

REPORT FOR: Employees Consultative Forum

Date of Meeting: 4 July 2012

Subject: **INFORMATION REPORT**
Response to Unison Health and Safety Report.

Responsible Officer: Tom Whiting, Assistant Chief Executive

Exempt: No

Enclosures: Appendix: Unison report to April 2012 ECF

Section 1 – Summary

This report provides the requested response to the Unison health and safety report.

FOR INFORMATION

Section 2 – Report

Introduction

- 2.1 This report sets out to provide responses to the matters raised previously by Unison to the Forum.
- 2.2 As previously reported (and refer also to the 2011/12 health and safety annual report elsewhere on this agenda) the council is continuing to deliver the 2 year health and safety improvement plan and a number of positive outcomes have already been delivered with Trade Union input and support, which will continue to be developed.
- 2.3 Our joint interests in health and safety matters are essential and Unison's continued commitment to health and safety is appreciated.

The Corporate Health and Safety Service and Unison were asked to provide a joint report to the July meeting, but despite comprehensive efforts by officers to arrange these meetings with Unison, it has not been possible to do so.

Officers and Unison met specifically to discuss these issues and of the six scheduled health and safety partnership meetings with Unison between February and June 2012, four meetings have been cancelled by Unison, one meeting could not be held as Unison did not have a representative to attend and one meeting has taken place. Officers also tried to arrange several further meetings with Unison in May and June.

Officers believe that they have made every effort to meet with Unison to resolve the issues raised in this report. Whilst further progress has been made by officers on some of these issues as detailed below, we now believe that it is time to move forward and it is unrealistic to expect complete agreement on all health and safety matters that arise. Officers will continue to work with Trade union partners as these emerge.

- 2.4 The report submitted in April is still representative of officer's current views and understanding of the position as set out in the following paragraphs. Updates have been incorporated where there have been any developments.
- 2.5 *Unison Comment 1*

This has been a mixed year with some success but also a failure to address some issues. We now have all Directorate health and safety groups functioning with well managed and proactive Place Shaping Directorate meetings now being held.

Last year saw the publishing of the Jane Don audit into the management of health and safety. Health and Safety Department has moved on significantly introducing on line accident / incident reporting

and an audit programme. We are still waiting however to see the results of the trial.

2.6 Council response

The trial was discussed at the Community and Environment Health and Safety group meeting in February 2012 which Unison attended. The Audit Tool is now being implemented across the Council. Officers have offered to demonstrate the Audit Tool to Unison. The Corporate Health and Safety Service have started to evaluate some of the completed audits. The Audit Tool also contains a Risk Assessment module; this will be rolled out across the Council later in the year.

The Councils accident database records all employee accidents that are reported through to the Corporate Health and Safety Service, together with accidents to non employees where the accident is reportable to the Health and Safety Executive.

The joint work to reinvigorate the directorate health and safety groups is appreciated.

2.7 *Unison Comment 2*

We are not satisfied that issues in the Audit report including management accountability have been addressed in the health and safety policy or the code of practice. The documents do not properly relate to each other or the Audit report and a number of our comments have been ignored. The consultation process has been flawed and since we have given detailed written comments some time ago there is no excuse for the anomalies to remain in the documents. We have made it plain at Corporate Health and Safety Group that this Unison Branch will not legitimise the flawed HS Policy or code of practice.

2.8 Council response

This has been an issue of debate between Unison, the Corporate Health and Safety Service and the Corporate Health and Safety group in the last few months. As previously explained it is a legal requirement under the Health and Safety At Work Act 1974 for this organisation to have a written Health and Safety Policy. This policy has to be a fluid document that evolves as the organisation evolves. As such it is under review in line with the senior management restructure to ensure that roles and responsibilities are correctly defined. Unison has been invited to participate in this review and we welcome their valuable input and it is accepted that the document is a living document and will continue to be reviewed.

2.9 *Unison Comment 3*

No academy school has signed up to continue with the services of the Council's health and safety department (or offer an alternative). As we were not told this during the negotiations we want to know if we were misled and we will take a jaundiced view in any future applications for

Academy status. Also no Academy has replied to a formal request to set up a representative health and safety meeting during the three month deadline.

