

HEALTH & SAFETY ASSURANCE COMMITTEE PWYLLGOR ANSAWDD IECHYD A DIOGELWCH

DYDDIAD Y CYFARFOD: DATE OF MEETING:	17 February 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 papers presented to the Committee at its meetings held in May, June, September and November 2020. This paper summarises the developments since the previous Committee meeting held on 2nd November 2020.

Cefndir / Background

As part of a national programme of inspections for 2019/20, the HSE attended Hywel Dda University Health Board (HDdUHB) between 2nd and 11th July 2019 with the targeted intention of examining the management arrangements relating to violence and aggression, musculoskeletal disorders (MSDs) and asbestos.

As a result of the inspection, HDdUHB received 8 Improvement Notices (INs) and 13 Material Breaches (MBs), all originally being assigned a compliance date of 1st May 2020. Due to the ongoing COVID-19 situation an extension was initially agreed until 31st July 2020. At this point the Principle Inspector requested answers to 12 specific follow-on questions, to which the HB submitted detailed responses. In September 2020, HDdUHB received correspondence from the HSE, via the Chief Executive, notifying that further extensions were to be granted for all the Improvement Notices and Material Breaches (to November 2020 and January 2021). The new extension dates are detailed below.

Improvement Notices:

Compliance Date 27/11/2020	Compliance Date 29/01/2021
IN4 - Manual Handling - Health Records	IN1 - Management of Violence & Aggression (V&A)
IN5 - Manual Handling - Laundry	IN2 - Management of Manual Handling
	IN3 - Violence & Aggression in A&E Witybush
	IN6 - Incident Investigation
	IN7 - Manual Handling in Theatres in Bronglais

Material Breaches:

Compliance Date 27/11/2020	Compliance Date 29/01/2021
MB1 - V&A / Lone Working (LW) Estates	MB3 - V&A / LW- Bronglais General Hospital
MB2 - V&A / LW – Switchboard	MB4 - V&A / LW - MIU/AMAU Prince Philip Hospital
MB5 - V&A / LW - Mortuary Prince Philip Hospital	MB6 - V&A / LW - A&E Bronglais Hospital
MB10 - Manual Handling - South Pems Hospital	MB7 - V&A / LW - A&E Glangwili Hospital
MB11 - Examination of Lifting Equipment	MB8 - V&A / LW - Community Mental Health Teams
MB12 - Control of Contractors	MB9 - V&A / LW - Patient Conveyance
MB13 - Control of Substances Hazardous to Health (COSHH) - Mortuary Prince Philip Hospital	

Detailed Action Plans have been compiled for each of the Improvement Notices and Material Breaches. These Plans detail HDdUHB's route to compliance and have been overseen by three Executive-led Control Groups. As the November 2020 compliance dates became imminent, these groups were combined into a single group with the objective of addressing all the outstanding actions.

Asesiad / Assessment

The Action Plans for the notices assigned November 2020 deadlines were submitted to the HSE on 18th November 2020, and a meeting was held with the inspectors via Microsoft Teams on 23rd November 2020. The meeting was positive, with verbal sign-off agreement received for IN4, MB5 and MB10. Following the submission of further information the sign-off of IN5 and MB2 is also anticipated. Further compliance work is on-going with regard to MB1 and MB11.

Final Action Plans for the notices with January 2021 deadlines were submitted to the HSE on 12th January 2021.

On 20th January 2021, three Inspectors attended HDdUHB sites, with simultaneous visits to Prince Philip Hospital, Withybush General Hospital and Bronglais General Hospital, in order to review work undertaken towards achieving compliance with the notices and also workplace COVID-19 / social distancing arrangements.

At the time of writing (2nd February 2021) formal feedback from these visits is awaited.

Current position in terms of progress and risk

The HB's current position in terms of progress towards the INs and MBs is shown on the table on the next page. In terms of position, the following status colour key is applied:

Yellow – Action plans submitted. No response received as of yet (at time of writing);

Green – Verbal confirmation of sign-off received;

Blue – Sign-off expected following submission of all requested further information;

Orange – Further work required, which is in progress;

The position in terms of risk is shown on the right-hand side of the table. Amber and red actions represent outstanding action items, classified by risk. Green actions are completed.

