Council achieved a further 13% reduction in the number of RIDDOR¹ reportable employee injuries, which represent the most serious incidents. This builds upon the significant reduction achieved over the last few years.
- 2.5 However, whilst it is encouraging that the incident statistics show an improving trend, the findings from health and safety audits, health and safety and fire safety reviews, incident investigations, whistleblowing investigations, and feedback from our Trades Union colleagues continue to highlight a number of several potential areas for improvement, which are addressed locally with specialist support where necessary from the Corporate Health and Safety team.

3. Background

- 3.1 The Council has duties under the Health and Safety at Work etc. Act 1974, and subordinate legislation, to ensure as far as is reasonably practicable the health, safety and welfare of its employees and others who could be affected by its undertaking.
- 3.2 The purpose of this report is to update on progress and performance in relation to health and safety in 2019.

¹ Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

4. Main report

- 4.1 The Council Health and Safety Strategy and Plan, which set out the Council's health and safety aims for 2018-2020, was approved by the Finance and Resources Committee in March 2018. This supports the delivery of the Council's Business Plan by ensuring that our people and third parties, including members of the public, contractors, service users and pupils, are safe.
- 4.2 In 2019, the Council made good progress across all six key priority areas set out in the Council Health and Safety Strategy and Plan 2018-2020, as set out in more detail below.
- 4.3 **Risk Management and Legal Compliance**
- 4.3.1 The Council Health and Safety Policy was approved by the Corporate Policy and Strategy Committee in May 2018 and reviewed again in 2019 and considered to remain fit for purpose.
- 4.3.2 A new sub-policy for Water Safety (incl. *Legionella*) was approved by the Corporate Policy and Strategy Committee in May 2018. This Policy was reviewed in May 2019 and was considered to remain fit for purpose. The sub-policies for Asbestos and Fire Safety are presently under review and are intended to be brought to Committee for review later this year.
- 4.3.3 During 2019, the Edinburgh Health and Social Care Partnership has continued to develop its Health and Safety governance and assurance framework. The Partnership established a Health and Safety Group, with membership from across Council and NHS Lothian including Trade Union representation and with terms of reference. This group is responsible for promoting:
- visible commitment to the wider health and safety agenda; and
 - leading the implementation of Council and NHS Lothian and joint policies where appropriate.
- 4.3.4 This group reports regularly to the Health and Social Care Partnership Executive Team on positive health and safety outcomes, as well as escalating any relevant health and safety concerns, provides performance statistics in terms of incidents / accidents / RIDDOR and identifying any risks and issues.
- 4.3.5 The Partnership also has a clear assurance and reporting framework, which focusses on the 12 key areas across the year.
- 4.3.4 In 2019, there were 168 unplanned fire safety visits / inspections by the Fire Safety Team. The enforcement authority, the Scottish Fire and Rescue Service, conducted 33 fire safety audits. There were 9 planned surveys in relation to Facilities Management and Fire Safety governance over buildings. There were 11 reported fire incidents involving our operational properties that required follow-up and investigation by the Council Fire Safety Team.

4.4 Leadership and Accountability

- 4.4.1 The Council's Health and Safety Senior Manager left the Council in November 2019. In addition, the Council's Health and Safety team has had a number of vacancies which have occurred during 2019 which have proved difficult to fill. This made for a challenging resourcing position in 2019.
- 4.4.2 An interim Health and Safety Senior Manager has been appointed with effect from 27 January 2020 pending permanent recruitment to the post. Recruitment to the posts in the team will also follow in due course.
- 4.4.3 The Council's Health and Safety Conference took place on 17 May 2019 and focussed on the theme of health and safety culture, including health and wellbeing. The Conference was well attended and the feedback from attendees at the event was very positive.

