

Date	-	30 November 2018
Report of the	-	Lead Director, Dr Anthony Leonard
Subject	-	Health and Safety: Client and Contractor Audit 2018

Recommendation: It be **RESOLVED:** That:

- 1) the Health and Safety: Client and Contractor Audit 2018 Summary of Audit Findings be received;
 - 2) the recommendations for the Joint Waste Partnership / Client teams be implemented; and
 - 3) implementation of the Contractor's recommendations be monitored by the Joint Waste Office.
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Introduction

1. Employers have duties to ensure as far as is reasonably practicable, the health, safety and welfare at work of all of their employees who should not be exposed to risks to their health, safety, and welfare at work, in Section 2 of the Health and Safety at Work Act 1974. In addition, Section 3 contains a duty for an employer to conduct their undertaking so as not to expose persons not in their employment to risks to their health or safety.
2. Where a waste and recycling service is contracted out, a local authority in their client role, has duties under Section 3 of the Act to ensure, so far as is reasonably practicable, that the activities of the Contractor do not adversely affect the health and safety of people who may be affected by those activities. These people include members of the public, employees of the authority or the Contractors' employees. This is the duty that applies to the Joint Waste Partnership (JWP) and client teams.
3. The JWP's client responsibilities are described in the Joint Waste Health and Safety Policy.
4. The Health and Safety Executive (HSE) met with the JWP/client side in 2013/4, and their focus was directed towards how the JWP were monitoring the Contractor to ensure health and safety requirements were met. They suggested that Supervising Officers should monitor approximately 0.5% of work activity, and this was translated into targets for each council, in terms of collection round and street cleaning monitoring, and quarterly depot inspections.
5. Audits were conducted by the JWP in 2015 and 2016, and in 2015 this focused on Kier's collection operations and, in particular, vehicle safety and

route risk assessments, and in 2016, on locations that present particular hazards.

Health and Safety Audit 2018

6. A comprehensive Audit was commissioned as the contract has been running for five years, and is in the final year prior to mutual exit. In addition, the Audit could provide useful information to assist with the approach to health and safety for the new contract. Procurement for a health and safety consultant to undertake the Audit was conducted with the support of the East Sussex Procurement Hub using a framework, and a specialist consultant was appointed. The Audit was conducted between June and September 2018, and the work was undertaken in five parts:
 - a) Client responsibilities and documentation – desk top review of all East Sussex JWP documentation, plus interviews with the Authorised Officer, and Supervising Officers and Monitoring Officers in each local authority area.
 - b) Contractor's documentation – desktop review and review of documentation at depots.
 - c) Depot inspections – the Contractor's health and safety management was assessed and visual inspection was undertaken at all four depots.
 - d) Interviews with Kier staff – agency staff were interviewed about the induction process, and street cleansing staff interviewed about traffic management arrangements (Chapter 8).
 - e) Finally, the consultant was asked to consider any areas of improvement.
7. The HSE announced that from October 2018, they will be conducting an inspection campaign of the waste and recycling sector, and this includes collection activities, and the responsibilities of both contractors and local authorities, so the 2018 Audit is very timely. An inspection was undertaken at Bellbrook in late October, and Kier report that the outcome was positive with no recommendations or action for them to take.

Summary of Findings

8. The summary of the Audit findings is set out in Appendix A, where it can be seen that; the key recommendation for the JWP/client side is to achieve a consistent standard and frequency of monitoring of collection rounds and street cleaning, and depot inspections while; the key recommendations for the Contractor are to improve asbestos management, traffic management both in depots and on the public highway when litter picking, and to improve accident and incident reporting to the JWP/client.

Conclusion

9. A comprehensive Health and Safety Audit was undertaken by a specialist health and safety consultant, and a review has been undertaken of client and contractor documentation, with findings for both the client and contractor sides, along with depot inspections and Kier staff interviews.
10. Steps will be taken to address the recommendations on the client side, and to monitor the Contractor side recommendations to ensure compliance with health and safety legislation.

Dr Anthony Leonard
Lead Director

Risk Assessment Statement

Failure to adequately manage health and safety incurs risk at both organisational and personal level as well as incurring a higher probability of actual harm to Kier staff and members of the public.

