

Chichester District Council
CORPORATE GOVERNANCE AND AUDIT COMMITTEE

9th July 2019

Corporate Health & Safety and Business Continuity Management

1. Contacts

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2. Recommendation

- 2.1 **That the Committee considers and notes the Council's arrangements in place for monitoring and controlling the risks associated with health and safety and business continuity matters.**

3. Background

- 3.1. This report provides an update on the current position of Business Continuity (BC) management arrangements within the council.
- 3.2. This report also covers a brief overview of the Council's performance in relation to the health, safety and welfare of its staff and anybody else affected by its undertaking.

4. Outcomes to be achieved

- 4.1. To ensure that the Council has a robust business continuity management system that is simple to use in the event of a business interruption, the aim being to ensure that as many services, particularly key services, can continue to operate with as little disruption as possible.
- 4.2. To ensure that the Council is assessing its performance for Health and Safety adequately and concentrating its H&S resources in the correct areas to make improvements.

5. Progress Report for Business Continuity (BC) Management

- 5.1 First 3-day and over 3-day BC plans and critical staff list are currently stored on the Council's X drive and also on Resilience Direct (Government website for emergency planning - hosted off site).
- 5.3 Cloud storage is currently being considered by the IT service. This would be used to store key documents (that currently have to be stored on the desktop of key personnel's laptops or in paper form offsite).
- 5.4 CDC's ability to reinstate IT functions after a major loss has always been the biggest concern. It could take at least 3 months to reinstate some of the Council's critical IT software following a major incident involving the loss of

servers, e.g. fire, theft, cyber-attack, etc. There is however a good level of mitigation in place to protect against such activities.

CDC has a project underway for the development of off-site server replication. This is due for completion in early to mid-2020. This will be located at the Council's depot and will allow continuity of the Council's key IT systems in the event of losing functionality of the servers at East Pallant House. Having the ability to switch over to back-up servers will put CDC in a much stronger position to recover quickly after a significant incident.

- 5.5 A business continuity exercise took place in December 2019. This was a scenario that involved all of SLT and several members of CMT. The exercise went very well and identified a number of actions for further improvements; these have been completed.

6. Health and Safety Management

6.1 Total accidents for each year

Year	No of incidents
2016 – 2017	101
2017 – 2018	92
2018 - 2019	106

Service areas are required to record and submit, to the Corporate H&S team, all (including those that are minor) accidents, incidents and near misses. These are all included in the accident statistics in this report. It is important for all accidents, incidents and near misses to be recorded and reported to the Corporate H&S team to enable trends to be identified. This can prevent significant accidents or incidents occurring in the future.

6.2 Total number of RIDDOR incidents for each year

Year	Total RIDDOR	>7 days absent	Public to hospital	Major	Dangerous Occurrence
2016 – 2017	3	3	0	0	0
2017 - 2018	2	2	0	0	0
2018 - 2019	3	2	0	1	0

RIDDOR (Reporting of Injuries Diseases and Dangerous Occurrences Regulations) are certain categories of accidents that are reportable to the enforcing Authority - HSE (Health and Safety Executive). These include:

- deaths at work
- major injuries (broken bones etc.)
- over 7-day injuries (injuries that result in the person being unable to return to work within a 7-day period); and
- members of the public being taken from the scene to hospital due to an accident that was potentially caused by poor safety management or a physical defect with a building or equipment.

There were 3 RIDDOR reportable accidents in the 2018-19 period. The manual nature of the work at the depot means that there will inevitably be injuries such as pulled muscles, twisted ankles, etc. that prevent the injured party from being able to return to work within 7 days. A refuse operative slipped out of the cab of a freighter and landed awkwardly on grass and suffered a sprained ankle. The other over 7-day incident involved a grounds operative suffering back pain after moving bags of green waste between vehicles.

The 'major' RIDDOR incident involved a streets operative who was controlling traffic with a stop/go board, whilst standing on a pavement, and was hit by the wing mirror of a lorry passing through the work area. The operative became unconscious for a short period of time, making the incident reportable and in the major category.

6.3 Accidents by Type

Accident Type	2016 - 2017	2017 - 2018	2018- 2019
Burn/Scald	-	-	2
Exposed to, or in contact with, a harmful substance	3	0	1
Fell from a height	2	0	4
Hit by a moving, flying or falling object	6	10	14
Hit by a moving vehicle	0	0	4
Hit something fixed or stationary	14	9	14
Injured by an animal	16	6	1
Injured while handling, lifting or carrying	14	14	13
Near Miss	18	23	17
Not in connection with work activity	4	3	3
Other kind of accident	3	3	1
Pre-existing medical condition	2	0	-
Slipped, tripped or fell on the same level	17	20	13
Contact with electrical discharge	1	0	0
Contact with sharps*	0	0	3
Contact with moving machinery or material being machined	1	4	3
Physically assaulted by a person	-	-	1
Stung by an insect	-	-	11
Verbal abuse and threats	-	-	1

The number of 'Near miss' incidents reduced slightly in the 2018-19 period despite the continuing efforts of the Corp. H&S team to encourage service areas to report near misses. Near misses allow us to check for trends and to identify areas for audit and inspection or minor intervention to prevent future accidents/incidents. Directors and Divisional Managers have been asked to continue to encourage their teams to report near misses. 11 of the near miss reports related to the street cleaning crews undertaking work on the highway – see section 6.9 below.

