

**The Highland Council
Central Safety Committee**

Minutes of Meeting of the Central Safety Committee held in Council Headquarters, Glenurquhart Road, Inverness on Friday 2 February 2018 at 12 Noon.

Present:

Employer's Representatives:

Mr A MacKinnon
Mr G MacKenzie
Mr R Gale

Staff Side Representatives:

Mr M Hayes, UNISON
Mr A Wemyss, UNITE
Mr D Griffiths, GMB

In attendance:

Mr S Walsh, Head of People and ICT, Corporate Resources Service
Ms G Falconer, Occupational Health, Safety and Wellbeing Manager, Corporate Resources Service
Mr A Summers, Head of Environmental & Amenity Services, Community Services
Mr S Duncan, Property Manager, Development & Infrastructure Service
Mr W Munro, Inverness, Nairn and Badenoch & Strathspey Operational Area Health and Safety Working Group
Ms H Ross, Caithness, Sutherland & Easter Ross Health & Safety Working Group
Ms F Grant, Attendance Officer, Corporate Resources Service
Mr A MacInnes, Administrative Assistant, Chief Executive's Service

Mr A MacKinnon in the Chair

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr M Reiss of the Employer's Side and Mr M Murphy of the Staff Side.

2. Declarations of Interest

Mr A MacKinnon declared a non-financial interest as his wife and daughter were employees of The Highland Council but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that the interest did not preclude him from taking part in the discussion at the meeting.

3. Minutes of Last Meeting

There had been circulated Minutes of the last meeting of the Committee held on 2 November, 2017, the terms of which were **APPROVED**.

4. Matters Arising from the Minutes

Arising from the Minutes, a verbal update was provided in relation to Kilvean Crematorium.

It was advised that following an unplanned visit by the Health and Safety Executive (HSE) to Kilvean Crematorium in April, 2017, the Council was issued with a Notice of Contravention with regards to risk assessment, control of substances hazardous to health, manual handling and lifting equipment. There were also concerns about fire safety and the Council's approach to project management in relation to gas management.

The Council had been asked to respond to the notification by 7 June, 2017. A project team was assembled and the team produced a detailed action plan to address the issues raised by the HSE and this was issued to the HSE on 6 June, 2017. Most of the actions had been completed by the time the response had been sent. The response also highlighted some additional issues relating to the Crematorium.

The Council was still waiting to hear from the HSE in relation to its approach to project management, which had been completely revamped, with significant improvements to procedures.

The Staff Side explained that the problems associated with the Crematorium developed as several workplace inspections had been carried out by the Health and Safety representative at the site, that had not been acted upon. The Health and Safety representative had tried to negotiate with Management over an extended period of time to try and get the issues addressed and it was therefore inevitable that representations were then made to the HSE. It was therefore important to encourage Managers to do safety audits of the workplace, speak to staff and try and get issues addressed, before they escalated. In response, it was acknowledged that there had been a lack of management capacity at the Crematorium, but that this had now been addressed with a full time Manager at the site and there was a much improved working relationship with the Health and Safety representative at the Crematorium.

In terms of the transfer of staff from Harbour Road to Diriebought Depot, the Staff Side had significant health and safety concerns regarding this project. There had been many issues identified now, that should have been identified at the beginning of the project and there was not the budget to address these issues. However, it was accepted that project management had now improved considerably on this project. It was suggested that the Programme Manager attend the next meeting of the Committee to give an update on the Diriebought Depot project.

The Committee:-

- i **AGREED** that a report would be submitted to the next meeting of the Committee detailing the actions taken to address the HSE Notice of Contravention at the Kilvean Crematorium; and
- ii **AGREED** that the Programme Manager attend the next meeting of the Committee to give an update on the Diriebought Depot project.

5. Terms of Reference

There was circulated Report No. CSC/1/18 by the Head of People and ICT which updated the terms of reference to clarify the membership of the Committee.

It was proposed that representatives from the Council's Management attend as officer advisers, as required. Normally this will be the senior officer acting as the Service Health and Safety Co-ordinator.

