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| Council/ Committee: | Safety Committee | Agenda Item No.: | * |
| Date: | 2 March 2012 | Category | * |
| Subject: | General Health and Safety Report | Status | Open |
| Report by: | Head of Human Resources and Payroll | | |
| Other Officers involved: | Head of Housing Street Services Manager Emergency and Responsive Manager HR Officer Assistant Facilities Manager | | |
| Director | Joint Chief Executive Officer | | |
| Relevant Portfolio Holder | Councillor E. Watts Leader | | |

RELEVANT CORPORATE AIMS

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation, by ensuring we comply with legislation and best practice.

TARGETS

The subject matter does not relate to any targets specified in the Corporate Plan.

VALUE FOR MONEY

Helping ensure that the Council discharges its legal responsibilities and does not incur legal costs, fines or civil penalties.

THE REPORT

Health & Safety Service Review

A detailed business case for a shared health and safety manager with Bassetlaw and Mansfield District Councils, and the appointment of an operational health and safety officer for Bolsover was approved by Council on 9 January 2012. This was the first phase of a wider review to look at a full shared service including Bassetlaw, Mansfield, Ashfield and ourselves (as well as other Councils who may be interested). This second phase to be completed by March 2013.

The shared health and safety manager will commence work for the Council from 1 February 2012.

The Council amended the recommendation for the operational health and safety officer post from a permanent appointment, to a 12 month fixed term appointment.

The post was advertised immediately, and we have received 13 applications, 3 of which meet the criteria for the post, and are to be invited to interview. None of these, however, have previous local government experience.

Interviews are scheduled to take place on 21 February 2012. An update will be provided at the meeting.

Animal Control

It was raised at the last Safety Committee to amend the message provided to tenants through the Omfax system as follows:

' Failure to comply **will** ~~may~~ result in further action'

Legal advice has been sought on the above change. This being that it would be inappropriate to use the word 'will' instead of 'may' as this would leave the Council no discretion and could lead (for example) to the Council prosecuting an old lady who had lost control of her dog.

With regard to the question raised as to when the customer is advised of the following message:

As a condition of your Tenancy Agreement you must keep all animals under control and provide a safe working environment for Council Employees at all times.

Failure to comply with the above may result in further action being taken against you.

I have been advised by the Head of Customer Service and Performance, that this is read out by Contact Centre employees only in relation to when a housing repair is being booked and is relayed to all customers.

Clearly this provision is also part of the Tenancy Agreement provided by the Housing Department.

Workplace Inspection

For the period of October to December 2011 the following workplace inspections were due to be carried out:

The following have been completed and no major issues which could not be easily resolved were recorded:

- Riverside Depot
- Contact Centres
- Pleasley Vale Mills
- Grouped Dwellings

The following have not been completed in accordance with the schedule:

- Leisure Facilities– Head of Leisure/Facilities Manager to attend Safety Committee to provide an explanation as to why this has not been carried out.
- Shirebrook Market Office – Due to be completed during February 2012. If any issues arise the Building and Contracts Manager will be invited to Safety Committee to discuss.

Training

First aid refresher, 3 courses for 3 employees

Emergency first aid, 5 courses, 5 employees

Lone Worker (Personal Safety) training, 1 course, 5 employees

Improvement Notice Action Plan (Vibration)

Work activity continues to be surveyed for all operatives as before – No further incidents of exposure over the legal maximum (5ms²/400 points) have been recorded.

The Street Services Manager reports that no further progress has been made on the electronic monitoring equipment, mainly due to the current workload not allowing time to pursue development with suppliers.

It should also be noted that due to work on the Strategic Alliance and the absence of a health and safety officer at Bolsover the depot based safety group has not met to progress the health and safety improvement plan for several months.

Discussions have taken place with the Director of Neighbourhoods and this group will begin to meet again once an operational health and safety officer has been appointed. Regular updates on progress against the improvement plan will be provided from 2012/13 onwards.

HSE Inspection of Waste Services

Following the HSE visit to Bolsover in September 2011, as part of a National Campaign on the Waste Industry, the HSE made a return visit on Tuesday 17 January 2012 to primarily meet with ourselves and H W Martins, our recycling contractor; and undertake an inspection of both their collection and depot arrangements. The HSE advised during their visit that they were happy with the arrangements Bolsover had in place both pre contract and post contract monitoring.

Following their visit they did raise a number of issues they required HW Martin to progress, these were;

Collections

- 1. Driver health checks** - Eye examinations should be completed for all drivers as a minimum.
- 2. Agency PPE** - Contact all agencies to confirm they were supplying and covering costs for temporary staff PPE.
- 3. First aid cover** - Advised to have a minimum of x1 member of staff per vehicle trained in first aid.
- 4. Daily checks** - Ensure daily log clearly lists bin lifting equipment checks.

A.R.C

- 1. Housekeeping in the tipping hall** - Ensure dust masks are worn when sweeping and / or floor is damped down.
- 2. Upright collision protection** - Confirm whether or not the uprights in the tipping area are sufficiently protected / structurally sound to withstand a collision. Structural inspection to be completed in the next 2 weeks.
- 3. Tipping hall lighting** - Replace spent bulbs and repair any damaged lighting throughout tipping hall.
- 4. Asbestos** - Have a new assessment completed (2005 insufficient in content and presentation) is present and ensure all contractors / 3rd parties are notified.

The HSE do not intend to revisit Bolsover or to visit North East Derbyshire as part of this current inspection regime, but will be returning to Matins to ensure progress on the above items.

