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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	02 June 2020	Agenda Item	2.3
Report Title	COVID-19 – HSE Breach Medical Records Morrision (Social Distancing)		
Report Author	Dr Laurie Higgs Head of Health and Safety – Mark Parsons Interim Assistant Director of Health and Safety		
Report Sponsor	Gareth Howells, Director of Nursing and Patient Experience		
Presented by	Mark Parsons, Interim Assistant Director of Health & Safety		
Freedom of Information	Open		
Purpose of the Report	This paper informs the Health Board on a recent investigation by the Health and Safety Executive (HSE) of the Medical Records department n Morrision Hospital and the outcomes of that investigation of progress and other matters relating to the management of key Health, Safety and fire risks		
Key Issues	The report covers: <ul style="list-style-type: none"> • HSE of the opinion that there has been a breach of health and safety law • Organisational reputation • Whether the Health Board should challenge that decision 		
Specific Action Required (please choose one only)	Information	Discussion	Assurance
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Recommendations	Members are asked to: <ul style="list-style-type: none"> • CONSIDER challenging the HSE notice of contravention. 		

COVID-19 – HSE BREACH MEDICAL RECORDS MORRISTON (SOCIAL DISTANCING)

1. INTRODUCTION

This report outlines the Health Board arrangements in place for social distancing for medical records, Morriston Hospital.

2. BACKGROUND

On Thursday 8th April 2020 an Inspector of the Health and Safety Executive (HSE) contacted the Head of Health and Safety by telephone. He stated that concerns had been raised with him by several members of staff in the Medical Records offices at Morriston Hospital. The first was that in offices social distancing was inadequate. The second was that staff were being asked to handle paper records coming from wards with Covid-19 patients. No further information could be given on the specifics of the allegations but it was agreed that the Head of Health and Safety would investigate and report back.

3. IMMEDIATE ACTION TAKEN

On the same day the Head of Health and Safety visited the department. After initial discussions with the managers an inspection was undertaken. All areas of the department were visited and staff were questioned regarding how the necessary protective measures were implemented. Questions were asked of them to confirm details given by their managers to the Head of Health and Safety. Staff were informed and supported by their manager to contact the Head of Health and Safety independently and confidentially after the inspection if they wished to raise any concerns.

In summary:-

- Staff in the Medical Records department are considered essential key workers required to attend their place of work.
- On March 24th 2020, following the announcement on the 23rd March 2020 of the requirement for significantly enhanced measures to protect employees from the risk of exposure to COVID-19, a meeting with staff was held with managers of the Medical Records department in Morriston Hospital. Information was provided to them regarding appropriate control measures to minimise the risk of infection.
- Staff were fully conversant with the arrangements for the control of the risk.
- There was an open culture where staff were supported. Where they had identified enhanced control measures these were implemented.
- Steps had been taken to implement social distancing including the reduction of available workstations in offices. Typically numbers of desks available to

staff had been reduced by factors of 33% - 50% to comply with social distancing. Staff had also been briefed of necessary actions during work breaks, travelling to and from work etc.

- Opportunities to work from home, changes in rotas etc. have been offered to staff.
- A risk assessment had been made regarding the handling of notes that may have originated from a COVID-9 ward.
- Action to control the risks of medical records staff attending hospital wards had been actioned including maintaining a risk register of affected areas and requiring staff to confirm the status of a ward prior to visiting.
- Advice received from Infection Prevention and Control Specialists had been communicated to staff, implemented and where necessary enhanced including the provision of alcohol hand gel. There was evidence of ample supplies of alcohol gel in the department.
- Managers agreed to share the report from the Head of Health and Safety with staff

On Friday 9th April 2020 the draft report was shared with the managers of the department for their approval. The final report submitted to the HSE Inspector on Tuesday 14th April 2020.

4. HEALTH AND SAFETY EXECUTIVE (HSE) RESPONSE

The HSE contacted the Health Board on Wednesday 16th April 2020 confirming that there had been a breach of Section 2.1 of the Health and Safety at work Act 1974 (duty of care to persons in your employment). This was in the form of a Notice of Contravention (NOC); this is at a lower level than a formal improvement notice but still states a breach of the law has occurred. Though the HSE Inspector is satisfied that adequate arrangements were in place on the 8th April 2020 he considers that there were breaches in early April 2020. The Head of Health and Safety then contacted managers in the Medical Records department at Morriston to confirm whether there were any significant delays in the implementation of the necessary control measures; they confirmed immediate and appropriate action had been taken.

HSE are entitled to recover their costs of investigation under a scheme called Fees for Intervention but this invoice is still awaited.

5. SCOPE OF HSE INVESTIGATION

It is considered that prompt and adequate action was taken by the Health Board to control the risks of Medical Records staff being exposed to COVID-19. On Wednesday 29th April 2020 a telephone conversation was held between the HSE inspector who issued the notice and the Head of Health and Safety. HSE confirmed

that they had only received verbal complaints by telephone, they had not undertaken a site visit nor was they in receipt of any formal evident such as photographs.

6. RECOMMENDATION

Members are asked to:

- **NOTE** the arrangements that were put in place to manage social distancing (COVID-19) pandemic and **consider** challenging the HSE notice of contravention.

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 contact by the Health and Safety Executive Inspector informing the Health Board of a potential breach of legislation, the Head of Health and Safety carried out an investigation to ascertain the facts around social distancing in medical records, Morriston.</p> <p>The findings of which indicate there were effective systems, cooperation and ownership of health and safety at all levels are key to building a positive, safe and healthy environment, with a number of positive interventions in place to adhere to social distancing.</p>		
Financial Implications		
<p>The financial implications resulting from the breach 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 breach through to it being closed.</p> <p>There is potential of legal proceedings, which in turn could lead to legal expenditure and financial penalties (amounts to be determined).</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 and safety to all members of staff, patients Contractors and visitors to comply with the legislative and regulatory framework on health and safety which includes:</p> <ul style="list-style-type: none"> • The Health & Safety at Work Act 1974 • Management of Health and 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 and safety meetings/forums or other groups as determined necessary ensure that health and safety is discussed, monitored and acted upon</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	
Appendices	Appendix 1 and Appendix 2