

NHS Board Meeting  
15<sup>th</sup> December 2021

Lanarkshire NHS Board  
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## SUBJECT: Health and Safety Responsibilities of Directors / Board Members

### 1. PURPOSE

(supplement to revised NHS Lanarkshire Health and Safety Policy Statement November 2021)

In line with the main Health and Safety legislative enabling Act, 'The Health and Safety at Work, etc. Act 1974.' The Health and Safety Executive (HSE) advocate that health and safety responsibilities of Directors and Board members should be clearly articulated in the organisation's statement of health and safety policy and arrangements. In acknowledgement of this requirement, this paper accompanies the latest revision of the NHS Lanarkshire Board's Health and Safety Policy statement and provides a summary of the main responsibilities of Directors and Board members with regard to health and safety.

In conjunction with section 3. which provides an overview of responsibilities, section 4. provides an outline of the health and safety compliance and governance arrangements within NHS Lanarkshire on how these responsibilities are supported. Many Board Members may already be familiar with the content covered in section 4 of this paper.

For approval	<input type="checkbox"/>	For endorsement	<input type="checkbox"/>	To note	<input checked="" type="checkbox"/>
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### 2. ROUTE TO THE BOARD

This paper has been prepared by Gordon Gray, Head of Health and Safety on behalf of Kay Sandilands, Director of Human Resources and Mark Kennedy, Salus Occupational Health, Safety and Return to Work Service General Manager.

Prepared	<input checked="" type="checkbox"/>	Reviewed	<input type="checkbox"/>	Endorsed	<input type="checkbox"/>
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### 3. HEALTH AND SAFETY RESPONSIBILITIES OF DIRECTORS / BOARD MEMBERS (this includes executive, non-executive directors and secretary to the board)

Directors and Board Members have a key role to play in ensuring that health and safety is appropriately managed, risks identified, assessed with mitigation measures employed for any risks that cannot be eliminated. The HSE who oversee and monitor compliance with UK health and safety legislative standards published a guide for Directors and Board members that is endorsed by the Institute of Directors that may be helpful for Board members to review amongst other reference material outlined (please refer to section 15.). The following six outlined responsibilities for Directors and Board members are those which the HSE are mindful of when auditing Health Boards with an acknowledgement in section 4. of how these are supported.

- 3.1 Health and safety is considered a corporate governance issue with board members responsible for ensuring that health and safety is integrated into the main governance structures, including committees and sub-committees. Many of these responsibilities are administered and supported through the Corporate Management Team (CMT) and the

senior management divisional governance structures i.e. Acute, Corporate, Health and Social Care and PSSD Divisional Management teams. This in effect provides a comprehensive network of arrangements to assist in managing health and safety at all levels throughout the Board (Appendix 1 of the NHS Lanarkshire Occupational Health and Safety Governance and Strategic Framework 2021 – 2024 outlines the NHS Lanarkshire Occupational Health and Safety Governance Structures - please refer to section 4.1).

- 3.2 Directors and Board members are under a duty to ensure that statutory duties relevant to Healthcare and its operational activities are being managed. This includes statutory health and safety requirements. As outlined in section 4.2 NHS Lanarkshire administer a 'Legislative Compliance Register' applicable to healthcare which has a nominated lead Executive Director and nominated supporting directors/managers for each item of legislation.
- 3.3 Protecting the health and safety of all persons who may be affected by the Board's activities is an essential part of risk management and must be led by the board. Directors and Board members should be comfortable that the Health and Safety Policy statement encapsulates the commitment and responsibility of the Board towards health and safety safeguarding. Section 4.3 outlines how the latest revised health and safety policy statement supports this responsibility.
- 3.4 Directors and Board members should ensure that any person(s) appointed to carry out duties and responsibilities are competent i.e. the appropriate level of skills, knowledge, qualifications and experience for their role. Although this applies to all roles it equally applies to obtaining competent advice and guidance on health and safety related matters. Section 4.4 and 4.5 outline how the NHS Lanarkshire Occupational Health and Safety Service (Salus Occupational Health, Safety and Return to Work Service) facilitate this requirement.
- 3.5 Legislation requires effective planning, organisation, control, monitoring and review of preventive and protective measures. Directors and Board members share this responsibility with members of the CMT and other Divisional senior management leads. Section 4.6 acknowledges how health and safety is administered operationally within NHS Lanarkshire.