However despite our formal letter request to set up a representative health and safety meeting at each school Unison has not been invited to one health and safety meeting. As this is a legal requirement under health and safety legislation we will increasingly continue to press our case. For representation to be effective organisational changes such as hub groups and a common format are necessary and this planning is not evident. The deadline for the affirmative replies is imminent.

2.10 Council response

The issue of internal health and safety meetings within schools is a matter for individual school management. Health and safety consultation and communication between the council and schools is performed through the Schools Health and Safety Forum which meets termly. In the past year attendees of the Forum have included Head Teachers, Teachers, School Managers and school staff including Caretakers and Administration. Minutes are distributed to each school and Unison representatives attend the Forum meetings. Health and safety management is also being monitored in schools as each school has to complete the Audit Tool.

The council is unable to comment on any relationship between Unison and Academies. However it has been repeatedly stated at the Monthly Health & Safety Partnership meetings, which Unison representatives attend, that the seven High Schools that chose to become Academies were invited to purchase a health and safety service level agreement with the Council. The seven Academies declined to purchase this agreement. The Corporate Health and Safety Service will offer the agreement to the Academies again later in the year.

2.11 Unison Comment 4

We need to clarify what the Council means when it says the Unions can be part of the investigation into accidents or incidents. If a report is written and then amended by negotiations with respective departments before we are informed we cannot be said to be included in the investigations. Our perception is that the culture of secrecy and silo management is still flourishing in the Council. There has also been a failure to obtain agreement to a Partnership Agreement with all unions. The reason for the failure need to be explained.

2.12 Council response

As part of our partnership arrangement with Unions and in line with the requirements of the Safety Representatives and Safety Committees Regulations 1977 we welcome the appropriate involvement of Union representatives in accident investigation. Regular communication takes place at the monthly partnership meetings to ensure the Unison representative is aware of incidents and Unison have taken an active

part in a number of recent investigations e.g. the recent site visit to Seneca Waste Disposal Facility, the implementation of improvements at the facility and the dust monitoring report that was distributed following dust sampling, which took place on a day when vehicles from many Councils that use the facility were tipping.

The legal duty to investigate incidents is on the Council as the employer. In this investigations it is paramount that facts are checked will all relevant parties so that root causes can be determined and appropriate actions with appropriate action owners can be allocated. In a large multifunctional organisation this naturally takes time. Investigation reports can become legal documents and, as such, it is good practice that members of the Corporate Health and Safety Team conducting the investigations are thorough. This does not represent a culture of secrecy and silo management.

Regarding the partnership agreement, the council took the initiative to draft such an agreement and it is understood that this is a matter for the Trade Unions to agree.

2.13 *Unison Comment 5*

Housing Kenmore Hall asbestos removal - it appears there is no proof that the asbestos was removed, transported or disposed of properly. Since there is no due diligence we want all possibly affected people to be registered as at risk. This was an inadequate report that provided no adequate indication or investigation into work practice or safe disposal of ACM's.

2.14 Council response

The Kenmore Hall centre was closed in January 2008 due to a leaking, damaged roof. The roof was subsequently repaired in October 2008, and the heating repaired in April 2009. The surface coating on the ceiling in the hall and lobby had been identified as containing asbestos on Harrow Council's asbestos register. The repairs therefore included the removal of asbestos containing materials (damaged ceiling, contaminated carpet tiles), which were removed in line with the Control of Asbestos Regulations 2006.

An investigation subsequently followed which determined a number of issues which were managed through an action plan. The investigation also determined that any exposure had been sporadic and of low intensity. The terms of reference for this investigation limited the time period to be considered to January 2008 to January 2010. Following the issuing of the investigation report Unison were concerned that there may have persons exposed to asbestos fibres prior to the centre being closed and therefore asked that the investigation was extended to include the time period from January 2006 to January 2008.

