

Corporate Health and Safety Annual Report 2021/22

For Cabinet on 22/09/2022

Summary

Lead Member: Councillor Luke Everett - Portfolio Holder for Sustainability

Lead Director: Paul Taylor – Director of Change and Communities

Head of Service: Gary Stevenson – Head of Housing, Health and Environment

Report Author: Mike Catling – Corporate Health and Safety Advisor

Classification: Non-exempt

Wards Affected: All

Approval Timetable	Date
Management Board	24/08/22
Portfolio Holder	11/08/22
Finance and Governance	21/9/22
Cabinet	22/9/22

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Cabinet note the contents of the report, along with the work undertaken to secure a safe and healthy working environment.
2. That Cabinet approve corporate priorities for 2022-2023.

1. Introduction and Background

1.1 Tunbridge Wells Borough Council is committed to maintaining a healthy and safe place of work for all its employees, as well as taking all reasonable steps to ensure that the public and contractors who may be affected by its work are exposed to the lowest practicable level of risk.

Reviewing performance is an important part of health and safety management as it enables an organisation to learn from all relevant experience and apply the lessons. It is based on a systematic review of performance based on data from monitoring and audits of the whole health and safety management system.

Best practice suggests all organisations produce and publish an Annual Health and Safety Report. As such, this report summarises key aspects of health and safety that occurred across Tunbridge Wells Borough Council. The report deals with the period from the beginning of April 2021 to the end of March 2022. The report also provides supporting statistical information at the end of this report.

1.2 TWBC Health and Safety Aims

TWBC's aims are based upon the Health and Safety Executives health and safety management system HSG 65 - Managing for Health and Safety, Part 3 – Delivering effective arrangements. Where it states that to secure a positive health and safety culture to get staff involved and committed, organisations need to manage; Control, Cooperation, Communication, Competent workforce/advice, along with adequate Compliance.

TWBC's Health and Safety Policy sets out both general and specific relevant roles and responsibilities with regard to health and safety.

To ensure all aspects of HSG(65) are implemented, the system of PLAN / DO / CHECK / ACT process is used:

The “plan” stage includes: • Policy • Planning

The “do” stage includes: • Risk profiling • Organising • Implementing your plan

The “check” stage includes: • Measuring performance • Investigating accidents, incidents and near misses

The “act” stage includes: • Learning lessons • Reviewing performance

1.3 Summary of Performance

The following 2021-22 corporate health and safety priorities were agreed by the Health and Safety Committee (chaired by Paul Taylor, Director of Communities and Change);

- Support in the reopening of TWBC sites and services after the Covid Lockdown. Carrying out the Governments stepped Roadmap.
- Support in the creation of 'new normal' procedures for TWBC operations, as Covid-19 is managed more in the community, producing effective
- Covid 19 measures to reduce risk to staff, contractors and public.
- Review health and safety processes that would normally take place over a usual year, but may have been missed, or not able to be carried out to the usual standard, or frequency due to the Covid pandemic.
- Review the way health and safety is managed in TWBC corporate contracts and support in ensuring suitable systems are in place to reduce
- Review risks to persons and the authority.
- Monitor the implementation of any actions from the report to Management Board from the Urbaser fatality Task and Finish Group.

	Completed Actions(s)
Regular standing actions	Annual update and review of the data stored on the Cautionary Contacts Database.
	H+S training provision based on departmental need.
	Provision of adequate personal safety capability, including for Lone working.
	Quarterly report produced for the HS Committee including: <ul style="list-style-type: none"> • Recent incidents within TWBC, comparing data and highlighting potential trends. • Recent relevant court cases and any learning points for TWBC. • Progress on actions noted on the corporate priorities. • Communications from enforcement bodies. • Risk assessment database non-compliance. • Any serious outstanding risks.
	First Aiders and Facilities provision. Ensuring that each site and department has adequate first aiders and first aid supplies.
	Annual Corporate H+S Report to Cabinet noting performance on set priorities, incident statistics as well as recommending priorities for following year.
Policy	Annual review of relevant H+S Policies noting priorities.
	Managing Contractors policy reviewed. Working with Maidstone Borough Council for the shared Procurement service between the councils.
	CEO Statement and Organisational Responsibilities Policy reviewed and implemented.
	Violence Against Staff policy reviewed and implemented.
Monitor, Inspect and Audit.	Monitor Events App and work with the Safety Advisory Group to reduce risks to the authority from events being held on Council land.
	Inspection plan carried out for all main operational sites where there may be a risk to the authority. Reports produced and issues raised with Site Managers.
	Annual H+S Audits of main corporate contracts. Waste, Leisure Centres and Grounds Maintenance.

