

## **CORPORATE HEALTH AND SAFETY COMMITTEE – 21ST NOVEMBER 2011**

**SUBJECT: HEALTH AND SAFETY EXECUTIVE INVOLVEMENT**

**REPORT BY: DEPUTY CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

- 1.1 The following report is provided as a formal update on Health and Safety Executive (HSE) Involvement with the Authority.

### **2. SUMMARY**

- 2.1 The Health and Safety Executive have been particularly active in terms of their involvement with the Council this year. With two proactive inspections and ongoing intervention with regards to asbestos management improvements. This year will also see a change to future involvement of the HSE in the Public Services Sector. The following report provides a brief update of each issue and the future for HSE involvement.

### **3. REPORT**

#### **3.1.1 Fochriw Primary (Asbestos Incident) – Two Improvement Notices**

The council has requested and been provided with six month extensions to both notices issued by the HSE following the investigation into the works at Fochriw Primary School. The extensions have been requested in order for extensive improvements to be made in the way the Authority manages asbestos, which could not be achieved in the original timescale detailed in each notice. The establishment of the asbestos team and a surveying tool as well as automated asbestos management plans specific to each property owned by the Council are key areas of development. The implementation of RAMIS is key to the success of the asbestos improvement plans and training of managers to access RAMIS has commenced and will continue until all relevant staff are trained, which is estimated to be completed by the end of February.

#### **3.1.2 Hand Arm Vibration Syndrome (HAVS) Inspection**

On the 3rd February the HSE visited to undertake an inspection of the arrangements in place within the Council for Management of HAVS as part of a national inspection programme. Although improvements to management arrangements were required in the Authority the HSE acknowledged that the council had already commenced with an improvement programme. Since the inspection in February an auditable management system has been implemented and details forwarded to the HSE who re-inspected on 26th September 2011. The HSE are happy with the arrangements currently in place, which will be monitored on a regular basis by the H and S Division.

The review of Hand Arm Vibration Management resulted in improvements in arrangements for health surveillance. Health and Safety and Occupational Health are working with the current health surveillance provider to secure improvements with a view of undertaking surveillance in house in the New Year.

Many authorities in Wales have been subject to enforcement action on Hand Arm Vibration Management, Caerphilly have been able to demonstrate a good standard of compliance

### **3.2 Waste Industry Safety and Health Inspection**

On 19th and 20th of October 2011 waste and recycling services were inspected by the HSE, the inspection was part of a National programme and all Authorities have undergone the same inspection. The Waste Industry is now regarded as the highest risk industry in the UK, taking over from construction, with the highest rate of fatal and major accidents to employees and members of the public. Many Authorities in Wales have not achieved the required standards of safety and have been issued with enforcement action. There has been considerable work undertaken by the Waste Services Team in the Authority, supported by Health and Safety. This joint approach has proved very successful with the Authority having an excellent outcome to the inspection. The HSE have advised neighbouring Authorities to visit Caerphilly to view the arrangements in place. Well done to the Management and staff in Public Services whose efforts in improving health and safety standards over the last few years have resulted in an excellent inspection outcome. A programme of monitoring has been established by Health and Safety to check that the systems in place will be maintained in future.

### **3.3 Prosecution of Newport Council**

Caerphilly Council have been supporting Health and Safety Improvements in Newport City Council since April of this year. One area of support has been during the prosecution of the Council following the fatality of a client three years ago, the client who lived alone tragically died when their hoist at home failed during operation. This tragic outcome could have been avoided and the Council were successfully prosecuted by the Health and Safety Executive under the Health and Safety at Work etc. Act 1974. We have reviewed the judgement and in collaboration with Torfaen Council are reviewing the collaborative service in place to inspect and test lifting equipment in dwellings as well as Council owned premises. Committee are advised that Caerphilly are reviewing the arrangements in place in this Authority and a presentation has been planned with Social Services, Occupational Therapy Teams to discuss the case.

### **3.4 Changes in the Health and Safety Executive**

On 26th September Steve Lewis, HSE Inspector met with the Chief Executive and Deputy Chief Executive during the meeting Mr Lewis advised of changes within the HSE which will affect how they engage with the Public Sector in future. Caerphilly Council have benefited from a positive relationship with the HSE over the past few years which has assisted in developing health and safety standards within the Council. The HSE have advised that the Public Services Division is being disbanded and Councils will no longer have an allocated HSE Inspector. This will mean that inspectors who undertake investigations may not have experience in the public sector. There will be no further planned HSE inspections and the only involvement with the HSE in future will be when an incident/accident occurs. Although a retrograde step for Health and Safety within the Public Sector, this is an inevitable development given budget constraints and loss of staff in the HSE.

#### **4. RECOMMENDATIONS AND CONCLUSIONS**

The change to the way the HSE engage with the Public Sector will significantly impact on those Authorities who are struggling to effectively manage health and safety, the support of the HSE on high risk areas has historically been crucial to push improvements forward. In future the HSE are likely to charge councils for any intervention where a breach of statutory duty is identified, this may prove very costly for some councils. For Caerphilly it will be important to maintain the standards achieved in health and safety and continue with the improvement agenda, we also acknowledge a moral responsibility in assisting neighbouring councils in improving their health and safety standards. This support will continue and in some cases may become more formal, positioning Caerphilly as a strategic lead in Health and Safety Management in the region.

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