

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Governance of Corporate Health & Safety and Fire Safety
Meeting date	26 October 2023
Status	Public Report
Executive summary	<p>This report details progress made on the delivery of Health & Safety and Fire Safety governance arrangements for BCP Council and highlights:</p> <ul style="list-style-type: none">• Implementation of the Governance framework continues to be embedded and is working effectively.• Reporting to the Health and Safety and Fire Safety Board continues on a quarterly basis and has generally good attendance.• Some operational service issues have arisen, including HSE improvement notices, these have been successfully resolved.• The Corporate H&S Team is currently one FTE advisor short of full establishment.
Recommendations	<p>It is RECOMMENDED that:</p> <p>(a) Audit and Governance Committee notes the continued progress in implementing the Health and Safety and Fire Safety governance arrangements and the operational updates.</p> <p>(b) Health & Safety and Fire Safety ongoing governance arrangements updates continue to be reported annually to the Audit and Governance Committee.</p>
Reason for recommendations	<p>An update was requested by the Audit & Governance Committee for twelve months after the October 2022 meeting to provide continued reassurance that Health & Safety and Fire Safety Governance arrangements continue to be implemented to an acceptable standard.</p> <p>The Audit & Governance Committee terms of reference include the following in the 'Other functions' section - To consider arrangements for health and safety and fire safety.</p>

Portfolio Holder(s):	Councillor Mike Cox
Corporate Director(s):	Health & Safety – Ian O'Donnell, Corporate Director for Resources Fire Safety – Jess Gibbons, Chief Operations Officer
Report Authors	Rebecca Lawry (Health and Safety Manager) Phillip Lawrence (Fire Safety Manager)
Wards	All
Classification	For decision

Background

1. The service provided by the Corporate Health & Safety and Fire Safety teams is to ensure competent, specialist and risk-based advice and guidance is afforded to the Council to enable it to carry out its statutory duties. These duties fall under legislative framework of the Health & Safety at Work etc Act 1974 and the Regulatory Reform (Fire Safety) Order 2005 and assist in promoting a positive safety culture throughout the Council.
2. The BCP Council Health, Safety and Welfare Policy (reviewed October 2023) and the Fire Safety Policy (reviewed April 2023) set out the roles and responsibilities that place the Health & Safety and Fire Safety Board at the centre of strategic oversight and performance monitoring.
3. The BCP Council Health and Safety and Fire Safety Governance framework details the governance arrangements, including the Health and Safety and Fire Safety Board, Directorate Health and Safety and Fire Safety meetings and the Safety Supporters Forum.

Ongoing Governance arrangements

4. Health & Safety and Fire safety Board meetings, chaired by the Chief Executive or the Corporate Director of Wellbeing, continue quarterly, with members attending remotely via Microsoft Teams or in person. Attendance at these meetings by Directors (or their representative) since the time of the last report to this Committee has been good.
5. Most Directorates hold quarterly Health & Safety and Fire Safety meetings via Microsoft Teams. These meetings remain critical to the Health and Safety and Fire safety governance. The few areas that do not have a meeting in place have been asked to address the issue.
6. The Safety Supporters Forum, comprising of representatives from Directorates, Corporate Health & Safety, Corporate Fire Safety and Union representatives, commenced in December 2020 and has met quarterly since. The forum provides a means for consultation with all employees as per statutory requirements. Colleagues can share best practices and issues at the workplace and operational level and provide communication tools between employees and the Board. A Microsoft Teams channel facilitates communication between attendees.
7. A Microsoft Teams channel has been established to allow appointed and trained Local Fire Safety co-ordinators a forum to discuss and share best practices across premises and Service Directorates concerning Fire Safety.

Reporting to the Board

8. Quarterly health and safety and fire safety reports are submitted at each Board meeting, providing information on such matters as audit programme planning, policy and governance implementation, formation of council H&S procedures, staff training and communications, Fire Risk Assessments, significant accident and incidents, contact with enforcement bodies and accident and near-miss data for health and safety and fire incidents.
9. A Corporate Health & Safety and Fire Safety Risk Register is established and reviewed at the Board meetings. This risk register contains Directorate high-level risks that need further mitigation measures to reduce the current risk level. These are raised at the Board to agree on necessary risk reduction measures.

Operational updates

Health and Safety

Resource

10. The Corporate Health & Safety (H&S) team continue to sit within the Resources Directorate, under Finance, with Internal Audit, Emergency Planning and Insurance & Risk Management, all reporting to the Head of Audit and Management Assurance.
11. The BCP Council Corporate H&S team comprises of one Manager, four Advisors and one Training and Business Support Officer. Over the last year two Advisor posts have been vacant for periods of time and one is now vacant again. These vacancies have impacted on the speed of delivery of some objectives, particularly the proactive audit programme, and will continue to do so over the remaining part of the year.

