

## Board of Management

### Finance & Physical Resources Committee

<b>Date of Meeting</b>	<b>Wednesday 21 November 2018</b>
<b>Paper No.</b>	<b>FPRC2-D</b>
<b>Agenda Item</b>	<b>6</b>
<b>Subject of Paper</b>	<b>Health and Safety Annual Report 1 August 2017 – 31 July 2018</b>
<b>FOISA Status</b>	<b>Disclosable</b>
<b>Primary Contact</b>	<b>Fares Samara</b>
<b>Date of production</b>	<b>October 2018</b>
<b>Action</b>	<b>For Approval</b>

#### 1. Recommendations

- 1.1 The Committee is invited to consider the attached report for approval.

## 2. Purpose of Report

2.1 Managing for health and safety must be a key priority for the College and is an integral part of effective service delivery. This annual report serves to provide a review of the College's health and safety performance for the year 1 August 2017 to 31 July 2018. Our health and safety performance impacts on the College, our staff, students, contractors and members of the public and as such the health and safety risks created by College premises; facilities and activities must be effectively controlled and managed. This will be achieved through compliance with relevant health and safety legislation and through the continuing development and implementation of our health and safety management systems.

2.2 The effective management of health and safety is based on the PLAN- DO-CHECK- ACT management system approach as follows-

**Plan-** Determine Policy and plans for implementing the Policy

**Do-** Profile risks and organise for H&S and implementing plans

**Check-** measure performance including monitoring before loss events and investigate after loss events

**Act-** Review performance and act upon lessons learned

This Report therefore sits under the Check part of the cycle and provides the Board with a measure of our performance.

2.3 Attached as appendices are the Quarterly reports which are submitted at various points to the College H&S committee and the F&PRC:-

- Q1 August- October 2017
- Q2 November- January 2018;
- Q3 February- April 2018;
- Q4 May- July 2018.

2.4 In addition, the Annual Report covers the period 1 August to 31 July.

## 3. Context

3.1 The reporting of Health and Safety performance was historically limited to members of the H&S Committee and the Annual Report to the Board of Management. This approach did not provide information on H&S matters at ELT / SMT level and the current reporting structure was established to promote engagement, encourage buy-in and to ensure co-operation and coordination across the College on health and safety matters. The approach aims to raise the profile and emphasises compliance with the relevant statutory provisions with monthly reports to the SMT. The reporting process also aims to provide Senior Management with the opportunity to use H&S performance information to make appropriate strategic and operational

decisions that fully takes account of health and safety performance standards and the relevant statutory provisions.

3.2 The health and safety reporting requirements are as follows-

3.2.1 Monthly reports to SMT

3.2.2 Quarterly reports to F&PR Committee and H&S Committee (combined from SMT monthly reports)

3.2.3 Annual report to Board of Management (cumulative quarterly reports to F&PRC)

#### **4. Impact and implications**

4.1 The reporting process provides College Senior Management and the Board with information on standards of reactive and active health and safety performance. This allows Senior Management to make appropriate management decisions whilst taking health and safety implications into consideration. It also provides the Board of Management with information on the College's health and safety performance and will help them to determine if health and safety is being managed appropriately and effectively.

4.1 The Health and Safety at Work etc. Act 1974 (HSAWA) sets out the general health and safety duties of the College as an employer to ensure the health and safety of our employees and those persons not in the employment of the College that could foreseeably be affected by our work activities, so far as is reasonably practicable. The Fire (Scotland) Act 2005 (FSA) places a similar duty on the College as an employer in respect of premises which we occupy. Failure to comply with the provisions of health and safety and fire safety law can ultimately lead to enforcement action which can include improvement and prohibition notices; criminal prosecution leading to fines and publicity orders and individual prosecution leading to fines and / or custodial sentences as well as significant reputational damage. Failures in health and safety management can also pose a risk of civil action against the College as an employer.

4.2 If a health and safety offence is committed with the consent or connivance of, or is attributable to a neglect of a duty on the part of any director, manager, secretary or other similar officer then that person or persons (as well as the organisation) can be prosecuted under the HSAWA and FSA.

4.3 The Management of Health and Safety at Work Regulations 1999 and the Fire Safety (Scotland) Regulations 2006 set out specific legal duties which support compliance with the HSAWA and the FSA respectively, including assessing risks and making appropriate arrangements for the effective planning, organisation, monitoring, control, and review of the preventive and protective measures.