#### **4. NHS LANARKSHIRE COMPLIANCE WITH HEALTH AND SAFETY LEGISLATIVE REQUIREMENTS**

With regard to the governance of Health and Safety within NHS Lanarkshire Health Board the following six cornerstones underpin compliance with health and safety legislative requirements.

##### **4.1. Governance Arrangements to Support Director / Board Members Health and Safety Responsibilities**

The current NHS Lanarkshire Occupational Health and Safety Governance and Strategic Framework 2021 – 2024 was approved at the Staff Governance Group on the 6<sup>th</sup> September 2021. The strategic framework is a requirement of CEL 13 (2011) 'Safe and Well at Work: Occupational Health & Safety Strategic Framework for NHS Scotland'. The framework provides an outline of strategic aims and objectives for delivering occupational health and safety governance arrangements within NHS Lanarkshire. The strategic framework also encapsulates the principles outlined within HSE HSG65, 'Managing for health and safety' which outlines the summary process of the HSE guidance of 'Plan, Do, Check, Act' <https://www.hse.gov.uk/managing/plan-do-check-act/>

[act.htm](#). A copy of the recently revised Strategic Framework is posted on the NHS Lanarkshire public policy portal. Link address:

<https://www.nhslanarkshire.scot.nhs.uk/download/occupational-health-and-safety-governance-and-strategic-framework-policy-2017-2020/>

## 4.2 Compliance with Legislative Standards

NHS Lanarkshire administer a 'Legislative Compliance Register' applicable to healthcare which acts in a similar manner to a risk register. The 'Legislative Compliance Register' contains 62 items of Primary and Secondary legislation with 28 of the entries administered by the Health and Safety Executive (HSE) i.e. exclusively related to health and safety. The register is reviewed periodically and circulated to Executive Directors and Supporting Directors/Managers for their reference and to request any updates, changes and/or revisions to the content. Each time the register is reviewed and revised a tracked change version is issued. The register is submitted to the Staff Governance Committee for review and comment following each periodic review. The legislative compliance register was last reviewed at the Staff Governance Committee on the 6<sup>th</sup> September 2021. Each of the 62 items of legislation have a nominated lead executive director and supporting directors/managers. Each entry includes:

- 4.2.1 Summary and scope of application.
- 4.2.2 Operational Monitoring.
- 4.2.3 Compliance status i.e. complaint, partially compliant or non-complaint.
- 4.2.4 Current arrangements and potential risks.
- 4.2.5 Governance committee(s).
- 4.2.6 Risk analysis i.e. Low, Low to Medium, Medium, Medium to High, High.

The majority of entries are assessed as Low risk with five at Low to Medium risk in terms of compliance status. Due to the sensitivity of the entries a copy is posted on FirstPort under 'Policies Marked Official Sensitive'. Link address - <http://firstport2/resources/policies/Pages/default.aspx>

## 4.3 Policies and Procedures

NHS Lanarkshire has a range of occupational health and safety policies and procedures that complement other NHS Lanarkshire policies and procedures and are accessible through the NHS Lanarkshire public portal. The occupational health and safety policies and procedures are in part enabled through the NHS Lanarkshire Health and Safety Policy Statement which is a requirement of the 'Health and Safety at Work, etc. Act 1974.' The Health and Safety Policy Statement outlines the commitment of the Chief Executive, Board and Corporate Management Team towards effective management of health and safety. In addition to where possible eliminate, reduce or manage health and safety related risks from NHS Lanarkshire operational activities and undertakings which have the potential to impact staff, patients, students, visitors, volunteers, contractors, partner companies/agencies and any other person(s) affected by NHS Lanarkshire activities.