	Monitor and support the continued implementation and updating of Site Safety Folders to prove adequate legal compliance for all TWBC operational sites.
	Monitor the Risk Assessment Database to support Site and Departmental Managers with having the required risk assessments in place for their departments.
Project Actions	Changes to TWBC Constitution regarding Corporate H+S required internal H+S Policies to be adapted to reflect the role of Councillors.
	Reopening of sites after Covid Lockdown. Carrying out Government stepped Roadmap.
	Creation of 'New Normal' procedures during Covid-19, regarding required measures to reduce risk to staff and public.
	Proactive health: <ul style="list-style-type: none"> Working from home and new ways of working. Monitoring instances of staff requiring extra support, in regards to Workstation Assessments, tracking trends, offering guidance and providing training. Supporting the Wellbeing Group in staff communications. Support TWBC Health Team with Kent Healthy Business award standards.
	Implement actions from the Urbaser fatality Task and Finish Group report to Management Board.
	Review of the way corporate contracts are managed within TWBC and support in ensuring suitable systems are in place to reduce risks to persons and the authority.

1.4 Additional actions include, supporting the opening of the Amelia Scott site to the required safety standards. This required ensuring adequate compliance procedures were in place, cooperation between all parties working on site to provide a safe environment for staff, contractors, and the public. It is anticipated that with the opening of the Amelia and the associated increased public visits, there will be an increase in incident numbers.

1.5 The work of the Corporate Health and Safety Advisor during 2020-21 has focused on four main areas of TWBC staff work practice over the Covid-19 pandemic:

- Working from home,
- Working from the office,
- Working in the community,
- Working from third-party buildings.

First, reducing the risk to the organisation through support, training and advising management. Secondly, with the investigation of incidents, identifying trends, causes and implementing changes to reduce future cases.

1.6 Incidents trends and comparisons

With the Coronavirus measures still in place and having an impact on all operations within the Council over this last year, these figures would normally have been expected to have been considerably higher during normal operations. There is an

expectation that these figures will return further towards pre-Covid figures in 2022-23.

One of the most common type of recorded incident is year was again Conflict / Threats of Violence/Actual Violence. This was an increase on the previous year, but still a reduced number of cases compared to pre-Covid. This could be due to a reduction in staff working in the community compared to how they would normally operate.

Slips, Trips and Falls incidents, continue to show high numbers of incidents, but data is better than pre-Covid levels, potentially due to public and staff having restricted access to TWBC sites for parts of 2021-22.

1.7 Accidents requiring RIDDOR notification

One third party incident required reporting to the Health and Safety Executive (HSE) under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) over this time.

A member of the public trapped their finger in a door at the Assembly Hall Theatre. Although not classed as work related, a RIDDOR report was made as the injured party was taken directly to hospital from site for treatment. No follow up communication has been had with the HSE regarding this incident, at the time of writing this report.

TWBC contract managers are aware that any accidents reported by contractors on TWBC property should be reported to the Health and Safety Advisor to record centrally.

1.8 Enforcement Action

A complaint made to the Health and Safety Executive (HSE) by an employee of the TWBC grounds maintenance contractor was investigated last year. The HSE investigation resulted in an Improvement Notice for the contractor. This has been complied with and there are no further actions required.

Due to the fatality within the TWBC waste contract in 2020, a key priority has been ensuring adequate management of contractors by TWBC, all health and safety monitoring has been strengthened in this area.

1.9 Accident and Incident data

Incident data is monitored with trends fed back to the Health and Safety Committee quarterly by the Health and Safety Advisor, issues can then be actioned and/or escalated prior to increasing in severity or frequency.

All reports are investigated to identify causative themes and to ensure that corrective action is taken when necessary.

The accident and incident data analysis reviews the incident and accident data for 2021-22 and compares trends with previous years.

There were 66 recorded incidents during this time compared to 33 the previous year. N.B- Excluding members of the public slipping on the ice at the Ice Rink.