SUMMARY OF AUDIT FINDINGS

Part 1: Client Responsibilities and Documentation

- a) The Joint Waste Partnership (JWP) Health and Safety Policy was found to be fit for purpose, with only minor amendments being required e.g. formalisation of meeting frequency.
- b) The training requirements for lead directors, councillors and supervising and monitoring staff were reviewed and recommendations made.
- c) Inconsistencies and different approaches to monitoring of the Contractor's operation (collection rounds and street cleaning) across the contract area were identified. The options to address this are:

 Option 1 – shared Partnership resource to manage/monitor health and safety **or**;
 Option 2 – review council resourcing to enable increased levels of monitoring frequency and consistency **or**;
 Option 3 – if 0.5% monitoring of work activity is unrealistic, a revised level justified by risk assessment needs to be agreed, targeting high risk activity.
- d) Concerns over Kier's accident and incident reporting to the JWP, and the need for regular and consistent information to enable the monitoring role to be fulfilled.
- e) Inconsistencies were found in the forms used for client side depot inspections, and frequency of inspections. Inspections should be quarterly as per the JWP Health and Safety Policy, and a standard depot inspection form will be provided to the councils for future use.

Recommendations

- f) The key consideration for the JWP is the approach to monitoring to be taken for the remainder of the Kier contract. Given that there is only eight months of the contract remaining, it is not feasible to explore Option 1. Option 2 is consistent with the previous approach recommended by the Health and Safety Executive (HSE), and Supervising Officers at each council are required to review their monitoring arrangements to meet this standard. If, subsequent to this meeting, having reviewed frequency and consistency of monitoring arrangements, Supervising Officers take the view that Option 2 is not achievable, then work will need to be undertaken to determine a realistic and acceptable level of monitoring, in line with Option 3, supported by a risk assessment to ensure statutory duties are met.
- g) Client monitoring will be reviewed as part of the work to determine future client management arrangements for the new contract.

Part 2: Kier Documentation

- h) Kier has a comprehensive range of Health and Safety management documentation driven from both their internal SHE team and as a requirement of their UKAS (United Kingdom Accreditation Service) accredited health and safety management system. All documentation was available on the Kier

Intranet and relevant policies and procedures were available in hard copy form. Each depot was controlled by a premises management file, which contained a number of documents including inspection reports, testing certificates, display screen assessments for employees, first aid and competency certificates, water hygiene and noise assessments and traffic management plans for the yard areas. Site wide fire risk assessments had been carried out within the past year, and an emergency response plan and major incident contingency plan were in place.

- i) Kier's internal SHE team – the team conducts depot audits regularly and any defects are logged on Kier's internal system, with red flags being generated for issues that need addressing, and an internal report being generated to show progress.
- j) Activity based risk assessments and associated safe systems of work – there was an extensive range of information covering the full range of depot and work based activities. These documents formed the basis of a regular programme of toolbox talks delivered to operatives. Route risk assessments were available at each depot and are annually updated by supervisors.
- k) An asbestos survey was carried out at each site in 2013, but these were all refurbishment surveys, and no further conditions surveys had been carried out.
- l) CoSHH (Control of Substances Hazardous to Health) assessments were in place but some were missing from the Amberstone and Bellbrook folders.
- m) Training was mainly conducted via toolbox talks, with some practical sessions which included manual handling, reversing assistant, bin lift training and driver training. Reversing training is limited to backwards and forwards instruction rather than being scenario based.
- n) Daily debrief sheets are completed after each round to identify any vehicle defects and problems encountered on the rounds. All vehicles undergo daily checks in the morning before they go out, and when they return to the yard on completion of the round. Crew Personal Protective Equipment (PPE) checks are undertaken before the vehicles leave the yard and supervisor monitoring takes place.
- o) Minutes from local meetings with the client teams were in place, but seemed to suggest that health and safety plays a relatively minor role in the meeting, and meeting frequency varies from fortnightly to monthly.
- p) Kier use an on-line system for recording and investigating accidents/incidents, but these are not regularly reported to the JWP for discussion at the monthly Contract Review and Performance meetings.
- q) Staff welfare – sickness is monitored by Human Resources, with particular focus on musculoskeletal injuries which are prevalent in the industry. Kier carry out medical screening for drivers, with eyesight tests and annual medicals for HGV drivers. There is no occupational health monitoring of staff and no vaccinations are given to operatives.
- r) Litter Picking Policy (Traffic Signs Manual Chapter 8) – the audit findings are as follows:

- there was confusion and inconsistency between the local authority areas;
- an impact protection vehicle had only just been sourced and was not available to use whilst specialist driver training was put in place;
- training was embedded but not always put into place due to the type of work undertaken, and staff were not trained to the appropriate levels as set out in the WISH (Waste Industry Safety and Health Forum) Formal Guidance Note 24 Safe Cleansing on the Highway;
- Kier's internal document on litter picking does not meet the above training standard, and states that litter picking should be carried out to face on-coming traffic. This assumes no protective vehicle is required, and is contrary to Chapter 8 guidance. It also does not refer to the use of protective vehicles; and
- PPE appeared to be available in all local authority areas, but some equipment was missing at Bulverhythe, and there was insufficient equipment at Courtlands.

