

Appendix 1

Corporate Health and Safety

Review of Highways and Environment Health & Safety systems linked to whistleblowing statement of February 2020

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Glossary

¹ DBS	Disclosure and Barring Service
² LANTRA	National Training Organization for the Land Based Industries
³ HSQ	Health Safety and Quality
⁴ SSoW	Safe System of Work
⁵ TBT's	Tool Box Talks
⁶ Red book	Safety at Street Works and Road Works: a code of practice.
⁷ MAG	Member Area Group
⁸ CH&S	Corporate Health and Safety
⁹ RLG	UK Roads Liaison Group
¹⁰ 12D	The National Highway Sector Scheme red book training program
¹¹ HF&ES	Highways, Facilities and Environmental Services
¹² SMT	Senior Management Team

Summary.

An anonymous email was received by the Chief Executive dated 15 February 2020 raising concerns about various alleged malpractice within areas of the Highways, Facilities & Environmental Service. These concerns were raised under the Council's Whistleblowing Policy. Corporate Health and Safety were tasked with carrying out a review by the Chief Internal Auditor that would primarily focus on:

- Powered pole pruners and similar equipment – review of the equipment, inventories and maintenance records.
- Employees' competence – evidence of requisite training and certification for handling such equipment and conducting highway safety inspections.
- Risk assessments and systems of work (linked to such equipment).
- Supervision and monitoring of employees using such equipment.
- Highway safety inspections process - review of documentation and sign off.
- Robustness of arrangements within Street Scene for managing staff when carrying out grounds maintenance work at schools and other sites to safeguard and protect children and vulnerable adults.

During the review process, access to documents and meetings with front line employees and other officers both as a group and on an individual basis took place. Anonymity of all personnel has been safeguarded.

Although no malpractice was uncovered during the review some improvement points were identified.

Methodology

The following fact finding methods were used in this review

- Separate and define the specific claims
- Meet with area managers and coordinators to understand the business area and discuss the claims.
- Request sight of documentary evidence e.g. training records and certificates.
- Request coordinators arrange for CH&S⁸ to meet with front line employees and union representatives.

- In order to try and reach out to all employees, notices were posted on mess notice boards requesting meetings, written information or phone conversation from any employee, with their anonymity guaranteed.
- Research to identify UK best practice or standards for highway inspections.
- Research to identify DBS¹ requirements.

Observations.

Use of powered pole pruners.

- The training records of operatives were sighted for 10 North County employees and 7 South County employees. The training certificates are LANTRA² badged and within the recommended review period.
- During conversations it was constantly stated that;
 - No employee is asked to carry out work which it is known that they are not trained to carry out.
 - Employees are expected to highlight to their supervisor or line manager if they are being asked to carry out operations for which they are not trained.
- Managers and coordinators stated that they are not aware of any employee carrying out activities that they are not trained to do.
- A risk assessment (RA) “RA058-01 Tree Pollarding and Pruning” is in place on the service HSQ³ computer directory.
- A SSoW⁴ “T001 for TREES -Lopping, pruning, felling” is in place on the HSQ computer directory
- The RA’s and the SSoW⁴ are dated 2016 and 2015 respectively.
- It was identified that employees don’t generally see the RA’s but they do have easy access to copies of the SSoW⁴.
- TBT’s⁵ are regularly carried out to cover a range of work activities. At least one TBT⁵ per month is carried out.
- When using the pole pruner, employees will potentially be working on or near to a live highway. When this occurs Red book⁶ compliance is required. It was advised that as per red book⁶ requirements, there will always be at least one trained person present during such operations.
- Some anomalies were identified in the 12D¹⁰ training process emanating from the training provider.

