

North York Moors National Park Authority

16 December 2013

Health and Safety Review

1. Purpose of the Report

- 1.1 To update Members regarding the recent external Health and Safety review.

2. Background

- 2.1 The Authority has demonstrated a long term consistent commitment to the management of health and safety. The system currently in place has been developed over a number of years and reflects health and safety law while at the same time being robust and straight forward. Members have periodically been updated regarding developments in the approach Officers are taking to the management of health and safety to assist them in the fulfilment of their responsibilities as Members. There are increasing amounts of legislation and considerable emphasis being placed on corporate responsibility for health and safety issues, Officers are mindful that while the approach to health and safety needs to be thorough, it should also be proportionate to the risks of the activities carried out.
- 2.2 In 2010 an external audit of the Authority's health and safety in practice was carried out. Following this audit, the recommended actions were used as the basis for the work of the Authority's Health and Safety Group which had responsibility for ensuring their implementation. The audit was repeated in May 2012 to 'health check' some of the issues previously looked at but also to assess the effectiveness of the Authority's approach to health and safety on the ground, taking into account the new Departmental structure and other staff changes made over the last 2 years.
- 2.3 While these reports were certainly very useful in confirming that health and safety practice on the part of our staff in their day to day activities was largely effective, Officers are mindful that the Authority does not employ a qualified Health and Safety professional and felt that it would be prudent to review the Authority's corporate policies with regards to compliance with current legislation.

3. Review

- 3.1 The Head of Health and Safety at North Yorkshire County Council was therefore invited to consider the Authority's arrangements for Health and Safety, giving an overall view of whether they were fit for purpose and highlighting where the Authority's priorities should be in terms of future work.
- 3.2 The full report together with its findings and recommendations is attached as **Appendix 1**. Officers have considered the report and are pleased that it has concluded that the Authority has made considerable progress in developing its approach to health and safety and that the way in which risk is managed is both sensible and proportionate.
- 3.3 The report has helpfully prioritised its recommended actions to ensure that the most important are dealt with promptly. The Authority's Health and Safety Group has

considered this report and, subject to Members' approval, agreed to adopt all of its recommendations and timescales for action. Responsibility for ensuring implementation of all this will rest primarily with site managers and the Health and Safety Group, but the Assistant Director of Corporate Services has overall responsibility for ensuring that all actions are completed in a timely fashion.

- 3.4 Officers do believe that it would be a wise precaution to set up a Service Level Agreement with NYCC to ensure that there is always access to a range of expert advice on health and safety matters. An SLA can be set up at low cost and paid for from existing budgets.

4. **Financial and Staffing Implications**

- 4.1 It is anticipated that an additional expenditure that is incurred as a result of this report will be minor and absorbed within existing budgets.

5. **Contribution to National Park Management Plan**

- 5.1 A robust and proportionate method of dealing with health and safety will ensure that staff can be assured that their working environment is well managed and safe, maximising the time available to be spent of delivering the Management Plan targets.

6. **Legal Implications**

- 6.1 The conclusions outlined in the report together with the implementation of the actions will help to further improve Health and Safety practice and ensure that the Authority can demonstrate that it is fulfilling its legal obligations.

7. **Recommendation**

- 7.1 That Members note;
- 7.2 the findings of NYCC Head of Health and Safety's review and instruct Officers to implement the priority actions that it contains;
- 7.3 that a Service Level Agreement will be set up with NYCC to provide a continuing source of technically competent health and safety advice.

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Background documents to this report

1. Finance, Risk, Audit and Standards Committee Report 2012
2. Performance Monitoring and Management Report 2010
3. Performance Monitoring and Management Report 2009



North

Yorkshire County Council

North York Moors National Park Authority

Health & Safety Review

November 2013

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1. Introduction

1.1 The North York Moors National Park Authority (NYMNPA) requested North Yorkshire County Council to review its health & safety arrangements, covering the following areas:

- Corporate health & safety policies, to assess whether they are fit for purpose and recommend improvements, if necessary (Health & Safety Policy and Lone Working Procedure).
- Corporate health & safety management system.
- Corporate approach to managing trees, fire safety and asbestos management.
- Volunteer risk assessments, to assess whether they are fit for purpose and recommend improvements, if necessary.
- Consider NYMNPA's approach to the risks associated with Hand Arm Vibration Syndrome and recommend improvements, if necessary.
- Discussion with Unison representatives and members of the health & safety group, regarding NYMNPA's attitude and practice regarding health & safety at work.

NYMNPA requested advice on the following:

- simple controls for checking the health & safety provision of 'one-man' contractors;
- how the process of highlighting potential threats to lone workers should be modified;
- training for senior managers, to ensure that they understand the main health & safety risks for their teams and are able to 'ask the right questions' of their individual managers.

This report provides an overview of NYMNPA's health & safety arrangements, whether it is generally fit for purpose and an opinion on compliance with legislation appropriate to the Authority's size/activities. The report highlights areas for improvement.