Corporate work

12. Staffing resource issues has affected the development of a Corporate H&S inspection (audit) plan, visiting Council owned and operated buildings and other assets to ensure compliance with policies. The inspection program will focus on ensuring that new and updated policies and procedures are being operationally embedded into working practices, particularly in higher risk areas.
13. The maintained schools audit has been rewritten and renamed Safer School Inspection. The document covers all aspects of safety including premises management, art, design and technology. The team will be working closely with Facilities Management to assist in compliance, in particular, for water quality and asbestos management.
14. Implementation of a health surveillance program for workers exposed to identified occupational hazards is ongoing. Working with colleagues in People and Culture, initial work has been undertaken to identify the numbers from each Directorate who may be affected. Work can then proceed with identifying which role profiles necessitate health surveillance and link this to Dynamics F&O. This will ensure a more robust process exists to capture colleagues at pre-employment stage and throughout their career with the council.
15. A training plan has been developed that covers all essential H&S training, requiring delivery from external training providers. The portfolio has recently been expanded to include Water Awareness and Safety for colleagues working within 3 metres of the water's edge.
16. The team have continued to provide the Events team with support in the form of attendance at the monthly Safety Advisory Group (SAG) meetings, review of event documentation and site walkarounds of major events.

Corporate systems

17. Work to establish a single supplier for the lone working device or telephone app. solution for colleagues in higher risk service areas has been completed using a procurement framework. The team are working with key stakeholders to ensure that lone working risk assessments are completed, new users are identified, existing users are transitioned efficiently to the new supplier, redundant devices returned and payments ceased.
18. The Incident and near-miss Reporting System is undergoing further enhancements. These include a back-office function to allow quicker analysis and reporting on all service areas by the team. The addition of an Adverse Event option will cover reports of Violent and Threatening behaviour, Verbal Abuse and medical conditions.
19. Development of the Cautionary Contact System (CCS) by our inhouse IT team remains in progress. Feedback from the initial user acceptance testing (UAT) has been returned for review and incorporation. Legacy systems continue to be used until the new system goes live (anticipated early 2024). These legacy systems are 'safe' but are administratively cumbersome.

Policies and procedures

20. A light review has been made to the Health, Safety and Welfare Policy. A full review is planned so that the Policy is more reflective of the modern council that we are aspiring to be.
21. In line with the Health and Safety Executive's Management Standards the team have been working closely with HR and the Policy and Research teams to produce an organisational stress risk assessment. The assessment covers six key areas of work design that, if poorly managed, are associated with poor health, lower productivity and increased accident and sickness absence rates.
22. Following an Improvement Notices issued by the Health & Safety Executive (HSE) to BCP Council (October 2022) in relation to noise, vibration, health surveillance and manual handling, improvements were made to our associated Procedures and forms. The improvement notices were complied with and have been formally removed by the HSE.

Health and Safety Executive (HSE) interventions

23. As part of the national sector plan, HSE Inspectors visited a maintained school in December 2022 to review their arrangements for the management of asbestos. Material breaches were found and a Fee for Intervention paid. HSE have announced that further visits to schools will continue from October 2023, building upon their findings from previous inspections.
24. An HSE Inspector made an unannounced visit to a construction site at Bournemouth West. An Improvement Notice was issued for failure to adequately control the exposure of employees to substances hazardous to health. The improvement notice has been complied with and has been formally removed by the HSE.
25. The HSE visited Nuffield Household Waste and Recycling Centre (HWRC). The arrangements for the manual handling of white goods, equipment servicing, transport, colleague training, pyrotechnic storage and security were some of the aspects inspected. Minor points raised included the segregation and compatibility of storage for hazardous substances, labelling of non-notified asbestos bags and face fit testing of respiratory protective equipment for those handling it. There will be no further action.

26. An anonymous complaint was made to HSE concerning balls leaving the confines of Queen's Park golf course. After BCP Council providing information, the HSE closed the complaint, satisfied that control measures are being suitably applied.

Fire Safety

Service Delivery

27. The Fire Safety team for BCP Council comprises one full-time Fire Safety Manager, one full-time and one part-time (3 days per week) Fire Safety Advisor, 2.6 FTEs in total. The Corporate Fire Safety team continues delivering the service from within the Facilities Management (FM) service team, falling within the Customer, Arts and Property Directorate.
28. Following an acute reduction in resources previously reported. The Corporate Fire Safety team's complement was restored in November 2022 and has been unaffected. The team commenced a recovery program based upon a prioritised program of work to maximise productivity, focusing on Fire Risk Assessment completion.
29. The summer of 2023 repeated many events throughout BCP, which started in 2022. The Fire Safety team provided support through the established Safety Advisory Group (SAG), event site visits and liaison with partner agencies, including our enforcing authority, Dorset and Wiltshire Fire and Rescue Service (DWFRS). The Fire Safety team fully supported the Bournemouth Air Festival 2023 (BAF) event.
30. The Fire Safety team maintained contact with operational service areas. Resources have been allocated to specific high-risk areas to understand the day-to-day practice better. The knowledge gained continues to result in improved support and advice the corporate team offers. Advice is given to all Directorates and schools on many different aspects, including risk assessments.
31. Support continues to Local Authority maintained schools on localised fire safety arrangements and mitigation plans following their Fire Risk Assessments or subsequent reviews.

