

SAFETY MANAGEMENT REVIEW

**Kensington and Chelsea
Tenant Management Organisation
(KCTMO)**

**KCTMO
292a Kensal Road
London
W10 5BE**

July 2013

For the attention of:

**Robert Black
KCTMO Chief Executive**

Copy to:

**Anthony Parkes
Angela Bosnjak-Szekeres**

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The findings of this audit are based on the information given by the client's representatives during the office meetings and site visits and from the documentation reviewed. This review did not encompass all operations undertaken on the site, but examined a number of key H&S issues. Absence of any comment should not be taken as an indication of compliance with any statutory provisions or standards of good health and safety practice.

Report Date: 19 July 2013

Prepared By: Matt Hodgson CMIOSH MIIRSM Dip2OSH
Director



Signature:

Date of Review: July 2014

1. INTRODUCTION

1.1. Objectives

1.2. Scope of Report

1.3. Description of Client's Activities

1.1 Objectives

The objective of this Safety Management Review is to contribute to the success and continuing development of KCTMO by improving management control of health and safety. It is not the intention to identify failings in individuals, but to identify those parts of the safety management system (SMS) that require attention in order to bring about improvements in performance.

The overall aim of the Review is provide an independent and objective assessment of the degree of implementation of the KCTMO Health and Safety Policy and supporting arrangements.

The Review examines key areas of the safety management system in operation within KCTMO and is based on evidence from the Review undertaken by Matt Hodgson of Matt Hodgson Ltd from 1 July to 22 July 2013.

The Review is not intended to duplicate any existing auditing or inspection regimes in place, but provides a general overview of safety management in relation to the Health and Safety Executive's publication HSG65 "Successful Health and Safety Management", BS8800 "A Guide to Occupational Health and Safety Management Systems" and OHSAS 18001 "Occupational Health and Safety Management Systems (see Appendix 1)

The Review also gives prioritised recommendations. These are as follows: -

- Priority 1 – Immediate action required
- Priority 2 – Action required within 3 months
- Priority 3 – Action required within 6 months

Matt Hodgson Ltd was requested to undertake this Review by Angela Bosnjak-Szekeres Company Secretary for KCTMO.

1.2 Scope of Report

The Review examined both documentation and effective implementation against the key elements of the standards detailed in 1.1.

Key individuals in the risk management process were 'interviewed' to review safety management process within their area of responsibility. In addition 4 locations managed by KCTMO were inspected in collaboration with Adrian Bowman in order to identify the effectiveness of the risk management strategy at site level. Relevant H & S documentation, including policy, procedures, risk assessments and other records were also requested and reviewed as a result of the 'interviews and site visits.

The following individuals were 'interviewed' as part of the audit;

- Janice Wray Health and Safety and Facilities Manager
- Anthony Parkes Executive responsible for Health and Safety
- Alasdair Manson Assistant Director Neighbourhood Management
- Andy Marshall Assistant Director of Repairs and Partnering
- Sacha Jevans Executive Director of Operations
- Cyril Morris Facilities Manager
- Adrian Bowman Health and Safety Assistant
- Fay Johnstone Training Manager
- Peter Maddison Director of Assets and Regeneration
- Yvonne Birch People and Performance Manager
- Janet Seward Policy and Improvement Manager
- Alex Bosman Head of Contract Management
- John Borra Policy and Compliance Manager
- John Parsons Keystone
- Clare Davis Workflow
- Tim Huntley Unison

The following properties were inspected as part of the audit;

- Trellick Tower
- Nursery Lane Sheltered Housing
- Lowerwood Court
- Grenfell Tower

The Review as with any other audit provides a snapshot in time. The Review is not a risk assessment and does not guarantee compliance with legal requirements. The findings of this Review are based on an examination of procedures, systems and records held by KCTMO in the areas audited. Absence of comment on any particular feature must not be taken as an indication of compliance with any statutory obligations.

1.3 Description of Client's Activities

KCTMO operates and manages the Borough housing stock on behalf of the Council. Under these arrangements it is the responsibility of the TMO to ensure that the health and safety of residents, visitors and workers in the areas controlled by the TM is safeguarded and maintained.

The TMO manages approximately 9,400 properties of which approximately 73% (6879) are tenanted and 27% are leasehold dwellings.

On 2nd September 2013 the existing externally resourced Repairs and Maintenance business is being brought back in house as an ISP and goes live as Repairs Direct. The business will be headed by Andy Marshall as Managing Director and will employ approximately 35 operatives and 3 management surveyors. Certain high risk activities such as glazing and scaffolding will be outsourced to external contractors.

The TMO employs approximately 220 staff including part time, covering office based personnel, call handlers, community alarm service team and on site duty staff and caretakers.

This audit is focused on the TMO property management operational risks, with the most significant areas being;

- Gas Safety
- Fire Safety
- Asbestos
- Legionella Management
- Electrical Safety
- Work at Height
- Construction (CDM) Management
- Lone Working / Risk of Aggression/acts of violence

2. EXECUTIVE SUMMARY

2.1. Summary

2.2. List of Recommendations

2.1 Summary

This H&S audit has uncovered a number of concerns in relation to risk and compliance management at KCTMO. The concerns predominantly relate to risk control shortcomings that if left unresolved could potentially expose the business and those in H&S management positions to corporate and personal liabilities.

There is plenty of good work going on in relation to H&S management, as evidenced when reviewing projects associated with and controlled by the H&S dept, Neighbourhood Management and Housing Support services, however there is no 'joined up' approach to risk management across all departments, and a lack of leadership from the executive level. In other areas, such as Assets and Regeneration, the business understands the areas of weakness and is going through a complete department overhaul to tighten the control.

One of the principal issues the business is contending with is the lack of H&S compliance information available. Without meaningful data on statutory/mandatory risk assessments and best practice inspections the H&S committees and Executive Board are unable to demand and review information to assess compliance with the KCTMO H&S policy and their general duties under the Health and Safety at Work etc Act 1974. The business hosts two software packages that are capable of fulfilling these functions, and works are ongoing to refine these to create the data capture and outputs that it desires.

