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**Report of Amy Harhoff, Corporate Director of Regeneration, Economy and Growth**

**Electoral division(s) affected:**

Countywide.

**Purpose of the Report**

1. To provide an update to Audit Committee on the council's Health, Safety and Wellbeing (HSW) performance for Quarter four 2022/23.

**Executive summary**

2. There were 457 accidents, incidents and near misses compared to 527 in the previous quarter. Early indications are that there has been a slight increase in accidents in 2022/23 compared to 2021/22, with 1676 in total in 2022/23 compared to 1469 in 2021/22.
3. In terms of more serious accidents there were 4 RIDDOR specified injuries in quarter four and 10 in total for 2022/23 compared to 6 in 2021/22 and 4 in 2020/21. Finally in relation to work related psychological ill health there was a reduction quarter four with 40 incidents reported and overall for 2022/23 with 160 reports compared to 195 in 2021/22.
4. There was only 1 fire related incident during quarter four and this related to an arson attack on the contents of an external skip at the Louisa Centre in Stanley which required fire service attendance. The skip has since been removed.
5. There were 126 H&S and fire safety audits and inspections of council premises and work activities during the quarter which resulted in an overall compliance rate of 92.51%. Once again, the majority of noncompliance issues were of a low priority and over 300 opportunities for improvement were identified during auditing as well as best practice being evidenced in many areas.
6. Work continued in relation to the detailed results of the employee working well survey and further results were report to CMT and preparations made for the cascading of service grouping and Head of Service results also in Quarter four.

## **Recommendation(s)**

7. Audit Committee is recommended to note and agree the contents of this report.

**457**

Accidents, incidents and near misses reported  
(527 in Q3, 306 in Q2 and 386 in Q1 2022/23)



**96%**

Of all reported accidents are either no injury or near miss

**Main Accident/Incident Causes**



4 RIDDOR 'specified' injury, and 9 over 7 days absence RIDDOR injuries

Employee working well survey completed in Quarter 3 2022/23 and outcomes being produced and reported.



- Better Health at Work Maintaining Excellence Status and working towards ambassador status



40 psychological work-related incidents in Q4 2022/23 compared to 57 in Q3, 33 in Q2 and 30 in Q1

1 fire related incident



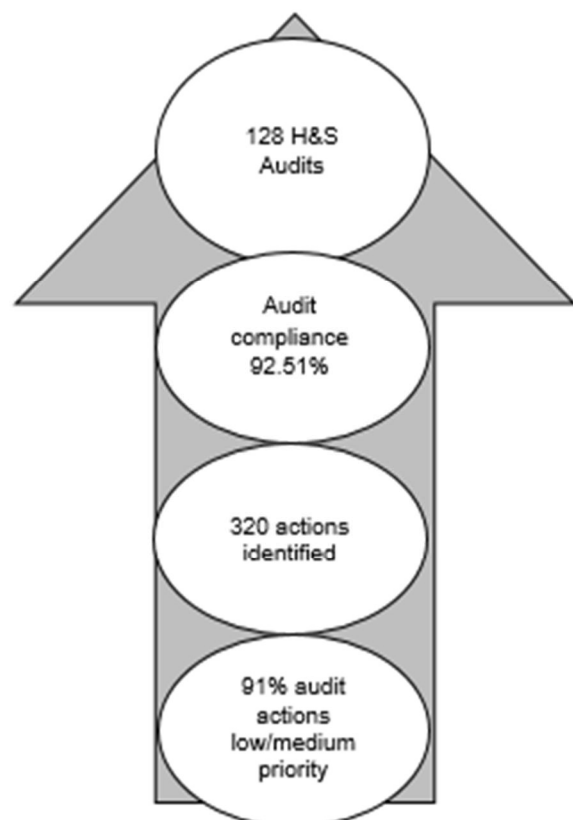
0 CDDFRS inspections of council premises



New Intranet site launched and revamped Health, Safety and Wellbeing portal/support

**0**

Enforcement related action or advice from HSE/CDDFRS following inspections and audit activity



## Background

- 1 The Corporate HSWSG has been established to ensure that suitable priority is given to the management of HS&W within the council. The group monitors the development, implementation and review of the Corporate H&S Policy to ensure that it is consistently applied throughout the council and that performance standards are achieved. Key reporting topics, including COVID, are detailed below.