NYMNPA provided the following documents to support the audit:

- Health & Safety Policy
- Lone Working Procedure
- Fire Risk Assessments
- Asbestos surveys
- Health & Safety Group notes (samples)
- Threat to Lone working staff schedule
- Volunteer risk assessments

1.2 This report does not include a review of NYMNPA's approach to the risks associated with Hand Arm vibration, which will require further examination of documentation and practice.

1.3 The scope of the report has also not included an examination of the arrangements for managing legionella risk.

1.4 The review relies on a desktop study of the documentation provided and discussions with Ian Nicholls, Assistant Director Corporate Services to clarify current practice within NYMNPA. Once you have adopted the suggested improvements, it would be useful to visit sites to

monitor the implementation of health & safety arrangements by NYMNPA staff and volunteers.

2. Health & safety requirements

2.1 All organisations have a legal duty to put in place suitable arrangements to manage health & safety. This can be viewed as a wide-ranging, general requirement; the Health & Safety Executive (HSE) encourages a common sense and practical approach. It should be part of the everyday process of running an organisation and an integral part of the workplace behaviours and attitudes. It does not matter what size, industry or nature of an organisation, the keys to effectively managing for health & safety are:

- Leadership and management (including appropriate business processes); and
- A trained/skilled workforce operating in an environment where people are trusted and involved.

The HSE advocates that all of these elements are needed, underpinned by an understanding of the profile of risks the organisation creates or faces.

One-off interventions rarely achieve successful delivery. Instead, a sustained and systematic approach is necessary; this may not require a formal health & safety management system, but whatever approach is used, it probably contains the steps: **Plan, Do, Check, Act** (Act is to learn and improve from experience). However, the success of whatever process or system is in place hinges on the attitudes and behaviours of people in the organisation.

Below is a summary of the actions involved in delivering effective arrangements and how they are frequently described. You should not see **Plan, Do, Check, Act** as a once-and-for-all activity. You can find more detail on what you should do to implement the **Plan, Do, Check, Act** approach recommended by the HSE on their [website](#). You should relate the key actions needed back to leadership, management, worker involvement and competence, where appropriate.

	Conventional Health & Safety Management
Plan	Determine your Policy Plan for implementation
Do	Profiling your organisation's health & safety risks Organising for health & safety Implementing your plan
Check	Measure performance Investigating incidents
Act	Reviewing performance Learning lessons

- 2.2 As a minimum, organisations should have the processes and procedures required to meet legal requirements, including:
- A written health & safety policy (when more than five people are employed);
 - Assessments of the risks to employees, contractors, customers, partners, and any other people who could be affected by your activities; and record the significant findings in writing (if you employ more than five people). Any risk assessment must be suitable and sufficient;
 - Arrangements for the effective planning, organisation, control, monitoring and review of preventative and protective measures that come from risk assessment;
 - Access to competent health & safety advice;
 - Providing employees with information about the risks in your workplace and how they are protected;
 - Instruction and training for employees in how to deal with the risks;
 - Ensuring there is adequate and appropriate supervision in place;
 - Consultation with employees about the risks at work and current preventive and protective measures.
- 2.3 Documentation on health & safety should be functional and concise, with the emphasis on its effectiveness rather than sheer volume of paperwork. Focussing too much on the formal documentation of a health & safety management system will distract from addressing the human elements of its implementation; the focus becomes the process of the system itself rather than actually controlling risks.
- 2.4 Leadership is key to ensuring successful health & safety management. The Institute of Directors and HSE have produced joint guidance on this – [Leading health and safety at work](#). The key principles that leaders are expected to adopt are:
- **Strong and active leadership** from the top: visible, active commitment from the board; establishing effective 'downward' communication systems and management structures; integration of good health & safety management with business decisions.
 - **Worker involvement:** engaging the workforce in the promotion and achievement of safe and healthy conditions; effective 'upward' communication; providing high-quality training.
 - **Assessment and review:** identifying and managing health & safety risks; accessing (and following) competent advice; monitoring, reporting and reviewing performance.

3. Findings and recommendations

To facilitate implementation of actions from this report a priority has been assigned to each recommendation. Priority 1 = action within 0-3 months, 2 = action within 3-6 months and 3 = action within 6-12 months. These are not compulsory timescales, but rather a guide to help develop a suitable action plan to address the recommendations included.

3.1 Health & safety policy

The Chief Executive (Andy Wilson) has signed the current policy, dated November 2012. It contains a clear statement of intention and general policy statement. There are clear responsibilities for health & safety reflecting the nature of the organisation. The arrangements for health & safety are well laid out covering communication, consultation, supervision, training, personal protective equipment, working away from the workplace, risk assessment, accident reporting and investigation and a list of key health & safety personnel.

The NYMNPA Health & Safety Policy meets statutory requirements and reflects the nature of the organisation. The policy requires regular review (at least annually), on-going communication and implementation (3).

3.2 Health & safety management system

Currently, NYMNPA does not have a separately documented health & safety management system. The approach adopted for the implementation of health & safety is reflected in the minutes of the Health & Safety Group, which demonstrate active engagement in addressing matters in a practical way.