## 4.4 Access to Competent Advice and Guidance

Salus provide NHS Lanarkshire with specialist support services to facilitate access to occupational health and wellbeing for staff at all levels. This includes the following support services:

- 4.4.1 Occupational Health Advisors.
- 4.4.2 Health and Safety Advisors.

- 4.4.3 Moving and Handling Advisors and Specialist Trainers.
- 4.4.4 Prevention and Management of Violence and Aggression Advisors (PaMoVA) and Specialist Trainers.
- 4.4.5 Vaccination programmes.
- 4.4.6 Face Fit Testing for respiratory protection.
- 4.4.7 Health surveillance for a wide range of occupational conditions including noise, vibration, lung function testing, asbestos, lead, etc.
- 4.4.8 Inspection and audits for occupational health and safety as part of day-to-day operational activities i.e. workplace transport, environmental audits for Covid-19 safeguarding, ventilation audits, site inspections, moving and handling, PaMoVA; Staff support for mental health including specially trained staff helpline for advice and guidance, absence reporting, counselling, musculoskeletal issues, etc.
- 4.4.9 Practical face to face, clinical, job and task specific advice and guidance.

The Salus Occupational Health, Safety & Return To Work Services are accessible through FirstPort. Link address - <http://firstport2/staff-support/salus-occupational-health-and-safety/default.aspx>

## **4.5 Health and Safety Training**

The Health and Safety Team deliver a wide training programme to enhance staff knowledge and skills in Health and Safety, Moving and Handling and the Prevention and Management of Violence and Aggression. Training encompasses theoretical, practical and self-led learning with competence based assessments to re-enforce the learning experience. The aim of training is to support compliance with policies and procedures, enhancement of staff knowledge, skills and the application of these through a wide range of practical and e-learning courses. Over 20000 training sessions are normally completed in a standard year. Training for e-learning and practical classes are accessed through LearnPro.

## **4.6 Health and Safety Management System**

The NHS Lanarkshire safety management system is referred to as the 'Control Book' which is the key safety management system employed throughout NHS Lanarkshire to comply with the responsibility of planning, organisation, control, monitoring and review of preventive and protective measures for health and safety. NHS Lanarkshire currently operate circa 370 Control Books which are normally audited within a 3-year cycle to ensure compliance with organisational and local policies and procedures including but not exclusive to recording, progressing and escalation of 'Health & Safety' issues and identification of new or emerging hazards and associated risks.

The Control Book system was reviewed by the HSE in November 2018 as part of an intervention visit by five HSE Inspector's. Following the intervention, the Control Book audit training compliance element was enhanced to ensure that significant failings identified with regard to training would also be reflected in the final audit score. The Control book and audit process complies with the HSE advocated system of Plan, Do, Check and Act which is a core aspect of HSE guidance. The Control Book suite of documents is accessible through FirstPort. Link address - <http://firstport2/staff-support/salus-occupational-health-and-safety/health-and-safety/default.aspx>

## **4.7 Benefits of Proactive Health and Safety Safeguarding**

In addition to regulatory compliance the benefit of a proactive health and safety approach include:

- 4.7.1 Reduced costs and reduced risks i.e. reduced absence and increased retention.
- 4.7.2 Avoidance of adverse publicity, enforcement and court costs.
- 4.7.3 Prevention of injuries and associated costs.
- 4.7.4 Positive relationship with enforcement agencies.