- There is an inventory of the limited number of pole pruners that is held by each MAG⁷, these tools are stored in a secure locker with access being controlled by the coordinators.
- There is a risk that an unauthorised employee may gain access to the tools and use them without approval, however there was no evidence to suggest that this has happened.
- Tools are subject to routine maintenance although there is no system in place to ensure that a regular maintenance period is observed.
- We were advised that Coordinators carry out monitoring activities and safety checks out in the field. This was reinforced during the discussions with the front line employees.

Highway inspections.

Summary - There is no defined formal qualification that is a legal requirement for Highway Inspectors.

- UK Roads Liaison Group (RLG⁹).

Highway Inspector Competence Framework. June 2019

“The latest Code of Practice (Well-managed Highway Infrastructure, 2016) recommends highway authorities adopt a risk-based approach to highway inspections. Consequently, this highlights a greater need to ensure inspectors are competent in undertaking their duties on their highway networks”

“Where authorities adopt their own or alternative approach to training, they should engage with their risk, legal and insurance departments to ensure that the chosen approach to training and assessment of highway inspection competence is sufficiently robust for local corporate requirements, as this might need to be justified in any legal action taken against an authority”

“Use of dimension-based and dimensionless highway inspection. Highway inspectors should be able to achieve all levels of proficiency within their role regardless of which approach is used. On this point, it should be noted that neither approach is deemed better than the other – rather each provides a different way of achieving the same aim. In all cases, it is expected that an ability to effectively assess risks will be a core competence for highway inspectors”.

“6.1 The framework is offered as guidance and is created to support highway authorities without being prescriptive”.

- UK Roads Liaison Group. Well Managed Highway Infrastructure, a Code of Practice

“A.1.2. STATUS OF THE CODE

This Code of Practice is not statutory but provides Highway Authorities with guidance on highways management. Adoption of the recommendations within this document is a matter for each Highway Authority, based on their own legal interpretation, risks, needs and priorities”.

As amended 15 March 2017:

“RECOMMENDATION 15 – COMPETENCIES AND TRAINING

The appropriate competencies for all staff should be identified. Training should be provided where necessary for directly employed staff, and contractors should be required to provide evidence of the appropriate competencies of their staff”.

- The DCC competence standard.
This is set by the “Section Manager - Network Management, Strategic Highways”. The proposed DCC standard is to provide new inspectors with practical experience and knowledge from experienced inspectors, backed up with in-house training rather than use an external training provider. The logic for this approach is that it enables a more focussed training delivery. This has yet to be recorded in the document ‘Denbighshire County Council Highways Maintenance Manual’. Currently there is no policy to support this document.
- The DCC training provided by the Section Manager is based on “A guide for Highway Inspectors” which uses a significant number of photographic examples to indicate “what to look out for”. This method of training offers a consistent approach and standard from an experienced individual. During this review, a record of delivery for this training was sighted showing that 12 attendees from the South County team have received it.

- During the review it was identified that two competence standards are currently being used in DCC. The first standard is that outlined in the RLG Highway Inspector Competence Framework June 2019, which is being used by the North County team, and the second is that described above as set by the Section Manager – Network Management which is being used by the South County team. A small number of South County employees have also received the RLG framework training.
- It was identified in the whistle blowing statement that a named highways inspector was carrying out inspections without being trained and the inspection was being signed off in someone else's name.
 - The inspector in question had received on the job training from two experienced inspectors and was waiting to receive the in house training element from the Section Manager.
 - The inspector records his inspections on an electronic tablet using the Symology system. For a short period of time, this was carried out under another employees name because the equipment needed to be sent away, and re-registered for the new inspector. This was an authorised process that enabled inspections to be carried out and recorded by the new inspector whilst waiting for the Symology system to be updated with his details. The system was registered in the new inspectors name approximately one month ago.
- Although not specific to the whistle blowing statement, as part of the fact finding during this process it was identified that there is no RA and SSoW in place to cover the undertaking of Highway Inspections.

