



**HEALTH & SAFETY ASSURANCE COMMITTEE
PWYLLGOR ANSAWDD IECHYD A DIOGELWCH**

DYDDIAD Y CYFARFOD: DATE OF MEETING:	10 May 2021
TEITL YR ADRODDIAD: TITLE OF REPORT:	Health and Safety Executive Enforcement Action Update
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Mandy Rayani, Director of Nursing, Quality and Patient Experience
SWYDDOG ADRODD: REPORTING OFFICER:	Tim Harrison, Head of Health, Safety and Security Adam Springthorpe, Health and Safety Manager

Pwrpas yr Adroddiad (dewiswch fel yn addas)

Purpose of the Report (select as appropriate)

Er Sicrwydd/For Assurance

ADRODDIAD SCAA

SBAR REPORT

Sefyllfa / Situation

This paper is presented to the Health and Safety Assurance Committee (HSAC) in order to provide an update on the continuing work towards compliance with the enforcement notices served against the Health Board (HB) by the Health and Safety Executive (HSE) in October 2019, and to expand upon the five papers presented to the Committee over the last 18 months. This paper summarises the developments since the previous Committee meeting held on 17th February 2021.

Cefndir / Background

Final Action Plans for the Improvement Notices (IN) and Material Breaches (MB) with November 2020 deadlines were submitted to the HSE on 18th November 2020 and a positive meeting was held with the Inspectors on 23rd November 2020, which led to verbal sign-off of 3 INs. Final Action Plans for the INs and MBs with January 2021 deadlines were submitted on 12th January 2021, two weeks ahead of the deadline.

On 20th January 2021 three Inspectors attended HB sites, with simultaneous visits to Prince Philip Hospital, Withybush General Hospital (WGH) and Bronglais General Hospital (BGH), looking at work undertaken towards compliance with the notices and also the HB's workplace COVID-19 / social distancing arrangements. Following the January visits, the HSE held a discussion with the HB's Trade Union representatives on 27th January 2021 to seek their views on progress towards compliance. At the time of writing the previous HSE Enforcement Update paper (2nd February 2021), formal feedback from these visits was awaited.

Asesiad / Assessment

The HSE Principal Inspectors delivered their feedback on all INs and MBs in a meeting held on 24th February 2021, which was followed by a letter dated 19th March 2021 which formalised the discussions held.

The letter confirmed that four of the INs had been fully complied with and acknowledged that good progress had been made towards all of them. The letter also confirmed that the HSE were confident that the remaining work on all of the MBs was being completed without the need for any further HSE scrutiny.

However, further work is required on the four remaining INs to achieve full compliance, and the letter confirmed agreed time extensions for each of these. A summary of the current position can be found below:

Improvement Notices	Status
IN1 - Management of Violence & Aggression (V&A)	Signed-off by the HSE
IN2 - Management of Manual Handling	New compliance date - 25th June 2021
IN3 - Violence & Aggression in A&E, WGH	Signed-off by the HSE
IN4 - Manual Handling - Health Records	Signed-off by the HSE
IN5 - Manual Handling - Laundry	Signed-off by the HSE
IN6 - Incident Investigation	New compliance date - 24th September 2021
IN7 - Manual Handling in Theatres, BGH	New compliance date - 25th June 2021
IN8 - Needlestick Management	New compliance date - 24th September 2021

Material Breaches	Status
MB1 - V&A / Lone Working (LW) Estates	No further HSE scrutiny
MB2 - V&A / LW – Switchboard	No further HSE scrutiny
MB3 - V&A / LW- Bronglais General Hospital	No further HSE scrutiny
MB4 - V&A / LW - MIU/AMAU Prince Philip Hospital	No further HSE scrutiny
MB5 - V&A / LW - Mortuary Prince Philip Hospital	No further HSE scrutiny
MB6 - V&A / LW - A&E Bronglais General Hospital	No further HSE scrutiny
MB7 - V&A / LW - A&E Glangwili General Hospital	No further HSE scrutiny
MB8 - V&A / LW - Community Mental Health Teams	No further HSE scrutiny
MB9 - V&A / LW - Patient Conveyance	No further HSE scrutiny
MB10 - Manual Handling - South Pems Hospital	No further HSE scrutiny
MB11 - Examination of Lifting Equipment	No further HSE scrutiny
MB12 - Control of Contractors	No further HSE scrutiny
MB13 – COSHH*- Mortuary Prince Philip Hospital	No further HSE scrutiny

*COSHH = Control of Substances Hazardous to Health

A new Executive-led Control Group has been established to oversee the work on the final four remaining INs, beneath which will sit a refreshed Sharps/ Needlestick Injuries Task and Finish Group, which will be led by the Assistant Director of Operational Nursing and Quality.