## 5. STRATEGIC CONTEXT

This paper links to the following:

Corporate objectives	<input type="checkbox"/>	AOP	<input type="checkbox"/>	Government policy	<input type="checkbox"/>
Government directive	<input type="checkbox"/>	Statutory requirement	<input checked="" type="checkbox"/>	AE/local policy	<input type="checkbox"/>
Urgent operational issue	<input type="checkbox"/>	Other	<input type="checkbox"/>		

## 6. CONTRIBUTION TO QUALITY

This paper aligns to the following elements of safety and quality improvement:

Three Quality Ambitions:

Safe	<input checked="" type="checkbox"/>	Effective	<input checked="" type="checkbox"/>	Person Centred	<input checked="" type="checkbox"/>
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Six Quality Outcomes:

Everyone has the best start in life and is able to live longer healthier lives; (Effective)	<input checked="" type="checkbox"/>
People are able to live well at home or in the community; (Person Centred)	<input checked="" type="checkbox"/>
Everyone has a positive experience of healthcare; (Person Centred)	<input checked="" type="checkbox"/>
Staff feel supported and engaged; (Effective)	<input checked="" type="checkbox"/>
Healthcare is safe for every person, every time; (Safe)	<input checked="" type="checkbox"/>
Best use is made of available resources. (Effective)	<input checked="" type="checkbox"/>

## 7. MEASURES FOR IMPROVEMENT

Included within the service objectives.

## 8. FINANCIAL IMPLICATIONS

Any financial implications will be met within existing budgets.

## 9. RISK ASSESSMENT / MANAGEMENT IMPLICATIONS

The paper is provided for assurance purposes. Areas described within it have links to the relevant documents where appropriate.

## 10. FIT WITH BEST VALUE CRITERIA

The paper aligns to the following best value criteria:

Vision and leadership	<input checked="" type="checkbox"/>	Effective partnerships	<input type="checkbox"/>	Governance and accountability	<input checked="" type="checkbox"/>
Use of resources	<input checked="" type="checkbox"/>	Performance Management	<input type="checkbox"/>	Equality	<input type="checkbox"/>
Sustainability Management	<input checked="" type="checkbox"/>				

## 11. EQUALITY IMPACT ASSESSMENT

Not required.

## 12. CONSULTATION AND ENGAGEMENT

A copy of the recently revised Health and Safety Policy Statement which was submitted with a cover paper on the 25th October 2021 and approved at the CMT on the 8th November 2021 accompanies this paper and is also posted on the NHS Lanarkshire public policy portal.

## 13. ACTIONS FOR THE BOARD

Approve	<input type="checkbox"/>	Endorse		Identify further actions	<input type="checkbox"/>
Note	<input checked="" type="checkbox"/>	Accept the risk identified		Ask for a further report	<input type="checkbox"/>

The Board is asked to:

1. Note the Health and Safety Responsibilities of Directors / Board Members.
2. Note the NHS Lanarkshire governance arrangements which support compliance with health and safety responsibilities of Directors / Board Members and members of the Acute, Corporate, Health and Social Care and PSSD Divisional Management teams; and
3. Consider review documents outlined within section 15. for further reference.

## 14. FURTHER INFORMATION

For further information regarding any aspect of this update summary paper or for further information, please contact: -

- Kay Sandilands, Director of Human Resources, 01698 752865
- Mark Kennedy, Salus General Manager, 01698 759360
- Gordon Gray, Head of Health and Safety, 01698 759378

## 15. FURTHER REFERENCE

- National Leadership Council (NLC) Board Development, 'The Healthy NHS Board, Principles for Good Governance' link address - <https://www.leadershipacademy.nhs.uk/wp-content/uploads/2012/11/NHSLeadership-TheHealthyNHSBoard.pdf>
- HSE 'Leading health and safety at work, Actions for directors, board members, business owners and organisations of all sizes' link address INDG417(rev1) - <https://www.hse.gov.uk/pubns/indg417.pdf>
- HSE 'Managing for health and safety' (HSG65) link address - <https://www.hse.gov.uk/pubns/books/hsg65.htm>
- Institute of Occupational Safety and Health (IOSH) book, 'Questioning performance: the director's essential guide to health, safety and the environment' available from amazon books.