Linked to the above point the corporate policy arrangements are lacking and do not adequately reflect the risks pertaining to the KCTMO business. For example, from the 4 properties inspected a number of pressure vessels were identified requiring compliance with the Pressure Systems Safety Regulations. There is no policy defined for pressure vessels and no line on the compliance dashboard to track compliance so in essence management are in the dark regarding this risk area.

The governance of H&S requires a serious review as the responsibility for different risk areas sit within different departments and not because the decision was made at committee but more through default. Due to the shortfall in compliance data sent up to the exec committee there is a lack of focus and leadership in making the important changes or decisions to manage risk effectively. This issue is not helped by a breakdown in communication between the H&S and other departments specifically in relation to the completion of actions as raised in statutory reports. The business needs to decide who has the authority to enforce this process. H&S roles and responsibilities in job descriptions and in the H&S policy do not match expectation of some directors involved in compliance management.

This Review has identified 39 issues which need addressing. These are detailed within the report and in Section 2.2
The main recommendations with suggested timescales are as follows:

RECOMMENDATION	PRIORITY	TIMESCALE
1 Provide sufficient resources to ensure that the Workflow and Keystone systems are developed adequately to provide KCTMO with the systems it requires to host H&S compliance reports and associated data as well a process to track progress regarding report recommendations. Ensure relevant staff are trained in the use of the software.	1	Immediate response 1 month to agree fine tuning, import data and agree outputs
2 Take action to resolve the significant volume outstanding actions unresolved in statutory reports especially in relation to fire risk assessments. Once the backlog has been brought under control establish a process to monitor and track completion of report actions as matched against priorities identified in the reports	1	Immediate response 3 months to resolve the backlog of actions
3 Review the Supporting Arrangements section of the H&S policy to establish appropriate procedures for management of all property related risks that exist in relation to the plant and equipment located within the buildings under KCTMO management. Ensure that the appropriate contracts are in place to manage this process	1	Immediate response 1 month to draft and agree the additional policy arrangements
4 Review the Roles & Responsibilities section of the corporate policy to ensure that the Governance of H&S is appropriate to the business in relation to advisory and strategic roles. Ensure that appropriate consultation is established to agree any new responsibilities	1	Immediate response 1 month to agree the structure and detail
5 Establish an appropriate training matrix for the business. Ensure that this includes sessions for H&S duties of senior execs. Establish a process for running the sessions and keeping appropriate personnel records	1	Immediate response 1 month to establish the training matrix and 6 months to phase in the outstanding courses/sessions

Within the report more detailed recommendations have been made. Care must be taken to ensure that these summary recommendations are not taken in isolation. Additional information within the main body of the report may help to provide further guidance on what action is required

2.2 List of Recommendations

The Review also gives prioritised recommendations. These are as follows: -

- Priority 1 – Immediate action required
- Priority 2 – Action required within 3 months
- Priority 3 – Action required within 6 months

Recommendations	Priority
1 Anthony Parkes to establish the appropriate process for H&S management looking to determine clear and unambiguous distinction between STRATEGY, POLICY and IMPLEMENTATION. Process to be agreed at Exec Board	1
2 Further to 1. Above the roles and responsibilities section of the policy should be re written to reflect these decisions and make clear who is responsible for what areas of H&S management. Communication of these roles is key as will be additional training (refer to 'Competence')	1
3 Job Descriptions to be reviewed to reflect 2. Above and the current and proposed business structure	2
4 Ensure the latest HSC Guidance for Directors 'Leading H&S at Work' is incorporated into the H&S arrangements for the site.	2
5 Carry out a full review of the property policy arrangements to ensure that there is a section for each property risk, and for each subject the following is covered;	
Legislative requirements	2
Statutory and mandatory requirements to fulfil the Planned Preventative Maintenance process to achieve full compliance	
What records must be maintained and where	
6 Ensure only qualified individuals are involved in the creation, and updating of policy arrangements	2
7 Ensure that the policy arrangements ties in with the M&E compliance dashboard owned by Asset and Regeneration and to be created by Keystone (refer to 3.3 Planning and Implementation).	2
8 Carry out a review of the People and Performance policy arrangements	3
9 Refresh the senior H&S committee process to ensure the structure is correct and to make it mandatory for the representatives to attend. Send out future dates up to a year in advance to ensure that the appointments can be met.	2
10 Janice Wray to alter annual report structure slightly so that it reflects in part the achievements of the business in reaching the H&S strategy targets as above	3

11	Consideration should be given to posting up H&S notice boards in the 3 offices to include information such as the policy statement, first aiders, fire wardens, committee outputs, news updates etc	3
12	A training Matrix should be established to reflect the required external and internal H&S sessions required for all members of staff with H&S responsibilities. The implementation of the plan to monitored by the H&S committees	1
13	Ensure it is clear in the H&S policy who is the TMO competent person as this is a requirement of the Management of Health and Safety at Work Regulations 1999	2
14	Ensure the corporate induction process is kept up to date for all new starters	Ongoing
15	Ensure that adequate resources are provided to fund new training requirements as flagged by accidents, near misses and changes in legislation (to be consulted upon at committee)	Ongoing
16	Set up a H&S Responsibilities for Senior Managers' session for appropriate management at the TMO	2
17	Devise an annual H&S action plan showing the key issues to be addressed in that period. The plan should specify timescales and outline the process for achieving the objectives. The plan should be regularly reviewed (at least quarterly) by the Exec responsible for H&S	2
18	Implement a more robust and structured risk assessment programme, ensuring that: <ul style="list-style-type: none"> • Priorities are identified on a department basis and targets for completion agreed. • Copies of assessments are collated into departmental registers. • Where additional control measures or improvements are identified, that these are implemented in a timely manner. • Risk assessments are periodically reviewed. 	2
19	Restructure the property inspection process to convert it into an annual property risk assessment across the estate. The risk assessment reports must incorporate the HSE '5 steps to risk assessment' protocols and generate prioritised recommendations where existing risk controls are lacking or not achieving the required level of control. If the current H&S team resource can not accommodate this need then an external resource will need to be brought in.	2