Work activities were therefore considered during this timeframe thus considering remedial work required as a result of damage to the building. An inventory has been prepared which considers the potential for the release of asbestos fibres. There have been difficulties in collating historical records, a report has been issued and discussed with Trade Unions which considered each of the identified maintenance activities and any potential for exposure to asbestos fibres.

The Corporate Health and Safety Service believe that they have investigated this matter and have no further information that can be provided to Unison.

2.15 Unison Comment 6

Cashiers

The project to re-site Cashiers into the old post room has not introduced any changes to reduce the damaging noise levels from the coin counting machine as required by the HSE. Despite various interventions by Unison management insist on relying on staff wearing ear defenders all day long. This is not practical, contrary to HSE guidance and putting staff at risk. A proper assessment of the risks in moving cash and coins has not been provided.

2.16 Council response

The corporate health and safety team have investigated this and are currently liaising with the supplier and the manufacturer of the equipment to establish whether noise reduction mechanisms are available. This will include reviewing the coin slot and the inner frame of the machine. The large coin table is going to be replaced with a sturdier table, the tables that are used for stacking the coin boxes will also be covered in a rubber product.

The Asbestos Management Plan for the Cashiers area showed no known asbestos within the work area. A full detailed pre-construction asbestos survey was undertaken and identified 0.2% asbestos within the floor tiles. These tiles were removed through a controlled and approved licensed contractor.

Areas where suspected asbestos may have been present, ie cladding to columns and panels above fire doors, were found to be superlux material. The revised asbestos management plan shows no asbestos within the cashier's suite.

2.17 Unison Comment 7

Outstanding issues remain with the community and Environments Directorate:

The various changes to the bomb scare procedure still have not been properly explained but it is clear that staff and public were put at risk unnecessarily. The procedures in an evacuation are also flawed as shown by two false alarms and management still do not have competent plans. While management have been denying disclosure they have allowed a flawed and unsafe process to continue. When we approached the police they were unaware of any official advice having been offered to the Council despite contrary indications from Facilities Management.

2.18 Council response

The new fire and bomb scare evacuation procedure is now in place. Facilities Management have arranged training for marshals in relation to any changes to the fire and bomb procedure, with over 200 attending the arranged training courses.

It should be noted that actions have been ongoing throughout 2011 e.g. the recent introduction of a tannoy system, which will allow communication and instruction for occupiers of the Civic Centre tailored to the particular circumstances of the incident. The tannoy system has not been fully tested and commissioned and a bomb threat evacuation is being planned by Facilities Management in the near future. Community and Environment have had many meetings with the police about potential terrorist incidents and the tactics for responding to the threat, and the advice is incorporated into the Council's work.

2.19 Unison Comment 8

There have been two gas incidents at the Depot Site and again we have not been included in the investigations or even knowledge of the reports.

2.20 Council response

The two gas incidents referred to relate to the gas cookers in the Milap Kitchen and to a gas leak at unit 5, the Fraikin's office. Remedial work was done immediately at the Fraikin's office where the source of the leak was the breakdown of a joint in a high level gas governor. Kier attended site and removed the governor which was no longer in use, and replaced a section of pipe, a Gas certificate was issued by the contractor. An investigation has been undertaken into the incident at the Milap Kitchen. Unison has again been kept apprised of the incidents at the monthly Partnership meetings and the Milap investigation report has been issued to them.

One of the key lessons learnt from the Milap investigation was that the arrangements for cyclical inspections, servicing and maintenance of a

variety of assets are complex and responsibility is disbursed across a number of services. Recommendations, which include a more centralised approach and corporate ownership, are currently being considered.

2.21 *Unison Comment 9*

Depot toilets - we need a correction to the statement made at ECF by facilities management that the work was of high standard and all carried out by a competent contractor. Also the defective work needs to be rectified.

2.22 Council response

ECF has been concerned previously with work on the female toilets and the issue was resolved at the ECF meeting on 25 January 2011. The depot toilets have been inspected by a number of different council officers who have all been unable to understand Unison's concerns. The toilets appear functional and clean.

2.23 *Unison Comment 10*

Civic One Second floor refurbishment Project safety concerns- No reply has been received from the Head of Property. Despite various reminders from us and an assurance that an investigation would take place there has been a refusal to inform the Unions.