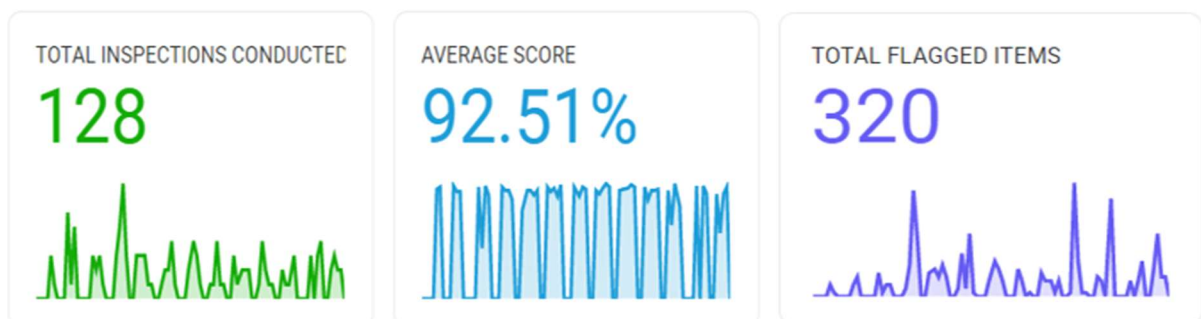
## Consultation/Communication

- 2 Trade Union H&S representatives continue to actively participate in the corporate and service specific H&S meetings. Each service grouping has an established H&S forum that meets on a regular basis. The H&S team continue to undertake, on a priority basis, a range of joint audit and inspection programmes in conjunction with trade union H&S representatives.

## Audits and Inspections

- 3 There were a total of 128 audits and inspections undertaken by the H&S team during quarter four.

Chart 1 – Audit and Inspection Activity for Quarter 4.



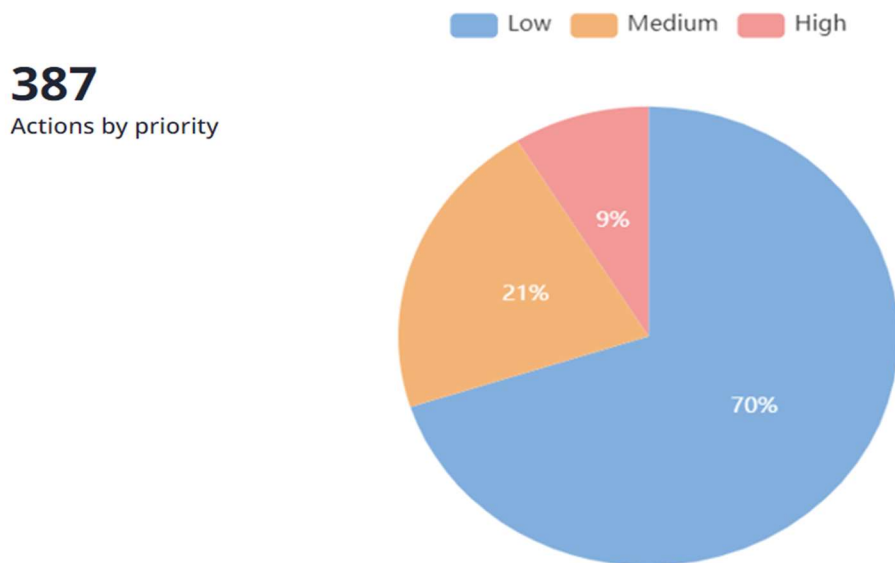
- 4 From the audits undertaken the following headline percentage compliance scores can be determined for each service area where audits took place:

Table 1 Compliance scores

TITLE	INSPECTIONS	SCORE (%)
	Total	Average
AHS General Audit 2022	2	95%
Civil Engineering and Construction Sites	23	84.94%
Clean & Green	6	94.63%
CYPS General Audit 2022	2	89.36%
Fire Safety Auditing	9	93.78%
Refuse and Recycling	19	93.63%
School Audits	47	95.45%
Waste Transfer Stations	2	94.85%

5 From the compliance scoring it must be noted that the majority of non-compliance related issues identified were low to medium low as per below chart 2.

Chart 2 Compliance Actions by Priority



## High Priority Action Areas

Site	High Priority Actions
Building And Facilities Management	13
Westlea Primary School	3
Middleton In Teesdale Primary School	3
Bishop Auckland Town Hall	3
Langley Moor Primary School	2
Cestria Primary School	1
St. Aloysius Junior School	1
Highways Construction Site	1
Framwellgate School Durham	1
St. Francis' CE Aided Junior School	1
Woodham Academy	1
King James 1 Academy	1
Oxhill Nursery School	1

## Fire Incidents

- 6 There was one fire related incident at a Durham County Council owned premises during Q4. This was at the Louisa Centre Stanley.

