

RISK News

Issue 48

October 2011

Raising extra funds?

In these difficult times with budgets being cut and staff numbers reducing, establishments and departments are, not unreasonably, looking at new ways to raise funds.

Putting up fees, charging for previously free services, using Friends organisations to fund raise, etc, are all standard ways to generate income.

There have also been a couple of departments that have been a bit more innovative. They have utilised spare capacity in their premises and of their staff to operate new businesses and have been charging the public for the services.

However, these particular activities fell outside the normal NCC insurance policies and once we were informed, additional insurance cover had to be purchased.



Without it, these new business activities could have led to the County Council being exposed to the risk of significant potential claims.

If your establishment or section is planning to, or is already, generating income from new or different activities, please talk to the Insurance section on 01603 224375.

It could be that the new activity is not covered by our current insurances and so additional cover might need to be bought.

Comment

Welcome to the latest issue of Risk News.

Our lead article this time looks at the important issue of finding additional sources of funding and income to supplement budgets. While it is understandable that all possible options are considered, it is important to ensure that you will be insured to carry out the new activity. Additional insurances can normally be easily arranged but only if you inform the Insurance section.

We also feature articles about managing the risk from trees. Legal cases involving injury caused by trees falling over or branches falling off tend to be high profile and emotional as they often feature severe injuries or even fatalities. The Courts have recently given their views on what they see as reasonable behaviour when managing these risks.

The County Council developed comprehensive guidance on this a couple of years ago and if followed will ensure our risks are managed appropriately. This will minimise the risks to both property and people.

As ever, if you have any ideas for future articles, awareness raising activities or would like to contribute, please contact us.

Contacts:

Risk and Insurance section
Derek Gorrod tel 01603 222989
email derek.gorrod@norfolk.gov.uk

Risk and Insurance tel 01603 638138
email insurance@norfolk.gov.uk

Health, Safety and Wellbeing tel 01603 222912
Norfolk Audit Services tel 01603 222777
nplaw tel 01603 223938

Production of Risk News
Angela Freeman tel 01603 638138
email angela.freeman2@norfolk.gov.uk

Change and office moves – are you covered?

As office moves take place and working from home becomes more frequent this can have an impact on the health and safety roles that our employees have. Particularly, roles such as first aid duties, fire wardens, evacuation assistants, DSE assessors and lone working buddies can be affected.



If these roles aren't considered when planning for change this can potentially result in an insufficient number of appointed/trained staff at the site they move from or to. Similarly, increases in home working may also leave gaps in cover. It is important therefore, that during any significant changes in working practices, you assess whether sufficient cover remains within your team or at your site. If there isn't, you should appoint or encourage staff to fill these gaps.

Employees can benefit from taking on these roles, giving them an opportunity to:

- Develop new skills through training
- Increase task variety
- Transfer their skills
- Helping to ensure the safety and well being of colleagues.

Further information about First Aid, Fire Risk Assessment and DSE Assessor Training can be found on PeopleNet.

Insurance services for Academies

Is your school considering converting to an Academy soon?

Recent updated guidance from the Department for Education (DfE) advises that schools considering conversion should consult with their existing local authority to determine whether an insurance facility is available via the authority's existing programme.

The guidance can be found on the DfE website under 'Academies Insurance guidance note'

The NCC Insurance Team can now provide insurance services to schools that have converted to Academy status or are considering conversion. In fact we have already managed the process for three new academies that have recently converted. We are able to offer the facility via an agreement with our existing insurers and will provide the following for a fee:



- ♦ Arrange your insurance on an annual basis - this will include co-ordination and provision of all renewal information to the insurers
- ♦ Check and provide the insurers policy documents on an annual basis
- ♦ Liaise with insurers regarding policy conditions and cover
- ♦ Provide advice and guidance on all general insurance issues
- ♦ Assist with the administration and handling of claims
- ♦ Provide risk management guidance on an ad-hoc basis
- ♦ Ensure continuity of service from your previous insurance package

The arrangement fee is normally fully reimbursed by the Young People's Learning Agency.

Details of the insurance package are set out in the Services to Academies brochure issued by Children's Services. Pages 106-107 explain the comprehensive cover that is included. The brochure can be found at http://intranet.esinet.norfolk.gov.uk/cadmin/services2schools/Academy_brochure_2011-12_v1.2.pdf

If you wish to discuss any of the above further please contact

Gerry Baker	Anna Shorthose
Business Development Manager	Business Development Officer
01603 224416 M 07768 607560	01603 224375 M 07867 810571
Gerald.baker@norfolk.gov.uk	Anna.shorthose@norfolk.gov.uk

Fire risk assessments

The law requires that a fire risk assessment (FRA) must be carried out on all workplaces, other than, (as far as NCC is concerned),

- Construction sites;
- Agricultural or forestry land away from main buildings; and
- Domestic premises (e.g. home workers)

Who can carry them out?