4.4 The Corporate Manslaughter and Corporate Homicide Act 2007- Under this Act an offence will be committed where failings by the senior management of

the College are a substantial element in any gross breach of a duty of care owed to the College's employees or members of the public, which results in death.

- 4.5 The Health and Safety Offences Act 2008 allows for fines up to £20,000 per offence in the lower courts for individuals and corporate bodies. Higher courts are able to apply fines without limit. In addition, for most health and safety offences, the Act allows lower courts to imprison individuals for up to one year and higher courts to imprison for up to two years. This can be in addition to any fine imposed.
- 4.6 An appeal against sentence by Scottish Power Generation Ltd against Her Majesty's Advocate in 2016 over the level of fine imposed by the Sheriff Court of Dunfermline that was in part determined by the Sheriff taking regard of the Sentencing Council of England and Wales "Health and safety offences, corporate manslaughter and food safety and hygiene offences: Definitive Guideline" The appeal Court judgement held that it was reasonable for Scottish courts to use the guidelines as a "cross check" in determining an appropriate level of fine. It should be noted that the guidelines have starting points for fines for large organisations with a turnover of £50,000,000 and over ranging from low culpability to high culpability of between £10,000 and £4,000,000. Aggravating and mitigating factors would be taken into account in determining the final level of fine and in the most serious cases a fine could be up to £10,000,000.
- 4.7 The Health and Safety (Fees) Regulations 2012- requires the Health and Safety Executive to recover its costs for carrying out its regulatory functions from those employers found to be in material breach of H&S law. This is known as Fee- for- Intervention and is currently set at £129 / hour. Where the College is be found to be in material breach of health and safety law, it will have to pay for the time it takes for the HSE to identify the breach and put things right. This includes investigating and taking enforcement action.

## Health and Safety Annual Report – 1 August 2017 – 31 July 2018

Our Health and Safety Policy sets out the high- level corporate aims, targets and objectives for managing health and safety and the corporate planning arrangements and structures for its implementation.

All College service areas are required to implement and give effect to the Policy and turn these high level targets into local actions to manage and control risks to safety and health across all areas and activities of the College.

In order to ensure the management system is effective in achieving what it has set out to do, it is essential that performance is monitored, measured and reported to learn any lessons and to provide a feedback loop into the management system to act upon any identified issues and to identify and implement corrective actions to ensure that performance is continually improved.

H&S performance reporting is therefore important to College service managers; Senior Management and the Board of Management to identify if current performance is adequate or whether more needs to be done to ensure that risks to safety and health are being adequately controlled.

The effective measurement of health and safety performance is based on two different, but complimentary techniques that can provide a satisfactory level of assurance of overall performance.

**Active** monitoring ensures that health and safety standards are correct *before* instances of accidents; incidents and ill- health occur and is essentially preventive in nature. Active monitoring is concerned with checking standards before an unwanted event takes place and the intention is to identify:-

- Conformance with standards so that good performance is recognised and maintained;
- Non- conformance with standards can be identified and suitable corrective action can be identified and implemented to remedy any shortcomings.

**Reactive** monitoring uses accidents, incidents and ill- health as indicators of performance to highlight areas of concern. Monitoring should take place at the local and corporate levels and it is essential that management at all levels participate fully in monitoring local health and safety performance.

## Health and Safety Structure

- The Vice Principal Infrastructure is currently the nominated senior manager with additional responsibilities for health and safety management.
- Under the new Leadership restructure the H&S function will report through the Vice Principal Corporate Services. The date of the implementation of the new structure is 15 October 2018.
- There is currently no member of staff designated as the Head of Health and Safety.
- A Fire Safety Officer was appointed in March 2018 to assist in the management of fire safety.

The current Health and Safety Team structure is as follows -

- 1x Health and Safety Compliance Manager;
- 1x Health and Safety Adviser;
- 1x Fire Safety Officer; and,
- 1x Health and Safety Administrator.

## Accident / Incidents

Health and Safety at Work etc. Act

Management of Health and Safety at Work Regulations

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations.

Certain categories of work- related accidents and incidents involving workers and in some cases those persons not in employment may be reportable to the Health and Safety Executive.

- There is a decrease in the number of reported accidents and incidents from 192 to 176.
- The most significant causes of all accidents was contact with sharp objects followed by hot / cold contact and participating in a sporting activity.
- A total of 89 accident / incident Investigations were carried out by the Health and Safety Team and reports submitted to service / school areas for actions / improvements.
- RIDDOR incidents reportable to the Health and Safety Executive show an increase from 12 to 27. These types of events may indicate the potential for a more severe outcome if the events leading up to the incident were to be repeated.
- A lost- time accident resulting in an absence of 6 days by a member of staff was caused by the collapse of a shelf in the City Campus library
- 66 accidents / incidents were not supported by an Accident / Incident Report Form.
- An online Accident Incident Management System has been purchased to improve the reporting, recording and investigation of accidents / incidents.