### Louisa Centre Stanley

- 7 It was reported that at approximately 4:20pm on 25 January 2023 that the enclosed skip situated within the staff car park was on fire. The centre duty manager and the centre manager attend and poured water onto the items on fire within the skip. The Fire Service were also called who attended within 5 minutes and used a hose reel to extinguish the fire. The Fire Service confirmed that the cause of the fire was arson, and it was believed that person's unknown had introduced an ignition source to the combustible material within the skip whilst the doors to it were open. The skip was monitored until it was taken away from site two day later after having been filled with waste. Due to the skip being enclosed the fire within it was contained and the leisure centre continued to operate as normal without disruption.

## Fire Inspections – County Durham and Darlington Fire and Rescue Service

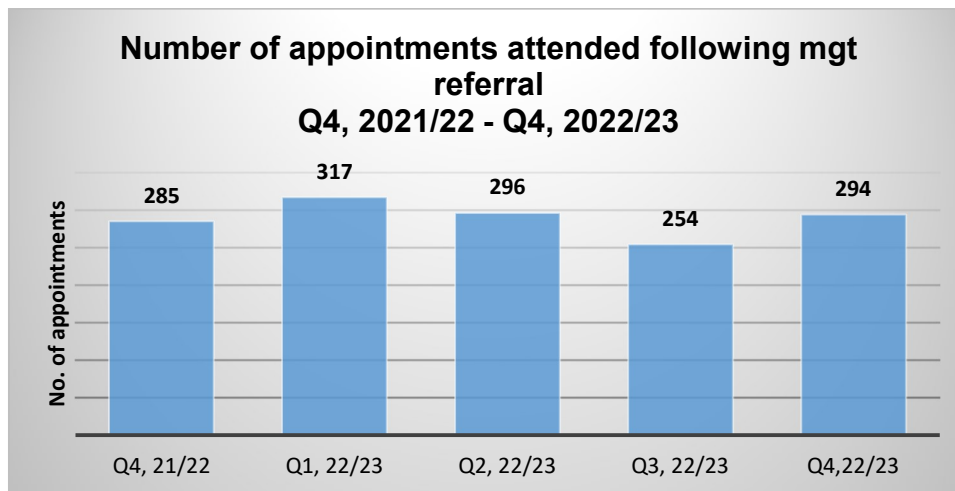
- 8 There were no Fire and Rescue Service inspections of Council premises during Quarter four.

## Occupational Health

- 9 During Quarter 4, 294 employees participated in clinical consultations with the OHS, following management referral in relation to Long Term Sickness Absence (LTSA), Short Term Sickness Absence (STSA), Management

Concerns (Man Con) Reviews, and Re referral appointments, Long Term Sickness Absence/Short Term Sickness Absence (LTSA/STSA) and Covid. The number of appointments attended in Q4 this year has increased from the Q4, 2021/22, an increase of 9 referrals which represents a 3% increase.

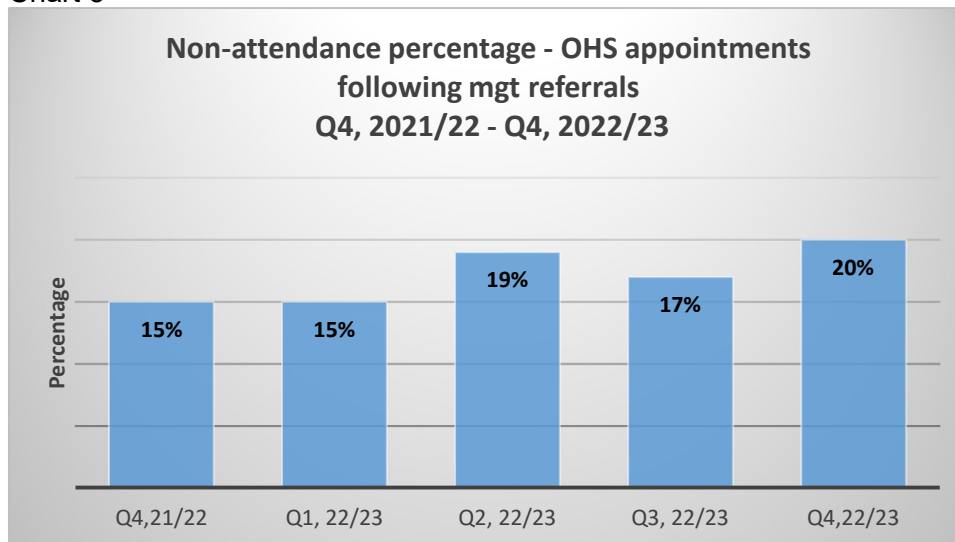
Chart 1



### Management Referrals - Non Attendance

- 10 During Q4, 72 employees did not attend their allocated appointment following management referral. This represents a 20% non-attendance rate. See Chart 3

