

APPENDIX 1(A)

The Moray Council

HEALTH & SAFETY ANNUAL REPORT (January to December 2016)

1. Purpose

- 1.1 The purpose of this report is to describe the risk profile of the Council arising from information on incidents reported from January to December 2016 and based on that to analyse how well we are managing these risks and to define improvements in our risk control strategies to eliminate or mitigate them.
- 1.2 It is also designed to provide a fresh impetus to improving our health and safety systems by highlighting learning opportunities both locally and nationally.

2. Summary of Key Themes

The importance of improving the Council's safety culture has been a major thread running through the last three previous reports and remains the key issue. Signs are that actions emanating from the Council's workforce plans and previous health and safety reports are having the desired effect of improving the safety culture are encouraging. The number of accidents has declined and the number of serious injuries has reduced. Work is now needed to sustain the changes to ensure that they take firm root and grow. Progress on some of the agreed actions has been slower than planned due to a number of external factors and the challenges of operating with a very small core team. However, the culture change process was never imagined to be a quick win and the indicators in this annual report are of positive change..

3. Review and Monitoring of Council Performance

3.1 Statistical Review

- 3.1.1 **Appendix A** sets out an analysis of the Health and Safety incidents that were reported during the year January 2016 to December 2016 and compares these to previous years.

3.1.2 The main points to note are:

- i) The total number of accidents reported by schools has shown a marked decline. The number of incidents reported within Environmental services has shown a slight increase. Social care has remained fairly constant.
- ii) The numbers of reports of challenging behaviour has increased within education but remained constant or reduced in other service areas. This is dealt with in a separate report by Education and Social Care.

- iii) The number of serious injuries reported has reduced from last year but incidents with the potential to cause serious injuries are still occurring.

3.2 Review of Incidents/Accidents

3.2.1 The following incident summary is presented as a sample to illustrate the nature and range of risks the council has faced and to inform decisions on improvements for the future.

i. **Vehicle Incidents**

- A large number of reversing incidents have been reported across all departments which operate fleet vehicles. (HGV, Vans, busses and cars.) This increase of reports is likely to be down to a focus by Heads of Service in these areas on reversing. Service led action on procedures, training and holding drivers to account is ongoing.
- Unsecured loads and improper hitching of trailers has caused damage to plant, police attention and damage to street furniture. Closer monitoring of compliance on a regular basis is required.
- A worker exiting the back of a van, catching his trouser leg on the tow bar, the vehicle handbrake slipping and him ending up hanging from the back of the van as it rolled backwards towards parked cars was a fairly simple accident which could have had far more serious repercussions. It highlighted the importance of carrying out daily checks of vehicles.

ii. **Not Following Safe Working Methods**

- A hook lift truck box detaching during loading and nearly hitting a roadworker highlighted the importance of standing clear of lifting operations and having clear procedures for using hook lifts.
- A grounds employee caused serious damage to his hand when he came in contact with the blade of his mower. The concern here was that the employee was not following the safe working method for the task. This has resulted in refresher training being extended to the workforce.
- A grounds employee suffered a broken finger when helping fit a salt box to a small tractor. His hand was caught by the link arm during the hitching operation. As above, the safe working method was not being followed even though a good quality risk assessment was in place. Once again toolbox talks are being used to remind of required practice.

iii. **Lack of good quality risk assessments**

- A number of manual handling injuries in the social care section and within the housing and roads DLOs highlighted a need for better risk assessments and more robust control actions.

iv. Accidents in education

- Whittling activities have caused a number of accidents in our primary schools. These incidents and a number of queries from schools on various free play activities linked to the CFE alert us to the need to provide some clear guidance on such issues.

v. Possible Resourcing Issues

- A lady who had suffered a stroke was locked in a public toilet overnight and only found when the toilets were opened the next day. A transfer of responsibilities for operating such facilities had taken place without strict procedures being agreed.
- A roller shutter doors gear broke off and nearly hit an operator at our vehicle workshops.
- A set of strip lights fell from the ceiling of a school hall just before the lunchtime rush. An external force being applied to the outside of the roof was blamed for the lights coming down, but the method of fixing them and the material they were fixed on to were the main root causes.