The number of accident/incidents in the category of 'Injured by an animal' decreased significantly in 2018/19 but this was due to the addition of a new category, 'Stung by an insect' to capture the wasp stings/insect bites that have previously been allocated to 'injured by an animal'.

The category 'Verbal abuse and threats' was added towards the end of the 2018/19 period as it was decided that, other than accounting for Caution Alert Register (CAR) reports there was no way of recording incidents involving staff subjected to verbal abuse and threats. CAR incident reports only capture the more serious incidents. We are currently in the process of splitting the CAR incident report form into 2 parts. Part 1 is for recording all verbal abuse and threat incidents and then part 2 if deemed serious enough to recommend it for adding to the CAR.

Slips, trips and falls remain the biggest cause of workplace accidents nationally (according to HSE statistics), accounting for 31% of all accidents reported to the HSE. It is to be expected that CCS will suffer a high number of slips, trips and falls due to the nature of their work, i.e. distance walked by operatives, the terrain, etc. However, we are pleased to note that this type of accident has decreased fairly significantly in the 2018/19 period. Due to an increase in slips/trips/falls seen in the previous 3 years, the corporate H&S team have focussed heavily on this during Safetywatch (see section 6.6 below).

The category 'Hit something fixed or stationary' has increased seeing a return to the same level as in 2017/18. 8 out of the 14 were mainly attributable to the depot and none were particularly serious. These were typically accidents where refuse loaders had walked into stationary objects, e.g. lamp posts, bushes, contact with bins, etc. during refuse collection and resulted in a fairly minor injury.

Hit by moving, flying or falling object has increased. All, except 1, of these were attributable to the depot and mainly in the 'vehicle, roadside or round' category. However, there were no common cause or trend that is a cause for concern.

3 of the category 'Hit by a moving vehicle' were linked to the same incident – a refuse freighter was hit head-on by another vehicle that was driving on the wrong side of the road. The operatives in the vehicle were all wearing seatbelts but suffered from neck, arm and shoulder pain. The other incident in this category has been described in section 1.2 above as it was reported to the Health and Safety Executive under RIDDOR.

6.4 Accidents by location

	2016 - 2017	2017 - 2018	2018 - 2019
Location	Total number of incidents	Total number of incidents	Total number of incidents
Café (Novium)	-	-	1
Car Park	5	3	5
Depot, Yard or Tip	6	14	10
External Building Feature	0	2	-
Foreshores	3	1	1
Internal Building Feature	0	1	1
Kitchen or Welfare Area	0	2	4
Office	10	2	2
Other	1	3	3
Parks & Open Spaces	7	5	2
Reception / Public Area	10	5	8
Third Party Premises	5	3	2
Vehicle, Roadside or Round	53	48	65
Workshop	1	3	2

Total	101	92	106
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Total incidents within the 'Depot, Yard or Tip' category have decreased slightly in 2018/19 following a large increase in 2017/18. There were no major causes of concern in relation to the 10 incidents recorded.

Incidents within the 'Vehicle, Roadside or Round' category have increased significantly following their reduction in the 2017/18 period. 13 of these were near misses of which 11 related to members of the public driving dangerously through traffic management areas where our street cleaning staff were working, e.g. litter picking on a main road. All appropriate traffic management had been put in place by our teams and all teams were appropriately trained. Where the crews have been able to record the registration number of vehicles, the lead officer has continued to report dangerous driving to Sussex Police. Our traffic management team and operatives will soon be wearing body-worn cameras so wherever possible we should be able to pass CCTV footage of dangerous driving to Police.

6.5 Training Courses delivered in the 2018 – 2019 period

Course Title	Attendees
Accident Management	11
Asbestos Awareness	17
Display Screen Equipment Assessors	11
Fire Extinguisher Training	21
First Aid 2-day Refresher	3
H&S Induction – Face to face	6
Manual Handling Awareness	15
Risk Assessment	5
Risk Assessment Workshop	11
Legionella Awareness Briefing	20
Fire Risk Assessment – Responsible Persons Briefing	11
Fire Risk Assessment – Site Designated Officer	12
Emergency First Aid at Work	1
Construction and General Site Safety	15
Conflict Management and Physical Intervention	48
NEBOSH Award in H&S (for Managers)	18
Dealing with Difficult Situations	24
Corporate Inspection Training	26
Risk Assessing Hostel Clients	11
Total Attendees	286

We provide a comprehensive range of health and safety training courses for CDC staff and maintain a good system for recalling staff for refresher training at the appropriate timescales.