20	Provide sufficient resources to ensure that the Workflow and Keystone systems are developed adequately to provide KCTMO with the systems it requires to host H&S compliance reports and associated data as well a process to track progress regarding report recommendations. Ensure relevant staff are trained in the use of the software.	1
21	Take action to resolve the significant volume outstanding actions unresolved in statutory reports especially in relation to fire risk assessments. Once the backlog has been brought under control establish a process to monitor and track completion of report actions as matched against priorities identified in the reports	1
22	Once the L8 policy has been reviewed (refer to Policy 3.1), taking into account the HSE guidance on residential premises, ensure that the contract with Reef is meeting the minimum requirements for Legionella control.	2
23	Ensure that the statutory duty holder and responsible person roles within the TMO are designated with the appropriate persons and training given. These two individuals should be driving the L8 management process forward and ensuring that the risk is under control by monitoring the compliance statistics and meeting regularly with the contractors.	2
24	Ensure that the 2 yearly L8 risk assessment programme is brought back up to speed and that the % compliance score on the dashboard reflects this and the various other components of the L8 PPM process.	2
25	The TMO approach to managing asbestos risk requires a complete overhaul as it is not currently effective. It is understood that budgets are limited, however there is little worth in creating reports either void of useful information or identifying asbestos that is either not removed or monitored. It would be prudent to take advise from an expert in the field who can advise on a pragmatic approach to manage risk effectively with limited budgets.	2
26	Passenger Lift safety is a critical component of the business risk and should be prioritised when the data on Keystone is being loaded. With the ageing lift stock it is imperative that any missing LOLER inspections are commissioned as a priority and any actions raised loaded onto Workflow and dealt with.	1
27	Ensure the annual FRA process is brought up to speed in a timely fashion with data on Keystone and the dashboard reflecting this.	Ongoing
28	Clear the outstanding FRA actions from previous years. Exec H&S Board to establish a process to monitor future departmental progress in turning round recommendations as per the designated timeframes.	1

29	Seek advice (if not already) from the Fire Authority in relation to an effective process for managing the risk of fire spread due to leaseholder doors.	2
30	Reassign the FRA Responsible Person role with the TMO, and provide any required training and additional resource to allow for the role to be effective.	2
31	Set up CDM/Contractor Management training/workshops for the appropriate departments	2
32	Check with the Enforcement Agencies that holding all H&S records off site is an acceptable approach	2
33	As part of the Policy Arrangements review, ensure a work at height policy is created that reflects all aspects of the TMO business.	1
34	Create a working at height risk register to ensure that the business understands the type and volume of working at height activities its staff and contractors are exposed to.	2
35	Provide appropriate advice/workshops/training to key personnel so that they understand the processes involved in managing work at height effectively	2
36	Request statutory risk assessments and supporting documentation in relation to the following risk areas which could have an impact on KCTMO and their staff if not managed effectively; <ul style="list-style-type: none"> • Fire risk assessment • Fire Alarm, emergency lighting test data • legionella risk assessment (L8) • Asbestos Survey • Lift insurance report (LOLER) • Electrical fixed wiring survey (IEE) 	2
37	Attend to the above points and integrate these checks into the annual property risk assessments/inspections.	2
38	H&S committee to establish an effective active monitoring regime across the TMO departments as well as the defined outputs and process for resolving issues. It would be prudent to document this process as a policy arrangement.	2
39	Once the annual H&S action plan has been devised and agreed, it should be regularly reviewed (at least quarterly) together with a review of incident statistics.	3

3. OBSERVATIONS & RECOMMENDATIONS

- 3.1. Health and Safety Policy**
- 3.2. Organisation**
- 3.3. Planning and Implementation**
- 3.4. Measuring Performance**
- 3.5. Auditing and Reviewing Performance**

3.1 Health and Safety Policy

This part of the Review is designed to establish if the organisation has developed a general statement of its health and safety policy and the degree to which it has identified its commitment within that document.

The most important aspects of a general policy statement are the formal objectives contained within it, as these provide an opportunity for management to identify their commitment to their employees and other interested parties.

The Policy Statement has been signed and endorsed by Robert Black the Chief Executive dated December 2012, is sufficient to meet current legal requirements and addresses all the key commitments that the HSE suggests organisations should make. No further changes are required.

Roles and responsibilities and Safety procedures have also been established in the policy document. Comments regarding the H&S arrangements and roles and responsibilities are given in Section 3.2.

3.2 Organisation

This part of the Review is designed to establish to what extent an organisation has given responsibilities to individuals or groups for the development and maintenance of the safety management system (SMS). The Review establishes whether or not individuals have been appointed within the SMS to set policy, plan, implement and advise. The adequacy of the duties assigned to these people is also tested.

The Review also examines whether organisational procedures have been developed for control, co-operation, communication and competence: these are considered to be the 'building blocks' of a health and safety culture.

3.2.1 Control

The HSE advises organisations to consider individual's responsibilities in terms of policy makers, planners and implementers (Appendix 2 of HSG 65 provides comprehensive guidance on their roles and key outputs). Organisations typically outline, by job title, what responsibility people have. The organisation must also establish health and safety policies and procedures that reflect its operations and risks.

Responsibilities

The H&S responsibilities section of the H&S policy outlines specific responsibilities for KCTMO, however these responsibilities do not fully encompass all those with H&S responsibilities, and the general duties do not necessarily reflect the perception of individuals regarding their roles. The following concerns were picked up following a review of H&S responsibilities in the policy and job descriptions, as well as discussions with key individuals.

The Chief Exec has overall responsibility for H&S but there is no mention of this in his roles and responsibilities.

Anthony Parkes takes operational responsibility for H&S strategy but does not have a section detailing these roles in the policy.

Management were unaware of the Health & Safety Commission and Institute of Directors' document "Leading Health and Safety at Work,".