Legislative Update

32. On 28 April 2022, the Building Safety Bill received Royal Assent to become the Building Safety Act 2022. The Building Safety Act 2022 is significant legislation. Section 156 of the Act came into force in England on 1 October 2023. It amends the Regulatory Reform (Fire Safety) Order, 2005, by adding to the existing duties of Responsible Persons under the Order. Section 156 also focuses explicitly on fire safety compliance and places essential responsibilities on organisations. These responsibilities apply to all non-domestic premises, such as where people work, visit or stay, workplaces, and the non-domestic parts of multi-occupied residential buildings (e.g. communal corridors, stairways, plant rooms). The requirements do not apply to individual domestic premises. Its primary goal is to ensure the safety of occupants and minimise the risk of fire incidents.
33. Section 156 of the Building Safety Act 2022 has been thoroughly reviewed, BCP Council's Fire Safety support functions (Corporate Team and Housing support) commitment to fire safety has been and continues to be unwavering. Proactive measures have been taken to ensure BCP Council facilities have the necessary fire safety systems and protocols. BCP Council fire risk assessments are conducted diligently, following the Publicly Available Specification number 79 proforma (PAS 79-1 2020 Fire Risk Assessment - Part 1 Premises other than housing and PAS 79-2 2020 Fire Risk Assessment - Part 2 Housing code of practice), recognised within the fire safety industry as a suitable template to conduct a suitable and sufficient Fire Risk Assessment. Fire safety arrangements

are detailed within these Fire Risk assessments, and all hazards are identified. All the requirements within section 156 about completing a suitable and sufficient Fire Risk are met. Additionally, BCP Council continues investing in suitable fire detection systems, ensuring facilities are well-equipped to handle fire incidents effectively.

34. Working parties continue to meet and discuss the evolution and implementation of this legislation to prepare BCP Council for the changes the legislation shall require. Updates surrounding relevant legislative changes and their cumulative impact on BCP Council continue to be provided to the Health & Safety and Fire Safety Board.

Information, Instruction and Training

35. The appointment and training of persons to undertake the Local Fire Safety Co-ordinator role continues. Service Directors appoint this role, and in most cases, this is not a new appointment as individuals are already undertaking the associated duties required to appropriately identify and mitigate local-level fire safety risks and provide direct liaison with the Corporate Fire Safety team.
36. The Corporate Fire Safety team delivers training specific to the Local Fire Safety Co-ordinator role within BCP Council, and all guidance is available via either the team or BCP Council intranet and is reviewed periodically or as required.

Policies and Procedures

37. The Fire Safety Policy has received its annual review, requiring only minor amendments. Several procedures have been created and reviewed, along with supplementary guidance materials to assist with fire safety management arrangements.

Summary of financial implications

38. The 2023-24 budget for the Health & Safety Team is £284,400, and for the Fire Safety Team is £127,100. The H&S Budget includes £74,000 which is the corporate training budget for all mandatory and safe levels training across the Council, covering training such as manual handling, conflict resolution, asbestos and legionella awareness and duty to manage, emergency first aid, fire warden duties and others.
39. An underspend of about £35,000 is forecast in the Health & Safety team representing the period an advisor has and will not been in post. No material under or overspends is projected in the Fire Safety team.
40. No financial implications are arising from the specific recommendations of this report.
41. There are potential financial risks associated with inadequate or non-compliant Health, Safety and Welfare or Fire Safety practices that could lead to financial penalties and losses. The governance arrangements outlined in this report will help to mitigate these.

Summary of legal implications

42. No legal implications are arising from the specific recommendations of this report.
43. The Council is legally obliged to have adequate Health and Fire Safety arrangements in place, and the current governance arrangements support demonstrating compliance with these obligations.

Summary of human resource implications

44. No human resource implications are arising from the specific recommendations of this report.
45. Where necessary, HR is contacted to ensure that HR implications of any H&S management actions are considered.

Summary of environmental impact

46. There are no environmental impacts arising from the specific recommendations of this report.

Summary of public health implications

47. There are no public health implications arising from the specific recommendations of this report.

Summary of equality implications

48. No equality implications are arising from the specific recommendations of this report.
49. Where necessary, the Corporate H&S team work alongside HR to ensure that both equality and H&S aspects are considered to ensure that equality aspects, such as disability, are suitably actioned.

Summary of risk assessment

50. Failure to report annually would leave the Committee unaware of continuing governance arrangements. This failure increases the risk of ongoing governance falling below acceptable standards.
51. Annual reporting to this Committee is considered appropriate. However, there should remain the option for exception reporting if relevant officers or members are concerned that governance arrangements may have been compromised.

Background papers:

52. [Health, Safety and Welfare Policy \(internal link only for Councillors and officers\)](#)
53. [Fire Safety Policy \(internal link only for Councillors and officers\)](#)

Appendices

None