Chart 3



### Management Referrals – Employee Attribution

- 11 During Quarter 4, 79 employees were seen for LTSA of which 19% (n=15) stated to the OHS that they consider the underlying cause to be due to work related factors. Of the 15 employees, 93% (n=14) identified this was due to 'psychological' reasons and 7% (n=1) identified as 'musculoskeletal' See Charts 4 & 5

Chart 4

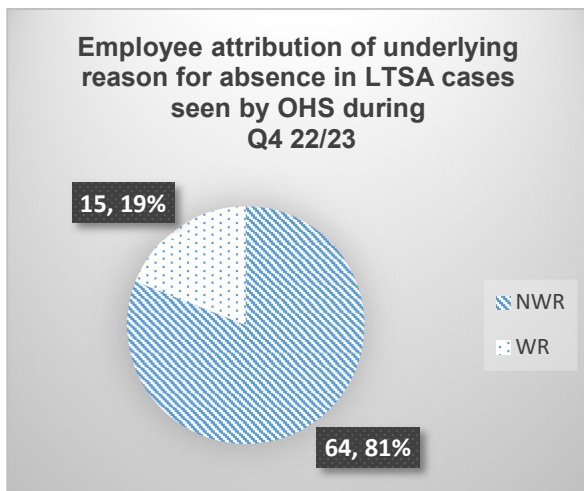
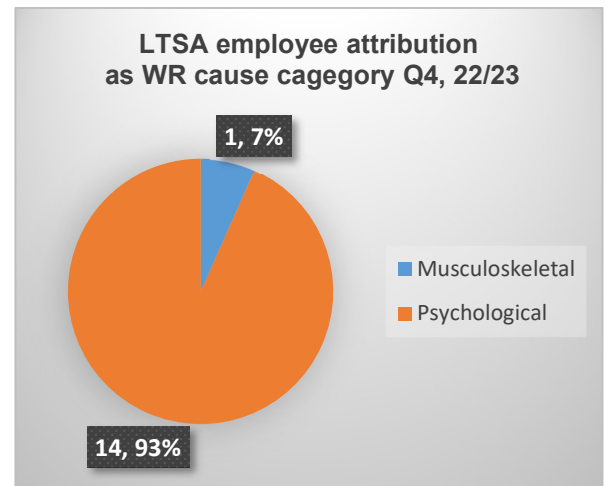
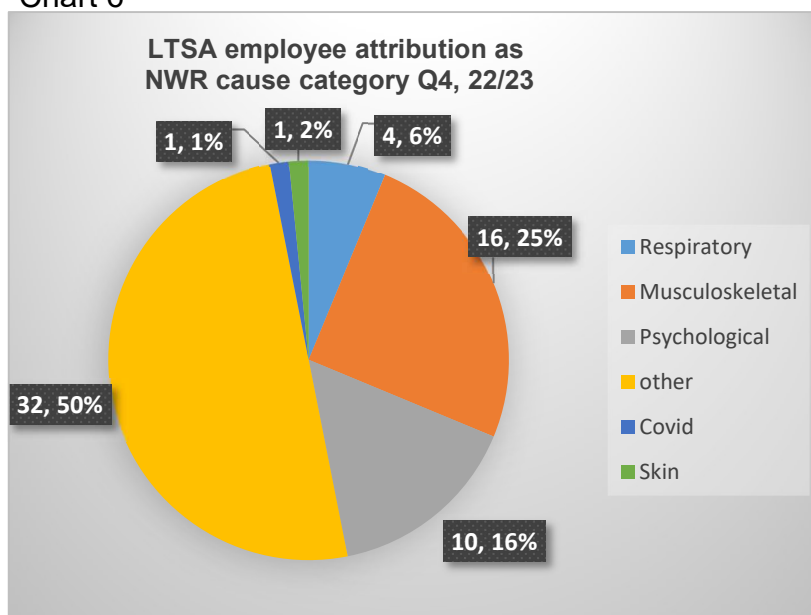


Chart 5



- 12 Chart 6 shows the cause of absence categories for non-work related LTSA seen in the OHS, 16% (n=10) were due to psychological reasons; 25% (n=16) were due to musculoskeletal problems; and 50% (n=32) were due to other.