These incidents highlight the need to consider the longer terms risks associated with budget and policy decisions and ensure that these risks are recognised and mitigated against where appropriate.

3.2.2 As a result of the above the following remedial actions are now being applied:

Vehicles

- Reversing guide has been agreed and is being rolled out to all drivers of HGV vehicles
- Loads – information is being prepared to brief all drivers carrying loads of the requirement to ensure that the load is adequately secured.
- Vehicle checks – a reminder is being issued to drivers about doing daily vehicle checks

Safe Working Methods

- Heads of service will be asked to cascade through management teams a reminder about safe working methods and to encourage issues to be discussed at team meetings.
- Feedback will be sought from the relevant service Health and Safety Committees

Risk Assessments

- Roads are seeking to secure additional resource to support work on improving risk assessments

Education

- Guidance to be drafted on craft (and related) activities by H&S team in consultation with appropriate schools staff





Safe Working Methods








- Specific tool box talks and refresher training will continue to be offered
- Communications on safety issues will be issued to ensure the issues remain current and in people's minds





3.3 Review of Policy and Development Work

3.3.1 The specific actions agreed in the 2015 Annual Report are set out below along with updates on progress. As noted above it has been particularly difficult to progress these actions in light of operational issues and external demands. However, it is also of note that there is a recurring problem in progressing planned work and that actions from previous plans also remain outstanding. An overview of the planned actions and work completed over the last 2 years is provided below.


3.3.2 Review of 2016 action plan:










2016 ACTIONS	TARGET		PROGRESS
Act Together: Workforce Consultation and Involvement	Oct 16		
1. Re-invigorate Health and Safety Committee			
i) Review of membership and agenda to raise profile			i) A review of the constitution of the H&S committee was completed and a new partnership approach documented. However, implementation has been difficult due to TU resourcing.
ii) Issues reported to enable lessons to be shared			
iii) 6 monthly report to CMT			ii) Incidents are reported to the H&S committee(s), however, not wider than this.
iv) Service H&S groups to be re-invigorated			iii) 6 monthly report to cmt not completed iv) Service H&S groups are now meeting regularly



2. Enhance arrangements and confidence in relation to workforce identifying and reporting safety concerns			Health and safety groups re-invigorated and team meetings established which provides opportunity for discussion of safety issues with workers.
3. Stop & ask or question campaign			No progress
4. Checklist or Golden Rules to inform/empower saying no – mindful safety			Reversing guide agreed and issued
Manage risks well: implementing health and safety system effectively	Dec 16		
5. Awareness raising across services: i) of what is in H&S system already ii) aimed at cultural change (e.g. case studies from staff)		 	No progress
6. Risk Assessment i) Develop RA Audit process – corporate and service level – check & review use on ground (Audits will include consideration of supervision) ii) Prepare template/process for Pre work Risk Assessment where generic RA – check list for employees		 	Risk assessment methodology developed and have progressed RAs reviews for highest risk areas. Template/process has been prepared and provided to relevant services

iii) Building capacity e.g. health and safety working with supervisors on risk assessment audits to develop their skills and understanding			H&S team have worked with supervisors on operational jobs. More work is required to ensure that the above template is routinely and rigouously applied.
Keeping Pace with Change			
7. CDM - clarification of roles and responsibilities within the CDM regulations and establishment of appropriate arrangements			This action does not sit with the H&S team and is being advanced by Property Services and Direct Services External support has been engaged by the service to prepare guidance. This will be removed from the future H&S actions.
8. Driving – development of actions in response to the Glasgow Bin Enquiry			Work done to progress medical fitness to drive and contractual issues. Issue been highlighted in services and reversing guide produced.
Sharing Our Success	Mar 17		
9. Accidents data publicised and updated and lessons learned from experience shared e.g. through connect			Accident information is shared with H&S reps and notes of meetings are placed on notice boards. However,more work is required to improve communication to the wider workforce.
6. Use Moray case studies as part of training			No progress