Improvement Notices:

Notice	Compliance Date	Current Status	Risk	No.
IN1 - Management of Violence & Aggression (V&A)	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.	High	36
			Medium	0
			Low	0
IN2 - Management of Manual Handling	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.	High	13
			Medium	2
			Low	0
IN3 - Violence & Aggression in A&E Withybush	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.	High	21
			Medium	0
			Low	1
IN4 - Manual Handling - Health Records	27/11/2020	Verbal confirmation received that this notice has been signed off.	High	22
			Medium	2
			Low	0
IN5 - Manual Handling - Laundry	27/11/2020	All requested further information now submitted. Sign off expected.	High	12
			Medium	0
			Low	0
IN6 - Incident Investigation	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.	High	36
			Medium	3
			Low	0
IN7 - Manual Handling in Theatres in Bronglais	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.	High	9
			Medium	1
			Low	0
IN8 - Needlestick Management	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.	High	12
			Medium	2
			Low	0

Material Breaches:

Breach	Compliance Date	Current Status	Risk	No.
MB1 - V&A / Lone Working (LW) Estates	27/11/2020	Further information required - work in progress.	High	5
			Medium	2
			Low	0
MB2 - V&A / LW – Switchboard	27/11/2020	All requested further information now submitted. Sign off expected.	High	3
			Medium	0
			Low	0
MB3 - V&A / LW- Bronglais General Hospital	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.	High	2
			Medium	0
			Low	1
MB4 - V&A / LW - MIU/AMAU Prince Philip Hospital	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.	High	3
			Medium	0
			Low	1
MB5 - V&A / LW - Mortuary Prince Philip Hospital	27/11/2020	Verbal confirmation received that this breach has been signed off.	High	4
			Medium	0
			Low	0
MB6 - V&A / LW - A&E	29/01/2021	Action Plans submitted.	High	3

Bronglais Hospital		Feedback from HSE January visit awaited.		0
				0
				0
MB7 - V&A / LW - A&E Glangwili Hospital	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.		2
				0
				1
MB8 - V&A / LW - Community Mental Health Teams	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.		2
				0
				0
Collective actions towards all V&A/LW breaches	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.		13
				2
				0
MB9 - V&A / LW - Patient Conveyance	29/01/2021	Action Plans submitted. Feedback from HSE January visit awaited.		7
				1
				0
MB10 - Manual Handling - South Pems Hospital	27/11/2020	Verbal confirmation received that this breach has been signed off.		5
				0
				0
MB11 - Examination of Lifting Equipment	27/11/2020	Action Plans submitted. Feedback from HSE January visit awaited.		8
				0
				0
MB12 - Control of Contractors	27/11/2020	Verbal confirmation received that this breach has been signed off.		12
				6
				0
MB13 - COSHH - Mortuary Prince Philip Hospital	27/11/2020	Verbal confirmation received that this breach has been signed off.		4
				0
				0

All outstanding red actions above relate to the delivery of Prevention and Management of Violence and Aggression (PAMOVA) training. A plan is in development for the recovery of face-to-face violence and aggression training post-COVID-19. A copy of the plan, which details the specific types of PAMOVA training required, depending on the area of work, was submitted to the HSE with the HB's Action Plans, and was discussed by the Inspector and the PAMOVA Lead during the former's site visit to Prince Philip Hospital.

Totals:

	<u>INs</u>	<u>MBs</u>
	161	73
	10	11
	1	3

The totals above demonstrate that good progress continues to be made towards the completion of the action items for both the Improvement Notices and the Material Breaches.

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 Heath Board 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; risks relating to completion of IM/ MB action plans included in report.
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: Hyperlink to HDdUHB Well-being Objectives Annual Report 2018-2019	2. Develop a skilled and flexible workforce to meet the changing needs of the modern NHS

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Improvement Notices Material Breaches
Rhestr Termiau: Glossary of Terms:	Explanation of terms is included 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:	<p>There is an immediate financial impact in relation to the Fee for Intervention costs that HSE - £40k (This will grow as work continues, particularly following the compliance visits).</p> <p>Manual Handling equipment - £70k Lone Worker devices - £29700+VAT/annum. Also funding routes may be required for Two-Way Radios, Vocera and Body Worn Video cameras, depending on the outcomes of the various trials.</p>
Ansawdd / Gofal Claf: Quality / Patient Care:	N/A
Gweithlu: Workforce:	N/A
Risg: Risk:	Detailed action plan 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:	N/A
Cydraddoldeb: Equality:	<ul style="list-style-type: none"> • Has EqIA screening been undertaken? See below. • 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.