Chart 6



- 13 Management concern referrals are made when the employee is not absent from work and advice is required relating to work that is affecting the employees' health or their health is affecting their work.
- 14 During Q4, 94 employees were seen as a management concern, 21% (n=20) of these referrals stated to the OHS that they consider the underlying cause to be due to work related factors. (Chart 7) Of the 94 employees seen 65% (n=13) of the work related and 15% (n=11) of the non-work related were due to psychological reasons, by referring to the OHS support, advice



and signposting to EAP can be given at an early stage and hopefully prevent an absence from work. Musculoskeletal problems accounted for 32% of non-work related and 25% of work-related management concern referrals, identifying these issues before they result in an absence from work and allow early intervention which could include referral to physiotherapy. Although not all absences are work related, they can have an impact on work and the wellbeing of employees.

### **Support Services**

15 During Quarter 4, the OHS provided the following additional support services. See Table 1.

Table 1

Additional Support services accessed via the OHS	A&HS	CYPS	NCC	REG	Res	Cex	Service not detailed	Q4	Q3	Q2	Q1	Q4
								22/23	22/23	22/23	22/23	21/22
								Total	Total	Total	Total	Total
Number of routine physiotherapy referrals	11	25	17	8	13	0	-	74	52	60	65	57
Number of routine physiotherapy sessions	17	57	42	28	30	0	-	174	189	223	214	188
Number of 'face to face' counselling referrals	0	3	2	1	0	0	-	6	8	6	6	2
Number of 'face to face' counselling sessions	0	5	0	4	6	0	-	15	6	11	13	0
Total number of calls to the EAP	22	55	13	5	32	0	33	160	134	110	92	159
Telephone EAP structured counselling cases	0	1	0	0	3	0	1	5	3	7	0	0
Telephone EAP structured counselling sessions	2	11	0	8	12	0	7	40	0	38	0	0
Employees referred to online counselling	2	7	0	1	2	0	1	13	10	2	5	5
Online Counselling Sessions	7	31	1	4	2	0	4	49	7	11	7	9
Employees referred to online CBT	0	0	0	0	0	0	0	0	23	2	32	9
Online CBT sessions	0	0	0	0	0	0	0	0	31	0	22	72

### Physiotherapy

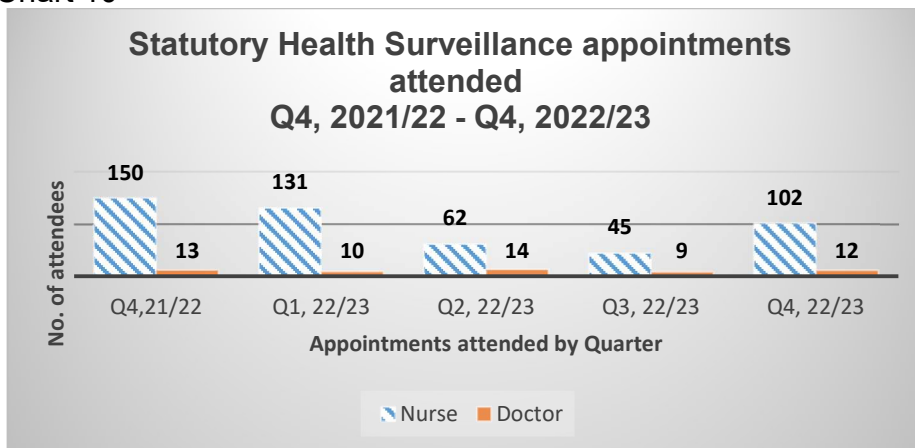
- 16 Routine physiotherapy clinics operate two days per week in the OHS at Annand House under contract with the OHS, the clinics are a combination of telephone assessments and face to face physiotherapy appointments, should following the physiotherapy initial assessment by telephone the physiotherapist deem this to be clinically required.
- 17 Q4 data provided by the contracted service has identified that 5% of the referrals for physiotherapy were related to work, it was also reported that 3

of the referrals were reported by the employee to be following a work accident. At the time of preparing this report (24/01/23) there was no waiting time for an initial assessment. The OHS will continue to monitor this waiting time and report to this group.