The names of the Service Health and Safety Co-ordinators would be sent to the Staff Side.

The Committee **APPROVED** the change to the terms of reference for the Central Safety Committee.

6. Minutes of Area Health and Safety Groups

There had been circulated, for information, the Minutes of the:-

- (i) Inverness, Nairn, Badenoch & Strathspey Joint Health and Safety Working Group held on 10 January 2018;
- (ii) Caithness, Sutherland and Easter Ross Health and Safety Working Group held on 30 November 2017; and
- (iii) Ross, Skye and Lochaber Health and Safety Group held on 10 January 2018.

Arising from the Minutes the following points were raised:

i Inverness, Nairn, Badenoch & Strathspey Minute – reference was made to a concern in the minutes that accident and stress statistics were not provided for meetings. It was explained that accident statistics were Service specific and information on any major accidents or incidents that impacted on Services would be issued to the Committee. Also, there was no reporting on stress issues as this was not an accident, and was not recognised by the Health and Safety Executive as such. However, there was information contained within the Occupation Health report to the Committee on stress referrals.

ii Caithness, Sutherland and Easter Ross Minute – concerns had been raised regarding the impact of Responsible Premises Officer (RPO) duties on Managers taking on this additional role. This could be a very stressful additional demand on top of already heavy workloads and responsibilities. It was recognised how important the RPO was, and there should be full support from Services to Managers carrying out this role, as the work burden was putting off Managers from taking up the role.

It was advised that the RPO manual was being revised. There was a need to analyse the work that RPOs were expected to do, but it was stressed that they were not there to do all the work and work could be delegated. There had been RPO workshops held out with Inverness, but attendance had been low.

The Committee **NOTED** the Area Health and Safety Group Minutes.

7. New Sentencing Guidance for Health & Safety Offences

There was circulated Report No. CSC/2/18 by the Head of People and ICT which summarised the main points of new Sentencing Guidelines for health and safety offences (including Corporate Manslaughter and food safety/food hygiene offences) which came into effect in England and Wales on 1 February, 2016. Whilst the guidelines only applied in England and Wales, they could not be ignored by Scottish organisations and there were already indications that Scottish courts would have regard to the guidelines at the time of sentencing. The report gave examples of fines handed down to public sector organisations since the new guidelines were introduced.

During discussion, the Committee raised the following main points:-

- Services and Elected Members had to take cognisance of the importance of the guidelines and the need to ensure that robust health and safety procedures were in place, risk assessments were done, appropriate training carried out, as the Council could not afford to have health and safety offences, as fines imposed to date on other organisations under the new guidelines have ranged from £160,000 to £2.6m.
- The importance of Health and Safety representatives to be involved in accident investigations and that investigations be carried out timeously was highlighted, as there was a need to learn from near misses and accidents.
- Staff should be encouraged to report near misses so that lessons were learned before accidents occurred. It was advised that there was a culture of under reporting of near misses and accidents in some areas of the Council, and this was actively being addressed. Health and Safety guidance stated that investigations were to find out the causes of accidents and not to apportion blame. Later in the year a campaign would be held to encourage reporting of near misses.

The Committee **NOTED** the points made in the briefing paper.

8. Property related health and safety issues

There had been circulated Report No. CSC/3/18 by the Director of Development and Infrastructure which provided an update on significant property related health and safety issues, emerging future risks and new policy and procedures.

The property related issues log had been omitted from the report and this would be sent separately to the Committee.

In particular, it was noted that a fire safety working group had been established following the tragic events at Grenfell Tower, London and a review of the fire risk assessment process was being undertaken by the group. It was suggested that a presentation be made to the Central Safety Committee on the work of the group.

It was queried why there was annual Portable Appliance Testing (PAT) of all electrical equipment in Council premises, as it was understood this was not required and that testing of electrical equipment should be on a risk based approach. It was advised that a review of the Council's approach to PAT was now

underway. There was evidence that there was testing of some items more frequently than is required. It would also be reviewed if testing could be done in-house, by giving appropriate staff the necessary training to do this and thereby saving money, as it was not a requirement for someone carrying out PAT to be a qualified Electrician.