The NYMNPA addressed health & safety performance in reports to the Management Committee in 2006 and 2009. These reports cover developments within the NYMNPA health & safety management system and performance relating to accidents.

You could improve your approach by documenting a simple health & safety management system based on the Plan, Do, Check, Act model. A key improvement would be the development of an annual health & safety plan, combined with annual reporting on its implementation and performance against an established set of performance indicators, which include leading and lagging indicators (2).

Developing a systematic approach to auditing health & safety would also help you develop the health & safety management system, producing the annual health & safety plan and performance reporting (3).

3.3 Approach to managing trees, fire safety and asbestos

The NYMNPA approach to the risk management of trees is clear and concise, based on the best practice guidance, 'Common sense risk management of trees' produced by the National Tree Safety Group. The key issue is to ensure that there are systems in place to ensure its delivery.

NYMNPA have a set of Technical Fire Safety Audits, conducted by Jacobs in 2009, which detail the actions to upgrade any active and passive fire safety systems in buildings. NYMNPA should use these Technical Fire Safety Audits to inform the fire safety risk assessments.

We recommend that you confirm and record the completion of the actions identified in the audits. We also recommended that fire safety risk assessments are conducted taking account of the findings of the audits and that these are reviewed annually (1). The format used by North Yorkshire County Council (PAS79) has been supplied as an example of how it can be recorded.

While the fire strategy drawings have not been examined, we recommend that they are used with the Technical Fire Safety Audits to inform the fire risk assessment process and implementation of fire safety management (1).

You supplied me with your Asbestos survey reports for various premises, identifying Asbestos Containing Materials and giving recommendations for their management.

We recommend that you confirm and record the completion of the actions identified in the surveys. Asbestos management plans should be developed and implemented for all premises. You should implement a system to ensure that authorisation to work on site is controlled and all suitable safety precautions are adopted prior to work commencing. In premises, where due to their age you can assume that no asbestos is present, then you should record statements to that effect and make it available for contractor reference (1). A template for recording Asbestos Management Plans and authorising works on site has been supplied.

3.4 Volunteer risk assessments

There are a comprehensive set of risk assessments covering the activities of volunteers, which in the main are suitable and sufficient. We carried out a detailed review of the content however, and made comments on the individual risk assessments. In the main, the comments refer to where clarification is required and we recommend further detail.

We recommend that you review the risk assessments and amend them to take account of the comments supplied (2).

The scope of this report paid particular attention to the volunteers risk assessments, however there are a wide variety of activities carried out by paid employees that are also risk assessed. Your development of a plan, do, check, act management system, should include a review of the overall strategy for conducting risk assessments, to ensure that you have addressed all the significant risks faced by NYMNPA (2).

3.5 Contractors

NYMNPA is responsible for ensuring that any contractors it engages work in a safe manner that protects all involved from risks to health & safety. The extent of the measures NYMNPA should take to control a contractor is dependent on the nature of the work the contractor is being engaged to perform and, to some extent, the size of the contractor.

NYMNPA should have a clear process for managing contractors that takes account of the nature of work and the size of the contractor. The approach taken should be commensurate with the risks involved in the work to be carried out. The form provided to manage the authorisation to start work, could be tailored for use in the Ranger and Field service (3).

A one-man contractor is not required to have a health & safety policy or record risk assessments. In this case, it is most practical for NYMNPA to agree a safe system of work with the contractor and make a concise record of what is agreed based on risk assessment (3).

3.6 Threats to lone workers

NYMNPA has a comprehensive Lone Worker Procedure to protect the health & safety of its lone workers.

We recommend that you review the hour delay before informing the police when you cannot contact a worker (2).

We also recommend that the procedure refers to the use of information held by NYMNPA about individuals who pose a potential threat (2).

There is available a list of potential threats from individuals and this information must be treated as sensitive personal data.

We recommend that you review the Information Commissioner's Office Data Protection Good Practice Note – [The use of violent warning markers](#) and how this can be applied in NYMNPA (3).

3.7 Training for senior managers

Leadership is a key element in achieving successful health & safety. Guidance produced by the Institute of Directors and the Health & Safety Executive, '[Leading health and safety at work](#)' identifies what is expected.

We recommended that you hold a workshop to explore the leadership role within NYMNPA and to introduce the above guidance as a tool to help individuals and groups assess their leadership status (2).

3.8 Legionella

It is recommended that a specialist consultant is engaged to conduct risk assessments for the water systems in NYMNPA buildings to enable the risk of legionella to be assessed and controlled (1). Details of North Yorkshire County Council's contractor to be supplied.

4. Conclusion

NYMNPA is an organisation that has made considerable progress in developing its approach to managing health & safety. It has developed a sensible and proportionate approach to risk management.

Implementation of the prioritised recommendations contained in Section 3 of this report will enable NYMNPA to continue to improve its approach to health & safety.

North Yorkshire County Council is available to help NYMNPA take forwards the recommendations in this report and to act as a source of competent advice.