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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



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| Meeting Date | 02 December 2019 | Agenda Item | 2.3 |
| Report Title | HSE Inspection Update | | |
| Report Author | Mark Parsons, Interim Assistant Director of Health & Safety Jacqui Maunder, Interim Head of Compliance | | |
| Report Sponsor | Gareth Howells, Director of Nursing and Patient Experience | | |
| Presented by | Darren Griffiths, Associate Director of Performance | | |
| Freedom of Information | Open | | |
| Purpose of the Report | <p>The purpose of this report is to update the Health & Safety Committee on the Health & Safety executive (HSE) inspection visits that took place on the 16th, 17th, 18th & 20th September 2019. Additional visits also took place on 10 and 30th October 2019, specifically for the estates and radiology departments.</p> <p>The HSE inspection visit undertaken on the 10th October 2019, related to an electrical shock incident that was RIDDOR reportable and the visit on 30th October 2019 was a routine follow up based on consents granted by the HSE under the Ionising Radiation Regulations 2017.</p> | | |
| Key Issues | <ul style="list-style-type: none"> As part of the Health & Safety Executive (HSE) inspection programme of Violence and Aggression and Musculoskeletal Disorders in Healthcare 2018-2019. SBUHB received inspection visits between 27th and 29th November 2018. 9 Health & Safety Executive (HSE) Improvement notices were received in February 2019 relating to violence & aggression, manual handling and the reporting and investigating of Health & Safety incidents 1 Health & Safety Executive (HSE) Improvement notice was received in July 2019 relating to Vehicle and transport separation, change management, moving and handling and violence & aggression. The Health & Safety executive (HSE) re-inspection visits were undertaken on the 16th, 17th, 18th & 20th September 2019. The Health & Safety Executive inspection visit on 10th October 2019 relating to an electric shock incident. | | |

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|--|--|--------------------------|-------------------------------------|--------------------------|
| | <ul style="list-style-type: none"> • The Health & Safety Executive inspection visit 30th October 2109, Singleton radiology department (routine visit following issuing of consent) • The Health & Safety Executive feedback meeting 8th November 2019. | | | |
| Specific Action Required <i>(please choose one only)</i> | Information | Discussion | Assurance | Approval |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Recommendations | Members are asked to : <ul style="list-style-type: none"> • NOTE the report | | | |

HSE INSPECTION UPDATE

1. INTRODUCTION

The purpose of this report is to update the Health & Safety Committee on the Health & Safety executive (HSE) inspection visits that took place on the 16th, 17th, 18th & 20th September 2019. Additional visits also took place on 10th and 30th October 2019, specifically for the estates and radiation departments.

The HSE inspection visit undertaken on the 10th October 2019, related to an electrical shock incident that was RIDDOR reportable and the visit on 30th October 2019 was a routine follow up based on consents granted by the HSE under the Ionising Radiation Regulations 2017.

2. BACKGROUND

2.1 HSE Visits November 2018

The Health & Safety Executive (HSE), as part of their inspection programme for 2018-2019 covering violence and aggression and musculoskeletal disorders in healthcare, undertook a number of site/department inspections in November 2018.

During the inspections in November 2018 the HSE visited a range of departments at:

- Morriston Hospital
- Princess of Wales Hospital, Bridgend
- Singleton Hospital, Swansea
- Cefn Coed Hospital, Swansea
- Tonna Hospital, Neath & Port Talbot

As a result of these visits and inspections the Health Board was served with nine HSE improvement notices as follows:

- AMO1 - Violence & Aggression at the Emergency Department (ED) Morriston Hospital
- AMO2 - Violence & Aggression, Portering Staff at Morriston Hospital
- AMO3 - Manual Handling, Emergency Department (ED), Morriston Hospital
- AMO4 - Manual Handling, Portering Staff, Morriston Hospital
- AMO5 - Reporting and investigating Health & Safety incidents
- JVH1 - Violence & Aggression at Singleton Assessment Unit (SAU), Singleton Hospital
- JVH2 - Violence & Aggression, Portering Staff, Singleton Hospital
- JVH3 - Manual Handling, Theatre Department, Singleton Hospital
- JVH4 - Manual Handling, Portering Staff, Singleton Hospital

One Health & Safety Executive (HSE) Improvement Notice was also received in July 2019 concerning Tonna Hospital, covering external routes/pathways; lone working; planned service changes and their potential impact; violence & aggression and the impact on service provision changes have on pedestrian & vehicle routes should be considered.

2.2 HSE Visits October 2019 (10th Estates & 30th Radiation)

The Health & Safety Executive (HSE) visit was related to an electric shock incident that was reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR).