Within Norfolk County Council, establishment managers are responsible for ensuring that FRAs are carried out for premises under their control. However, they may delegate the task of actually carrying out the assessments to a premises manager or another employee who has attended the corporately provided premises managers training in relation to fire risk assessments.

Managers can also use an external agency to carry out the FRA but they need to be careful who they use.



They need to ensure that:

- ♦ The persons they contract with are competent to carry out the assessment. Peoplenet has a FRA provider competency checklist to help here <http://www.peoplenet.norfolk.gov.uk/view/NCC079085>
- ♦ They work closely with the premises manager to ensure the document truly reflects the use and occupation of the building
- ♦ The resulting document covers all aspects of the NCC Fire Risk Assessment Policy and Procedure <http://www.peoplenet.norfolk.gov.uk/view/NCC068742>
- ♦ They use the NCC FRA template <http://www.peoplenet.norfolk.gov.uk/view/NCC079407> or something similar.

Cautionary tale

The importance of doing this properly was recently brought home to an hotelier and a fire risk consultant in Nottinghamshire who were both jailed for 8 months and charged costs of £15,000 and nearly £6,000 respectively.

Nobody died or got injured – there wasn't even a fire!

Following a routine inspection visit the local fire service had issued a prohibition notice preventing further use of the premises as a hotel. The inspection had found the lack of fire precautions in the building were a serious risk to the lives of residents and employees, and the fire risk assessment carried out by the consultant was wholly inadequate. The judge wanted to send a message to those who were prepared to put profit before safety that the courts would take these sorts of breaches very seriously.

Security – it's everyone's business

What is the risk of someone walking in off the street into one of our premises? Could this impact on personal safety or disrupt your services? Would anyone challenge a stranger - or could they gain access to staff-only areas?

The fact is we have had strangers walk into our premises. Both in, and out of office hours. Members of staff have held open swipe access doors, unknowingly allowing strangers to potentially attempt to take equipment and information from NCC buildings.

We have also had ex-staff members come in and log-on to our computers and attempt to delete documents and remove information from offices.

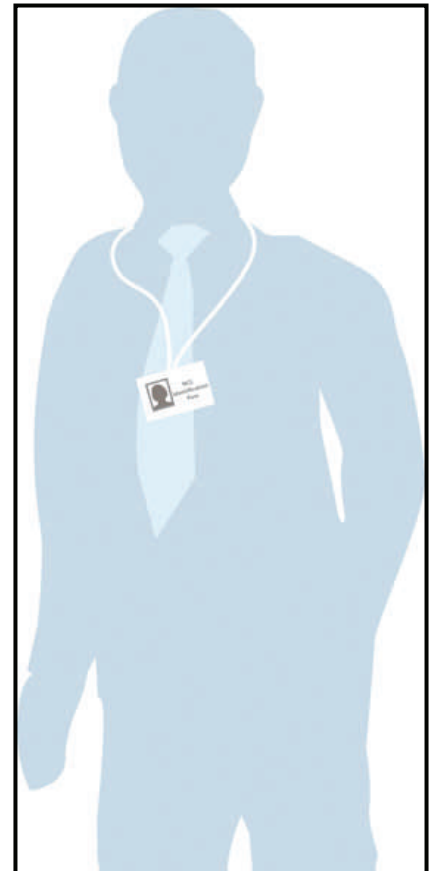
We need to improve the security of our premises, and our awareness of security. We wouldn't hold open the door to our home to a stranger so why would we do this at work?

Security is important to all of us, both to keep us safe and protect our assets and services. Following a recent review of security and concerns about breaches, a need to strengthen our security arrangements has been identified.

Security statement

We need everyone's support in ensuring that our arrangements are adhered to. Our updated security statement has recently been endorsed by David White and will be displayed in all our key premises. Watch out for the posters. The statement includes the following key points:

- ♦ **While on NCC premises everyone should display a NCC identity badge.**
- ♦ **Staff should politely challenge individuals who are on NCC premises (or staff only areas) without visible identification.**
- ♦ **Visitors should be met on their arrival and escorted when they leave the premises. This is a courtesy as much as a security measure. It's important that local arrangements for reception and security functions are followed.**
- ♦ **In the event that you or your team notice any suspicious activity at work, it's important that this is reported to management or security staff.**
- ♦ **It's also vital that managers follow the correct procedures when staff members leave - guidance is provided on PeopleNet.**



Further information and guidance is also available on the intranet. This includes a short film you or your staff can watch to reinforce the key messages. If you have further queries or concerns relating to security please contact graham.wray@nps.co.uk

Managing trees

Trees by their nature are dynamic living systems. They have evolved to cope with losing limbs, breaking apart and being wounded, and they grow adaptively in response to the environment around them. Trees and woodlands can make a significant contribution to quality of life, the local economy and the environment. However where trees and people co-exist there is a need to ensure that a tree's natural processes do not pose a risk to the people and property around them.

Owners of trees have a legal duty of care and are obliged to take all reasonable care to ensure that any foreseeable hazards can be identified and made safe. Although it is not possible to completely eliminate the risk of a tree failing, there are often indications that a tree may be in decline, have structural faults or be suffering from decay or pests and diseases.