### Health Surveillance

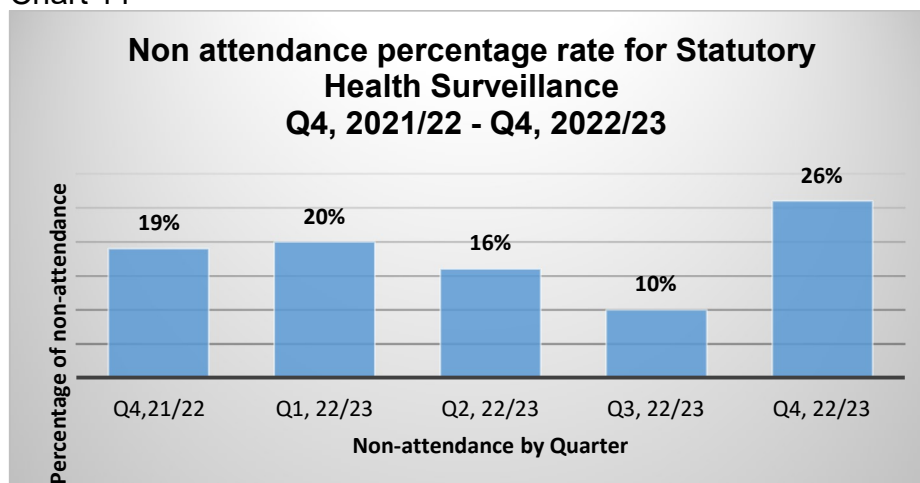
- 18 The OHS continues to provide statutory health surveillance programmes to employees in line with HSE guidelines. Some health surveillance clinics are carried out on site to minimise the effect on service delivery.
- 19 During Quarter 4, a total of 114 employees attended OHS appointments for routine statutory health surveillance, 102 with an Occupational Health Nurse and 12 with the Senior Occupational Health Physician.

Chart 10



- 20 During Quarter 4, 26% (n=39) employees failed to attend their appointment with the OHS in relation to statutory health surveillance. See Chart 11.

Chart 11



<b>Occupational Health Activity Data DCC related activity (note this data does not include Local Authority Maintained Schools).</b>	<b>Q4 2022/23 Total</b>	<b>Q3 2022/23 Total</b>	<b>Q2 2022/23 Total</b>	<b>Q1 2022/23 Total</b>	<b>Q4 2021/22 Total</b>
<b>Appointment category</b>					
Pre-Employment/Pre-Placement assessments Of which attended an appointment	458 22	669 139	681 142	687 108	588 97
Management referrals seen – Long Term Sickness	79	72	82	112	99
Management referrals seen – Short Term Sickness	18	20	16	21	10
Management Referrals seen -Long/Short Term Sickness	23	71	19	13	16
New Management Concern referrals seen	94	31	89	92	79
Review appointments seen	35	37	46	38	33
Re-referrals seen	45	22	41	41	48
Covid	0	0	3	0	0
Statutory Health Surveillance Assessments Attended (Nurse)	102	44	62	131	150
Music Service audiometry attended	10	1	1	0	0
School Crossing Patroller Routine Medicals	10	10	7	9	40
Driver Medicals (DVLA Group 2) e.g. HGV	18	6	19	18	14
Night Worker assessments (Working Time Regs 1998)	0	0	0	1	2
Immunisations against occupationally related infections	9	30	25	25	46
'Flu' Immunisations	0	342	0	0	0
Inoculation injury OHS Assessments – where injury has been reported to the OHS	0	0	2	3	2
HAVS Postal Questionnaires sent	128	143	126	62	163
HAVS Postal Questionnaires returned percentage rate	30%	63%	70%	32%	42%
Did Not Attend (DNA) for statutory health surveillance appointment (Nurse)	36	4	15	36	37
Music Service DNA	1	0	0	0	0
DNA – Management Referral appointments with the OHS (excluding health surveillance)	72	51	69	58	53

## Employee Health and Wellbeing

- 21 The employee better health at work group, chaired by Corporate Director Adult and Health Services, convened again during this quarter and identified ongoing interventions and communications which were again aimed at raising awareness of support and interventions available and ensuring employees were able to access this where required.

