NHS
North West Anglia
NHS Foundation Trust

REPORT TO THE TRUST BOARD (PUBLIC)

TITLE	Health and Safety Executive (HSE) update
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EXECUTIVE SPONSOR	Louise Tibbert Chief People Officer
DATE OF MEETING	13 April 2021
PRESENTED FOR	Information and Assurance

PURPOSE OF THE REPORT

1. To outline the issues identified by the Health and Safety Executive (HSE) in relation to three staff deaths during December 2020.

2. To outline the actions being taken by the Trust in response to the issues identified by the HSE in March 2021.

EXECUTIVE SUMMARY

1. During December 2020 three members of staff sadly passed away due to Covid, which was likely to have been contracted whilst at work. The deaths were unrelated as each was in a different role, working in different parts of the Trust, and on two different sites.

2. The Trust has sought advice from and shared information with the Health and Safety Executive (HSE) since each of the deaths was notified, the first one being on 1st December 2020. During 2020 the Trust had also sought advice from the HSE and independent legal advisers on a number of occasions in relation to implementing preventative measures required as a result of the pandemic.

3. During March 2021 the Trust received three letters from the HSE in relation to the staff deaths and to the working environment. These confirmed that the Trust had contravened the Health and Safety at Work Act 1974 and asked the Trust to given consideration to a number of recommendations, which related to the oversight and management of health risk assessments and to social distancing as well as other protective measures.   The Trust provide formal assurance to the HSE on 26th March 2021 for the first letter and is in the process of similarly responding to the other two letters from the HSE by the deadline of 14th April 2021.

4. Since the start of the Covid-19 pandemic in March 2020, the Trust has implemented a number of measures to protect staff in-line with national guidance and the Health and Safety at Work Act 1974 and related regulations. The approach has been adjusted or changed each time new guidance or instructions became available. The Trust continues to take staff health and safety very seriously and has regularly reinforced the requirements that must be followed by staff and line managers over the last 12 months. The overall approach is now being further strengthened to respond to the issues identified by the HSE.

COMMITTEES/SUBGROUP WHERE THIS ITEM HAS BEEN CONSIDERED

Divisional Managers and leadership team, Health and Safety Committee, Hospital Management Committee, People and Culture Committee and Trust Board receives data about individual risk assessment compliance levels and actions being taken to address compliance.

RECOMMENDATIONS

1. To note the issues identified by the Health and Safety Executive (HSE) in relation to three staff deaths during December 2020.

2. To note the actions being taken by the Trust in response to the issues identified by the HSE in March 2021.

STRATEGIC GOALS THIS REPORT SUPPORTS *(Check all that apply)*

Delivering outstanding care and experience	✔
Recruiting developing and retaining our workforce	✔
Improving and developing our services and infrastructure	☐
Working together with local health and social care providers	☐
Delivering financial sustainability	☐

RISKS RELEVANT TO THE PAPER

Risk ID	Risk Description
none	

OTHER IMPLICATIONS OF THE PAPER

Legal/ Regulatory Relevance:	Health and Safety at Work Act 1974
NHS Constitution Delivery	n/a
Freedom of Information Release	This report can be released under the Freedom of Information Act

Equality and Diversity Implications *(Check all that apply)*								
Age	Gender	Ethnicity	Disability	Pregnancy/ Maternity	Marriage/ Civil Partnership	Religion/ Belief	Sexual Orientation	Gender Reassignment
✔	✔	✔	✔	✔	☐	☐	☐	☐
Additional comments – Risks to staff due to Covid-19 may be increased depending on individual characteristics.								

1.0 Context

1.1 The response to the pandemic during 2020/21 was often at pace and guidance was sometimes contradictory. It also changed very regularly, particularly in relation to individual health risk assessments. The Trust responded quickly to all national advice about risk assessments, social distancing, PPE and other measures. As national guidance was revised so was the internal policy, processes and information to all staff and managers.

1.2 All staff and managers were made aware of what was required and any apparent issues or breaches were followed through and reminders issued across the Trust. All staff continue to be required to undertake personal health risk assessments with mitigating measured being agreed by line managers. Individual risk assessment compliance remains a priority and is now at 93% (with 83% for recorded mitigations). Environmental risk assessments also continue to a requirement of line managers and include social distancing, maximum occupancy signage and management as well as hand gel/hand washing and regular cleaning.

2.0 Issues identified by the HSE

2.1 The HSE are obliged to investigate all staff deaths for Covid and have done so across a number of Trusts. They also investigate any complaints from staff linked to lack of adherence to covid safety measures in the workplace. The Trust has been working closely with the HSE throughout the pandemic to provide information as well as to seek advice.

2.2 In their three letters to the Trust during March 2021, the HSE identified a number of contraventions to the Health and Safety at Work Act, which relate to the need to strengthen the implementation, oversight, management, and control of individual and environment risk assessments.

2.3 Recommendations from the HSE included consideration of:

- whether increased involvement by occupational health professionals in the risk assessment process for moderate for high risk staff is appropriate.

- whether line managers completing the risk assessments is the most appropriate approach

- how monitoring and audit of both individual and environment risks assessments are undertaken (including the quality of these) to ensure compliance and control

- whether adequate environmental factors, including ventilation and social distancing , are in place and being monitored

- how new employees are risk assessed.

3.0   Actions being taken by the Trust

3.1   A weekly Task and Finish Group, chaired by the Chief People Officer, is working through all the issues and recommendations and have already implemented or are shortly implement some changes. These include:

- Revised guidance and templates to line managers for environmental risk assessments, with further guidance, audit and monitoring programmes about to roll out.

- Reinforcement of the Trust health risk assessment process to all staff and managers to continue to increase compliance. Regular reporting of compliance rates continues to support this, with follow up on those who are non-compliant.

- Monitoring and sampling of health risk assessments to check for quality as well as compliance in the work environment.

- Combined audit programme by Health and Safety, Infection Prevention and Occupational Health and, where necessary, Estates teams

- Improved manager and staff training

- Moving staff out of one work space to allow a range of remedial actions to be completed.

- Adoption of good practice as recently identified by the HSE following audits at 17 NHS Trusts

4.0   Conclusion

4.1   The Trust continues to be committed to staff health and safety and is taking action to remedy any identified issues and to consider recommendations from the HSE.

4.2   The People and Culture Committee will receive regular updates on progress against the detailed action plan, supported by evidence of compliance and auditing arrangements.