During the inspection visit on the 10th October 2019 the HSE visited the kitchen area to inspect the bays where the regeneration trolleys were positioned and to go through the process ready for food to be transferred to the wards, they also undertook a number of tests on the electrical circuit testing to assess that they were all connected to earth. Prior to the visit the HSE had requested evidence in relation to fixed wiring and any other electrical tests or surveys that had been undertaken. The documentary evidence was discussed during the inspection to clarify the current position against the recommendations in the documentation.

As a result of these visits and inspections on the 15th October 2019 the Health Board was served with two additional HSE improvement notices as follows:

- IN/SWE/15/10/19/01 – Failure to ensure the low voltage electrical system at your premises has been constructed and maintained in a condition to prevent, so far as is reasonably practicable, danger (protective blanks were found missing to distribution boards at Morriston Hospital)
- IN/SWE/15/10/19/02 – Failure to appoint competent persons to assist in statutory provisions for supervisory or managerial positions to manage electrical safety at Morriston Hospital.

2.3 Improvement Action Plan

The Health & Safety Committee have previously been advised of the following actions which were swiftly put in to place following receipt of the HSE report as part of the immediate response to the findings:

- Increased fire safety resource
- Review of mattress safety has been completed
- Portering improvement action plan developed
- Established a dedicated HSE Improvement Notice working group to focus specifically on the requirements of the improvement notices, which meets fortnightly
- HSE Notice Improvement Action Plan – track progress
- Secured interim senior support on secondment (Interim Assistant Director of Health & Safety)
- Secured interim governance and compliance support on secondment to review and strengthen existing Health & Safety governance arrangements (Interim Head of Compliance – shared resource with Corporate Governance Directorate)
- Review of security and portering arrangements, with additional resource deployed in key areas
- The Chief Executive Officer (CEO) has met with the frontline staff involved in the HSE inspections and further engagement is planned
- Increased training compliance across hotel services, with a plan in place to maintain training compliance
- Policies and procedures reviewed and/or developed:
 - Lone Working Policy (approved 2nd September 2019)
 - Violence & Aggression Policy (approved 2nd September 2019)
 - Incident Reporting Policy (deferred to 2nd December following feedback from HSE)

- Lockdown Procedure
- Ligation Policy/Procedure (approved 2nd September 2019)
- Site risk assessments have been undertaken (including Tonna Hospital), and lone worker risk assessments have been developed and shared with site managers and service managers/leads.
- A critical review of all actions outlined within the HSE improvement action plan was undertaken and a final action plan agreed.
- An audit programme for window restrictors at Tonna Hospital has been put in place and a senior management role identified to monitor compliance.
- Works for improvements at Tonna Hospital completed.
- Health & Safety Operational group given new focus.
- Health & Safety newsletter issued September 2019 on intranet, via email and hard copies
- Meetings with HSE inspectors
- Action plan reviewed and updated following re-inspections

The completion of Training Needs Analyses (TNA's) for manual Handling and Violence and Aggression have been undertaken and are awaiting sign off from the service units:

- Morriston Hospital
- Singleton Hospital
- Neath Port Talbot Hospital
- Mental Health and Learning Disabilities
- Primary Care and Community

In addition to the units, specific TNA's have been undertaken for estates and support services (hotel services) due to the risks identified for these services.

2.4 Health & Safety Committee Scrutiny Sessions

"In Committee" closed Health & Safety Committee meetings took place on 23rd July 2019 and 20th August 2019 which included a presentation outlining the actions identified to assist in complying with the notices. In addition to the presentation the action plan and portfolio of evidence was shared, which outlined the achievements to date and those planned to be completed before the 10th September 2019 deadline. The Independent members put forward a number of challenging questions and Officers responded in full with updates on key work areas.

The Committee scrutinised and endorsed the final HSE response at its meeting on the 2 September 2019.

2.5 Health Board Scrutiny Sessions

A specific officer level scrutiny meeting was held 13th August 2019 to further scrutinise the evidence collated and to address any outstanding actions to ensure that all appropriate actions have been implemented/or are in steady progress in line with the requirements outlined in the HSE improvement notices and letters received.

A Special Board meeting was held 4th September 2019 to consider the position to share with the HSE.