2.24 Council response

The work on the second floor of the Civic Centre was a significant project and consequently it has involved a number of health and safety plans, procedures and considerations. Inevitably on a project of this nature there are issues that arise and a number have been suggested by Unison. All reported issues have been taken into account and measures and actions put in place as appropriate.

Unison have raised these issues directly with contract management staff, at the Property Services Health and Safety meeting and at the Community and Environment Health and Safety group, and they have been provided with lengthy responses at both of the last two meetings. Incidentally, a Health and Safety Executive Inspector visited the site during the asbestos removal stage of the second floor refurbishment project and was entirely satisfied with arrangements in place. The second floor is now occupied and the visible improvements to this floor are there for all to see.

2.25 *Unison Comment 11*

We look forward to a cooperative effort between management and Unions in the New Year.

2.26 Council response

This is welcomed and reciprocated.

Section 3 – Further Information

3.1 None

Section 4 – Financial Implications

4.1 The council's health and safety functions and management responsibilities are discharged within existing service budgets.

Section 5 – Corporate Priorities

5.1 Communication and the monitoring and measurement of the Council's health and safety performance have the potential to impact on each of the Council's priorities.

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: ...11 June 2012		

Section 6 - Contact Details and Background Papers

**Contact: Simon Rice, Service Manager – Corporate Health & Safety
0208 424 1362**

Background Papers: None

EMPLOYEES' CONSULTATIVE FORUM: 24/01/2012

EMPLOYEES' SIDE REPORT ON: Relating to Health and Safety Policy and Procedures and ongoing Health and Safety Issues.

SUMMARY AND DECISION REQUESTED

We require a rapid and full and comprehensive report from Health and Safety Group on issues raised by Unison on the Health and Safety Policy, Audit report and Communications Code of Practice. We also seek a resolution to various matters subjected to a refusal to properly address the issues. Those responsible should be held fully accountable through the Council's internal employment procedures.

CHRONOLOGY:

DATE	ACTION	OUTCOME
	HS Policy review and COP Through Health and Safety Manager and Corporate HS Group	On going issue, poor response through various inconclusive meetings
	Academies Director HR	No indication during negotiations that the HS SLA would not be honoured. Representative involvement in health and safety has been ignored. Ongoing issue
	Schools Health and Safety Department and Director No infrastructure arrangements to allow health and safety meetings and poor response to our communications.	On going issue
	Health and Safety Department. Health and Safety Department and Director Lack of effective involvement of the Unions in health and safety investigations. Failure to obtain a Health and safety partnership agreement.	On going issue
	Housing Health and Safety Department and Director. Director C+E. Director Housing Kenmore Hall asbestos removal No proper evidence or due diligence that shows whether people were put at risk. Refusal to register those possibly affected. An inadequate report that failed to address all the issues.	On going issue

	Bomb scare Procedure Director C+E and Facilities Management No effort to resolve the issues or adequately explain. The Unions have been ignored and various ineffective operational changes made without consultation putting people at risk.	Protracted issue no adequate response. A determined effort by the Director to avoid accountability.
	Two Gas incidents at the Depot site Director C+E and Facilities Management Health and Safety Department and Director No effort to involve Unions in the investigation or provide their investigation reports. Failure to properly identify or interview key witnesses.	Ongoing issue no adequate response
	Depot toilets Director C+E and Facilities Management Health and Safety Department and Director A correction is required to the claims by facilities management that the work was carried out by a competent contractor. Further remedial work is necessary.	Protracted issue no adequate response. Inaccurate information provided. Outstanding defects remain.
	Civic Centre 2 nd Floor Refurbishment Director C+E. Head of Property Various defects and poor installation were identified. Promises of an investigation were not honoured and union queries were ignored.	Protracted issue no adequate response

REPORT

Unison submits this report in line with the requirements of Council policy on Health and Safety and the Partnership working policy of the Council.

Due to the actions or inactions by Directors and managers the Branch is left with no alternative but to bring matters to the senior forum.

Unison ECF Health and Safety Report January 2012

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