

Report to: Audit and Risk Assurance Committee

Agenda: 9.1

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Subject: Authority Annual Health and Safety
Report

Sponsor: Chief Executive

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For: Oversight

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1. Purpose of paper

- 1.1 To summarise the legal position and governance around health and safety for the Authority and BTP, and agree the health and safety oversight arrangements for 2013/14.
- 1.2 To report on the Authority's compliance with health and safety requirements in 2012/13.

2. Legal and governance position

- 2.1 The Health and Safety at Work Act 1974 (HASWA) was applied to the police by the Police (Health and Safety) Act 1997 ("the 1997 Act").
- 2.2 The 1997 Act introduces section 51A to the HASWA, which states that "*those holding the office of constable, otherwise than under a contract of employment, shall be treated as an employee of the person who has direction and control of the body of constables in question*". This was clearly intended to move the responsibility away from police authorities and onto the relevant chief constable, however, as BTP officers are employed by way of contracts of employment the legal responsibility to ensure the health, safety and wellbeing of these individuals appears to remain with the Authority in the case of BTP.
- 2.3 The Authority's Code of Governance delegates the day-to-day health and safety responsibilities for officers and staff to the Chief Constable for those under his direction and control. For those staff under the direction and control of the Authority Chief Executive the responsibilities remain with the Chief Executive.
- 2.4 The Authority must provide adequate oversight of the implementation of health and safety arrangements for staff

under both the Chief Constable and Chief Executive's direction and control.

3. Health and safety responsibilities

3.1 To provide adequate oversight the Authority must first be clear what its legal responsibilities are with respect to health and safety. These can be found in the HASWA and the Management of Health and Safety at Work Regulations 1999 and are summarised below.

3.2 Legal responsibilities are to –

- provide a written health and safety policy¹ (this should be jointly owned by the Authority and Chief Constable²);
- assess risks to employees, partners, customers and any other people who could be affected by policing activities³;
- arrange for the effective planning, organisation, control, monitoring and review of preventative and protective measures⁴;
- ensure that adequate health and safety training is provided on appointment, on exposure to new or increased risks and repeated periodically as appropriate⁵;
- ensure there is access to competent health and safety advice⁶; and
- consult employees about the risks at work and current preventative and protective measures⁷.

3.3 A number of guidance documents for board level oversight are also available and a list of those reviewed is provided below:

- Health and Safety Executive and Institute of Directors INDG417 'Leading Health and Safety at Work' (2009)
- Health and Safety Executive 'Striking the Balance Between Operational and Health and Safety Duties in the Police Service' (2009)
- Association of Chief Police Officers 'Police Health and Safety Guidelines - A Management Benchmarking Standard' (2012 and 2007)

¹ The Management of Health and Safety at Work Regulations (MHSWA) 1999 s5

² ACPO 'Police Health and Safety Guidelines - A Management Benchmarking Standard' (2012 and 2007)

³ MHSWA 1999 s3 (1)

⁴ MHSWA 1999 s3(3)

⁵ MHSWA 1999 s13

⁶ MHSWA 1999 s7

⁷ HSE and IoD INDG417 'Leading Health and Safety at Work' (2009)

3.4 The key messages from these documents with respect to health and safety oversight, and what should be regularly monitored at a Board level, are summarised below -

- strategy/policy adherence and pragmatism in approach;
- understanding of the greatest health and safety risks facing the organisation and how these are minimised;
- injuries at work or in the workplace by accident and assault;
- near miss reports to ensure organisational learning;
- incidence of long-term sickness and work related ill health, use of recuperative/restricted duties and consequential early medical retirement;
- trend in civil actions brought by staff against the organisation; and
- implications of new health and safety legislation and its impact on policing activities.

3.5 The next step is to agree a process to deliver the above requirements.

4. Health and safety arrangements for the year ahead

4.1 Having summarised the legislation and guidance the suggested oversight arrangements are described here in the four stages of planning, delivering, monitoring and reviewing. A work plan demonstrating how this would work on an annual basis is attached at Annex A.

