

Board of Management Finance & Physical Resources Committee

Date of Meeting	Wednesday 2 October 2019
Paper No.	FPRC1-S
Agenda Item	5.3
Subject of Paper	Health and Safety Annual Report 1 August 2018 – 31 July 2019
FOISA Status	Disclosable
Primary Contact	Dr. Sheila Lodge
Date of production	August/September 2019
Action	For Noting

1. Recommendations

- 1.1** The Board is invited to note the report.

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 2018 to 31 July 2019. 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 2018
- Q2 November- January 2019;
- Q3 February- April 2019;
- Q4 May- July 2019.

2.4 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 of Health & Safety 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 take 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 Board members 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 was made in 2016 against sentence by Scottish Power Generation Ltd against Her Majesty's Advocate 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 Act 2012: This 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 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 2018 – 31 July 2019

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 to turn these high level targets into local actions in order 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, so that any lessons are learnt. Provide a feedback loop into the management system allows managers to act upon any identified issues and to identify and implement corrective actions, ensuring 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 Depute Principal and Chief Operating Officer is currently the nominated senior manager with additional responsibilities for health and safety management. She took up this responsibility in the spring of 2019.
- The current Health and Safety Team structure is as follows:
 - 1x Health and Safety Manager;
 - 1x Health and Safety Adviser;
 - 1x Acting Health and Safety Adviser;
 - 1x Fire Safety Officer, and;
 - 1x Health and Safety Administrator (Agency)
- The provision of the Acting H&S Adviser will allow the H&S Team to undertake more proactive work.

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.

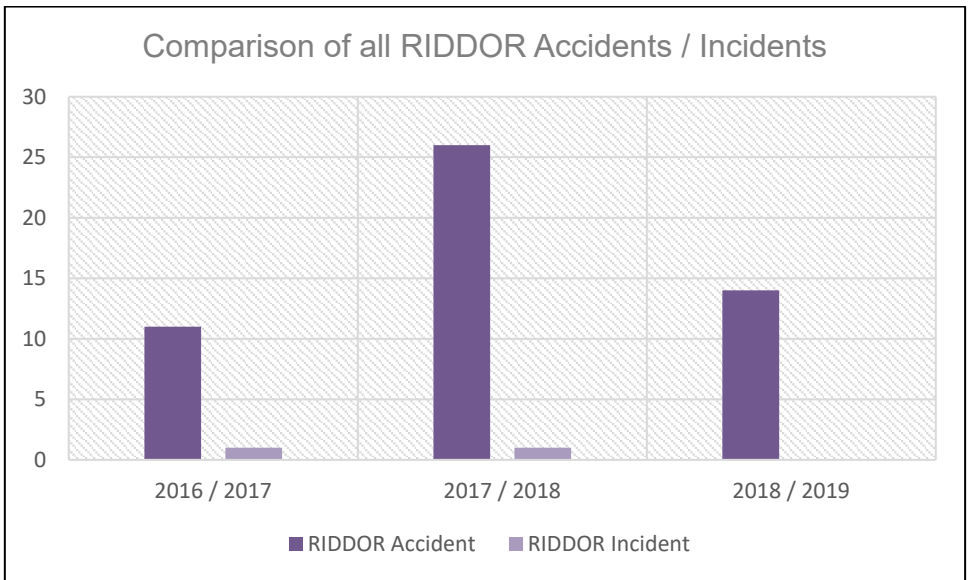
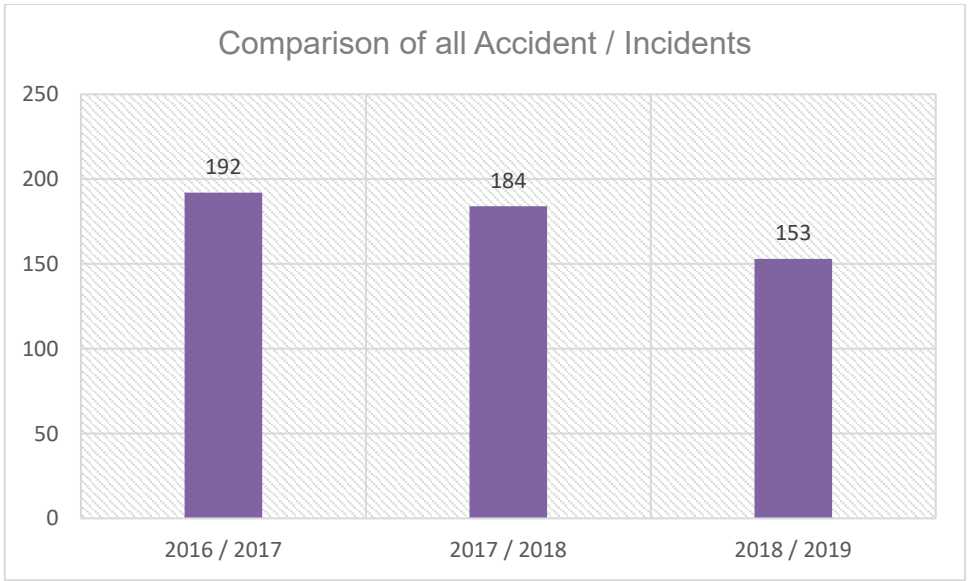
- There has been a slight decrease in the total number of accidents / incidents. This number had fallen from 184 to 153.
- The most significant cause for all accidents and incidents reported this year were in relation to sharp contact. Since last year this number has risen from 38 to 47.
- A total of 135 accident / incident investigations were carried out by the Health and Safety Team.
- RIDDOR accidents and incidents that are reportable to the Health and Safety Executive have shown a significant decrease from 27 to 14.
- An online Accident Management System will shortly be implemented to facilitate reporting, recording and investigation of accidents / incidents. A user guide is currently in development to ensure that staff are aware of how to use the system effectively.