3. HSE INSPECTION VISITS 16th, 17th, 18th & 20th SEPTEMBER 2019 AND ADDITIONAL INSPECTION VISITS ON 10th & 30th OCTOBER 2019

The Health & Safety executive (HSE) inspection visits that took place 16th, 17th, 18th & 20th September 2019 and were led by Helen Turner, Lead HSE Inspector and Simon Breen. The inspectors were given the opportunity to meet with senior managers, frontline staff and trade union representatives. The inspection visit for the electric shock incident on 10th October 2019 was led by Simon Breen, accompanied by Steve Eades, HM Specialist Inspector (Electrical Engineering). The visit on 30th October 2019 was led by Andrew Davies and covered:

- HSE introduction and overview
- Nuclear Medicine
- Radiotherapy
- Other activities (cardiology or surgery use of room UV sterilisation)

| Date/Venue | Inspection Area |
|--|---|
| 16th September Neath Port Talbot Hospital | <p>Management meeting for health board representatives to explain overarching strategy for Health & Safety management and approach taken to HSE findings</p> <p>Meeting with local Health & Safety representatives, inspections included Service Director and Theatres. Minor Injuries, Porters, Medical records and in-patient areas were rescheduled.</p> |
| 17th September Singleton Hospital | Meeting with local Health & Safety representatives, inspections included Surgical Assessment Unit, Porters & Theatres |
| 17th September Morrison Hospital | Meeting with local Health & Safety representatives, inspections included Emergency Department, Porters, Security |
| 18th September Tonna Hospital & Neath Port Talbot Hospital | Meeting with local Health & Safety representatives, inspections included senior manager, Suite 4, mortuary and a full site inspection. In the afternoon the inspection of NPTH was picked up covering medical records only. |
| 20th September Neath Port Talbot Hospital | <p>Meeting with Surgical Specialist Manager (Singleton Hospital) as a follow up to the Theatre visit on 17 September.</p> <p>Follow up inspection from 16 September 2019, visiting Minor Injuries Unit & Porters with the HSE inspector deciding there was no requirement to visit the in-patient area.</p> |
| 10th October Morrison Hospital | <p>Investigation into electric shock incidents from the heating up of the regeneration catering trolleys. (This is not part of the improvement notices, this is from two incidents being reported, one of which was RIDDOR reportable)</p> <p>The main reason for the site visit being the electrical shock incidents was reviewed and system checks undertaken by the HSE, all of which passed. However, following discussions/questions and reflection on the electrical inspection certificate reports and thermographic imaging</p> |

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|---|---|
| | <p>survey the HSE had a number of concerns and verbally informed the group that they would be issuing two improvement notices.</p> <p>The notices were issued on 15th October 2019:</p> <ul style="list-style-type: none"> • IN/SWE/15/10/19/01 – Failure to ensure the low voltage electrical system (Morriston Hospital) – date of compliance 6th December 2019 • IN/SWE/15/10/19/02 – Failure to appoint competent persons to assist in statutory provisions for supervisory or managerial positions to manage electrical safety (Morriston Hospital) – date of compliance 31st January 2020. |
| <p>30th October Singleton Hospital</p> | <p>HSE routine site inspection to visit Singleton Hospital as a follow up to new consents issued under the Ionising Radiation Regulation 2017.</p> <p>With the organisation changing name from ABMU to SBUHB, there was a requirement to apply for consents under the Ionising Radiation Regulations 2017 and as part of this the HSE follow up on all new consents. Therefore, a visit to Singleton Hospital to inspect nuclear medicine, radiotherapy and radiology was undertaken on 30th October 2019.</p> <p>As part of the visit a number of areas were inspected, with positive comments received ‘nailed it on the management’ ‘very good risk assessments’ and staff very helpful and knowledgeable. Initial feedback was that there was a possibility of an improvement notice, however, given that risk assessment was in place, this was reduced to a breach and from this we will be issued with a notice of charge (Fees for intervention). Overall this was a positive inspection with minor learning points. We have not as yet received the written breach notice. Actions are underway to address the points raised on the day and to meet the deadline of 30th November 2019. All actions will be added to the HSE enforcement group actions for monitoring.</p> |
| <p>19th November Morriston Hospital</p> | <p>The purpose of the revisit was to go over the actions identified to comply with the notices and enabled the HB to demonstrate progress to date and present evidence of the works completed, plus outline the actions scheduled to be completed by the end of December 2019. As part of the visit a number of areas were inspected to clarify the actions had been completed i.e. blank plates on the fuse boards.</p> <p>During the summing up of the meeting the HSE Specialist Inspector was satisfied that the HB had demonstrated compliance with the notices verbally. The inspector requested a number of documents to be forwarded and once received the HSE system will be updated to show compliance with the notices.</p> |

The inspection visits went well overall, with positive feedback as well as critique in some areas. On 14th October 2019 a letter was received from the HSE confirming that of the 10 improvement notices, 7 were complied with fully, with three receiving extensions to fully comply with the notices, which are listed:

- AMO5 - Reporting and investigating Health & Safety incidents – **extension until 6th December 2019**
- JVH3 - Manual Handling, Theatre Department, Singleton Hospital – **extension until 6th December 2019**
- AMO4 - Manual Handling, Portering Staff, Morriston Hospital - **extension until 6th December 2019**

4. NEXT STEPS

The HSE Improvement Working Group, set up to oversee progress against the recommendations will continue to meet until February 2020 to ensure that all of the HSE notices are complied with in full and are embedded into the organisation.