3.3.3 Review of actions from 2015 plan:

2015 ACTIONS	TARGET		PROGRESS
1. Workshop for supervisors and managers in high risk service	Sept 2015		Workshops held with CMT/SMT and Direct Services senior managers resulting in corporate and service action plans. Workshop for supervisors

			not yet taken place
2. Supervisors and managers held to account for ensuring safe practices used	Ongoing		Senior managers are raising issues with managers and supervisors on a one to one basis in order to learn from incidents and ensure safer practice in future. Directors and Heads of service are taking a personal role in ensuring this.
3. Health and Safety service reports produced 6 monthly	Dec 2015		6 monthly H&S report presented to CMT in Jan 2016, however, this has not continued and was not complete for all services.
4. Health and Safety added as agenda item to team meetings	Dec 2015		
5. Senior manager overview fed back to CMT/SMT by Heads	May 2015 Jan 2016		Being carried out in higher risk areas.
6. Series of communications to enable all staff to see their health and safety responsibilities as necessary obligations	Mar 2016		6: Information was published in Connect and in teamtalk in 2015. However, a comms plan has yet to be prepared to establish regular communication on planned topics.
7. Review employee survey questions to gather safety information for a bottom up approach;	June 2015		7: not achieved in time for 2015 survey. Now included for 2017.
8. Consideration of a safety specific "climate survey" for particular service areas to measure progress over time	Dec 2015		8: draft completed and agreed Feb 2017. Implementation to be taken forward
9. Employees held to account for not following safe practices	Ongoing		9: a number of incidents have been addressed, particularly in relation to driving.
10. Managers and supervisors encouraged to proactively discuss	March 2016		10: safety forums in Direct Services in place and being developed in other areas to support consultation and

safety issues with their employees			involvement
11. Health and Safety team to undertake more topic specific audits	March 2016		11: Audit's carried out of site safety checks, manual handling training & fire precautions in schools.
12. Health and Safety team to have increased presence and direct contact with operational services	May 2015		12: in place

3.4 Service Demands

3.4.1 As can be seen from the above, it has been difficult to secure progress across the actions identified in the 2015 and 2016 plans. In part this is due to a significant and unavoidable operational remit which is outwith the immediate control of the team. Of particular note in the last 12 months were the demands arising from the Scottish Fire and Rescue Service carrying out audits of the fire precautions in 25 of our schools. Schools were chosen based on them falling into a certain risk criteria defined by SFRS. (Pupil numbers, number of floors, sub optimal means of escape and quality of fire protection measures.) The audits have been useful in providing an external regulatory influence to help bring priority to improvement actions, many of which were already known long standing issues. However, the short notice for the exercise (early summer 2016) and the intensity of the activity caused serious problems from a work planning point of view as well as bringing pressure to the financial planning timescales. It is estimated that each inspection visit required an average of 3 days of health and safety time, which over a period of just over 6 months was a significant demand from a resource of 2.8fte.

3.5 Future Action Planning

3.5.1 There is little point in continuing to set new actions and targets for improvement when experience shows that it is not possible to deliver these alongside operational health and safety work. It would be fair to say that there is also feeling from both the H&S service and from service departments that it is not always possible to ensure that operational requirements are well met at present. This results in both the service and its customers feeling under pressure as demand is not being met.

3.5.2 A review was undertaken and reported to cmt on the role and priorities for the corporate Health and Safety team. The main focus of this was to ensure that the resources available are aligned to the areas of work deemed to be priority by the Council. Assuming resources remain static, this is likely to mean ongoing re-prioritisation of work and focus moving periodically between operational support to services and providing a sound framework and advice to meet health and safety requirements and ensure that the Council can address its statutory and corporate responsibilities.

- 3.5.3 The team will continue to pursue the actions that were set out in previous plans as resources permit and will report progress to the Health and Safety committee and to CMT.

