

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 27 AUGUST 2018.

Present – Councillors Damian Timson (Chair), Lawrence Fitzpatrick, Harry Cartmill, Pauline Clark, Chris Horne

In Attendance – Graham Hope (Chief Executive), Donald Forrest (Head of Finance and Property Services), Kenneth Ribbons (Audit, Risk and Counter Fraud Manager), James Millar (Governance Manager), Kim Hardie (Health and Safety Manager), Vera Muir (HR Business Partner), Alan Bell (Senior Manager, Social Policy), Tim Ward (Senior Manager, Social Policy), David Brown (Corporate Procurement Manager); Anne-Marie Carr (Customer Service Manager, Housing Needs), Donna McMaster (Head of Education – Curriculum, Quality Improvement and Performance), James Cameron (Head of Education – Learning, Policy & Resources); and Donna Adams (Strategic Resource Manager, Education Services)

## 1. DECLARATIONS OF INTEREST

- Agenda Item 6 (High Risks) – Councillor Chris Horne declared an interest in that he was a council appointed member of the West Lothian Leisure Board of Directors but would participate in the item of business; and
- Agenda Item 6 (High Risks) – Councillor Harry Cartmill declared an interest in that he was a council appointed member of the West Lothian Leisure Board of Directors but would participate in the item of business.

## 2. MINUTE

The committee approved the Minute of its meeting held on 18 June 2018. The Minute was thereafter signed by the Chair.

## 3. RISK MANAGEMENT WITHIN EDUCATION SERVICES

The committee considered a presentation and accompanying report (copies of which had been circulated) by the Head of Education (Learning, Policy & Resources) and the Head of Education (Curriculum, Quality Improvement & Performance) which provided an overview of risk management within Education Services.

The committee were advised that the risks identified for Education were aligned to the WLAM Service Units and the responsibility for managing the risks were allocated to Headteachers and Service Managers.

Education Services had 27 risks recorded in Covalent. Risks identified as Low were reviewed on Pentana by Service Unit on a quarterly basis and those risks identified as Medium or High were reviewed by Education Senior Management Team on a monthly basis; at the time of reporting

there were no high risks but 14 medium risks and 14 low risks with further details contained in the appendix to the report.

The following risks had been considered to be assessed as medium by the Service :-

- Over/under capacity in school provision (ED001)
- Loss of whole or part of a school (school closure) (ED003)
- Attacks on or violence towards staff (all schools) (ED0004 & ED005)
- Attacks on or violence to pupils (ED030)
- Loss of education provision due to industrial action (ED002); and
- Inability to meet the capacity demand for pupils with additional support needs (ASN) within West Lothian Schools (ED015)

The presentation continued by explaining that all risks had internal controls that were assessed as either being strong, medium or weak. By implementing these controls the service aimed to reduce the likelihood of the risks occurring or the impact they would have if they did occur.

The presentation concluded that over the next few years within increased development in West Lothian, schools rolls were projected to increase in a number of areas such as Winchburgh, Armadale, Bathgate, Calders, Whitburn and Broxburn. Work was therefore ongoing to consider future options for extension of schools buildings.

The officers then responded to a number of questions posed by committee.

In relation to incidents of violence against teachers the Head of Education (Curriculum, Quality Improvement & Performance) explained that with regards to mainstream schools the recently introduced recording and reporting software meant that the data that was now collected was more robust than ever and was analysed on a regular basis and reported to SMT. The numbers in West Lothian were very small but work continued across all schools in de-escalation techniques. It was also to be noted that with regards to the data on this subject those pupils with additional support needs were separated out of the data simply because it could be the nature of their condition that could be contributing to the violence.

In terms of supporting those teachers affected by violence perpetrated against them the council had in place a number of policies and procedures to provide them with support and assistance if required; a recent example of this was the approval earlier in the year of the policy on "Promoting Positive Relationships in West Lothian Establishments".

A number of questions were asked in relation to ensuring that all pupils were encouraged to achieve their maximum potential and those pupils who required more support received it and those that were doing well

were not held back.

The Head of Education (Curriculum, Quality Improvement & Performance) explained the methodology of working in quintiles to ensure that all pupils were treated equitably and fairly and that the intelligent use of data was key to this working across all West Lothian schools.