In the roles and responsibilities section various unqualified staff are identified as risk assessors. This is a specialist role that should only be carried out by qualified and experienced individuals.

'Assistant H&S Advisor role – to act as competent person and carry out specialist risk assessments?' Specialist risk assessments require specific qualifications and experience e.g. legionella and fire risk management so caution should be exhibited in this regard.

'H&S Manager to report on compliance with residents, staff and contractors?' It is difficult at present for anyone to report compliance effectively due to the quality of compliance data being produced.

There is currently a conflict between the H&S department and certain operational teams in relation to who is responsible for taking control and implementing risk management programmes. The H&S team do not feel that they have the authority to push 'management' to action recommendations in risk reports, however some but not all of the operational teams expect them to have the authority to do so. As far as the policy is concerned it states the following;

'H&S Manager – 'we will employ an H&S professional who will be responsible for providing advice on health, safety and welfare matters.

Senior Management e.g. Assistant Directors and Directors must ensure 'results of risk assessments are acted upon'. Each Director and Manager is responsible for the implementation of, execution, control and monitoring of this policy as relevant to their area of the business.'

The policy indicates that the H&S department is there to guide and advise, whereas operational managers are responsible for the implementation of risk control in their areas. This conflicts with how management expect H&S matters to be resolved. If this perception of how the business should be operating is ratified then the policy should be changed.

Job Descriptions are another useful way of clarifying an individual's specific H&S duties. There has been a significant change in department structure over recent months, especially Asset and Regeneration, and the corporate JD's have not kept track with this and require updating.

Recommendations

		Priority
1	Anthony Parkes to establish the appropriate process for H&S management looking to determine clear and unambiguous distinction between STRATEGY, POLICY and IMPLEMENTATION. Process to be agreed at Exec Board	1
2	Further to 1. Above the roles and responsibilities section of the policy should be re written to reflect these decisions and make clear who is responsible for what areas of H&S management. Communication of these roles is key as will be additional training (refer to 'Competence')	1
3	Job Descriptions to be reviewed to reflect 2. Above and the current and proposed business structure	2
4	Ensure the latest HSC Guidance for Directors 'Leading H&S at Work' is incorporated into the H&S arrangements for the site.	2

Health and Safety Procedures

There is a policy arrangements section in the KCTMO policy however it does not adequately detail what risks the business is exposed to and lacks the finer detail to explain exactly what processes (risk assessments, British Standard checks and tests, best practice inspections etc) should be implemented in order to fully meet the statutory and mandatory obligations in relation to the plant and equipment under KCTMO control across the estate. The following issues require attention;

There are only a handful of arrangements in the policy, many are missing e.g. pressure vessels, working at height, contractor management etc and many of the fire arrangements have been bunched together and by doing so lack the detail in relation to what the planned preventative maintenance process should look like e.g. all fire protection systems recorded together.

John Borra is policy and compliance manager and yet has no H&S qualification. He is partly responsible for H&S policy arrangements with Janice Wray.

The Construction Design Management policy is overly focused on the 'notifiable' projects and requires more detail on the non notifiable projects as this would reflect the business needs better.

The policy arrangements refer to 'the purpose of this procedure is to identify the action to be taken by the TMO following a report of a breakdown or malfunction'. This is a reactive approach to H&S when the real purpose of effective policy arrangements is to clearly define the planned preventative maintenance regime that should be followed to cover statutory and mandatory processes to keep the TMO stock operating effectively and safely i.e. about compliance and not breakdown.

The water policy referred to the key roles in L8 regarding legionella management i.e. statutory duty holder and responsible person. These are key roles responsible for managing this risk but in both cases the role titles are out of date – Director of Asset, Investment and Engineering Services and Engineering Services Manager respectively.

It is essential that the detail in the policy arrangements is followed. In the water policy it states that;

- Hot water calorifiers will be internally inspected annually
- Hot water calorifiers will have drain samples taken annually
- Rarely used outlets will be flushed weekly
- Records will be placed into the onsite log book

According to the risk assessments and records in relation to the 4 sites visited, none of the above are happening.

This audit focused on property operation risk, however it was noted and commented on that the 'people and performance' policy arrangements covering such subjects as lone working, bullying and harassment were out of date in places and requiring a review.

Recommendations

		Priority
5	Carry out a full review of the property policy arrangements to ensure that there is a section for each property risk, and for each subject the following is covered; Legislative requirements Statutory and mandatory requirements to fulfil the Planned Preventative Maintenance process to achieve full compliance What records must be maintained and where	2
6	Ensure only qualified individuals are involved in the creation, and updating of policy arrangements	2
7	Ensure that the policy arrangements ties in with the M&E compliance dashboard owned by Asset and Regeneration and to be created by Keystone (refer to 3.3 Planning and Implementation).	2
8	Carry out a review of the People and Performance policy arrangements	3

3.2.2 Co-operation

Employers are under a legal duty to consult with their staff. In some circumstances this responsibility may be extended to non-employees, such as tenants and contractors.

Unison is the recognised Trade Union for this industry. Tim Huntley is the Unison Convener for the TMO and has two trained H&S representatives supporting him. Tim also provides employee assistance and counselling services. Tim reported a few concerns as part of the audit including photos of caretakers in tower blocks, effectiveness of the lone worker project, 'abuse of staff will not be tolerated signage' etc, however it appears that in general the process of consultation is working and resolving most issues.

3.2.3 Communication

The organisation needs to keep abreast of forthcoming changes and other useful information that may affect its operation. Internal mechanisms must be established to ensure that H&S information is disseminated throughout the organisation.

Janice Wray as H&S and Facilities Manager is designated as the competent person and therefore responsible for updating the business on any changes in legislation or best practice that may effect the business operations. There are no external organisations commissioned to provide H&S support.