5. External Context and National Developments

- 5.1 When set within the context of the current situation facing all public sector organisations, the importance of being able to evidence the existence of an exemplary health & safety system in place to minimise losses has never been more important.
- 5.2 The courts in the rest of the UK are now working to new sentencing guidelines for health & safety offences which have caused a seismic shift in the fines being imposed for breaches of legislation. Repeat offenders are particularly open to harsh attention with respect to outcomes in court.
- 5.3 The HSE strategy mentioned last year has been taken down to a sector level. Of specific relevance to the council is the focus on common public sector issues.
- 5.4 In considering our performance and how we continue to develop our health and safety culture and systems, it is interesting to note that research continues to provide compelling evidence that attempting to evidence safety improvements by reference to accident statistics alone is in itself dangerous. It can create a false sense of security and can also cause people to hide or distort vital information for fear of repercussions. An open and just system of reporting and remediation are vital in gaining insight into the areas in most need of improvement. In this respect, the work the council is engaged in to improve communications and team working at grass roots level in services such as Roads and Environmental Protection will help to pick up and act on anecdotal feedback and insight from the workforce engaged in some of the Council's services with the greatest risks.
- 5.5 New Sentencing Guidelines: A new set of guidelines have been produced to give guidance to the courts on the punishments appropriate for breaches of health & safety legislation. Guidance before 2016 mainly dealt with fatalities, the new guide deals with all cases and takes account of the potential seriousness of the outcome not just the actual outcome. The sizes of fines being meted out have risen significantly. In 2014, all the top 20 fines were below £250k. In 2016 they were all above that with similar or lesser outcomes.
- 5.6 The Health and Safety Executive (HSE) have published a sector plan and specific plans covering three of our main absence types: stress, musculoskeletal disorders and occupational lung disease. These correlate with the issues that are evident as main reasons for absence in the Council's absence monitoring and also link with areas where there have been specific claims and frequent incidents in relation to health and safety. An officer will be attending an HSE event to brief on these issues during March and consideration will be given to the appropriate actions for TMC thereafter and incorporated into service planning.

5.7 Some recent prosecutions of local authorities and others highlight the increase in penalties for health and safety breaches:

- A Council in England was fined £500,000 after a worker caused serious injury to his own leg with a Sthil saw. The saw was provided and designed for cutting concrete but the employee was using it to cut branches from a tree blocking access to his work area. There was no risk assessment, and the saw was of the wrong type for the job.
- Two companies were fined a total of £800,000 after a worker was killed during maintenance of a bin lorry. There was a fault on the bin lorry safety system and a poor system of work employed by the maintenance company.
- A sub-contractor working for Balfour Beatty was killed when the 2.4m trench he was working in collapsed on him. There was no proper assessment of risk and no proper controls in place. The company were fined a total of £2.6 Million plus costs.
- Thanet District Council was fined £250,000 plus costs for not managing the risks to their workers from vibration. Their failures included no training, no health surveillance, no system of reporting symptoms and no assessment or control of exposure from the various equipment used.

6. Conclusions and Proposed Developments

6.1 The review of incidents reported does not show anything of particular note requiring attention. While there has been some reduction in the number of serious issues reported it is too early to identify this as a trend.

6.2 There is also some evidence that action being taken by managers at service level is raising the profile of safety issues, for example the increased reporting around vehicle accidents. While initially this is in accident reporting it would be hoped that over time awareness of safety requirements would increase and a downward trend in accidents would emerge. Therefore, the benefits of managers committing to improvement plans for key risk areas within their departments is recognised and will continue to be encouraged in future.

6.3 As indicated by research, improving safety performance is about more than accident reporting. The Council has established a number of service based safety committees and is engaging in regular team discussion with employees at the front line. These measures have already provided opportunities to highlight and address safety issues and this will continue to be built upon. The development of the partnership approach agreed with the trade union safety representatives will also support this moving forward.

7. ACTION PLAN

7.1 As referred to above, it has been difficult to progress the planned actions from previous reports. As indications are that the actions that are beginning to bed in are moving the council in the right direction and there are no concerning changes in trends, it is intended to continue the implementation of previous actions rather than to set out a new plan.