Incidents by Year							
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	% Increase decrease on last year
Total (not including slips on the ice at the Ice Rink)	109	104	113	108	33	66	100% increase

Figure 1: Break down of incident data (not including slips on the ice at the Ice Rink) by type over the last six years.

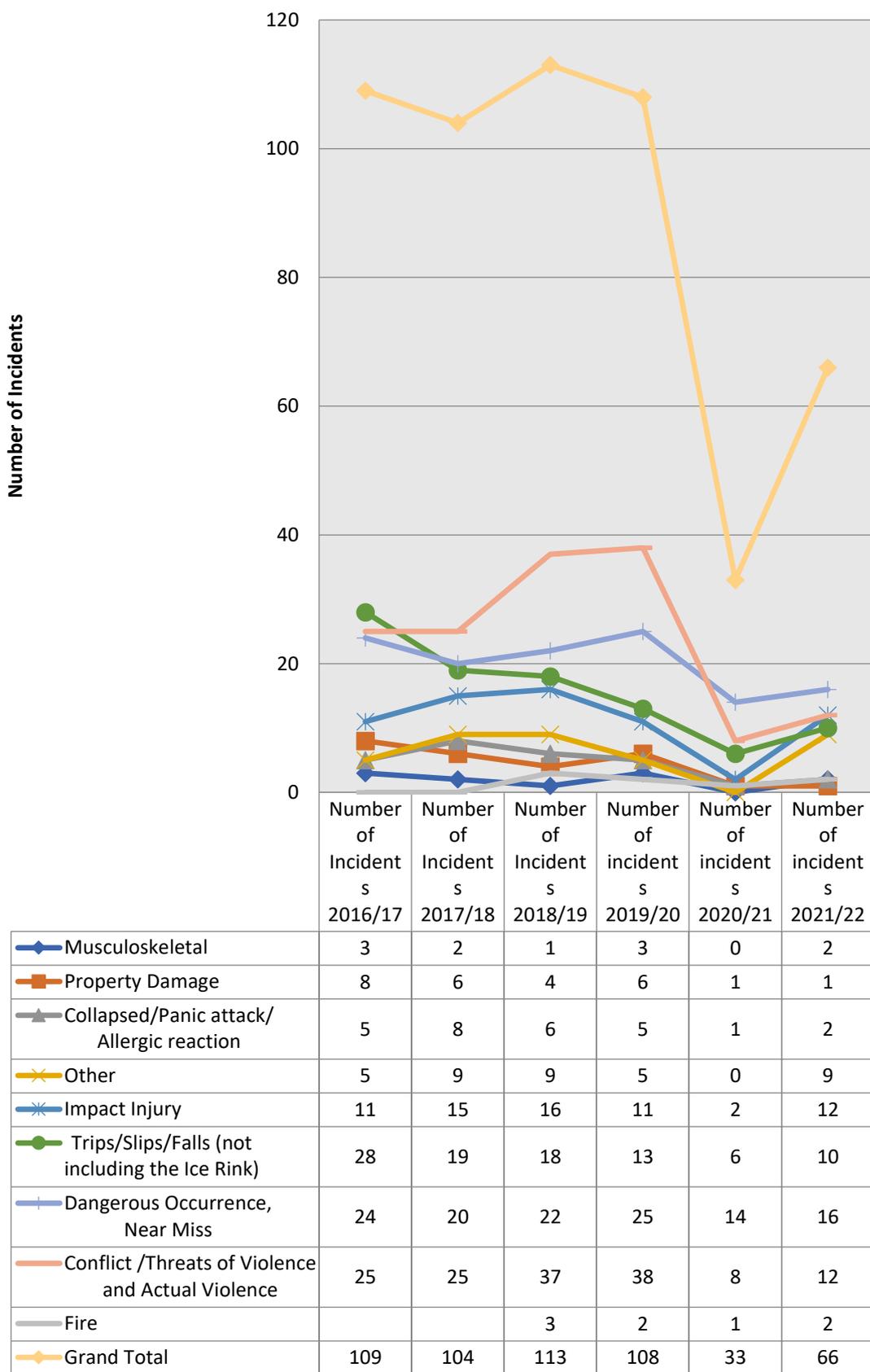
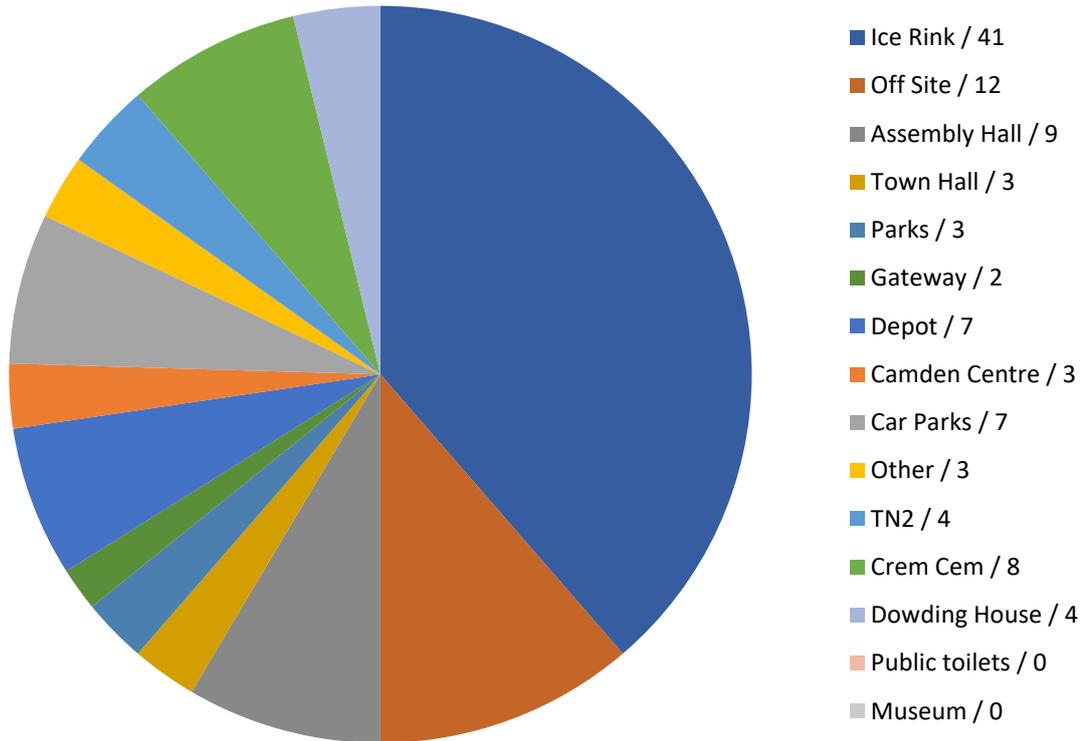