4.5 Competence

- 4.5.1 A training needs analysis for health and safety is being further developed for each service area. The analysis considers the training needs of individual roles and key safety functions carried out by staff. Once completed, the proposed training analysis will be shared with the Trades Unions for their feedback. This will also assist Service Areas in tracking the training needs for staff.
- 4.5.2 A comprehensive Corporate Health and Safety Training Programme was delivered during 2019. The number of courses delivered increased from 244 in 2018 to 391 in 2019 due to increased demand as a result of the training needs analysis. This is a 60% increase. The number of course participants also continued to rise from 1958 in 2018 to 3271 in 2019 (67% increase). As the training needs analysis develops across all services, this will continue to identify and prioritise future training needs.
- 4.5.3 Throughout the year, there was an increased focus on tailoring the face to face training courses to meet local needs for staff. This includes courses delivered in locality venues to improve their accessibility.
- 4.5.4 The uptake in e-learning modules also continues to improve. In 2018 the number of modules completed was 1980. The number of modules completed in 2019 rose to 4309 (an 118% increase), improving awareness about key health and safety risks. The e-learning modules are continuously reviewed to ensure that they remain relevant and aligned with Council Policies and updated as required.

4.6 Engagement and Collaboration

- 4.6.1 Regular meetings between Corporate Health and Safety and health and safety representatives from UNISON, Unite and EIS were held, recognising the important role of accredited safety representatives. The meetings helped

to ensure that any operational health and safety matters of concern were addressed more quickly and effectively.

4.7 Measurement

4.7.1 Quarterly fire safety performance dashboards continue to be produced, with support from Property and Facilities Management, to provide oversight on fire safety performance. The dashboards contain leading and lagging metrics including information on fire safety incidents, fire alarm activations, and findings from internal and external fire safety inspections. These are in addition to the suite of quarterly health and safety dashboards produced for the Council and Directorates, which provide oversight on health and safety incident statistics, enforcement action, audits, and training.

4.8 Governance and Assurance

4.8.1 Improvements were made to the health and safety audit process. Pre- and post-audit meetings are now held for all audits, with clear terms of reference. Auditee guidelines are also available, which set out expectations of the audit process and the roles of the auditor and auditee.

4.8.2 Health and safety audit actions have been tracked on Pentana Performance (a software system) since July 2018. This will provide greater visibility on open/overdue audit actions and will facilitate reporting. Guidance and training on the use of Pentana has been provided to key stakeholders.

4.8.3 Forty-eight health and safety audits were carried out in 2019 as part of a rolling Corporate Health and Safety Audit programme. These included audits of services, corporate buildings and contractor audits. Changes in personnel within the in Corporate Health and Safety team has impacted on the delivery of planned Q4 2019 audits. There were 15 proposed audits for Q4 2019, 3 audits were carried out in Q4, 6 audits were carried forward to Q1 2020 and 6 audits will be carried forward to Q2/Q3 in 2020.

4.9 Health and Safety Performance in 2019

4.9.1 The Council achieved a further 13% decrease in the number of RIDDOR reportable injuries to employees in 2019 compared with the final figure for 2018. These represent the more serious injuries that we are required to report to the Health and Safety Executive (HSE). This reduction builds on the decreases achieved in 2018, 2017 and 2016 where the Council saw an overall reduction of 53% decrease in the number of reportable injuries to employees.

4.9.2 Whilst there has been a decrease in the overall number of RIDDOR reportable injuries to employees in 2019, the number of 'major/specified' injuries (such as fractures) has remained the same as in 2018.

4.9.3 Overall, there were 1951 employee injuries; 747 excluding assaults. The employee injury rate for 12 months is 10.5 per 100 and 4.0 excluding assaults. This indicates a slight increase in employee injuries and compares

with 9.4 per 100 employees (12% increase) and 4.0 excluding assaults (no change) in 2018, respectively.