With regards to capacity across a number of schools, it was explained by the Head of Head of Education (Learning, Policy & Resources) that this was an issue that was closely monitored by senior management and was regularly reported on to the Education Executive. It was noted that the council continued to invest in primary school provision with a recent example being the temporary extension to Armadale Primary School whilst waiting for Southdale Primary School being completed.

The committee then explored the risk scores that had been assigned to those risks identified for Education Services noting that some scores seemed particularly low especially the one related to attacks on or violence towards teachers given there had been 336 incidents in the period 1 April to 31 July 2018. The Health & Safety Manager responded by advising that the data that sat behind these figures was currently being reviewed as this would then inform the net scoring of the risk.

Provision of additional support needs was explored in terms of capacity across West Lothian schools. The Head of Education (Learning, Policy & Resources) explained that whilst diagnosis of those who required additional support needs was on the increase there was no specific plan at the moment to increase capacity as there was sufficient capacity overall. Additionally whilst there was a planned reduction to the Educational Psychology Service this would be in the manner in which training and research would be delivered with a new model due to be introduced in 2020. However assessment would continue in the usual way.

The committee then enquired about sickness absent rates amongst teaching staff and what the causes of these were, particularly those categorised as stress related. The Head of Education (Learning, Policy & Resources) advised that sickness absence rates were closely monitored by senior management and details were provided to the appropriate union bodies. Whilst he did not have exact figures to hand he undertook to provide current data with comparable data for previous years. The Head of Education (Curriculum, Quality Improvement & Performance) continued to explain that the method for recording sickness absence had improved over the years but it was important that more analysis was undertaken on the data to ascertain what lay behind the high percentage of those recording stress/mental health as the reason for sickness absence.

Finally a question was raised with regards to Eastertoun Nursery and Primary School which had been identified as a risk due to its restricted access for emergency service vehicles. The Head of Education (Learning, Policy & Resources) explained that the reason for this was because the entrance to the school was not part of the adopted highway. However Scottish Fire and Rescue colleagues had carried out a risk assessment

and had confirmed that the situation was acceptable and no more a risk than most other schools throughout West Lothian where indiscriminate parking was a regular occurrence and problem with regards to access.

The Chair thanked the Head of Education (Learning, Policy & Resources) and the Head of Education (Curriculum, Quality Improvement & Performance) and other education colleagues for their informative presentation.

#### Decision

1. To note the contents of the presentation and accompanying report;
2. To request that Education Senior Management review the current risk scores to ensure that they remained relevant and up-to-date; and
3. To agree that the Head of Education (Learning, Policy & Resources) provide committee members with further information with regards to those members of teaching staff who were currently off sick with stress related conditions and to provide comparable data for previous years.

#### 4. HIGH RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing details of the council's high risks.

The Head of Finance and Property Services explained that the council maintained its corporate risk register on the Pentana system. Risks were scored for original risk, which was the assessed risk without controls in place, which provided an appreciation of the potential for impact if controls were absent or failed, and current risk, which assumed the current controls were in place and were effective.

The council's high risks were those risks defined as having a risk score of 12 or more.

The council's high risks were set out in detail in Appendix 1 attached to the report and there were currently nine high risks. Details of how to best interpret the detail was summarised in the report.

Appendix 2 attached to the report sets out the council's standard risk assessment methodology.

It was noted that a number of officers were in attendance at the meeting who were available to provide clarity on any issues raised by committee members.

The Head of Finance and Property Service began by explaining that an action by West Lothian Leisure remained outstanding and therefore this was reflected in the appendix.

The committee members then raised a number of questions the first being in relation to progress against Risk Action HCBS18001 (Preparation of a Rapid Rehousing Transition Plan). The Housing Manager explained that the plan was on target to be completed by the end of 2018 and that the plan would link into those strategies that already existed in the council.

The Housing Manager also responded to an enquiry about the ongoing use of bed & breakfast accommodation for the homeless. Committee was advised that both the Services for the Community Policy Development & Scrutiny Panel and Council Executive were provided with regular updates on this matter and that much work continued with council partners to resolve the situation.

Committee also enquired about the action associated with the Review of the Care at Home Framework Contract Rates which appeared to have been completed some time ago. Officers undertook to review this action noting that the council was looking to review its care at home contracts as volume had almost doubled over the past ten years and combined with the current labour market was an area that was under pressure.