H&S information is disseminated throughout the organisation via a number of routes such as;

- Unison reps
- H&S Committee
- Exec H&S committee
- H&S staff handbook
- Construction Safety Handbook
- Neighbourhood H&S booklet
- Link Magazine (when appropriate)
- Asset and Regeneration Repairs and Estate Services H&S Group

There are plenty of forums and opportunities to discuss and communicate H&S matters, and it is essential that these opportunities are embraced effectively to make improvements and meet the business goals regarding improvements.

Janice Wray creates an annual report on H&S which is communicated internally as well as copied to the Royal Borough. The report focuses on achievements during the twelve month period. She also takes the lead in communicating with external bodies such as the local Fire Authority.

The following issues were raised in relation to communication;

Anthony Parkes is concerned regarding the senior H&S committee process, specifically its effectiveness in discussing and resolving key issues. He has been disappointed that committee members have been sending junior staff to represent them unprepared and in doing so reducing the effectiveness of the sessions. Is the agenda and focus correct?

There are no H&S notice boards posted up in the 3 corporate offices.

Recommendations

		Priority
9	Refresh the senior H&S committee process to ensure the structure is correct and to make it mandatory for the representatives to attend. Send out future dates up to a year in advance to ensure that the appointments can be met.	2
10	Janice Wray to alter annual report structure slightly so that it reflects in part the achievements of the business in reaching the H&S strategy targets as above	3
11	Consideration should be given to posting up H&S notice boards in the 3 offices to include information such as the policy statement, first aiders, fire wardens, committee outputs, news updates etc	3

3.2.4 Competence

Employers are under a general legal duty to ensure that all employees are competent. In addition, under the Management of Health and Safety at Work Regulations 1999, the company must appoint a sufficient number of 'competent persons' to assist in health and safety.

Health & Safety 'Competent Person' role

The 'competent (H&S) person' within KCTMO is Janice Wray Health and safety and facilities Manager. She is qualified to NEBOSH Diploma and a Chartered Member of the Institute of Occupational Safety and Health (CMIOSH). This is more than adequate for the role.

As Assistant H&S Advisor Adrian Bowman has the NEBOSH Certificate.

There are a number of middle and senior management who have H&S and compliance related roles but do not have a recognised H&S qualification or professional membership status. Some business streams such as Housing Support Services, have been proactive in establishing training requirements for their personnel and setting up the relevant sessions. Fay Johnstone is the TMO Training Manager and understands the requirement to establish a formal H&S training programme for the business. This will feature in the corporate strategy in 3.2.3 above.

The following points were raised in relation to staff competency during the 'management' interviews.

The corporate induction process that includes a session on H&S from Janice Wray, has fallen behind and not taken place for over a year.

The H&S policy responsibilities section refers to Adrian Bowman as the 'competent person', however this is not the case – refer to recommendations in 3.2.1

The Neighbourhood dept have organised 'managing violent situations' training, however this does not include training in how to deal with an aggressive act once it is happening. There has been a recent near miss in this regard. Alasdair Manson is looking into this training.

Senior Managers who have taken on H&S responsibilities for their departments and staff have not received H&S training designed for senior executives that explains, in light of recent changes in legislation e.g. corporate manslaughter, what their personal and corporate liabilities are.

Recommendations

		Priority
12	A training Matrix should be established to reflect the required external and internal H&S sessions required for all members of staff with H&S responsibilities. The implementation of the plan to be monitored by the H&S committees	1
13	Ensure it is clear in the H&S policy who is the TMO competent person as this is a requirement of the Management of Health and Safety at Work Regulations 1999	2
14	Ensure the corporate induction process is kept up to date for all new starters	Ongoing
15	Ensure that adequate resources are provided to fund new training requirements as flagged by accidents, near misses and changes in legislation (to be consulted upon at committee)	Ongoing
16	Set up a H&S Responsibilities for Senior Managers' session for appropriate management at the TMO	2

3.3 Planning and Implementation

Planning is a key activity in the process of putting policy into effect and achieving risk control, but it is often the weakest link in safety management systems. The enquiries into Piper Alpha, the Bradford fire, Herald of Free Enterprise at Zeebrugge and others have focused on the failure of organisations to plan and implement control measures to prevent or minimise the effect of foreseeable incidents.

Health and safety planning can be broken down into three main areas:

- *Strategic/ long term planning,*
- *Risk assessment and*
- *Disaster / emergency planning.*

3.3.1 H&S Action Plan

Currently the business does not have a formal H&S Action Plan identifying the key issues requiring attention in a given period. Following risk assessments, action plans are devised to address specific issues.

Without an H&S Action Plan it is difficult to show what progress is scheduled to be made in the next year or so and without it, there is no obvious focus. Whilst the H&S team is aware of some of the issues that need addressing, a more formal and robust process, supported and monitored by Anthony Parkes and the Exec Committee is required. For the TMO, there is no need for an overly complicated H&S plan and a simple action plan showing what is required, who is doing it and by when (with supporting comments) is often the best approach.

It is assumed that the foundation for the Action Plan will be the output from this audit report, the compliance data produced by Asset and Regeneration via Keystone, and the progress of completing report actions through Workflow.

Recommendations

		Priority
17	Devise an annual H&S action plan showing the key issues to be addressed in that period. The plan should specify timescales and outline the process for achieving the objectives. The plan should be regularly reviewed (at least quarterly) by the Exec responsible for H&S	2

3.3.2 Risk Assessment

The Management of Health and Safety at Work Regulations 1999 requires employers to carry out a suitable and sufficient assessment of risks to the health and safety of employees and other persons who may be affected by the undertaking.

In practical terms this requires a general assessment of the working activities, the premises and the people at work. Other specific H&S Regulations also require assessments (e.g. manual handling, fire, hazardous substances etc..)

Employers are required to record the significant findings of the risk assessments (although good practice is to record all findings) and to ensure the affected employees are fully informed of the risks to their health and safety.

Work activity risk assessments

Risk assessments have been undertaken by one or two departments to cover the activities that their staff carry out during their daily routine, some were seen (working with vulnerable persons), others not (Estate services Assistants) and others have not yet been created. There is no defined TMO template for these risk assessments.