The Health & Safety team will continue to engage with managers and staff to strengthen and develop Health & Safety compliance.

Regular meetings of the Health & Safety Operational Group and Unit/Directorate H&S Meetings have been scheduled.

The Health & Safety Committee will continue to provide scrutiny on progress in complying with the legislative and regulatory frameworks for Health & Safety. Following on from the feedback received from the HSE inspectors in relation to leadership and resource for Health & Safety, the Committee will initially receive a one year plan, and a summary of planned Health & Safety resource to ensure ongoing compliance at its December 2019 meeting. The one year plan will be developed into a 3-5 year work plan for Health & Safety, a draft plan is presented at **Appendix 1** for information.

5. KEY THEMES IDENTIFIED DURING THE VISITS

The key themes identified during the HSE inspection visits are summarised below:

- Health & Safety Leadership – need for sustainable long-term focus on Health & Safety compliance
- Competency (Equipping our managers to undertake their Health & Safety responsibilities)
- Training – Health & Safety Leadership
- Training – Managing Safely for Managers
- Training – Incident reporting/Investigation
- Risk Assessments (V&A/Lone Working)
- Monitoring & Auditing (Local level and Corporate)
- Competency – approved persons for electricity (HV & LV)
- Management of electrical systems
- Health & Safety governance structure (consistency throughout the organisation)
- Local coaches trained to cascade in the various areas for manual handling and violence and aggression

6. HEALTH & SAFETY EXECUTIVE FEEDBACK

The HSE inspector (Helen Turner) met with the Deputy Chief Executive Officer, the previous Chair of the Health & Safety Committee, the Director of Nursing and Patient Experience, the Associate Director of Performance, the Interim Assistant Director of Health & Safety and the

Interim Head of Governance on 8th November 2019 to provide feedback following the re-inspections in September 2019.

The HSE Inspector opened by acknowledging the commitment from the Chief Executive Officer and the Executive team to lead the organisation in the right direction. There is now a requirement to move away from the more specific areas identified by the improvement notices, taking an overview approach to develop the strategic direction, understanding what good Health & Safety looks like for SBUHB.

There were three key areas outlined; Leadership – Ownership – Competence.

Leadership:

- CEO and Executive site/department visits to be standard practice and not as a result of enforcement action, as visibility is key to changing safety culture and this need to be pushed down through the units/departments and not just top level.
- Use the values of the organisation to promote Health & Safety “Caring for each other” “Working together” “Always improving” and align these to your Health & Safety strategy.
- Remember that your staff are essential to providing services, so it is not just about patient safety.

Ownership:

- Good policies in place, unfortunately not all staff understand the practical elements and how as managers they should manage Health & Safety.
- Responsibility and accountability are words that sound threatening, perhaps change to ownership, as this is what is required, people taking ownership of their areas and activities.
- What are you actually measuring, are these meaningful, what do they mean to staff, what benefit and/or learning is achieved, is such information triangulated to ensure that learning is captured and shared.

Competence:

- There is a need to equip managers with the appropriate Health & Safety skills, identify the need for the various groups, there will be some subtle differences dependent on role. i.e. are they in charge of a building, so may require more training.
- Utilise resources available to the Health Board, such as H&S trained trade union representatives. There are other resources that could provide valuable intelligence, porters and domestics are on the ground floor and a resource to use.

The organisation has a great opportunity to do something different, to promote a positive Health & Safety culture and to ensure this is sustainable.

7. GOVERNANCE AND RISK ISSUES

Health & Safety governance is as important as any other aspect of governance. It is a fundamental part of an organisation's overall risk management function which is a key responsibility of all directors. Failure to manage Health & Safety risk effectively has both human and business costs. The price of failure can be the damaged lives of workers, patients, their families and friends, as well as direct financial costs, damaged reputations and the risk of legal prosecution.

The HSE has issued twelve improvement notices for SBUHB in accordance with Section 21 of the Health & Safety at Work Act, which states that, where an inspector is of the opinion that a person is contravening one or more of the relevant statutory provisions, or has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated.