With regards to Brexit the Head of Finance and Property Services explained that the council had recently established an officer-led Brexit Working Group which would be meeting for the first time on 30 August 2018. The group would be chaired by the Head of Planning, Economic Development and Regeneration with a number of officers in attendance and regular reports on the group would be submitted to the Partnership and Resources Policy Development and Scrutiny Panel. As the frequency of these meetings increased the progress against this action would be updated accordingly.

Finally the Chair enquired about those actions pertaining to Procurement, specifically CPU18004 (Learning on Procurement Competency) and CPU18005 (Procurement Toolkit). The Corporate Procurement Manager provided assurances that these two actions, which were part of the decentralisation of procurement, would be achieved by their due dates.

It was recommended that the Governance and Risk Committee :-

1. Notes the council's high risks and the action being taken to mitigate them; and
2. Provides feedback to officers on the risks and the mitigating actions.

### Decision

1. To note the contents of the report; and
2. To note the action being taken by officers on those risk identified as being "high".

## 5. MANAGEMENT OF HEALTH AND SAFETY

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services which provided information on Health and Safety Incidents reported for all services areas. This included year-end figures.

The committee was advised that in accordance with corporate requirements, health and safety risks were maintained in the risk register in Pentana Performance, the council's corporate risk management tool. The risks contained within Pentana represented key risks to service objectives. They were kept under continuous review and were developed in accordance with changes in the service structure and in response to changes to the political, regulatory, economic and demographic environment.

Risks were reported to service management teams on a monthly basis. The risks were discussed, changes made to risks or their scores and new risks added, as considered necessary. There was a complete audit trail of the review process via the meeting papers and the action note produced. Agreed changes to risks or risk actions added were also evidenced in Pentana.

Attached to the report at Appendix 1 was a series of charts showing Cumulative Incidents, Incidents resulting in Injury, Verbal Incidents, Physical Assaults and Near Miss Incidents for the period April to May 2018 and for years 2017-18 and 2018-19. Also detailed in the appendix was Employers Liability Insurance Payments for April and May 2018.

Attached to the report at Appendix 2 was an end of year comparison for 2016-17 and 2017-18 for all incidents, verbal abuse, physical abuse and near miss incidents.

The Health and Safety Manager then responded to a number of questions, with the first being one about the use of glyphosates by grounds maintenance staff particularly in light of recent negative reports in the media. It was explained that in accordance with Health and Safety Executive Guidance the council maintained a register of all chemicals used throughout the council along with instructions for their safe and proper use and that the Health & Safety Executive ultimately decided what chemicals were deemed safe/not safe to use.

It was noted by committee that the front facing services of the council reported the highest number of incidents.

The Health and Safety Manager responded that the higher figures were not felt to indicate an increase in incidents but a better recording of incidents. This was following training provided to staff and the easier method in which to record incidents. The Health and Safety Manager continued by explaining that Service Advisers from her team continued to drive the message forward to record incidents and that anecdotal evidence to date was that this was being effective.

Committee noted that in the reporting period the council had a breach of statutory duty on three occasions; the Health and Safety Manager provided details on the three incidents and the actions taken following the incidents

Finally committee sought an update on the uptake of lone working devices. The Chief Executive explained that if staff had been assessed as requiring a device then it was considered compulsory that they used one. Whilst there had been a short period of grace whilst the system was bedding in this was now over and if those deemed to need such a device did not use it then this would become a disciplinary matter. The Health and Safety Manager also advised committee that the monitoring of the device usage was being reviewed as currently the mere fact of switching the device on was measured.

The committee was asked to note the content of the report.

#### Decision

1. To note the content of the report; and
2. To ask the Health and Safety Manager to review the format of the Cumulative Incidents (Incidents by Cause) chart on page 2 of the appendix and of the Lone Working Device Usage chart on page 4 of the appendix.

### 6. MENTAL HEALTH AND WELLBEING

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services outlining the current systems in relation to the mental health and well-being of employees.

The Head of Corporate Services explained that in accordance with legislative requirements the council had a statutory duty of care to protect the health, safety and welfare of employees.