- 4.9.4 Violence and aggression/assaults continues to be the top cause of employee injury within the Council and accounted for 56% of all injuries to employees. The majority (77%) of these injuries were in schools, and mostly in relation to learners with additional support needs. In 2019, there was a slight increase of 0.7% in injuries due to violence and aggression in special schools, whilst in primary schools there was an increase of 22%. Procedures are in place in each school for recording and reporting of physical harm, and key information is now displayed in staffrooms, including the flowchart for reporting a violent incident. Arrangements are also in place at school and authority level for regular monitoring and concerns are followed up. Special schools with a relatively high number of incidents have been provided with additional support from specialist staff within the Council, with a focus on de-escalation techniques. Environmental adaptations are underway in a further three schools to reduce the number of incidents resulting from challenges created by the learning environment. The implementation of new procedures linked to Risk Management and Reduction and Relationships, Learning and Behaviour will also support strategies to decrease the incidence of physical incidents in schools.
- 4.9.5 Schools and Lifelong Learning have a “Behaviours of Concern Group” which is chaired by the Schools and Lifelong learning Quality Improvement and Curriculum Manager. Membership of this group includes union representation; the group meets monthly.
- 4.9.6 The service is currently finalising a strategy for the new SHE (Council incident reporting portal) this will assist in terms of management information/appropriate system use. The 2019/20 Self-Assurance questionnaire includes a section on Additional Support for Learning which directs staff to policy/procedures and essential learning to support.
- 4.9.7 A video signposting colleagues to the support available was shared with colleagues in August to be used in schools at in-service days (establishment wide).
- 4.9.8 Employee related near-miss reporting saw an impressive increase up to 584, compared with 378 in 2018. This is attributed to making it easier for staff to report near misses, and the launch of new reporting guidelines and near-miss campaigns. Near-miss reporting is essential to help ensure that pre-emptive action can be taken to improve health and safety.
- 4.9.9 Analysis of the claims experience over the last five years is encouraging and suggests that there may be a downward trend in the number of claims being submitted. Notably, the employers’ liability claims experience takes some time to mature as claims may be submitted up to three years after the occurrence of injury. The Council bears the claim excess and in addition the cost of investigating and dealing with claims and backfilling posts when

employees are absent due to injuries and ill health and this can be significant.

4.9.10 Three HSE Notices of Contravention were issued during 2019:

- Asbestos matters in relation to the inspection of a primary school;
- Roads - for lifting slabs and lack of suitable respiratory protection during slab cutting; and
- Princes Street Gardens - lack of risk assessment in gardens following rock fall incident in 2018.

4.9.11 It is encouraging that the incident statistics and employers' liability claims experience shows an improving picture. However, the findings from health and safety audits, health and safety and fire safety reviews, incident investigations, whistleblowing investigations, and feedback from our Trades Unions continue to highlight several areas for improvement, which are addressed locally with specialist support where necessary from Corporate Health and Safety.

4.9.12 The Council has legal obligations to ensure the health and safety of its staff and others, and the consequences of not doing so not only impact negatively on individuals and their families and society but can have significant cost implications for the Council. For example, the average penalty for health and safety offences in 2019 was £150,000 per case, excluding legal costs. Other costs include compensation and associated legal costs, absence costs, plus the associated reputational damage.

5. Next Steps

- 5.1 Delivery of the 2018-2020 Strategy and Plan will be the key area of focus in 2020, in addition to providing specialist health and safety support for any unplanned circumstances and investigations.

6. Financial impact

- 6.1 There is no direct financial impact arising from this report, although any failure to manage health and safety appropriately can have a potentially significant impact.

7. Stakeholder/Community Impact

- 7.1 There is ongoing consultation and engagement with Trades Unions and stakeholders.

- 7.2 The potential impact of failure to manage health and safety and welfare includes: death, injury, ill health, in addition to legal liabilities, regulatory censure, financial losses, business disruption and reputational damage.
- 7.3 There are no adverse equality impacts arising from this report.
- 7.4 There are no adverse sustainability impacts arising from this report.

8. Background reading/external references

- 8.1 [Council Health and Safety Strategy and Plan 2018-2020.](#)

9. Appendices

None.