Figure 2: Break down of the number of incidents per site 2021/22



	Incidents by year						
Site	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	% Increase / decrease on last year
Car Parks	8	5	5	11	4	7	75% (increase)
Assembly Hall	19	26	20	17	2	9	350% (increase)
Gateway	7	5	7	7	0	2	200% (increase)
Town Hall	9	8	16	11	3	3	0%
Other TWBC sites	0	4	3	6	6	3	50% (decrease)
Ice Rink	65	99	55	69	16	41	156% (increase)
Depot	7	4	6	6	0	7	700% (increase)
Parks	10	5	9	5	3	3	0%
TN2	2	2	2	5	0	4	400% (increase)
Camden Centre	5	3	5	5	1	3	200% (increase)
Public Toilets	1	0	0	2	0	0	0%
Cemetery / Crematorium	4	9	2	2	4	8	100% (increase)
Museum	4	1	1	0	0	0	0%
Off site	27	25	31	30	7	12	71% (increase)
Dowding House	-	-	2	1	3	4	33% (increase)
Total	168	196	162	177	49	106	116% (increase)

Figure 3: Ice Rink incident data

The Ice Rink site was only operational for just over a week in 2020 so limited data is available when comparing to previous years.

	2015	2016	2017	2018	2019	2020	2021
Numbers of paying customers	34,199	39,214	39,827	38,070	46,400	6,139	49,872
Slips injuries on the ice	57	59	92	51	69	16	40

2. Purpose of the Report and Executive Summary

2.1 The work completed and the plans for the next period provide effective management of health and safety to minimise risk of injury, financial loss or legal liability under the Health and Safety at Work Act 1974.

