

<b>London Borough of Hammersmith &amp; Fulham</b> <b>AUDIT, PENSIONS AND STANDARDS COMMITTEE</b> <b>21 June 2017</b>		
<b>UPDATE ON HEALTH AND SAFETY CHECKS</b>		
<b>Report of the Interim Director: Property Services</b>		
<b>Open Report</b>		
<b>Classification: Review and comment</b> <b>Key Decision: No</b>		
<b>Wards Affected: All</b>		
<b>Accountable Director:</b> Jane Martin, Head of Neighbourhood Services		
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## 1. EXECUTIVE SUMMARY

- 1.1 This report provides an update to committee on actions taken since the last report to Committee in March 2017.
- 1.2 All nine recommendations within the Health and Safety audit report have now been completed, with the last two recommendations concerning housing electrical safety now resolved.
- 1.3 The report also provides a summary of ongoing work in respect of key Health and Safety compliance risk areas (including Gas Safety, Fire Risk Assessments, Asbestos and Legionella).
- 1.4 Following improvements to the EICR testing process reported at the last committee meeting Mitie have re-commenced the electrical testing programme.
- 1.5 Housing Property Services has brought in additional specialist resources and created new compliance roles, to improve and strengthen its management of compliance areas such as gas, fire safety and asbestos.
- 1.6 A new high level Housing Property Services compliance action monitoring process is in place.

## **2. RECOMMENDATIONS**

- 2.1. The Committee notes the contents of this report and the actions taken to date by officers.
- 2.2 The committee is invited to make comments and suggestions on the report.

## **3.0 BACKGROUND**

- 3.1 An internal audit report dated July 2016 in regards of Health and Safety, reviewed a number of different areas of compliance. Based on their findings, Audit could only provide a Limited Assurance, mainly due to shortcomings found in respect of the EICR communal testing.
- 3.2 Following the September 2016 meeting, Audit Committee officers commissioned independent external electrical specialist Phoenix Compliance Management Ltd (PCM) to carry out a sample audit of electrical testing. The audit was completed in early December 2016 and their findings and proposed actions were reported to the Audit Committee the same month.
- 3.3 Since the December 2016 Audit Committee Mitie and Housing Property Services have, implemented actions from the PCM audit report, actioned a joint health and safety health compliance review, and responded to gas whistleblowing allegations as reported at the March 2017 Audit Committee.

## **4.0 AUDIT RECOMMENDATIONS**

- 4.1 The table below, summarises the recommendations from the internal audit report and the actions taken all of which are now completed. Recommendations 3 and 6 were completed since the March 2017 Audit Committee.

	<b>Recommendation</b>	<b>Progress to Date</b>	<b>Status</b>
1	Corporate policies to be reviewed and updated	As reported to the last Committee, the Corporate Health and safety policies have all been updated by Environmental Health. They have now been presented and signed off at the safety committee in January 2017.	Complete
2	HRD policies – Provision of local Electrical Policy	An Electrical Safety policy has been developed and is now in place. The policy was peer reviewed by Frankham Risk Management Services Limited. It is scheduled for a review in 2018, unless regulatory /	Complete

	Recommendation	Progress to Date	Status
		legislative changes trigger an earlier review.	
3	The newly developed policies will be placed on the LBHF intranet	The new Housing Electrical Safety policy is complete and is available by a link on the LBHF intranet.	Complete
4	The implementation of the new gas database on lworld	Gassys is now closed down and gas data has been transferred to lworld (the Council's Housing Management system.)	Complete
5	When Mitie amends their booked appointment this should be recorded	An audit of this process was carried out by H&F officers in October 2016 and the booking and recording system managed by Mitie was deemed to be satisfactory.	Complete
6	Satisfactory performance of EICR checks	Introduction of an active EICR tracker managed by Mitie and jointly monitored with Property Services and supported by independent audits checks.	Complete
7	Asbestos Management – contracts	Contract was presented to the Cabinet Member for Housing in December 2016, in accordance with the Council's procedures, and approved.	Complete
8	Asbestos Management programme- Monthly monitoring reports	The Asbestos Survey programme commenced January 2017. The first progress report was reviewed by LBHF officers to ensure the consultant is meeting our requirements. The results are being entered onto the IT system and shared with Mitie and relevant officers	Complete
9	Completion of communal hot water tank chlorination tests	This recommendation was implemented prior to the July 2016 Audit report	Complete

## **5.0 FEEDBACK ON ACTIONS**

### **5.1 PCM (Phoenix Compliance Management Ltd) -**

Officers were requested to commission PCM to carry out a further independent sample review of Mitie's remaining 591 EICR test reports not covered by their original December 2016 sample review. Unfortunately, due to staff resource issues PCM's independent sample review of Mitie's previous EICR electrical tests has not been commissioned and will not be available for review and comment at the 21st June 2017 Audit Committee update. However, a PCM sample review will be reported at the next meeting.