4.2 Planning

- The Audit and Risk Assurance Committee (A&RAC) must be aware of the significant health and safety risks faced by the Force.
- The health and safety strategy (direction) and policy (actions) must be agreed at Full Authority and support the strategic direction of the organisation.
- The strategy and policy should clarify the responsibilities of the Authority versus those of the Chief Constable.
- A 'Health and Safety Champion' is recommended to demonstrate that it is being taken seriously
- The Full Authority should consider health and safety implications when setting strategic and operational objectives.

4.3 Delivering

- There must be assurance at Committee level that:
 - the health and safety arrangements are adequately resourced;
 - competent health and safety advice is available

- risk assessments are conducted;
- sufficient training is provided; and
- employees and their representatives are involved in decisions that affect their health and safety.
- When considering the implications of new processes and working practices the Full Authority must be satisfied that the health and safety implications have been fully considered and resolved.

4.4 *Monitoring*

- A quarterly report on health and safety should be received at Committee level covering both preventative and incident data.
- Periodic audits of the effectiveness of management structures and risk controls for health and safety should form part of the internal audit arrangements.
- Impact of any major changes, such as new processes, or major failures to be reported to the Committee as soon as possible.
- Any changes to legislative requirements are reported at Committee level with a proposal for how these will be addressed.

4.5 *Reviewing*

- The strategy and policy should be reviewed annually and brought to the Full Authority for approval⁸ following recommendation by the A&RAC.
- The oversight arrangements should also be reviewed annually, including the impact of relevant Committee and management decisions.
- Actions should be agreed to address any shortcomings.

4.6 It is recommended that a service level agreement be developed to cover the requirements of the outlined approach. The SLA could form part of the revised Health and Safety Policy that is being drafted.

5. Authority compliance 2012/13

- 5.1 A copy of the Authority's annual premises inspection report is attached at Annex B. Four actions remain outstanding. These have been delayed as a result of the review of how health and safety is delivered in BTP.
- 5.2 An updated fire risk assessment has been conducted with no significant issues raised.

⁸ ACPO 2012 'Police Health and Safety Guidelines - A Management Benchmarking Standard' paragraph 1.2.3

5.3 In 2012/13 there have been no incidences of:

- injuries at work or in the workplace;
- near misses in the workplace;
- long-term sickness or restricted duties; or
- civil actions brought against the Authority by staff in the Executive team

at the Authority.

5.4 The Authority uses the HSE risk assessment template to complete assessments of its premises. On completion of the template no significant issues were identified.

5.5 Health and safety training is provided as part of new staff inductions and is a regular item on the fortnightly team meetings. Senior management health and safety training is a priority for 2013/14.

6. Recommendations

6.1 The suggested oversight arrangements for health and safety detailed in section 4 are approved.

6.2 A service level agreement to deliver the arrangements in section 4 is developed.

6.3 The report and its contents are noted.

Annex A: Health and Safety annual work plan

Month	Activity	Where taken
July	Quarter 1 Report	Committee level (PSC)
August		
September		
October	Quarter 2 Report	Committee level (PSC)
November		
December	Draft Strategy and Policing Plans presented – consider if any health and safety implications	Authority level
January	Quarter 3 Report	Committee level (PSC)
February		
March	Strategy and Policing Plan approved	Authority level
	Internal Audit Plan approved – consider if health and safety audit required	Committee level (A&RAC)
April	Quarter 4/Annual Report	Committee level (PSC)
May	Annual health and safety assurance report provided by PSC	Committee level (A&RAC)
	Health and Safety Policy agreed for recommendation to Full Authority following annual refresh	Committee level (A&RAC)
	Review oversight arrangements and whether any amendments need to be made	Committee level (A&RAC)
June	Annual health and safety report and refreshed strategy/policy recommended to the Authority for approval	Authority level

Role and responsibilities

Full Authority level

- To receive the annual health and safety report from the Authority and BTP, as recommended for approval by the A&RAC.
- To receive the refreshed annual health and safety strategy/policy, as recommended for approval by the A&RAC.
- To consider the health and safety implications when setting strategic and operational objectives
- When considering the implications of new processes and working practices the Full Authority must be satisfied that the health and safety implications have been fully considered and resolved.

Committee level

- To be aware of the significant health and safety risks faced by the Force.