2.2 **Priorities for 2022-23**

The following 2022-23 corporate health and safety priorities were agreed by the Health and Safety Committee (chaired by Paul Taylor, Director of Communities and Change). These will be implemented together with the processes usually in place to ensure a safety working environment.

- Ensuring adequate measures and documentation is in place for vehicle and pedestrian segregation in TWBC sites.
- Ensuring adequate measures and documentation is in place for fire safety and emergency evacuation in TWBC operational sites.
- Advice and support for staff operations during the changes to the Town Hall, including support for home workers with new flexible ways of working.
- Support with corporate contracts within TWBC, ensuring suitable systems are in place to reduce risks to persons and the authority. Including supporting the implementation of actions from the internal audit, regarding managing H+S within corporate contracts.
- Support with consistency of compliance across operational sites and operations within the authority.

3. Options Considered

- 3.1 Note the information contained in the report and approve priorities for 2022-23.
- 3.2 Note information and not approve priorities for 2022-23

4. Preferred Option and Reason

- 4.1 The recommended option is that the Corporate Health and Safety Annual Report for 2021/22 and the work undertaken to secure a safe and healthy working environment is noted with any proposed health and safety actions approved.
- 4.2 This should ensure that TWBC continue to comply with the Health and Safety at Work Act 1974 and ensure that there is effective monitoring and review of health and safety management throughout the Council.

5. Consultation on Options

- 5.1 The content of this report has been discussed with the TWBC Health and Safety Committee with prospective priorities set for 2022-23.

Recommendation from Cabinet Advisory Board

The [committee name] Cabinet Advisory Board were consulted on [date of meeting] and agreed the following:

Insert text from Cabinet Advisory Board minute, or request text from Democratic Services Officer.

6. Implementation

- 6.1 To ensure that all levels within the authority are made aware of the findings within the report it will be communicated through internal staff communications. Including being available on the TWBC Intranet and noted in 'On the Write Lines' along with the Member's newsletter.
- 6.2 Priorities will be added to the Corporate Health and Safety Work Plan, with progress monitored quarterly by the TWBC Health and Safety Committee.

7. Appendices and Background Documents

None

8. Cross Cutting Issues

A. Legal (including the Human Rights Act)

The Health and Safety at Work etc Act 1974 imposes upon the Council statutory duties to ensure the health, safety and welfare of its employees and others. Failure to comply with the statutory duties and to adequately manage health and safety could lead to prosecution, under the Act, of the Council, Officers and /or individual employees.

Annual reports to Cabinet that include an appraisal of the last 12 months' achievements and setting out the plans for the next 12 months assist in demonstrating compliance with the statutory duties and minimising the risk of prosecution.

Gary Rowland (Senior Legal Adviser – Corporate Governance)

B. Finance and Other Resources

Improvements in safety will reduce the likelihood of fines and insurance claims.

Mike Catling, (Corporate Health and Safety Advisor)

C. Staffing

No direct implications.

Mike Catling, (Corporate Health and Safety Advisor)

D. Risk Management

Corporate health and safety risks should feature on the Risk Register. As there are risks to sites and service provision if safety is not managed effectively within the authority.

Failure to adequately manage health and safety could have a financial impact and also affect the Council's reputation. Making the Council liable to compensation payments with this resulting in the potential for future increases in insurance premiums.

Mike Catling, (Corporate Health and Safety Advisor)

E. Environment and Sustainability

No direct implications.

Mike Catling, (Corporate Health and Safety Advisor)

F. Community Safety

No direct implications.

Mike Catling, (Corporate Health and Safety Advisor)

G. Equalities

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.

Mike Catling, (Corporate Health and Safety Advisor)

H. Data Protection

No direct implications.

Mike Catling, (Corporate Health and Safety Advisor)

I. Health and Safety

The work completed and the set priorities provide for the effective management of health and safety. Minimising the risk of injury, financial loss or criminal legal liability under the Health and Safety at Work Act 1974.

Mike Catling, (Corporate Health and Safety Advisor)

J. Health and Wellbeing

The priorities contained within the report should contribute to increased wellbeing of staff as well as a positive impact on the health of those affected by Council activities. As a large number of TWBC staff also live in the borough it should have a positive impact on the area as a whole.

Mike Catling, (Corporate Health and Safety Advisor)