For the operations that have yet to be assessed, these should be addressed by ensuring risk assessments are a key objective of the H&S action plan discussed above. It was reported that some risk assessments have fallen out of date and require a thorough review.

In summary, further work is required to ensure tasks and work activities across the business have been subjected to 'suitable and sufficient' risk assessment and that where required safe systems of work devised and implemented. This will support the training matrix as above.

Recommendations

		Priority
18	Implement a more robust and structured risk assessment programme, ensuring that: <ul style="list-style-type: none"> • Priorities are identified on a department basis and targets for completion agreed. • Copies of assessments are collated into departmental registers. • Where additional control measures or improvements are identified, that these are implemented in a timely manner. • Risk assessments are periodically reviewed. 	2

Premises risk assessment

As well as the work activity risk assessments the Management of Health and safety at Work Regulations 1999 requires the employer or Company in control of premises to risk assess these premises. Adrian Bowman carries out property inspections (refer to 3.4.1 Active monitoring), however these are inspections are to no set agenda, only identify the actions required and are not 'suitable and sufficient' risk assessments.

The Workflow software is being modified to assist the business in tracking the completion of actions raised in risk assessments and inspections. At the moment there is little control in this regard. The H&S team are tracking outstanding fire actions generated from the fire risk assessment reports. There is a significant risk exposure to the business in relation to identifying H&S compliance concerns and then not managing the issues in the timescales required in the reports.

Recommendations

		Priority
19	Restructure the property inspection process to convert it into an annual property risk assessment across the estate. The risk assessment reports must incorporate the HSE '5 steps to risk assessment' protocols and generate prioritised recommendations where existing risk controls are lacking or not achieving the required level of control. If the current H&S team resource can not accommodate this need then an external resource will need to be brought in.	2

3.3.3 General M&E Compliance

One of the principal issues the business is contending with is the lack of H&S compliance information available. Without meaningful data on statutory/mandatory risk assessments and best practice inspections the H&S committees and Executive Board are unable to demand and review information to assess compliance with the KCTMO H&S policy and their general duties under the Health and Safety at Work etc Act 1974. The business hosts two software packages that are capable of fulfilling these functions, and works are ongoing to refine these to create the data capture and outputs that it desires.

Far too many of the lines on the compliance dashboard have no statistics next to them as the data is not available, mostly as the contractors hold it. This information is now being recovered and loaded onto Keystone

Recommendations

		Priority
20	Provide sufficient resources to ensure that the Workflow and Keystone systems are developed adequately to provide KCTMO with the systems it requires to host H&S compliance reports and associated data as well a process to track progress regarding report recommendations. Ensure relevant staff are trained in the use of the software.	1
21	Take action to resolve the significant volume outstanding actions unresolved in statutory reports especially in relation to fire risk assessments. Once the backlog has been brought under control establish a process to monitor and track completion of report actions as matched against priorities identified in the reports	1

Legionella Management

A contract is in place to carry out legionella risk assessments as per HSE Approved Code of Practice L8. There are concerns however in relation to the content of the TMO policy on Legionella and the ongoing PPM regime to control the risk across the estate. The main points are summarised below;

The TMO policy on legionella does not tally with actual working practices – refer to 3.2.1

According to the M&E Compliance dashboard the L8 2 yearly completion statistic is 33.33%. This implies that two thirds of the estate does not have an in date risk assessment on the system.

The L8 risk assessments in the system have generated a significant volume of recommendations, many of which remain unresolved or there is insufficient information to prove that they are resolved.

When looking at the Assets and Regeneration records on L8 PPM for the properties inspected, there was evidence that cold water storage tanks are being inspected and disinfected as required, however the hot water storage calorifiers are not being inspected internally nor are drain samples being taken as per the policy and L8.

The HSE guidance on L8 for residential properties states that 'reasonable attempts should be made to gain access to 10% of residential units. A pragmatic approach is required. This would be to flush outlets, monitor temperatures and potentially take water samples. It appears that no units are being accessed, no temperature checks are being carried out accept for sheltered housing, and no legionella sampling is taking place.

It was recorded in the L8 assessment for Nursery Lane, and by an engineer on site that one of the two boilers supplying the heating to the left hand calorifier was struggling to achieve the correct temperature. When the site was visited this was the case and according to the temperature gauge the device was pushing domestic hot water out at 52 degrees when it should be nearer 60 degrees. This is below the L8 standard. If the contractor and the report have raised the problem, why is it remaining unresolved?

Recommendations

		Priority
22	Once the L8 policy has been reviewed (refer to Policy 3.1), taking into account the HSE guidance on residential premises, ensure that the contract with Reef is meeting the minimum requirements for Legionella control.	2
23	Ensure that the statutory duty holder and responsible person roles within the TMO are designated with the appropriate persons and training given. These two individuals should be driving the L8 management process forward and ensuring that the risk is under control by monitoring the compliance statistics and meeting regularly with the contractors.	2
24	Ensure that the 2 yearly L8 risk assessment programme is brought back up to speed and that the % compliance score on the dashboard reflects this and the various other components of the L8 PPM process.	2

Asbestos

Currently the Control of Asbestos Regulations does not apply to residential premises, however duties do apply to re the health safety and welfare of tenants and contractors with regards potential exposure in relation to refurbishment and repairs.

The following issues were raised when looking at the asbestos policy, and examples of the asbestos reports in relation to the properties visited;

The policy is to hold a current ‘management’ survey for all properties in the estate, however many do not have a report available.

The HSE guidance on asbestos management HSG265, requires an annual condition survey to be carried out to monitor the condition of any asbestos containing materials identified in the original survey. It would be prudent to follow this guidance.

Grenfell Tower – the asbestos survey was carried out by ESP, but there are so many caveats and areas not inspected in the survey, as the engineer visited site unsupervised, that the report is more or less worthless.

Lowerwood Court – Survey carried out by Ayerst. 14/4/11. Chrysotile asbestos identified in flats with a recommendation to remove. There is no evidence on Academy Repairs that this action has been completed. It was recommended that the site be re audited in 12 months and this has not happened.