Employee health and wellbeing monitoring and promotion aimed to :-

- Identify and address workplace injury and health by continuing to protect employees from work related health and safety risks.
- Address the impact of health on the capacity of employees to attend work including support for those with injuries and health conditions in rehabilitation and assisting employees to remain or return to work.
- Promote healthier lifestyles and make an impact on an individual's general health by encouraging employees to look after their own wellbeing by providing opportunities to enable them to do so.
- Ensure employee engagement is undertaken to enhance our safe and supportive working environment.

The above measures assisted, supported and complemented existing

policies and procedures mainly the Health and Safety Policy, Personal Safety at Work Guidance, Management of Sickness Absence and Employee Mental Well Being Policy.

The People Strategy 2018-23 outlined the council's commitment to employee health and wellbeing. Its accompanying Framework document required services to maintain employee health profiles and annual service action plans.

Internal leading and reactive measures were used to identify risks and corresponding appropriate controls to mitigate those risks. This provided objective information that was measurable, easily collected and monitored by Services and Corporate Health and Safety. There was also a requirement to undertake workplace and task based risk assessment at a frequency outlined within the health and safety policy, at least on an annual basis. The identification of risks to employees, including those to mental health and wellbeing would be identified as part of that process.

Additionally all recorded health and safety incidents were monitored and investigated by identified employees or health and safety advisers. This ensured that timeous action could be undertaken to identify measures that could be taken to prevent a recurrence of an incident.

The report continued by providing information relating to Employee Health, Employee Health Profiles/Service Action Plans, Supporting Attendance at Work Policy, Employee Health and Wellbeing Training; and Employee Engagement.

The report concluded that the council had implemented robust policies, procedures, systems and training that highlighted and recognised the importance of mental health and wellbeing within the workplace. Monitoring systems were in place that would identify remedial actions where necessary and individual management measures and supports were available to all employees.

The committee then took the opportunity to explore some of the themes contained in the report by asking how the council assisted during structural change which was now a frequent occurrence in the workplace. The HR Adviser explained that HR and management worked very closely in building up resilience amongst the staff prior to any workplace change taking place. Also the council provided chaplaincy services that were accessible to staff with whom issues could be talked through.

The council also had a number of break-out areas across its sites which staff could make use of whilst continuing to make efficient use of its spaces and buildings.

In terms of encouraging health and well-being the council ran a number of active programmes throughout the year and included initiatives such as the healthy lives week and encouraging the take-up of cycling. Take-up amongst staff with these types of active programmes was challenging but efforts would continue to increase participation.



In terms of early identification of those who could be suffering from poor health those employees who were deemed to be most at risk had been, for some time, targeted for proactive monitoring and screening and included tests such as audiometry and vibration. However committee questioned whether the scope of this type of screening could be made available to all staff. The Health and Safety Manager undertook to explore this matter.

The HR Adviser continued to explain to committee that the targets reporting category of absence sickness today, compared to some years ago, was as a result of mental health issues whereas it used to be muscular/skeletal issues. Work was continuing to analyse the existing sickness absence data to try and understand the root causes of the current sickness absence rates where the contributing factor was mental health; this would also include a review of the categories for sickness absence which were currently those issued by WHO (the World Health Organisation).

It was recommended that the Governance and Risk Committee :-

1. Note the content of the report; and
2. Considers that the council's approach to mental health and wellbeing of employees was sound.

### Decision

To note the content of the report

## 7. WORKPLAN

The workplan had been submitted for the information of the committee.

The committee was asked to note that the update on "Business Continuity Planning in IT Services) had been delayed until the October meeting.

It was also noted that the subjects of Brexit, Roads Infrastructure and City Deal would be added to the workplan.

And finally the Chair advised that he would be discussing with officers the potential for reporting on the following subjects in the future :-

- Statutory compliance on asbestos, legionella and fire safety;
- GDPR compliance;
- School excursions and extra-curricular activities; and
- More issues relating to governance as opposed to risk, with regard to the issues identified in the annual governance statement and the external audit report for last year.

Decision

1. To note the contents of the workplan;
2. To note the inclusion of Brexit, Roads Infrastructure and City Deal;  
and
3. To note the Chair would undertake with the appropriate officers the inclusion of a number of other subject matters including GDPR compliance, school excursions & extra-curricular activities and statutory compliance on asbestos, legionella and fire safety