5.2 Pending a new procurement exercise PCM will continue to support Housing Property Services by completing independent sample audit checks on Mitie's EICR electrical tests (Electrical Installation Condition Reports), and LGSR annual gas safety checks (Landlord Gas Safety Record). The PCM audit checks will be actioned by Mitie and performance monitored jointly with property services engineers who also undertake their own additional sample checks.

5.3 Officers Confirm that Mitie restarted their previously suspended communal EICR electrical test programme in May 2017.

5.4 Fire Risk Assessment (FRA) Backlog - In September 2010 LBHF tendered and commissioned the Sweett Group to undertake a programme of approximately 1,350 FRA surveys to its housing stock between November 2010 and August 2013.

5.5 Following an assessment and advice from Property Services' recently appointed consultant fire specialist Graham Coupar, a decision was made to complete a targeted programme of new FRA surveys by Turner & Townsend consultancy. The FRA surveys will start in July 2017 and are due for completion in December 2017.

5.6 Turner & Townsend will initially focus their FRA survey programme on LBHF's higher risk 6+ storey high blocks, sheltered housing, and hostels. In the meantime, Property Services recently increased team of Fire Risk Assessors (four staff) will concentrate on blocks 5 storeys or less.

## **6.0 INTERNAL HEALTH AND SAFETY COMPLIANCE MANAGEMENT**

6.1 As per the previous March 2017 Audit Committee meeting report Housing Property Services has appointed additional resources and staff to support the existing teams and strengthen health and safety compliance. The following posts were recruited to in May:

- i. Principal Compliance Manager (new post)
- ii. Fire Risk Assessment Surveyors x3
- iii. Asbestos Manager (new post)

6.3 Housing Property Services has also commissioned Graham Coupar a consultant fire specialist in March 2017 to lead on the ongoing fire investigations at Shepherds Court and Housing Property Services fire strategy management compliance matters. Graham is also the lead point of contact with the London Fire Brigade's senior management team

- 6.4 Following a number of recent reviews and audits on areas of Housing Property Services compliance activity a new departmental 'Compliance Action Plan' (CAP) process has been set up to provide executive oversight and to ensure the department achieves and maintains regulatory compliance in relation to LBHF housing portfolio. The 'Compliance Action Plan' process outlines the key strategy areas required to achieve compliance, key areas are: -
1. Education & Training to achieve high visibility, responsibility, and engagement
  2. Governance & Performance
  3. Separation of Duties
  4. Audit - Internal & External
  5. Data Systems
  6. Gap Analysis
  7. Process Control
  8. Risk Profiling & Rating
- 6.5 The CAP covers all housing's key compliance areas with experienced managers allocated to oversee and report on eight individual compliance areas. The CAP key compliance areas currently include: -
- i. Compliance Management
  - ii. Asbestos Management
  - iii. Fire Safety
  - iv. Gas & Carbon Monoxide
  - v. Water Management
  - vi. Electrical Safety
  - vii. Lift Maintenance
  - viii. General Compliance
- 6.6 Progress on the CAP is monitored weekly with Corporate Health & Safety and Housing Property Services representatives, and is further scrutinised by the Chief Executive's office every six weeks.
- 6.7 Geometra compliance database is an online compliance management system which will be used to monitor and manage all compliance areas, and will provide accurate record keeping and management performance information. Geometra will be used initially for:
- Fire
  - Asbestos

## **7.0 Fire Risk Management**

- 7.1 With the appointment of consultant fire specialist Graham Coupar, Housing Property Service has embarked on an immediate targeted programme of service evaluation and improvements to ensure LBHF is in a better position to deal with existing and future fire investigations, meet its responsibilities under the Regulatory Reform (Fire Safety) Order 2005, provide clear lines of responsibility within LBHF and further develop the borough's strategic approach to fire safety and risk management.

- 7.2 A new Fire Safety Strategy reflecting current best practice and embedding a risk based approach to ensure clear accountabilities of all inputs has been written. The strategy promotes an appropriate mixed economy of delivery reflecting risk (i.e. specialist to do high risk). It will ensure that high priority levels are included in the form and that certificates are evidenced and referenced.
- 7.3 The new Geometra compliance management system will be used to record all FRAs survey records and their management actions.
- 7.4 External Support - In addition to the additional FRA staff mentioned previously Housing Property Services has also commissioned the following specialist firms to work with us on LBHF's current high risk fire safety projects.