6.6 Health and Safety Compliance Monitoring – 'Safetywatch'

The overall purpose of the Safetywatch scheme is not only to monitor that the workforce at CCS is working in compliance with the procedures/work instructions/risk assessments but to promote engagement with the workforce on health and safety matters. In addition to Safetywatch, formal 'crew monitoring' is undertaken by the supervisors in the waste team. 2018/19 was the second full year since introducing Safetywatch and we have continued to find it extremely successful in engaging with

the workforce; working with them to recognise good practice and improve safety. We have continued to conduct 1 Safetywatch visit per crew; grounds maintenance, street cleaning and minor-works maintenance crews each had 3 Safetywatch visits in the year. We issue green coloured cards to the crews for the good practices seen, yellow cards for practices that need improvement and red cards for any serious poor practices seen. We issued a green card to crews in most cases and several yellow cards; no red cards were issued.

6.7 Leisure Centre Contract Audits

The Corporate H&S team undertake H&S audits of each of the 3 leisure centre sites operated by Everyone Active. The main areas of focus are fire safety and legionella management. The audits have not highlighted any significant issues in the 2018/19 period.

6.8 Increase in incidents whilst working on the highway

We have continued to see a high number of near misses from the street cleaning team when they are carrying out traffic management activities. These aren't related to deficiencies in the layout of signage or the work site itself. Often they have been incidents where members of the public ignore the traffic signal, e.g. a 'stop' sign or they are driving too fast towards the work site, having ignored the signage, and have to do an emergency stop once they approach our operatives. This is an industry wide problem.

We continually work with CCS management to review the systems of work and we are confident that they comply with Chapter 8 (guidance/approved code of practice for working on the highway). Very recently there was an accident involving an operative who was operating a stop/go board being hit by a lorry. Fortunately he wasn't seriously injured (although the operative is still undergoing counselling as a result) but he was unconscious for a few minutes immediately after the incident which meant it was reportable under RIDDOR. Working on the highway is a high risk activity so we will continue to review the working methods and challenge the managers on whether they can eliminate the need to do the work or put road closures in place, as appropriate.

6.9 Fire Safety Management

Following Grenfell, a significant amount of work has been undertaken within CDC. The fire risk assessments were reviewed in light of new information coming from the Grenfell investigation that questioned the suitability of certain building materials. Whilst CDC doesn't particularly have any high fire-risk properties due to their height or design, the assessments identified a large number of works that needed to be undertaken to further improve the fire safety standards – typically this involved replacing doors with new 30 minute fire resistant doors, upgrading fire protection measures between properties and upgrading fire detection and alarm systems in some properties. Some actions are still ongoing and there continues to be a quarterly meeting with key officers of the Council to monitor progress. The carrying out of Fire risk assessments has been brought back into the control of the Corporate H&S team and site staff have received training on the responsibilities they have in relation to the assessment and day to day fire safety management.

7. Resource and legal implications

- 7.1 There could be legal implications of not having a robust business continuity management system. If the Council is not adequately prepared for a business interruption then some of its statutory functions may not be capable of being performed.
- 7.2 There are legal implications of not complying with Health and Safety legislation, i.e. imprisonment of individuals, fines for the organisation and/or individuals.

8. Community impact and corporate risks

- 8.1 There is a corporate risk of not having a robust business continuity management system as there would be financial, reputational and legal implications of not being capable of continuing to provide a service to the public.
- 8.2 There is corporate risk of not complying with H&S legislation due to a risk of legal action against the Council. This is a financial risk to the Council through potential prosecution, fines, increase in civil claims, increased insurance premiums, risk of personal and/or corporate liability and reputational damage.
- 8.3 The HSE has recently increased the rate it charges for its inspector's time under the Fee For Intervention scheme. The scheme started in 2012 and its aim was to recover costs incurred in dealing with businesses which fail to comply with their legal obligations, as defined in health & Safety law. When the scheme was introduced the rate was £124 per hour, per investigating officer – the new rate for 2019/20 will be £154 per hour which is justified by the HSE as necessary to cover its revised operating costs of £17 million.

Just as a reminder an inspector needs to find a “material breach” to allow the clock to start running. The violation has to be serious enough for the inspector to deem it necessary to write to the duty holder to inform them that they must take action to address the breach. The average fee charged is approximately £750-800 per intervention.

9. Other Implications

	Yes	No
Crime & Disorder:		✓
Climate Change and Biodiversity:		✓
Human Rights and Equality Impact:		✓
Safeguarding and Early Help:		✓
General Data Protection Regulations (GDPR):		✓
Health and Wellbeing		✓

10. Appendices

None

11. Background Papers

None