- 22 Further results from the second employee working well survey were produced and presented to CMT. Following this all service grouping results, and Head of Service results are being prepared for presentation at service grouping senior management teams in Quarter 1 of 2023/24.
- 23 Overall, the findings from the second survey are broadly positive although there are areas where opportunities for improvements are evident. In terms of positive outcomes, these involve being a flexible and supportive employer, management support, regular meetings & PDRs effectiveness, peer support, role related support, change management and training/development opportunities. Areas where improvements can be made related to work demands and control withing senior management roles, clarity of roles within departments and teams, clarity around council vision and priorities, awareness of staff networks and support, and employee benefits.
- 24 Once the service grouping and Head of Service results have been prepared and presented then a corporate action plan will be developed, supported by service grouping specific action plans. These will then be monitored and managed through the corporate better health at work group and various service grouping committees.
- 25 Once again there were various intranet news items and articles promoting health and wellbeing awareness during quarter four, supported by Corporate Directors. The launch of the new intranet also provided an improved platform and access to the health, safety and wellbeing resources, including the employee wellbeing portal.

## **Open Water Safety**

- 26 The City Safety Group has continued to manage and monitor the delivery of the independent review of the city centre river corridor by RoSPA. It is positive to report that all actions that were associated with the Council have now been completed. All other landowners have also provided updates and are closing off remaining outstanding actions. There have been no incidents to report from a city centre perspective. There was an incident in the Brancepeth area on 01/03/2023 and which involved the body recovery of a 19 year old Ukrainian male who was living nearby. The male was found in the river by a dog walker and is at this time 'unexplained' but not suspicious pending HM Coroner inquest.
- 27 Linked to the work of the City Safety Group, water safety awareness training has been arranged during quarter four, with delivery taking place in quarter one of 2023/24. This training will be hosted and provided by CDDFRS at Sniperley CDDFRS station in Durham and will host officers from city centre police, durham hub and licensed premises. The training also incorporates deployment of throw lines for river rescue scenarios and following this

training throw lines will be distributed the hub staff and licensed premises attending the training.

- 28 Reassessments of previous open water safety risk assessments were completed during this quarter for the higher risk locations across the county to ensure that seasonal winter changes to locations are accounted for in risk assessments.

### **Violence and Aggression – Potentially Violent Persons Register (PVPR)**

- 29 At the close of Quarter four 2022/23, there were 113 live entries on the PVPR register. The 12 month rolling figures for PVPR live entries are as follows:

<b>Year</b>	<b>Quarter</b>	<b>PVPR live entries</b>
2022/23	1	85
2022/23	2	89
2022/23	3	100
2022/23	4	113
Number of Live Records		113
Number of Additions		38
Number of Removals		29
Number of Warning Letters Sent		10
Number of PVPR Appeals		1

- 30 Breakdown by service of PVPR views in the last quarter is as follows:

- CYPS - 67 viewed 141 times
- AHS - 70 viewed 136 times
- N&CC - 47 viewed 89 times
- REG - 116 viewed 316 times
- RES - 100 viewed 650 times
- Members - 3 viewed 3 times

## Corporate risks that may have an impact on Health and Safety

31 The below tables detail the corporate risk that may have an impact on Health and Safety at the end of April 2023.

Ref	Service	Risk	Treatment
1	CYPS	<b>Failure to protect a child</b> from death or serious harm (where service failure is a factor or issue).	Treat
2	REG	Serious injury or loss of life due to Safeguarding failure ( <b>Transport Service</b> ).	The current controls are considered adequate.
3	AHS	Failure to protect a <b>vulnerable adult</b> from death or serious harm (where service failure is a factor or issue).	Treat
4	NCC	Breach of duty under Civil Contingencies Act by failing to prepare for, respond to and recover from a <b>major incident</b> , leading to a civil emergency.	Treat
5	RES	Serious <b>breach of Health and Safety</b> Legislation	The current controls are considered adequate.
6	REG	Potential serious injury or loss of life due to the Council failing to meet its statutory, regulatory and best practice responsibilities for <b>property and land</b> .	Treat
7	RES	Potential <b>violence and aggression</b> towards members and employees from members of the public	The current controls are considered adequate.
8	NCC	<b>Demand pressures on the Community Protection</b> inspections and interventions arising from the UK exit from the EU may lead to an adverse impact on public health and safety in Co Durham.	Treat
9	NCC	Potential impacts of the spread of <b>Ash Dieback Disease</b> on the environment, public safety, and Council finances.	Treat

- 32 Officers are working closely with partners to scale up preparedness for, and protection from, a potential terrorist attack and to ensure that the Council will be able to meet the new requirements of Martyn's Law, which follows campaigning after the Manchester Arena terror attack in May 2017 and is expected to come into force in August 2023.