Policy Reviews

The following policies have been reviewed since the last meeting:

Accident Reporting and Investigation Policy and Procedure

The main change being the inclusion of an accident reporting/investigation flow chart (a copy of which is attached to this report).

Apart from the above changes the policy has only had minor changes relating to personnel.

Due to the proposed introduction of an electronic health and safety management system over the next 12 months, this policy will need to be reviewed more fully to reflect the changes this will entail.

Working Time Policy

This policy has undergone a full review due to changes in working practice since the last review, and to ensure any changes to the Working Time Regulations are incorporated. The policy also has been cross referenced to the Drivers Policy introduced in 2011.

The policy has been subject to consultation with managers and the trade unions since December 2011 and any feedback has been included in the attached draft policy.

Electricity at Work Policy

Members of the Committee will recall at the July Safety Committee that amendments to this Policy were proposed by the trade union side and agreed. The wording agreed at the time was:

7.9 Live Working

Under no circumstances will any work be carried out on live equipment or systems by Council employees.

It has become apparent that some confusion has arisen regarding the difference between live working and live testing. Following consideration of this matter, and for absolute clarity it is proposed that the wording be added as follows:

7.9 Live Working

Under no circumstances will any work be carried out on live equipment or systems by Council employees.

For clarification this ban on live working does not include 'live testing' which is covered under the provisions of paragraph 8.

The above updates to policies are provided for formal consultation and approval.

Legionella - Valley View, Shirebrook, Parkfields, Woburn House, Jubilee Court.

The following update has been provided by the Head of Housing in respect of Valley View:

The works at Valley View are now complete. (Completed before Christmas)

Tender prices have been received for the works at Woburn House Blackwell. These are due to be reported to Executive Committee on the 6th February 2012. Asbestos testing will then commence, hopefully in an empty property. This will establish the extent of the work required and if any alterations are required to the existing drawings. Asbestos may be present in different

locations than in Valley View which could result in alterations to the specification.

A Contract will then be requested from Legal Services. When the Contract is received a pre-contract meeting will be arranged and a start date agreed. The works will take between 12 and 16 weeks.

The 'high risks' were Woburn and Valley View - we will look at other schemes as part of next years capital program

Personal Protective Equipment

At the last Safety Committee the following discussion took place regarding the wearing of PPE:

The Chair advised that that there was currently no blanket policy on use of PPE and this was largely the responsibility of individual line managers' to ensure appropriate PPE was used for particular tasks. It was added that use of PPE had been embedded in Street Services and all employees were aware that wearing high visibility clothing was expected at all times. The Chair considered that a blanket rule on the use of PPE for all outside work regardless of the task being undertaken was the most appropriate policy, a view which Members of the Safety Committee fully endorsed.

The Head of Human Resources/Payroll has reviewed the PPE Policy and held discussions with Heads of Service through Extended Management Team.

The PPE Policy (approved by Safety Committee in January 2011) states:-

The Council will provide personal protective equipment when a risk presented by a work activity cannot be adequately controlled by other means. PPE should be regarded as a last resort when controlling risks to employee health. A risk assessment should be carried out to include PPE.

As the discussion at Safety Committee was purely in relation to hi visibility clothing, the following extract from the PPE Policy is provided:

10. HIGH VISIBILITY CLOTHING

All employees working on or adjacent to the highway must as a minimum wear high visibility clothing to BS/EN class B standard for high visibility garments and accessories for use on the highway, and bear the C.E. Mark.

All wet weather clothing issued to employees who work on highways must conform to EN 471 and bear the C.E. Mark.

High visibility clothing must be worn at all times irrespective of weather conditions.

From the Council's policy it is clear that the provision of hi visibility clothing should be based on a risk assessment, rather than a blanket policy. Heads of Service have highlighted the difficulties which would arise from a blanket policy which have been summarised below:

1. Office based employees working outdoors would not wish to be more visible than they already are to the public. An example would be where planning employees have to go out to local sites to deal with planning policy issues which are very controversial at the local level. The Head of Planning has made it quite clear that he would not feel safe wearing a high visibility vest in such circumstances and would not wish to send his staff out to such sites, as this would draw attention to staff, encourage confrontational exchanges and decrease efficiency. This response was not limited to Planning, as similar views were expressed by the Head of Customer Service and Performance and Head of Housing.
2. At Extended Management Team it was pointed out that Internal Audit and CAN Rangers carry out covert surveillance. In these circumstances hi visibility clothing would be unacceptable.
3. If all employees going out on site were required to wear hi visibility clothing, this would significantly increase the cost to the Council. Whilst this is not the primary reason for not having a blanket policy, it needs to be considered in view of the savings the Council needs to make over the next few years.

In view of the above examples, it is considered that the current PPE Policy should not be amended. However, all Heads of Service have been reminded of the need to provide PPE based on a risk assessment of the activities being carried out, and ensure that where this is provided it is worn by employees.

IMPLICATIONS

Financial: No direct financial implications or additional commitments

Legal: None

Human Resources: No direct implications

RECOMMENDATION(S)

1. Various updates within the report are noted.
2. Changes to Accident Reporting/Investigation Policy as outlined are considered.
3. The revised Working Time Policy is considered.
4. Clarification of the Electricity at Work Policy is considered.
5. The Accident Reporting/Investigation Policy, the Working Time Policy and the Electricity at Work Policy be approved by Safety Committee and the policies updated and placed on ERIC.

ATTACHMENT: Yes (2) – Accident Reporting/Investigation Flow Chart and Working Time Policy

Accident Investigation Flowchart