Recommendations

		Priority
25	The TMO approach to managing asbestos risk requires a complete overhaul as it is not currently effective. It is understood that budgets are limited, however there is little worth in creating reports either void of useful information or identifying asbestos that is either not removed or monitored. It would be prudent to take advise from an expert in the field who can advise on a pragmatic approach to manage risk effectively with limited budgets.	2

Gas Safety

The business is understandably nervous in relation to the risk associated with Gas safety, particularly as it is required to access tenant demised areas in order to carry out gas safety checks. The compliance statistics on the dashboard reflect the efforts in attempting to achieve 100% in this regard. At the time of the audit a score of 99.73% was being achieved.

Lift Safety

Passenger lift servicing contracts are in place and from the site inspections there is evidence that the visits are taking place and the log cards completed.

The M&E dashboard contains a number of compliance lines for lifts but these are confusing and mostly unnecessary. The main safety requirement for lifts is the 6 monthly Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) thorough examination. There is no data recorded for these inspections on the dash board.

On a positive note when these certificates were requested for the 4 sites inspected all bar one was located and the missing one was due 6/5/13 so may be in the system some where. The following points are made in relation to the documents reviewed;

The Grenfell Tower LOLER certificates generated many recommendations. It is essential that these are dealt with in a timely fashion.

One of the Lowerwood Court certificates stated in small print that 'the inspection could not be carried out due to the inoperative landing door emergency release' This is a common issue with insurance inspection reports where the certificate looks compliant however through closer reading it demands another inspection.

Recommendations

		Priority
26	Passenger Lift safety is a critical component of the business risk and should be prioritised when the data on Keystone is being loaded. With the ageing lift stock it is imperative that any missing LOLER inspections are commissioned as a priority and any actions raised loaded onto Workflow and dealt with.	1

Fire Risk Assessment

Some time ago the H&S department procured Salvus Consulting to carry out the annual fire risk assessments (FRA) across the estate. Over time the business became dissatisfied with Salvus and changed providers to Carl Stokes & Associates. The business has a good working relation with Carl Stokes and similarly with the local fire authority who Janice Wray regularly meets with.

Within the estate there are 28 residential blocks 7 floors or over that have been designated as higher risk. The FRA report format has been approved by the fire authority and was reviewed as part of this audit and found to be thorough and in line with the Regulatory Reform (fire safety) Order 2005 and PAS79.

Keystone is not up to date with FRA reports so it is not possible to assess how compliant the business is with regards current FRA reports. One issue that is known and can be measured is the volume of outstanding FRA actions created in the reports held. The FRA report actions get pushed out to one of three locations – Assets and Regeneration, Neighbourhood and Repairs. There are currently somewhere between 900-1000 outstanding FRA actions. Janice Wray has established a spreadsheet showing departmental progress and hosts meetings to discuss progress.

A number of people raised an issue regarding leaseholder doors, specifically their fire integrity and how this can be managed effectively.

The fire legislation requires the business to appoint a responsible person (can be a number of people) who have taken the responsibility to manage the fire risk process end to end. This person should be competent to fulfil this role and have the resources to achieve the objectives. According to the FRA reports this role has been given to the Chief Exec of the Royal Borough. It is the opinion of the auditor that this appointment is inappropriate and probably not a formal designation.

Recommendations

		Priority
27	Ensure the annual FRA process is brought up to speed in a timely fashion with data on Keystone and the dashboard reflecting this.	<i>Ongoing</i>
28	Clear the outstanding FRA actions from previous years. Exec H&S Board to establish a process to monitor future departmental progress in turning round recommendations as per the designated timeframes.	1
29	Seek advice (if not already) from the Fire Authority in relation to an effective process for managing the risk of fire spread due to leaseholder doors.	2
30	Reassign the FRA Responsible Person role with the TMO, and provide any required training and additional resource to allow for the role to be effective.	2

Construction, Design & Management

The understanding of the CDM Regulations and how they relate to general day to day management of projects and contractors is mixed within management across the TMO. There is the common assumption that the regulations deal predominantly with the large ‘capital’ projects (CDM notifiable), whereas most of the business compliance with CDM will revolve around ‘non notifiable’ projects and the selection of contractors and approval of their risk assessments and method statements (RAMS). Additional policy detail and training is required in this area, and specifically for the Repairs Direct team.

On the larger Capital Investment Projects the TMO is working with Savills to appoint the appropriate CDM roles i.e. CDM coordinators and Principal Contractors.

Recommendations

		Priority
31	Set up CDM/Contractor Management training/workshops for the appropriate departments	2

3.3.4 Record Keeping – On Site / Off site

Record keeping off site i.e. the maintenance of effective compliance data in Head Office has been covered elsewhere in this report.

H&S legislation is not generally specific in relation to where documents should be held however, the legislation in relation to legionella, asbestos and fire risk assessment does require reports to be held on the premises that they relate to. Very few risk assessment reports are maintained on KCTMO premises and there are some logical reasons for this. It is not a significant risk that this is the case, however it would be prudent to confirm with the local authorities that this approach is acceptable.

Recommendations

		Priority
32	Check with the Enforcement Agencies that holding all H&S records off site is an acceptable approach	2

Working at Height

Approximately 5 years ago a fatal incident occurred in relation to one of the tenants when a child fell through an 18th floor window. The TMO policy on window restrictors was revised as a result.

Working at Height is the biggest occupational health killer in the UK and yet there is no working at height policy in the corporate arrangements to define how the business is committed to managing this risk and specifically to comply with the Work at Height Regulations 2005.

Working at height will be a significant risk for the Repairs Direct both to their own employee activities and the coordination of contractors as commissioned to carry out high risk activities such as glazing and scaffolding.

The following issues were raised in relation to working at height;

At Trellick Tower a fan scaffold was noted, presumably established to catch any falling masonry. It was not known how long the scaffold has been in place. A request was made to see ongoing scaffold inspection documents however these were not forthcoming.