To strengthen Health & Safety leadership going forward the HSE inspectors have recommended that members of the Executive Team undertake the HSE's new jointly developed one-day Health & Safety qualification for senior business leaders, the NEBOSH HSE Certificate in Health & Safety Leadership Excellence¹.

8. FINANCIAL IMPLICATIONS

There are financial implications, not only from the cost of the fees for intervention issued due to there being a material breach identified, there will be costs associated to resource in order to complete actions/works required to adhere to the notices.

There is potential of future legal action, which includes an imposed financial penalty if the health board is unable to satisfy the HSE, that it has provided suitable and sufficient evidence to satisfy the requirements outlined in the improvement notices and letters issued to the Health Board.

9. RECOMMENDATION

Members are asked to:

- **NOTE** the report

¹ <https://www.nebosh.org.uk/qualifications/nebosh-hse-certificate-in-health-and-safety-leadership-excellence/>

| Governance and Assurance | | |
|--|---|-------------------------------------|
| Link to Enabling Objectives <i>(please choose)</i> | Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities | |
| | Partnerships for Improving Health and Wellbeing | <input checked="" type="checkbox"/> |
| | Co-Production and Health Literacy | <input type="checkbox"/> |
| | Digitally Enabled Health and Wellbeing | <input type="checkbox"/> |
| | Deliver better care through excellent health and care services achieving the outcomes that matter most to people | |
| | Best Value Outcomes and High Quality Care | <input checked="" type="checkbox"/> |
| | Partnerships for Care | <input type="checkbox"/> |
| | Excellent Staff | <input type="checkbox"/> |
| | Digitally Enabled Care | <input type="checkbox"/> |
| | Outstanding Research, Innovation, Education and Learning | <input type="checkbox"/> |
| Health and Care Standards | | |
| <i>(please choose)</i> | Staying Healthy | <input type="checkbox"/> |
| | Safe Care | <input checked="" type="checkbox"/> |
| | Effective Care | <input checked="" type="checkbox"/> |
| | Dignified Care | <input checked="" type="checkbox"/> |
| | Timely Care | <input checked="" type="checkbox"/> |
| | Individual Care | <input checked="" type="checkbox"/> |
| | Staff and Resources | <input checked="" type="checkbox"/> |
| Quality, Safety and Patient Experience | | |
| <p>Following the original HSE letter and improvement notices being received a dedicated working group was set up to drive forward, an action plan to address all areas of the HSE improvement notices. Effective systems, cooperation and ownership of Health & Safety at all levels are key to building a positive, safe and healthy environment.</p> | | |
| Financial Implications | | |
| <p>The financial implications resulting from the improvement notices are to be determined. The HSE hourly cost is known at £154 per hour, therefore, total cost will be dependent on the time spent on the various notices until these are closed. There is potential of legal proceedings, which in turn could lead to legal expenditure and financial penalties (amounts to be determined). With a focus on resources, there will be financial implications for additional resources for Health & Safety.</p> | | |
| Legal Implications (including equality and diversity assessment) | | |
| <p>Swansea Bay University Health Board (SBUHB) is committed to providing and maintaining a safe and healthy work place and to provide suitable resources, information, training and supervision on Health & Safety to all members of staff, patients Contractors and visitors to comply with the legislative and regulatory framework on Health & Safety which includes:</p> <ul style="list-style-type: none"> • The Health & Safety at Work Act 1974 • Management of Health & Safety at Work Regulations 1999 • Manual Handling Operations Regulations 1992 • The Electricity at Work Regulations 1989 | | |
| Staffing Implications | | |
| <p>Staff will be briefed on the developments through Health & Safety meetings/forums or other groups as determined necessary ensure that Health & Safety is discussed, monitored and acted upon. A report on the longer term Health & Safety staffing and resource requirements is being presented to the Health & Safety Committee 2 December 2019.</p> | | |

| Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015) | |
|---|--|
| <p>The Act requires the Health Board to think more about the long term, how we work better with people and communities and each other, look to prevent problems and take a more joined up approach with partners. There will be long term risks that will affect both the delivery of services, therefore, it is important that you use these five ways of working (Long Term Thinking, Prevention, Integration, Collaboration and Involvement) and the wellbeing goals identified in the Act in order to frame what risks the Health Board may be subject to in the short, medium and long term. This will enable The Health Board to take the necessary steps to ensure risks are well managed now and in the future.</p> | |
| Report History | Health & Safety Committee – 2 nd September 2019 |
| Appendices | Appendix 1 – Draft Health & Safety Strategy Plan |