Recommendations

The following recommendations were made to Kier to improve their documentation, record keeping and policies/procedures:

- an asbestos management survey carried out by a suitably competent person with an associated register and management plan is required;
- ensure all hazardous substances have appropriate CoSHH information available in the form of a material data sheet and associated assessment;
- reversing training – this should be a scenario based practical session;
- local meetings – greater emphasis required on health and safety with it being the first agenda item, and regular meeting frequency (the Joint Waste Policy refers to weekly);
- accidents and incidents should be discussed at the local contractor/client meetings, and the Contractor should submit a monthly Key Performance Indicator document to include all accident and incident information, for discussion at monthly Contract Review and Performance meetings;
- Kier should instigate a programme of occupational health monitoring, and their HR team should analyse sickness absence data to determine trend information for the depot sites; and
- Litter picking:
 - safe working procedures for street cleansing activities and specific road stretch risk assessments should be reviewed to ensure the identified precautions are appropriate and can be implemented;
 - all equipment should be readily available to permit safe litter picking at the specific locations to include appropriate protective vehicle, signs, cones, sandbags and PPE;
 - the use of the impact protection vehicle for dual carriageway roads throughout the JWP areas should be implemented as soon as possible;
 - the litter picking procedure should be reviewed to ensure it reflects Chapter 8 guidance, particularly with regard to requirements for protective vehicles;
 - staff should be clearly instructed in the specific precautions to be employed in the given road stretches;
 - higher levels of training to be provided for Operations Managers and at least one person to be trained to an even higher level; and
 - ongoing occupational assessment for highway workers, to include hearing and eyesight.

Part 3: Depot Inspections

Inspections were undertaken at Amberstone, Bellbrook, Bulverhythe, and Courtlands Road depots. There were two particular concerns, one being at Bellbrook where the manoeuvring of vehicles presented a risk of significant fatality, and the other being at Courtlands Road, where vehicles reverse out of the depot entrance, which is crossed by children from two local schools.

Recommendations

A full list of the recommendations is set out below:

Amberstone

- Consider possibilities to improve site and locate car parking in safer area. If some of the dilapidated buildings are no longer required, the vehicle area could be expanded within the site boundary with some demolition.
- Improve yard surface which is in a poor condition.

Bellbrook

- Provide barriers at the entrance to prevent the access of vehicles until it is safe for them to do so.
- Prohibit pedestrians in the yard whilst the shovel or HGVs are operating and improve the barriers to restrict access to the yard.

Bulverhythe

- Improve the barriers that demark pedestrian walkways as the current plastic barriers offer little physical protection against vehicles.
- Review the site traffic management arrangements in general to manage the potential for public vehicles driving into the main yard area.

Courtlands Road

- Consider options for extending site or providing all or some of the facilities elsewhere. The site is not large enough for safe vehicle movements (staff moving around reversing vehicles as shift ended, walkways provide only limited protection and vehicles reversing out of workshop across walkway) and traffic can only travel in one direction on access road.
- Improve signage at road to prohibit reversing down the entrance road.
- Ensure smoking is prohibited in unsigned areas and that all pressure cylinders are chained and redundant cylinders removed.

Part 4: Interviews with Kier Staff

Interviews were conducted with nine agency staff, and nine street cleaning staff.

- a) Agency staff – an initial discussion was held with Smart Solutions, who provide agency staff to Kier. They provided information on their registration and training process, and the additional requirements for drivers. Subsequently nine agency staff were interviewed, three from Bulverhythe, three from Amberstone and three from Courtlands. Agency staff at all three depots described induction processes, toolbox talks, driver, vehicle and PPE checks, and access to bulletins on staff noticeboards.
- b) Street cleaning staff – generally staff had a good level of knowledge of Chapter 8 requirements, but there was inconsistency in the way that Kier's policy was applied in different depot areas.

Part 5: Additional Recommendations

The following additional recommendations were made:

- Use of on-board CCTV on collection vehicles for monitoring staff and third party activity – this may encourage appropriate behaviour and provide evidence in the event of an incident.
- Use of smart Sat-Nav with “points of interest” information to describe safety issues and precautions to take at key sites on approach.
- Access to vehicle tracker software to allow monitoring of vehicle locations and to enable inspections independent of contractor involvement, particularly in rural areas where the whereabouts of a vehicle may be harder to ascertain.