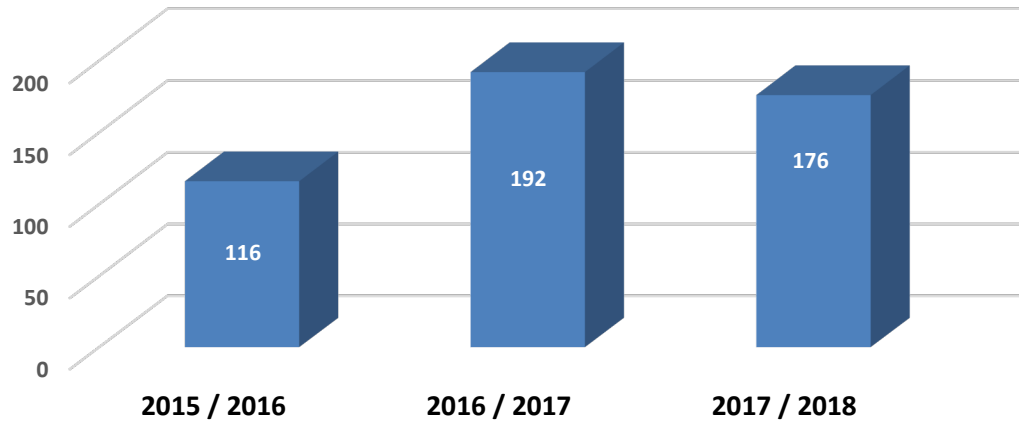
### ANNUAL COMPARISON FOR LAST 3 REPORTING YEARS

<b>01 Aug – 31 July</b>	<b>NON- RIDDOR ACCIDENT</b>	<b>NON- RIDDOR INCIDENT</b>	<b>RIDDOR ACCIDENT</b>	<b>RIDDOR INCIDENT</b>	<b>ALL ACCIDENT / INCIDENT TOTALS</b>
<b>2015 / 2017</b>	103	9	4	0	<b>116</b>
<b>2016 / 2017</b>	137	43	11	1	<b>192</b>
<b>2017 / 2018</b>	124	25	26	1	<b>176</b>

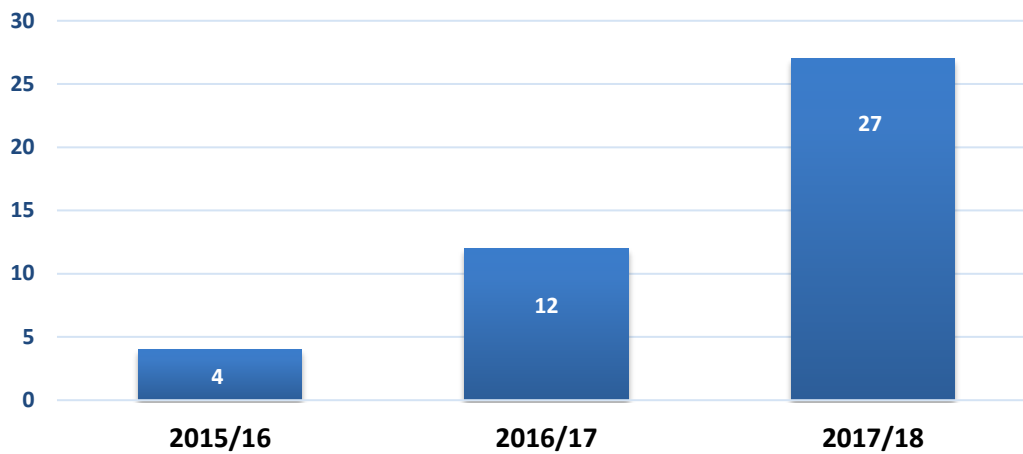
### MONTHLY / ANNUAL COMPARISON TO LAST REPORTING YEAR for reporting period