- To recommend the health and safety strategy (direction) and policy (actions) annually, ensuring they support the strategic direction of the organisation.
- To provide oversight and scrutiny of arrangements ensuring that:
 - the health and safety arrangements are adequately resourced;
 - competent health and safety advice is available
 - risk assessments are conducted;
 - sufficient training has been provided;
 - employees and their representatives are involved in decisions that affect their health and safety; and
 - the impact of any major changes, such as new processes, or major failures are reported to them as soon as possible.
- To be aware of any legislative requirements and agree how these will be implemented.
- The oversight arrangements should also be reviewed annually including the impact of relevant Committee and management decisions.

Member Portfolio level

- To improve governance and oversight arrangements of the health and safety by developing the Authority's understanding of the key issues facing the Force in this area.
- To sense check the information provided at meetings.
- To engage with stakeholders to ensure that Members are fully informed about health and safety when setting strategic direction, carrying out their objective and resource planning and scrutiny functions.

Policy Officer level

- To work with colleagues at the Force ensuring that the Authority and relevant committee receive the right information at the right time to effectively conduct their oversight and scrutiny roles.
- To ensure that the Authority is involved at the appropriate stages of any review work.
- To work with Force colleagues on the detail of any amendments and make recommendations to the relevant committee and Authority.

Quarterly and Annual Reports

To cover:

- the key health and safety risks of the Force and how these are minimised;
- assurance on strategy/policy adherence and pragmatism in approach;

- injuries at work or in the workplace by accident and assault;
- near miss reports to ensure organisational learning;
- incidence of long-term sickness and work related ill health, use of recuperative/restricted duties and consequential early medical retirement;
- trend in civil actions brought by staff against the organisation;
- implications of new health and safety legislation and its impact on policing activities;
- assurance on the level of health and safety resources, and that competent health and safety advice is available within the organisation in accordance with the definition in the 'Management of Health and Safety at Work Regulations 1999';
- assurance that risk assessments are being conducted and employees and their representatives are involved in decisions that affect their health and safety;
- assurance on training provided; and
- information on the potential impact of any major changes, such as new processes, or major failures.

Annex B: Health and Safety Premises INSPECTION



Area: **FHQ** Location: **BTPA** Assessor: **MUMTAZ MAHMOOD** Date: **28/11/12**

Item	y	n	n/a	Comments
1. H&S Policy <input type="checkbox"/> Are officers and staff aware of and understand the Force H&S Policy? <input type="checkbox"/> Is a copy of the Force H&S Policy Displayed? <input type="checkbox"/> Is it up to date?	Y			LINK TO BTP HEALTH AND SAFETY HOME PAGE ,PLEASE CIRCULATE TO ALL http://a00-cms2/BTPIntranet/default.aspx?page=23116 BTPA has its own Health and Safety Statement
	Y		/	
	Y			
2. H&S Communications <input type="checkbox"/> Is there a Health and Safety Notice board <input type="checkbox"/> Is there an HSE H&S poster prominently displayed? <input type="checkbox"/> Are the boxes correctly filled in? <input type="checkbox"/> Is the Area Safety Policy displayed and are the contents up to date? <input type="checkbox"/> Is health and safety documentation available? <input type="checkbox"/> Are fire alarms checked on a regular basis? <input type="checkbox"/> Has a fire / evacuation drill been carried out in the past 6 months?	Y			FRI 10.30AM 28/9/12 full evacuation of building
	Y			
	Y			
			/	
	Y			
	Y			
	Y			
3. Fire Risk Assessment <input type="checkbox"/> Has a Fire Risk Assessment been carried out? <input type="checkbox"/> Is it up to date? <input type="checkbox"/> Have all action points been remedied?	Y			FRA DONE today
	Y			
	Y			
4. Responsible Person <input type="checkbox"/> Has a Responsible Person been nominated? <input type="checkbox"/> Has the Responsible Person been trained?	Y			MUMTAZ TO ARRANGE BESPOKE TRAINING IN FEB 13
		N		
5. Fire and Emergency Plans <input type="checkbox"/> Has a fire and emergency plan been produced? <input type="checkbox"/> Have staff been briefed on the contents of the plans?	Y			LANDLORD HAS GIVEN THESE OUT, A BTP CORPORATE DOCUMENT IS BEING
	Y			

THE VISIT WAS CARRIED OUT BY MUMTAZ MAHMOOD IN PRESENCE OF RAQUEL PAZOS & LAVERNE BRYANT ON 28.11.12

<input type="checkbox"/> Are Fire Action Notices posted? <input type="checkbox"/> Are all staff made aware of escape routes and exit doors? <input type="checkbox"/> Are the Safety Signs correct and understandable? <input type="checkbox"/> Are there any persons with special needs at the location? <input type="checkbox"/> Is there any specialist escape equipment or systems in place?	Y			DEVELOPED WITH RAQUEL'S ASSISTANCE- THIS DIDN'T HAPPEN, MM TO PREPARE ONE
6. Fire Log <input type="checkbox"/> Is it in place? <input type="checkbox"/> Is it in date? <input type="checkbox"/> Are all events and details listed correctly?		N		MM SENDING RP AND LB THE FIRE LOG SHEET
7. Emergency Lighting <input type="checkbox"/> Is emergency lighting fitted? <input type="checkbox"/> Is it checked in accordance with regulations? <input type="checkbox"/> Is the lighting subject to periodic and discharge testing?	Y	N	N	EL IS INADEQUATE BECAUSE LIGHT BULBS HAVE BEEN REMOVED IN PLACES NO RECORDS OF CHECKS CONDUCTED
8. Fire Doors <input type="checkbox"/> Are Fire Doors identified and marked up correctly? <input type="checkbox"/> Are intumescent and smoke seals in good condition? <input type="checkbox"/> Have the doors been fitted with vision panels? <input type="checkbox"/> Do all fire doors operate correctly?	Y	Y	Y	
9. Fire Extinguishers <input type="checkbox"/> Are there suitable and sufficient fire extinguishers at location? <input type="checkbox"/> Are all fire extinguishers in date for test?	Y	Y		Checked September 12
10. Fire Wardens <input type="checkbox"/> Have fire wardens been nominated and is this recorded? <input type="checkbox"/> Have fire wardens been trained?	Y	Y		
11. Electrical Testing <input type="checkbox"/> Is Portable Appliance Testing (PAT) carried out? <input type="checkbox"/> Are all portable electrical listed or marked? <input type="checkbox"/> Is PAT in date? <input type="checkbox"/> Have microwaves been tested? <input type="checkbox"/> Have 5 yearly Electrical Installation tests been carried out?	Y	Y	Y	DUE JUN 2013
12. Risk Assessments				SEE http://a00-

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<input type="checkbox"/> Are Generic Risk Assessments available at location?	Y			cms2/BTPIntranet/default.aspx?page=23126
<input type="checkbox"/> Are Operational Risk Assessments available?			/	
<input type="checkbox"/> Have specific Risk Assessments been completed for station?	Y			
13.Accident / Incident Logging				SEE LINK http://a00-cms2/BTPIntranet/default.aspx?page=23118
<input type="checkbox"/> Are all accidents / Incidents and near misses reported?	Y			
<input type="checkbox"/> Are all officers and staff aware of the accident reporting procedures?	Y			
<input type="checkbox"/> Are line managers and supervisors aware of their role?	Y			
14.First Aid Equipment				MM TO SEND A NEW BOX VIA FHQ MAGDA
<input type="checkbox"/> Is there suitable and sufficient first aid equipment at the location?	Y	N		
<input type="checkbox"/> Is the equipment in date?	Y	N		
15.Monthly Management Log				
<input type="checkbox"/> Is monthly management procedure in place?			/	
<input type="checkbox"/> Is it up to date?			/	
16.Captor Storage				
<input type="checkbox"/> Is Captor stored as per Force instructions?				
17.CoSHH Log				NOT NEEDED
<input type="checkbox"/> Is there a CoSHH log at the location?			/	
<input type="checkbox"/> Does it identify all hazardous substances held at the location?			/	
<input type="checkbox"/> Is it kept up to date?			/	
18.DSE				EXERCISES RECOMMENDED http://www.ergoergo.info/
<input type="checkbox"/> Have Workstation Assessments been carried out?	Y			
<input type="checkbox"/> Have all action points been remedied?		N		
<input type="checkbox"/> Are DSE and furniture items suitable for purpose?		N		
19.Manual Handling				
<input type="checkbox"/> Are officers and staff aware of the requirements of manual handling?	Y			
<input type="checkbox"/> Is manual handling included in location risk assessments?	Y			
20.Induction Training				
<input type="checkbox"/> Have local inductions been given to joiners and transferees?	Y			
<input type="checkbox"/> Are work experience and contractors given induction?	Y			
<input type="checkbox"/> Does the induction cover fire escape routes and fire awareness?	Y			
<input type="checkbox"/> Is there a log evidencing this training?	Y			
21.General Housekeeping				
<input type="checkbox"/> Is the Clear Desk Policy adhered to?	Y			
<input type="checkbox"/> Are all fire doors, exit and escape routes free from obstruction?	Y			

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<input type="checkbox"/> Are all walls, partitions, ceilings, glazing and doors in good condition?	Y			
<input type="checkbox"/> Is furniture suitable and compliant to CE Standards with regards to fire?	Y			
<input type="checkbox"/> Are stairways in good condition and suitably marked?	Y			
<input type="checkbox"/> Are aisles and passageways free from obstructions and trip hazards?	Y			
22.Welfare				
<input type="checkbox"/> Is a suitable supply of fresh drinking water provided?	Y			SANITISE WATER COOLER
<input type="checkbox"/> Is the lighting suitable for task?		N		
<input type="checkbox"/> Is ventilation suitable and can windows be opened to increase airflow?	Y			SHARED FACILITY
<input type="checkbox"/> Is all equipment in the Mess Room suitable and fit for purpose?	Y			
<input type="checkbox"/> Is a rest facility provided for new and expectant mothers?		N		
<input type="checkbox"/> Are toilets and washrooms suitable and sufficient?	Y			
<input type="checkbox"/> Is there a cleaning schedule in place for the location?	Y			
23.Waste Management				
<input type="checkbox"/> Is waste material kept to minimum and not allowed to build up?	Y			
<input type="checkbox"/> Are waste materials removed from the building at the end of the day?	Y			
<input type="checkbox"/> Are waste materials removed from external bins on a regular basis?	Y			
24.Ivy-soft E-Learning Packages				
<input type="checkbox"/> Are officers and staff aware of the e-learning packages?	Y			TO BE TAKEN UP BY L&D
<input type="checkbox"/> Is the location up to date on completion of courses?		N		
25.Visitors				
<input type="checkbox"/> Is a visitors book kept at the location?	Y			
<input type="checkbox"/> Are all visitors required to sign in and out daily?	Y			
<input type="checkbox"/> Are all visitors made aware of the fire and emergency plans?	Y			
<input type="checkbox"/> Are passes issued?	Y			
27.Legionella				
<input type="checkbox"/> Has the location had legionella checks carried out?	Y			FILE KEPT IN OFFICE
<input type="checkbox"/> Is there a log and is it up to date?	Y			
28.Asbestos				NO ASBESTOS
<input type="checkbox"/> Has the location been checked for the presence of asbestos?	Y			
<input type="checkbox"/> Is there a log and is it up to date?	Y			
29.Storage				
<input type="checkbox"/> Are storage areas in a safe condition?	Y			

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<input type="checkbox"/> Is equipment stored on purpose built shelves?	Y			
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Comments : (those in red remain outstanding)

1. **TRAINING IS NEEDED FOR SENIOR MANAGEMENT AND RESPONSIBLE PERSONS- MUMTAZ MAHMOOD TO ORGANISE BESPOKE TRAINING IN FEB 13**
2. **EMERGENCY LIGHTING CHECKS NOT CARRIED OUT - BEN HARVEY**
3. **TO PREPARE NEW FIRE EVAC PLAN - MUMTAZ MAHMOOD**
4. **FIRE LOGS NOT COMPLETED, MM TO SEND TEMPLATE-RAQUEL & LAVERNE**
5. **MUMTAZ MAHMOOD TO INQUIRE ESTATES ABOUT 5 YEAR ELECTRICAL TESTS - BEN HARVEY**
6. **ASK FACILITIES TO INSTALL FROSTED LIGHT DIFFUSERS - SCOTT AMBROSE**
7. **BUILDING SHOWING EXTREME DAMP NEAR HIGH WALLS-BEN HARVEY**
8. **SANITISE WATER COOLER- RAQUEL**

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