Provider	Aspect
C S Todd Associates	Expert fire safety work on Shepherds Court FRAs on Shepherds Court and neighbouring tower blocks
BRE (Building Research Establishment)	Part of the CS Todd expert work Poynter, Stebbings, Norland ventilation design calculations as part of Enforcement Notice issued
Turner & Townsend	Commissioned to do all FRAs to 6 storey and above blocks plus specialised housing and any high risk units
Geometra Systems (Formerly Xantive)	Compliance management system
Churchill Hui	Three projects: <ul style="list-style-type: none"> <li>• Project manage Poynter House works and sign off</li> <li>• Physically inspect 'long list' of suspected panels of the same kind as Shepherds Court</li> <li>• Physically inspect all units with LFB notification to establish if all required works are concluded</li> </ul>

## 8.0 Asbestos Risk Management

- 8.1 Asbestos management was a potential risk area identified within the July 2016 'Health & Safety Checks' audit report. Concerns centred around:
- Use of a temporary contract arrangement with the previous surveying firm Ayerst to maintain existing asbestos survey records, and
  - The reporting on programmed asbestos surveys being undertaken by the new surveying contractor ACE (Asbestos Consultants Europe Ltd.).
- Note: ACE Ltd entered the current 'Asbestos Surveying, Sampling & Monitoring' contract with LBHF in February 2015).
- 8.2 In May 2017 Gradient Consulting a specialist asbestos management consultancy where commissioned to undertake a full Asbestos Health Check of Housing Property Services existing asbestos management processes and procedures to identify any areas where there may be risk or inefficient use of resources, or where improvements can be made.

- 8.3 Gradient Consulting's review will look at six key asbestos management areas:
- i. Policy, plan and procedure
  - ii. Responsibilities, competence, and training
  - iii. Identification of asbestos
  - iv. Asbestos register and risk assessment
  - v. Asbestos removal
  - vi. Emergencies

Gradient's commenced their detailed review at the beginning of June which will be completed by the end of July 2017. A service improvement action plan will also be agreed.

- 8.4 An Asbestos Manager was appointed at the end of May 2017 (new post).

## **9.0 Water Hygiene Risk Management**

- 9.1 The water management policy is currently in development and the final draft will be available for review during June working towards this being signed off in July. A review of the current contract arrangements is taking place to understand if the current contract meets the current legislative requirements.
- 9.2 The Department is also undertaking the following actions as part of the overall compliance action plan
- validate property data to ensure that our list of all properties where there is a need to implement 'legionella bacteria in water systems' controls are properly scheduled and risk assessed.
  - review all risk assessments to compile a list of assets and ensure that the correct regimes are undertaken at the correct intervals in each property.
  - review Legionella and Scalding management plans and safety policy and update as necessary to fully comply with L8 and HSG 274. Incorporate the ongoing servicing of thermostatic mixer valves (TMVs) into term contracts including establishing a database that is comprehensive.
  - match audited property data against our contractor's data to ensure that our contractors are undertaking regimes in all properties where there is a need to do so.
  - to draft an information article for service users (website and/or leaflet) to advise and introduce good principles of water safety
- 9.3 The progress on all aspects of the action plan are being monitored on a weekly basis. An update will be provided at the next meeting of the Audit Committee regarding policy, contract and asset management information requirements.
- 9.4 A new Legionella (Water Hygiene) testing and treating 5+2 year contract is currently out to tender and due for return on 20<sup>th</sup> July 2017.

## **10.0 Equality Implications**

The Council has a statutory duty towards the health and safety of all residents living in its properties.

## **11.0 Legal Implications**

- 11.1 The Council is responsible for health and safety checks in a range of premises, both as an employer and a landlord. It has statutory obligations under various pieces of legislation, a contractual obligation to its tenants and leaseholders and a duty of care to ensure the safety of residents.
- 11.2 It is important that the Council has robust procedures and policies to ensure compliance with its legal obligations. Non-compliance could pose a health safety risk and result in a criminal prosecution.
- 11.3 Implications completed by: Janette Mullins, Senior Solicitor (Housing Litigation), 208 753 2744

## **12.0 Financial Implications**

- 12.1 It is envisaged that the cost of the additional posts created and specialist contractors commissioned will be funded in 2017/18 from existing resources available within the Housing Revenue Account.
- 12.2 These costs will be closely monitored and any potential variance will be subject to a mitigating action plan and reported via the Council's corporate revenue monitoring regime.
- 12.3 Implications completed by: Danny Rochford, Head of Finance, 020 8753 4023.

## **13.0 Implications for Business**

- 13.1 There are no impacts for businesses in the Borough.

## **14.0 Other Implications**

- 14.1 None

## **15.0 Background Papers Used in Preparing This Report**

None.