<b>Accidents / Incidents</b>	<b>2016 / 17 Month</b>	<b>2016 / 17 Total</b>	<b>2017 / 18 Month</b>	<b>2017 / 18 Total</b>
<b>August</b>	5	5	1	1
<b>September</b>	18	23	20	21
<b>October</b>	23	46	14	35
<b>November</b>	29	75	20	55
<b>December</b>	12	87	12	67
<b>January</b>	17	104	15*	82*
<b>February</b>	17	121	25*	107*
<b>March</b>	28	149	26	133
<b>April</b>	22	171	14*	147*
<b>May</b>	9	180	20*	167*
<b>June</b>	9	189	6*	173*
<b>July</b>	3	192	3	176

### Comparison of all Accidents / Incidents for last 3 years

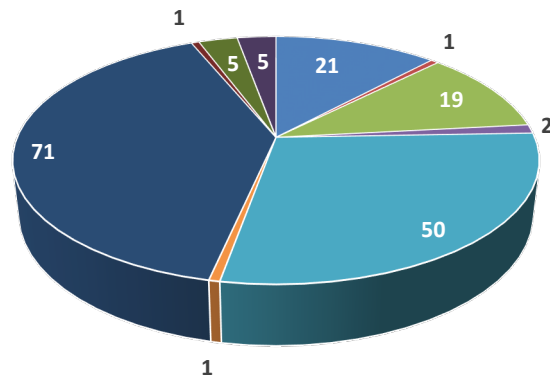


### Comparison of all RIDDOR Reportable Incidents for last 3 years



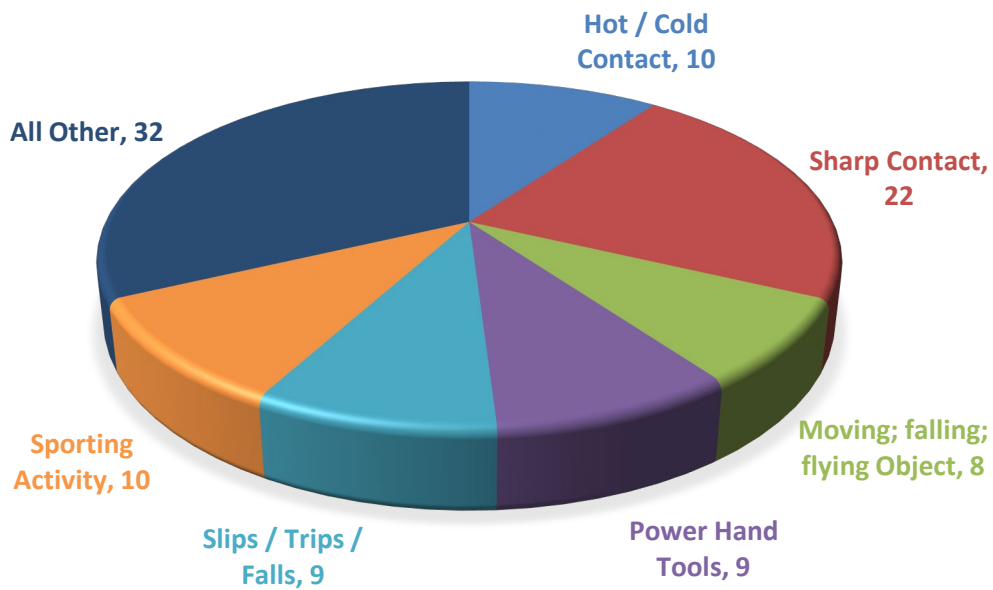


### ALL ACCIDENTS / INCIDENTS BY FACULTY / DIRECTORATE

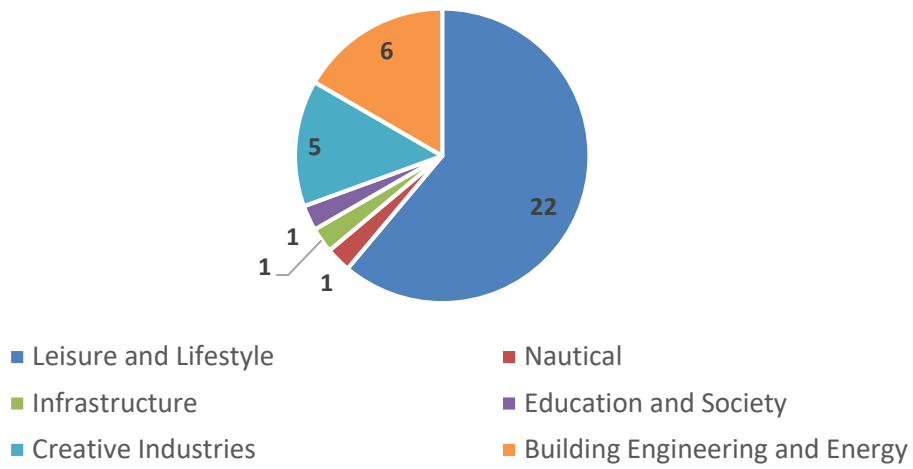


- Building, Engineering and Energy
- Creative Industries
- Infrastructure
- Leisure and Lifestyle
- Nautical
- Corporate Services
- Education and Society
- Learning Technologies
- Library
- Student Experience