DBS

- From the DBS service

Schools are named as 'specified establishments'. This means anyone working at a school carries out 'regulated activity' with children. They would be carrying out regulated activity with children if all the following are met:

- *They work at a school on more than 3 days in any 30 day period. This does not have to be at the same school; and*
- *They work there for the purpose of the school; and*
- *They have the opportunity for contact with the children at the school; and*
- *They are not temporary or occasional workers; and*
- *They are not supervised volunteers.*

If the definition of "regulated activity with children" is met, it allows an application for an enhanced level check with a request to check the children's barred list.

If their work activity does not meet all the points above, then you may still request an application for a standard or enhanced level check, by virtue of the fact that there is the opportunity for contact with children. The application would be submitted under the "Child Workforce rules"

- Grounds maintenance staff that attend educational premises and other premises where vulnerable people may be present, do not have any DBS checks carried out.
- The service is under the impression that DBS checks are not required for these activities based on the DBS criteria.

Culture

- The service has undergone many changes in recent years and this in itself may have led to some discomfort amongst the employees.
- At meetings with some of the front line employees the following information was freely given.
 - No concerns vocalised about management style.
 - Confirmation that they are never asked to work illegally.
 - If asked to carry out tasks that they are not trained for, they can say no and this is accepted in good faith. Training often follows on from this.

- “Some previous managers’ \ supervisors did have a more autocratic style than the current people. We can talk to the current management team and they will listen and we don’t feel threatened doing this”.
- Paraphrase - The ‘Take 5’ process is a tick box exercise and is not used consistently. It is a paperwork exercise that has little value.
- Managers provide RA’s and procedures, we follow them.
- Road work signage – supplementary plates needed. (Passed onto the South county manager immediately following the meeting).
- It has been standard practice in the service for RA’s and SSoW to be developed by the service H&S advisor with the support of managers and coordinators. The completed documents then become the working documents for the employees. Over the past 11 months there has been a move towards involving employees more in the development of RA’s and SSoW which is being led by the service H&S advisor.
- The Highways operations and streetscene manager in the south has ensured the majority of his frontline operators have attended the DCC in house ‘Working safely’ training day. The North County has not currently followed this example.
- During the discussions with frontline staff, an issue was raised where an employee used the grievance procedure against a management decision regarding expected duties. The employee was asked how he was treated following the conclusion of the grievance process. The response was positive in that the employee said that there was no animosity following the process and that he did not feel that there was any negative reaction.

Lone working

Although not in the original scope for this review, the issue was raised and is worthy of consideration. A specific lone working issue was identified whilst having discussions with the front line employees.

On occasions workers may be out in a vehicle carrying out their activities whilst lone working with no clear lone worker procedure in place. Vehicles are fitted with trackers but it was suggested that there is nothing else in place. Employees would have to use their own mobile phones to keep in contact with supervision and the process for monitoring lone workers was unclear.

Conclusions.

There was no evidence of malpractice identified during this review.

Generally activities look to be reasonably well organised. The legal requirement for RA's, SSoW and competence assessments to be in place is partially fulfilled as these are overdue for review. (This is currently underway).

Pole powered pruners are only used by employees who have attended the required formal training. Feedback from the front line staff indicates that the culture is open with numerous people feeling free to discuss their individual thoughts and concerns. There is no evidence to indicate a present culture where employees are made to carry out activities that they are not competent to carry out. There was some feedback provided that suggests that some time ago there were people in management positions that had a more aggressive management style to that which is in place now.

The move to greater involvement for employees in the development of RA's and SSoW is recommended and will have a positive impact on the H&S culture specifically, and the general culture within the service.

There was a discernible benefit in the front line employees being able to talk freely with CH&S⁸. The benefit was for the employees, CH&S and the organisation.

The training standard for "Highways Inspectors" described in the codes of practice is not mandatory. There is an accepted DCC standard for competence but currently this is not clearly documented and communicated.