Additional evidence required for HSE

The HSE letter details additional actions required in order to reach a satisfactory level of compliance for each outstanding notice. The actions required for each of the remaining INs is outlined below:

IN2 – Management of Manual Handling:

- Clarification of standards by which performance will be assessed;
- Expectation on senior managers to hold their staff to account for risk control measures;
- More detail on the planned audit system and use of results to inform continuing improvement;
- Detail of how a reliable estimate of occurrence and severity of manual handling injuries will be reached.

IN6 – Incident Investigation:

- How compliance with this notice will be driven at corporate level;
- How senior managers will hold their staff to account for investigating employee incidents;

- More detail on feedback and use of results from the audits of Datix by the Health & Safety team;
- A programme for completing the rollout of the guidance material to managers;
- A plan or programme of training for those required to investigate and record incidents, and how this will be prioritised and targeted.

IN7 – Manual Handling in Theatres, BGH:

- In consultation with the theatre staff, identify all of those manual handling activities in theatres not included in the passport;
- Provide a timetabled programme for additional training for relevant employees on theatre manual handling techniques;
- Develop a communication system to share findings of the risk assessments and controls identified which may apply equally to employees at other sites.

IN8 – Needlestick Management:

Refresh the Terms of Reference of the Sharps/ Needlestick Injuries Task and Finish Group to focus on:

- Identifying/ reviewing all procedures where safer sharps are not in use to determine whether these have been properly risk-assessed and whether use of a safer sharp is reasonably practicable;
- Identifying meaningful leading indicators to assess performance against the Regulations;
- Ensuring that the number of sharps injuries is accurate;
- Equipping line managers to investigate underlying and root causes effectively;
- Reviewing information from incidents to help inform prioritisation and to ensure that robust action has been taken by local managers to address root causes.

As the HSE has already received all of the HB's evidence to date, new Action Plans have been developed to specifically track the additional work on the remaining INs.

Argymhelliad / Recommendation

For the Committee to take assurance from the Health and Safety Executive Enforcement Action Update report that the necessary work is being undertaken towards compliance with the notices served against the HB by the Health and Safety Executive.

Amcanion: (rhaid cwblhau)	
Objectives: (must be completed)	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	5.8 Ensure there is a process of review of findings of safety management system audits and seek assurance that corrective actions are put in place.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not Applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	2.1 Managing Risk and Promoting Health and Safety
Nodau Gwella Ansawdd: Quality Improvement Goal(s):	Focus On What Matters To Patients, Service users, Their Families and Carers, and Our Staff
Amcanion Strategol y BIP: UHB Strategic Objectives:	2. Living and working well.

Amcanion Llesiant BIP: UHB Well-being Objectives:	2. Develop a skilled and flexible workforce to meet the changing needs of the modern NHS
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Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Improvement Notices Material Breaches
Rhestr Termiau: Glossary of Terms:	Contained within the body of the report
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Ansawdd Iechyd a Diogelwch: Parties / Committees consulted prior to Health and Safety Assurance Committee:	Executive Control Group Task & Finish Groups
Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: Financial / Service:	There is a growing financial impact in relation to the Fee for Intervention costs that HSE charge for their services.
Ansawdd / Gofal Claf: Quality / Patient Care:	Not Applicable
Gweithlu: Workforce:	Not Applicable
Risg: Risk:	Detailed action plans produced highlighting the mitigation of these identified risks.
Cyfreithiol: Legal:	Breaches of Health and Safety at Work Act 1974 potential for fines if not complied with within specified timescale.
Enw Da: Reputational:	Potential for political or media interest if compliance or further enforcement action is served.
Gyfrinachedd: Privacy:	Not Applicable
Cydraddoldeb: Equality:	Has EqIA screening been undertaken? See below. <ul style="list-style-type: none"> Has a full EqIA been undertaken? Full EqIAs have been undertaken for both the V&A Policy and the M&H Policy under which the HSE work is focused.