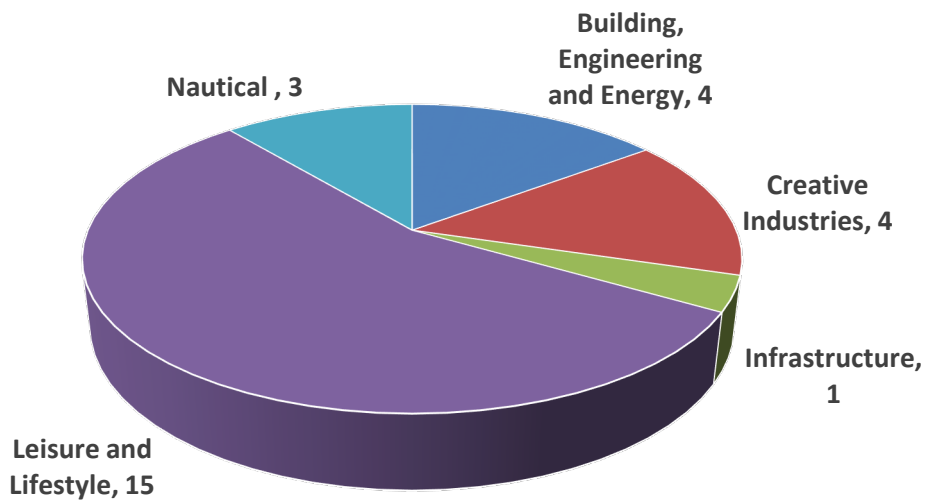
### TOP 6 CAUSES OF ACCIDENTS / INCIDENTS AS A % OF ALL ACCIDENTS / INCIDENTS



### Sharp Contact Injuries by Faculty / Directorate



### All RIDDOR Accidents/ Incidents by Faculty / Directorate



## H&S Risk Assessments (excluding fire)

Health and Safety at Work Act

Management of Health and Safety at Work Regulations

- A total of 60 new / reviewed risk assessments were submitted on Connected
- 41 Display Screen Equipment (DSE) Assessments were completed by staff
- 4 face- to- face DSE Assessments were completed by the H&S Team.
- 2 members of staff were referred for an in- depth DSE Assessment by an external consultant. Reports and recommendations were made to the relevant service / school in relation to these assessments.

## Fire

Fire (Scotland) Act

Fire Safety (Scotland) Regulations

- Fire Safety law requires that employers and those organisations in control of premises ensure that appropriate and effective measures to reduce the risk of fire are in place and include specific duties to ensure that adequate measures are in place to:-
  - Control the risk of fire
  - Control fire spread
  - Ensure that the means of escape are available at all material times
  - Fight fires
  - Detect fire
  - Give warning of fire
  - Ensure that arrangements are in place to ensure that appropriate action is taken in the event of fire
  - Ensure that employees and relevant persons receive suitable information, instruction and training in the fire safety arrangements.
- In addition, employers are also required to ensure that any fire safety systems and equipment are subject to a suitable system of maintenance and are maintained in an efficient state, in efficient working order and in good repair.
- Where more than one duty- holder share a premises then those organisations must put in place adequate arrangements to secure cooperation and coordination in respect of complying with the duties under fire safety law.

Fire Event Category	City Campus	Riverside Campus	Marine Skills Centre	Halls of Residence
Fire	0	0	0	0
Evacuation Drill	1	1	1	1

## Training

Health and Safety at Work etc. Act and Relevant Statutory Provisions  
Fire (Scotland) Act  
Fire Safety (Scotland) Regulations

- Health and Safety and Fire Safety law places duties on employers to provide suitable information, instruction and training to staff in relation to the risks to health and safety and safety from fire. In certain cases this can extend to persons not in their employment. Employers are also responsible for ensuring that employees are competent to carry out their duties without risks to their own and others health and safety or safety from fire.
- Training completed in the reporting period is as follows:-

Course	Type of Course	Numbers of Staff Completing
Introduction to Health and Safety at Work	Internal- Online- Certificated	31
Fire Safety and Evacuation	Internal- Online- Certificated	35
Assessrite Display Screen Equipment	External- Online- Certificated	48
Manual Handling	External- face- to- face	7
Safe use of stepladders	Internal- face- to- face	7
	<b>Total</b>	<b>128</b>

## BDO Audit / Henderson Loggie

Management Of Health and Safety at Work Regulations

- A review of the implementation of the BDO Audit recommendations by Henderson Loggie took place on 07/08/17.
- The outstanding action, the creation of a draft Health and Safety Risk Register was completed in November 2017.