The need for DBS checks was unclear to the service management and the author at the start of this review. The DBS website does not offer precise guidance and more than one opinion remains so it was necessary to request the support of the DCC Safeguarding and Data Protection officers to obtain some confidence in providing the recommended action.

Gaps in the lone worker monitoring process were identified, so as it stands the process does not provide adequate protection for all lone workers. A process that provides adequate protection for all lone workers needs to be put in place. Some work is already underway to develop this process.

Recommended actions.

1. The identified RA's and the SSoW are 5 years old and must be reviewed.

Priority. Medium
Time scale. By end of July 2020
Action owner. HF&ES¹¹ SMT¹².

2. Front line employee representation must be involved with management and supervision in the development and review of any operational RA's and SSoW.

Priority. Medium
Time scale. Immediate
Action owner. HF&ES SMT.

3. It must be ensured that all powered tools have their own asset numbers and are included in an inventory with maintenance routines calendared to ensure a regular maintenance period is observed for all tools.

Priority. Medium
Time scale. By end of July 2020
Action owner. North and South county streetscene managers

4. In upcoming tool box talks for all employees, include a reiteration that "they must not carry out activities that they are not trained to do"

Priority. Medium
Time scale. By end of March2020
Action owner. HF&ES SMT.

5. The DCC "Highway Inspector" training standard needs to be clearly defined and communicated. The standard needs to be included in the latest version of the DCC Highway Maintenance Manual.

Priority. **High**
Time scale. One month
Action owner. Section Manager – Network Management

6. The process for creating a “new inspector” on the Symology system should be reviewed with the software supplier with a view to enabling newly appointed inspectors immediate access to the system using their own logon.

Priority. **Medium**
Time scale. **Three months**
Action owner. **HF&ES SMT.**

7. Reference to policies in the Highway Maintenance Manual needs to be reviewed so that it relates to current policies.

Priority. **High**
Time scale. **One month**
Action owner. **Section Manager – Network Management**

8. Risk Assessments and Safe Systems of Work must be put in place for the undertaking of Highway Inspections.

Priority. **High**
Time scale. **One month**
Action owner. **HF&ES SMT.**

9. The 12D training records need to be reviewed around the requirements of the training program to close down any discrepancies in the training provided. This should be a consistent approach in line with the defined requirements across DCC.

Priority. **High**
Time scale. **By end of June 2020**
Action owner. **HF&ES SMT.**

10. The “Take 5” process should be reviewed with particular emphasis on training to ensure that employees understand the process, its benefits and how to use it properly. There is value in the training being in the form of tool box talks

Priority. **Medium**
Time scale. **By end of July 2020**
Action owner. **HF&ES SMT.**

11. All managers and Supervisors in the service who have not attended the mandatory “Managing Safely in Denbighshire” course in the last three years should arrange to attend a course.

Priority. **High**
Time scale. Before end of 2020
Action owner. HF&ES SMT.

12. As many employees as is practicable should attend a “Working Safely in Denbighshire” course if they have not previously done so in the last three years.

Priority. **High**
Time scale. Before end 2020
Action owner. HF&ES SMT.

13. The training needs and records for all employees must be updated and reviewed.

Priority. **High**
Time scale. Before end of September 2020
Action owner. HF&ES SMT.

14. Consider arranging for CH&S to carry out some TBT’s on an agreed frequency for the purpose of supporting a positive culture.

Priority. Medium
Time scale. Before end of September 2020
Action owner. HF&ES SMT

15. The requirement for grounds maintenance employees to have DBS checks or not requires a senior management decision as this will have an impact on many DCC employees working in/on educational premises.

Priority. **High**
Time scale. By end of March 2020
Action owner. Tony Ward / Nicola Stubbins

16. The lone working procedure needs to be reinforced to ensure that it provides adequate lone worker protection. Front line employees must be involved in the development of the new systems and process and these must be communicated to all affected employees.

Priority.	High
Time scale.	By end of March 2020
Action owner.	HF&ES SMT

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