ANNUAL COMPARISON FOR LAST 3 REPORTING YEARS

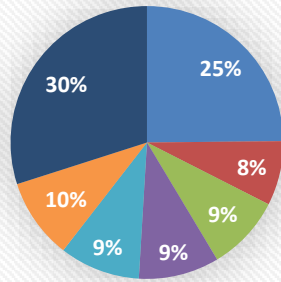
01 Aug – 31 July	NON- RIDDOR ACCIDENT	NON- RIDDOR INCIDENT	RIDDOR ACCIDENT	RIDDOR INCIDENT	ALL ACCIDENT / INCIDENT TOTALS
2016 / 2017	137	43	11	1	192
2017 / 2018	131	44	11	1	187
2018 / 2019	111	28	14	0	153

MONTHLY / ANNUAL COMPARISON TO LAST REPORTING YEAR for reporting period

All Accidents / Incidents	2017 / 18 Monthly	2017 / 18 Year Total	2018 / 19 Monthly	2018 / 19 Year Total
August	1	1	4	4
September	20	21	21	25
October	14	35	17	42
November	20	55	19	61
December	12	67	12*	73
January	14*	81	19*	92
February	25	106	16*	108
March	26*	132	20*	128
April	15*	147	9	137
May	20	167	7	144
June	14	181	5	149
July	3	184	4	153

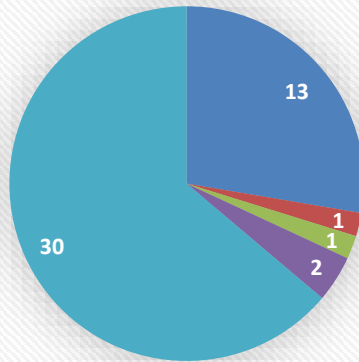


Top 6 causes of Accidents / Incidents as a % of all Accidents / Incidents



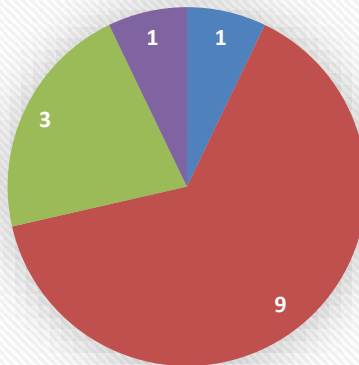
- Other
- Hot & Cold Contact
- Portable Hand Tools
- Near Miss
- Slips, Trips & Falls
- Sport
- Sharp Contact

Sharp contact injury by Faculty / Directorate



- Creative Industries
- Student Services
- Unkown
- Corporate Development
- Hospitality & Leisure

All Riddor Accidents / Incidents by Faculty / Directorate



- Nautical & STEM
- Creative Industries
- Hospitality & Leisure
- Corporate Services

H&S Risk Assessments (excluding fire)

Health and Safety at Work Act

Management of Health and Safety at Work Regulations

- A total of 39 new / reviewed risk assessments were submitted on Connected.
- 85 Display Screen Equipment (DSE) Assessments were completed by staff.
- 35 face- to- face DSE Assessments were completed by the H&S Team.
- 15 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.
- 51 Personal Evacuation Plans were developed by the Fire Safety Officer to ensure that persons with additional evacuation needs can be evacuated in the event of a fire.
- Fire risk assessments were reviewed by a fire safety consultant for all occupied college premises as follows:
 - City Campus
 - Riverside Campus and Engineering Block
 - Riverside Accommodation
 - Marine Skills Centre
 - St Luke's Accommodation.

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 was as follows:

Course	Type of Course	Number of Staff Completing
Introduction to Health and Safety at Work	Internal- Online- Certificated	326
Fire Safety and Evacuation	Internal- Online- Certificated	312
Emergency Fire Action Plan	Internal- face- to- face	175
Fire Safety Awareness	Internal- face- to- face	264
Display Screen Assessor	External- face- to- face- Certificated	3
Assessrite Display Screen Equipment	External- Online- Certificated	111
Noise Awareness	External- face- to- face- Certificated	21
	Total	1212

- As part of the college's commitment to continual improvement of health and safety management, 100 staff with management responsibilities will complete the Institution of Occupational Safety and Health (IOSH) Managing Safely course. A total of 5 courses will be delivered with the first course starting in September 2019 and the final course in May 2020.

Henderson Loggie Audit

Management Of Health and Safety at Work Regulations

- Henderson Loggie carried out an audit in March to review the College's overall arrangements for dealing with H&S issues and to consider if these are adequate and operating effectively in practice at each main campus site.
- The audit report identified that the system has weaknesses that could prevent it achieving control objectives and requires improvements.
- 11 recommendations have been made to improve performance.
- An action plan has been developed to address these issues.

Enforcing Authorities

Health and Safety at Work Act

- An Officer of the Health and Safety Executive (HSE) wrote to the College (received on 25/01/19) in relation to an accident involving a member of staff on 23/07/18.
- It was stated that they had information that led them to believe that the incident should have been reported to them as either a major injury or an over-7-day injury and that the incident should either:
 - be reported to them forthwith; or
 - we should advise them within 14 days why it was considered that the incident was not reportable.
- The Health and Safety Compliance Manager provided a written response to the HSE as to why it was considered that the incident was not reportable on 30/01/19.
- There has been no further contact from the HSE in relation to the incident.

H&S Policies and procedures

Health and Safety at Work Act

- As part of the actions arising from the Henderson Loggie audit, the current H&S Management system and its associated policies and procedures are now subject to review.

Accident Claims Cases

- A letter from a solicitor acting on behalf of a member of staff relating to an accident on 23/07/18 involving the collapse of shelving was received on November 2018.
- A claim was received in May 2019 in relation to an object thrown at a member of staff in February 2019.
- A claim was received in July in relation to a slip and fall accident involving a member of support staff which occurred in April 2019.

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- 20 November 2018;
 - Q2- 14 March 2019;

- Q3- 13 June 2019
- Q4- 13 September 2019

Inspections

- Two inspections of the Riverside Engineering Workshops were carried out, one in August and the other in September. Reports on the findings and recommendations for improvement were sent to the Faculty Director for action.
- During a walk- round with the college's Occupational Health provider in March, it was noted that poor risk control measures, for staff involved in the washing of screen printing screens, were in place in the Screen-wash Room in the City Campus. The H&S Compliance Manager made a number of interim recommendations to the Associate Dean responsible for this work area to improve risk management.
- A H&S Inspection Programme will be developed for 2019- 20 covering the 4 Faculties and Corporate Services.
- The findings of the inspections will be reported to the SMT and the FPRC.

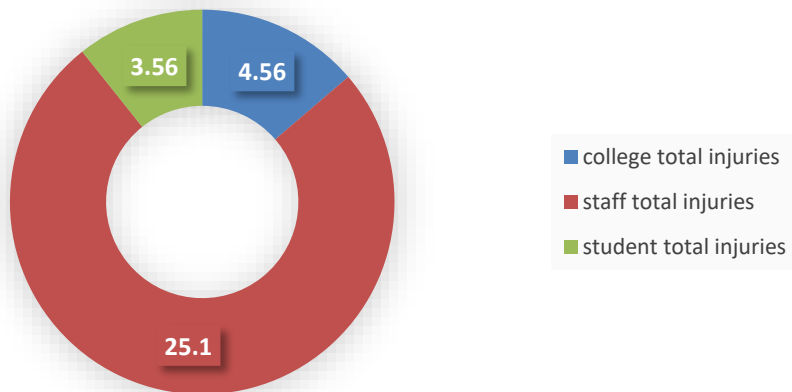
Benchmarking

The Health and Safety Executive (HSE) produce annual statistics based on RIDDOR reportable information.

- The Accident Incidence Rate (AIR) is the number of employee RIDDOR reportable accidents x 100,000 divided by number of employees.
- For 2016- 17 the College incidence rate is above the all industry and education sector rate.
- For 2017- 18 the College incidence rate is above the education sector rate but below the all industry incidence rate.
- For the year 2018- 19 the College incidence rate is 0.
- For the year 2017- 18, the College Development Network Health & Safety Development Network compiled a national picture of accidents / incidents across the college sector.
- A total of 14 colleges responded and this allowed responding colleges to compare their statistics against anonymised sector average rates. In all cases, the College is below the sector average.

Year	HSE Incidence Rate (all industry)	HSE Incidence Rate (education)	College Incidence Rate
2016 / 17	263	139	480
2017 /18	263	140	183
2018 /19	Not available	Not available	0

College Statistics 2017- 18 (per 1000 at risk)



Sector Average Statistics 2017-18 (per 1000 at risk)