It was reported that rope access activities have been instructed in the past to inspect condition of concrete in certain locations. A request was made to see the RAMS for these activities however they were not provided.

It was reported that in at least one location rope access (abseil) techniques are used to clean the windows. These safe systems of work provided by the supply chain were also requested but not seen.

Recommendations

		Priority
33	As part of the Policy Arrangements review, ensure a work at height policy is created that reflects all aspects of the TMO business.	1
34	Create a working at height risk register to ensure that the business understands the type and volume of working at height activities its staff and contractors are exposed to.	2
35	Provide appropriate advice/workshops/training to key personnel so that they understand the processes involved in managing work at height effectively	2

Landlord / Tenant Compliance

With the Kensal Road and High Street Kensington offices KCTMO are a building tenant, therefore the landlord has an obligation to carry out and provide detail on certain risk controls such as legionella, fire, asbestos, lifts etc.

Recommendations

		Priority
36	Request statutory risk assessments and supporting documentation in relation to the following risk areas which could have an impact on KCTMO and their staff if not managed effectively; <ul style="list-style-type: none"> • Fire risk assessment • Fire Alarm, emergency lighting test data • legionella risk assessment (L8) • Asbestos Survey • Lift insurance report (LOLER) • Electrical fixed wiring survey (IEE) 	2

3.3.5 Other issues from site inspection

The following points were picked up during the 4 property inspections;

- General – No COSHH data located where chemicals are stored
- General – no bunded storage for chemicals
- General – no rubber matting in front of electrical cabinets
- General – No electrical shock posters posted up at electrical cabinets
- Grenfell Tower – breaches to the lightning conductor on the roof

Recommendations

		Priority
37	Attend to the above points and integrate these checks into the annual property risk assessments/inspections.	2

3.4 Measuring Performance

Organisations should monitor their health and safety performance on a regular basis. HSG 65 details two types of monitoring – active and reactive.

Many organisations operate robust incident reporting and investigation processes, which help to prevent further adverse events. However, greater long term benefits will result from robust active monitoring methods whereby hazards and dangers are identified and managed before they cause an adverse event.

3.4.1 Active monitoring

Active monitoring techniques such as regular workplace inspections, sampling and checks can provide useful insights into general working conditions. Certain plant and equipment must be subjected to both periodic statutory examinations and regular maintenance checks to ensure continued safe operation.

Different departments have established their own active monitoring techniques as they believe to be appropriate e.g. Adrian Bowman site inspections, Neighbourhood caretaker inspections, Sheltered Accommodation daily walkabouts and quarterly building safety checks. Some formats were provided, others not, but there is no central agreed process to identify an effective regime and agreed outputs.

Inspection regimes for plant and equipment are commented elsewhere in this report as part of the planned preventative maintenance regime.

The Compliance Manager has established KPI's for tracking H&S compliance but these were not seen, and due to the issue in relation to the scope of the M&E dashboard, the process is not currently working.

Recommendations

	Priority

38	H&S committee to establish an effective active monitoring regime across the TMO departments as well as the defined outputs and process for resolving issues. It would be prudent to document this process as a policy arrangement.	2
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3.4.2 Reactive monitoring

Reactive systems are triggered by adverse events: accidents, cases of ill health and incidents (near misses). Learning from such events is an essential part of accident prevention.

The organisation should be able to demonstrate an effective system for the reporting of all accidents and incidents. Such events should be investigated to prevent recurrence. Data should be collated to demonstrate that trends are under control.

Certain types of incidents are required to be reported to the local Enforcement Authority.

Effective accident reporting procedures were seen to be in place. RIDDOR events are being correctly reported and included in the annual H&S report. Investigations are undertaken and actions being addressed as required.

A near miss and incident reporting scheme is in operation and actions arising out of the reports dealt with?

Vireps (Violent Incident Reporting Forms) are submitted for any violent incidents associated with staff.

3.5 Audit and Performance Review

Learning from experience through the use of audits and performance reviews will enable KCTMO to maintain and fully develop their ability to manage risks.

An audit should be viewed as the umbrella process, which sits above a programme of inspection and utilises the information gleaned to fully review the management system. This is, of course, the same way in which a quality management system operates to maintain ISO 9000 certification.

The 'Turnbull Guidelines' on Corporate Governance states that directors should at least annually review the systems for controlling compliance, including H&S.

In addition, the HSC recommends that organisations should report on H&S performance at least on an annual basis.

3.5.1 Auditing

The KCTMO is audited annually by the Royal Borough of Kensington and Chelsea.

This is the first independent H&S audit to a defined H&S management system. The business is not OHSAS 9001 or 18001 accredited so is not exposed to H&S auditing in this regard.

3.5.2 Performance Review

It is envisaged that once the site has devised and agreed its annual H&S action plan, that this will become a key mechanism in reviewing overall progress across the site.

Recommendations

		Priority
39	Once the annual H&S action plan has been devised and agreed, it should be regularly reviewed (at least quarterly) together with a review of incident statistics.	3

Appendix 1 Background information on the Safety Management Review

The Safety Management Review is based on the recommendations of 'Successful Health and Safety Management' [HSG65], BS 8800 'A Guide to Occupational Health and Safety Management Systems' and OHSAS 18001 'Occupational Health and Safety Management Systems'.

In the past, the monitoring of health and safety has generally relied on practical aspects of safety such as machinery guarding or provision of personal protective equipment. These are important in protecting employees from immediate hazards and risks, but do not address the aspects of the management system, which permitted the presence of those hazards and risks. Research has shown that over 70% of accidents can be attributed to inadequacies in management systems.

The Review also embraces the requirements of Regulation 5 of the Management of Health and Safety at Work Regulations 1999, which states:

"Every employer shall make and give effect to such arrangements as are appropriate, having regard to the nature of his activities and the size of his undertaking, for the effective planning, organisation, control, monitoring and review of the preventative and protective measures."

In practical terms organisations should develop a safety management system which contains appropriate policies and procedures.

The Review examines implementation in five key areas identified in “Successful Health and Safety Management”, HSG 65. These are:

