

## NOTTINGHAM CITY HOMES

HUMAN RESOURCES  
COMMITTEE  
14 JULY 2009

### REPORT OF DIRECTOR OF ORGANISATIONAL DEVELOPMENT

#### HEALTH AND SAFETY LEGISLATION

#### 1 SUMMARY

- 1.1 The HR Committee asked for an update and gap analysis on the company's statutory health and safety duties at the meeting of the 14<sup>th</sup> April 2009.
- 1.2 This report aims to answer the Committee's question and to explain how Nottingham City Homes' Health & Safety Strategy has been designed to:
- assure that the company meets full legal compliance and maintains it in the future.
  - contribute to the achievement of BS EN 18001 'occupational health and safety management systems'.
  - improve existing health and safety management arrangements.
  - contribute to the company's mission to deliver excellent services

#### 2 RECOMMENDATIONS

- 2.1 This report is for information only.

#### 3 REPORT

##### 3.1 Audit of NCH Health & Safety Arrangements

- 3.1.1 An external consultant, National Britannia, was appointed in 2008 to audit NCH health and safety arrangements with a view to evaluating the existing arrangements and making recommendations for improvement.
- 3.1.2 The audit was also to assist the Head of Health and Safety to develop a health and safety strategy on appointment.
- 3.1.3 Very few observations were made during the audit that indicated or implied non-compliance with legislation. Most observations related to good practice standards.
- 3.1.4 All recommendations from the National Britannia audit are either resolved or provided for in the current Health & Safety strategy - refer to paragraph 3.3 of this report.
- 3.1.5 The executive summary from the National Britannia audit is reproduced at appendix 1 to this report.

## 3.2 **Management of Health and Safety**

3.2.1 The key to achieving the H&S strategy is to introduce a health and safety management system. Like any other activity, health and safety needs to be actively planned, implemented, monitored and reviewed. There are accepted standards that demonstrate that a company's management system is fit for purpose, and the overall purpose of the current H&S Strategy is to introduce a management system that can be audited against these standards and will result in company accreditation. However, this does take time (Health & Safety Executive estimates between 2 and 5 years) and so NCH's 3 ½ year strategy is realistic.

## 3.3 **Development of the Health & Strategy**

3.3.1 The NCH H&S Strategy was developed by taking the following information into account:

- results of an audit of health and safety management arrangements carried out by an external consultant in 2008.
- action plans that had previously been developed by the company's Health and Safety Committee.
- the requirements of BS EN 18001.
- current and emerging legislative requirements.

3.3.2 The Strategy includes a series of reviews within the essential health and safety business areas that are relevant to our organisation. These areas were identified using the information listed above. These reviews do not mean that activities are not currently managed - they are designed to find out where improvements can be made and to implement the identified improvements. They will in turn result in a suite of fully documented and approved health and safety procedures that will form the backbone of the health and safety management system (see item 2.2 of the H&S Strategy).

3.3.3 The timescales allocated to each item within the H&S Strategy were developed according to the resources available at the time and the amount of work that was likely to be involved. The timescales are not set in stone: they are altered according to factors such as accident levels, external pressures, staffing levels, organisational objectives and new legislation. Timescales are also only an indication of when each item will be addressed - they may be completed ahead of plan or full implementation may be delayed or deferred. Nevertheless, all parts of the Strategy are essential, and need to be tracked and managed so that they are all complete by the end of 2011.

3.3.4 The NCH Health & Safety Strategy, including timescales, was consulted on at H&S Committee, and was approved by full Board in September 2008. Progress with the Strategy is reported quarterly at HR Committee, and is a standing agenda item at the 6 weekly meetings of the H&S Committee. The Strategy, especially timescales, is revised every 6 months.

### 3.4 **Compliance with Legislation**

- 3.4.1 Compliance with legislation should be treated as a minimum standard. Organisations that manage health and safety reactively, using accidents or legal action as their mechanisms to identify non-compliance, will not manage health and safety effectively. Good health and safety management ensures that effective and proactive assurance systems (e.g. inspections, performance monitoring and auditing) are in place so that the organisation knows that all its operations are consistently compliant with legislation. Excellent health and safety management ensures that health and safety is integrated into the organisation's daily activities, and is embraced and valued by every director, manager, employee and customer.
- 3.4.2 Whereas the current NCH Health & Safety Strategy is aimed at ensuring legal compliance, many activities are also intended to result in the implementation of active assurance systems and the increased involvement of directors, employees and tenants and residents in safety management activities. The intention is to raise the safety management bar from its current position, through what is considered to be good management and into a position that can universally be regarded as excellent.
- 3.4.3 Two of the planned outcomes of the Health and Safety Strategy are specifically designed to address legislative compliance. These are:
- 6.1 HORIZON SCANNING - a procedure to ensure that the organisation is prepared for changes to health and safety law, and:
  - 6.2 LEGISLATIVE REVIEWS - the periodic review of the organisation's compliance with relevant health and safety and fire safety legislation.

### 3.5 **How the NCH H&S Strategy relates to relevant H&S legislation**

- 3.5.1 The table at appendix 1 to this report lists the most important legislation that is relevant to NCH operations. Some significant health and safety legislation, for example the Control of Major Accident Hazards and the Dangerous Substances and Explosive Atmospheres Regulations, is omitted because it is not relevant to any NCH activity, or is only relevant to small areas and will be addressed locally rather than within the overall H&S Strategy.
- 3.5.2 The Corporate Manslaughter and Corporate Homicide Act 2007 is excluded from the table as this Act introduced a new offence, but no new duties, and therefore 'compliance' with the Act cannot be measured. Nevertheless, a gap analysis of NCH's corporate governance arrangements compared with the Institute of Directors guidance "Leading Health and Safety at Work" - see item 1.2 in the H&S Strategy and the main H&S report to the HR Committee - will ultimately lead to recommendations to reduce the likelihood of any future prosecution under this legislation.

## **4 OTHER OPTIONS**

4.1 Not applicable.

## **5 FINANCIAL & RISK IMPLICATIONS**

5.1 Failure to comply with health and safety legislation carries a maximum penalty of an unlimited fine and / or imprisonment.

## **6 IMPLICATIONS FOR NOTTINGHAM CITY HOMES OBJECTIVES**

6.1 Management of health & safety is essential to all of the Company's objectives as it will affect the health, safety and wellbeing of all the Company's stakeholders and customers.

## **7 VALUE FOR MONEY AND EFFICIENCY ISSUES**

7.1 Items in this report, unless otherwise stated, meet the efficiency criteria E3, improved outcomes for no additional resources.

## **8 EQUALITY AND DIVERSITY IMPLICATIONS**

8.1 No Equality & Diversity issues have been identified at this stage

## **9 BACKGROUND MATERIAL AND PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

9.1 National Britannia Audit 2008

9.2 BS EN 18001 'occupational health and safety management systems'

9.3 NCH H&S Committee minutes

**Contact officers:** Ian Rabett  
Head of Health & Safety  
14 Hounds Gate, Nottingham. NG1 7BA  
0115 9157236  
[ian.rabett@nottinghamcityhomes.org.uk](mailto:ian.rabett@nottinghamcityhomes.org.uk)

**Date:** 07 July 2009