## **Enforcing Authorities**

### Health and Safety at Work Act

- An Officer of the Health and Safety Executive (HSE) requested that additional information be provided in relation to the circumstances surrounding a RIDDOR reportable incident involving a penetrating eye injury to a student taking part in an evening class on 12/09/17. Additional information was provided to the HSE on 30/10/17. At the time of this report no further contact has been received in connection with this incident.
- Scottish Fire and Rescue Service (SFRS) Enforcement Officers carried out a desktop audit of the College's fire safety arrangements on 31/10/17. A follow-up site visit was arranged for 23/11/17. This visit was cancelled by SFRS.
- A Scottish Fire and Rescue Service Enforcement Officer attended Riverside Campus on 04 / 04 / 18 in relation to the Dangerous Occurrence of 15 / 03 / 18 and requested information on the general fire safety measures. There has been no subsequent contact with the Enforcement Officer.
- An Officer from the HSE carried out a site visit on 06 / 04 / 18 in relation to a reportable trip and fall incident which resulted in a member of staff being knocked unconscious. There has been no subsequent contact from the enforcing authority in relation to this incident.

## **H&S Policies and procedures**

### Health and Safety at Work Act

- A RoSPA Consultant was contracted to develop a Control of Hazardous Substances to Health Policy.

## **Accident Claims Cases**

- Teaching Staff Member v City of Glasgow College (trip and fall incident 30/04/15) Case now settled.
- Teaching Staff Member - letter of claim received 03/10/17 in relation to a trip and fall incident in January 2017.
- Support Staff Member - letter of claim received on 03/11/16 in relation to an incident in December 2014. (manual handling injury)
- Student - letter of claim received 15/09/16 in relation to injuries sustained in demolishing a wall.
- Support Staff Member - letter of claim received 28/03/17 in relation to a trip and fall incident on 12/01/17.
- A trip and fall incident involving a member of staff in April 2015 was settled.

- A trip and fall incident involving a member of staff in January 2017 was settled. The College's Insurer has intimated that they will make a counter-claim against GLQ.
- An incident involving an alleged "struck by injury" to a student in October 2015 by a suspended ceiling tile as a result of a sudden lift stop was settled.
- A letter of claim was received by the College in March in relation to an alleged injury sustained by a former member of staff in 2016. A representative of the College's Insurer carried out a site visit in April and is yet to provide a decision on what action to take.

## **H&S Committee**

### The Safety Representatives and Safety Committees Regulations

- The Health and Safety Committee is the main forum for communication and consultation between College management and staff and their representatives
- The Health and Safety Committee meets quarterly and receives a Health and Safety report similar to the F&PRC Quarterly Report.
- Management and staff are able to raise and discuss specific health and safety issues and matters.
- Meetings of the Health and Safety Committee took place as follows:-
  - Q1- 25 August 2017;
  - Q2- 16 February 2018;
  - Q3 / Q4- 31 August 2018

## **Inspections**

- An Occupational Hygienist Consultancy was contracted to carry out exposure monitoring of:-
  - Noise at Riverside Engineering Working Engine Room;
  - Construction dust in common areas at City Campus;
  - Respirable Crystalline Silica at City Campus stonemasonry workshops;
  - Noise and wood dust at City Campus in Construction workshops;
  - Wood dust and noise at City Campus Creative Industries workshops.
- Reports on the findings of these Occupational Hygiene investigations and recommendations for improvements were sent to the relevant service / school areas.
- 33 Health and Safety Inspections were carried out by the H&S Team. Reports on the findings of these Inspections were sent to the relevant service / school areas.

## **Benchmarking**

- The Health and Safety Executive (HSE) have historically produced annual statistics based on reportable injuries to employees- no statistics are currently available for benchmarking purposes. A significant limitation of these figures is that they only apply to employees.
- Insufficient data on staff numbers does not currently allow for benchmarking to be carried out.