### **Statistical Information**

- 33 The H&S team in conjunction with service H&S providers continue to record, monitor and review work related accidents, incidents and ill health. This data is captured through internal reporting procedures and the Corporate H&S Accident Recording Database (HASARD). It is important to note that when setting future performance targets this data should be utilised.

### **Main implications**

#### *Legal*

- 34 Compliance with statutory legislative requirements reduce risks of enforcement action and/or prosecution against the council or individuals. It will also assist in defending civil claims against the council from employees and members of the public, including service users.

#### *Finance*

- 35 Compliance with legislative requirements will reduce increased service delivery costs, financial penalties associated with H&S sentencing guidelines 2016 and successful civil claims against the council. Financial costs may be insured to some degree and uninsured in some cases, with poor outcomes possibly leading to increased insurance premiums. Financial implications also include staff absence associated with physical and mental ill health, staff training, retention, recruitment and productivity.

#### *Staffing*

- 36 In relation to impact on staffing due to employee absence from injury or ill health, attendance management, employee complaints and grievances, recruitment, selection and retention of employees.

### **Conclusions**

- 37 Accident statistics in general for quarter showed a decrease following an increase in Quarter three. Indications are that there was a 14% increase in accidents, incidents and near misses for 2022/23 compared to 2021/22. A further 4 RIDDOR specified injuries occurred during quarter four which were attributed to CYPs and NACC services and all of which relate to slip, trip and fall causes which further emphasis the requirements for ongoing risk mitigation and assessment of this particular hazard.



- 38 The continued proactive audit and inspection activity by the H&S team continues to provide opportunities for improvement in relation to the working practices and procedures, with 128 audits resulting in over 320 flagged items for improvement being identified during the quarter. The majority of items identified continue to be low priority which is positive.
- 39 It was positive to see that there was not a repeat of any further refuse vehicle load fires following a spate of incidents in previous quarters. There was however a further arson related fire incident in Stanley and evidence that this presents an ongoing risk and requirement for continued fire risk management across council property and land.
- 40 It is positive that the further detailed results of the employee working well survey have been cascaded to corporate management team and are about to be shared with service groupings and head of service across the council. Following on from this work has already commenced on developing a corporate action plan in response to the employee working well survey which will identify further commitment to employee health and wellbeing and improvements in relation to work.
- 41 There were further arrangements made in this quarter to review and revisit education and awareness initiatives in relation to open water safety within the city centre and across the county. This will continue to assist in risk mitigation and provide opportunities partnership participation and contribution.
- 42 The number of entries on the Councils potentially violent persons register continues to increase, primarily due to improved risk based intelligence from multiagency groups, which is enhancing the council risk mitigation for employees in relation to violence and aggression.

### **Other useful documents**

- Occupational Health Quarter four 2022/23 Report
- Health, Safety and Wellbeing statistical Quarter four 2022/23 report

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## **Appendix 1: Implications**

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### **Legal Implications**

Failure to comply with statutory legislative requirements may result in enforcement action and/or prosecution against the council or individuals. There are risks from civil claims against the council from employees and members of the public, including service users.

### **Finance**

Failure to comply with statutory legislative requirements may result in enforcement action, including prosecution against the council or individuals. These enforcement actions may result in increased service delivery costs, financial penalties associated with H&S sentencing guidelines 2016 and successful civil claims against the council. Financial costs may be insured to some degree and uninsured in some cases, with poor outcomes possibly leading to increased insurance premiums.

### **Consultation**

Service Grouping strategic managers and operational management staff have been consulted in the preparation of this report.

### **Equality and Diversity / Public Sector Equality Duty**

Equality Act compliance ensures consistency in what the council and its employees need to do to make their workplaces a fair environment and workplace reasonable adjustments are required.

### **Climate change**

None

### **Human Rights**

The right to a safe work environment, enshrined in Article 7 of the International Covenant on Economic, Social and Cultural Rights, links with numerous human rights, including the right to physical and mental health and well-being and the right to life.

### **Crime and Disorder**

None.

### **Staffing**

Potential impact on staffing levels due to injury and ill health related absence, staff retention and replacement staff.

## **Accommodation**

The report references H&S related risks associated with workplaces some of which may have impact on accommodation design and provision of safety systems and features.

## **Risk**

This report considers physical and psychological risks to employees, service users and members of the public. Risks also relate to the failure to comply with statutory legislative requirements, which may result in civil action being brought against the council and enforcement action, including prosecution against the council or individuals. These enforcement actions may result in financial penalties, loss of reputation and reduction in business continuity.

## **Procurement**

None