The Council had been very transparent in reporting issues relating to gas, electricity and fire safety and this was commended. However, there were shortfalls in health and safety, but thankfully they had not resulted in serious accidents. In terms of HSE enforcement action, there was a significant potential liability on the Council as a result of these deficiencies in health and safety which required additional resources to address. It was queried if there was a strategy that would allow these additional resources to be accessed. If there was not, then at some stage, Health and Safety representatives would have no choice but to inform the HSE on health and safety failures.

It was explained that there was revenue funding for the Property team to address health and safety issues on premises, and the team could also bid for Capital funding as part of the budget process. Condition surveys were undertaken which assisted in identifying areas where resources needed to be targeted. There was a need for a long term strategy to address health and safety issues in the Council's large and ageing property portfolio.

In terms of corporate health and safety, it would be checked that this was on the Council's risk register as there could be a significant liability to the Council if there was an accident. The first meeting of the Corporate Risk Register Group was to be held next week.

Health and Safety Representatives played an important role and their work could help prevent enforcement action by the HSE against the Council. Therefore it was important that Managers understood that Health and Safety Representatives were working in partnership with them.

Following discussion, the Committee **NOTED:-**

- i the contents of the report;
- ii that the property related issues log would be circulated separately to the Committee;
- iii that a presentation on the work of the Corporate Fire Safety Group would be made to the next meeting of the Committee;
- iv the need for a long term strategy to address health and safety issues in the Council's property portfolio; and
- v that it would be checked that corporate health and safety was on the Council's risk register.

9. Update on Occupational Health, Safety and Wellbeing Issues

There had been circulated Report No. CSC/4/18 by the Head of People and ICT which provided an update on health and safety issues and developments for the Highland Council. It reviewed activities arising from Health and Safety Executive (HSE) interventions; changes made to the health and safety management system and other activities undertaken since the last Central Safety Committee meeting.

In particular, it was noted that three HSE Improvement Notices had been served on contractors for the construction of the new Inverness Royal Academy. Two of these Notices had been lifted and the status of the third Notice would be checked and an update sent to the Committee.

A Fire Safety Adviser had now been appointed and given the backlog of Fire Risk Assessments, approval had been given to appoint a second Fire Safety Officer.

Following discussion, the Committee:-

- i. **NOTED** the updated information on health, safety and wellbeing issues and developments contained in the report;
- ii. **APPROVED** the changes to the health and safety management system;
- iii. **AGREED** to holding a signing ceremony for the Health and Safety Partnership and Safety Representatives Charter; and
- iv. **AGREED** that the status of the remaining HSE Improvement Notice on a contractor involved in the construction of the new Inverness Royal Academy would be checked and an update sent to the Committee.

10. Occupational Health Service Update

There had been circulated Report No. CSC/5/18 by the Head of People and ICT which provided an overview of the work undertaken by Iqarus, the Council's Occupational Health Provider for the period October 2017 to December 2017.

It was noted that if there was an accident at work and an employee was off on long term absence, then the limit of 6 months full salary in the Absence Policy did not apply, thereby protecting the employee's salary for a longer period. It was queried if an employee on long term absence due to work related stress, would continue to receive their full salary after the limit of 6 months. It was explained that the Health and Safety Executive did not recognise stress as a work related illness. Until this changed, the Council could not extend the payment of full salary for those off work with stress.

It was explained that the key to managing stress and mental health cases was through early intervention and refer employees to Occupational Health before they went off on sickness absence. Managers should be regularly talking to staff, but staff were also obliged to notify Managers if they were feeling stressed.

If the stress was being caused by the relationship between the employee and their Manager, then Human Resources Officers would recommend mediation between the two parties as a way of trying to resolve the issue.

An analysis of the number of referrals due to stress in the last period would be included in the next report to Committee.

The Committee **NOTED** the Occupational Health activity for the last three months and that an analysis of the number of referrals due to stress in the last period would be included in the next report to Committee.

The meeting ended at 1.00 p.m.