NCC has many thousands of trees on our sites and has developed a Tree Safety Management Policy to ensure we manage our trees to address the risks they pose to the public and property. It can be found on the NCC intranet and the Norfolk Schools website.

A couple of recent legal cases below help to clarify how the courts view what is deemed as 'reasonable' and what can determine liability.

Felbrigg Hall fatality

In this tragic case, a group of schoolchildren were sheltering from the rain under a mature beech tree in the Great Wood on this National Trust property. Without warning, a large branch fractured and fell on the group, killing one child and seriously injuring three others.

The subsequent court case centred on how the Trust managed their trees. They had a system of inspection, using experienced foresters, and the different areas of the wood were classified as high, medium, or low risk depending on the level of usage by the public and whether the trees represented a risk to life or property. This particular tree had been classified as a medium risk and had been inspected six months before the incident when no obvious or significant fault was noted.



The court found that the Trust had not been negligent as they used a risk based inspection system, used suitably trained and competent staff and kept good records. The fact that the inspectors judgement in this case had been wrong, and by a cruel coincidence this led to a failure at the very time the party was stood underneath the tree, did not mean the Trust was at fault.

The judge stated that just because a risk assessment can be proved wrong by events, did not mean the original judgements were not reasonable judgements at the time they were made.

Falling branch from highway tree

A recent case revolved around the liability of Surrey CC, the highway authority, in respect of a fatal accident caused by the collapse of a large branch of an oak tree next to a highway layby.

The accident occurred when a large branch fell from the tree while the victim was removing items from his car which was parked in the layby. At the first trial it was held that although the system of inspection was not adequate, a reasonable system of inspection would not have identified the defect and led to it being resolved before the accident.

The judge held that the internal decay which caused the branch to fall could not have been identified by a reasonable inspection. Therefore, the absence of such a system of inspection would not have made a difference to the tragic outcome and the case was dismissed.

The Court of Appeal upheld this decision, citing the remarks of the trial judge “It does not necessarily follow that because an owner or occupier fails in his duty to make necessary inspections of trees that he will be automatically liable if someone is injured by one”.

However, just because the courts found that Surrey CC was not liable in this specific instance does not mean that a proper system of inspections should not be undertaken. While the courts take the view that hindsight should not be used to judge the adequacy of an inspection, they will look to ensure that the actions taken and systems used were reasonable to identify likely problems and safety issues.

As the judge in the Felbrigg case remarked, “the process of assessing the integrity of a tree is an art not a science”.



If you need this newsletter in large print, audio, Braille, alternative format or in a different language please contact us on 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.



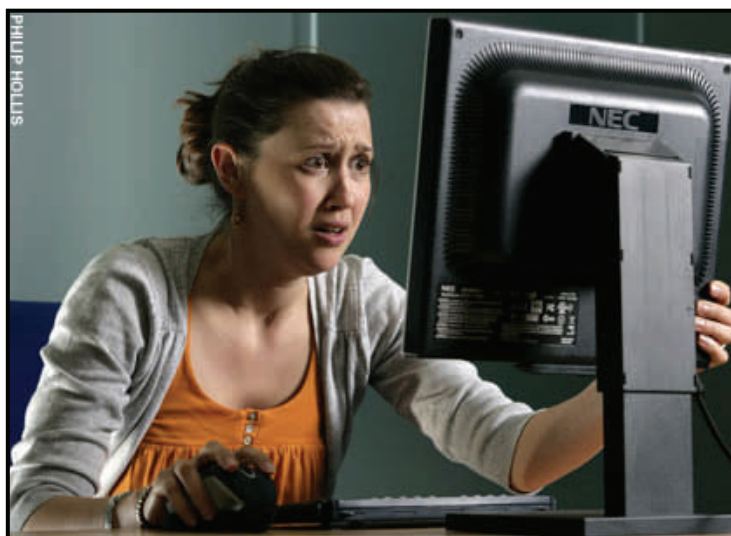
Data protection – Carelessness costs

- ♦ **Would you compile a lot of personal information about service users receiving adult social care and send it off to hundreds of transport companies?**
- ♦ **Would you type up minutes of a strategy meeting containing personal information about clients and send the minutes to people responsible for producing newsletters, many of them outside the Council?**
- ♦ **Would you send health and referral details of a client to a general County Hall distribution list?**

Hopefully the answer is 'no' to all three questions. But the answer was 'yes' at another County Council. For these three breaches of data protection the Information Commissioner fined that council £120,000.

Of course staff at that council did not intend to send information to the wrong people. They were just careless in their use of email.

It cannot be stressed enough that we must always check who we have selected as recipients for our email messages. Pause and think before hitting the send button.



Also, remember that email messages containing personal information should not be sent to recipients outside the Council unless you are using a secure method such as Government Connect.

If you are thinking of sending an email message containing personal information to a distribution list, stop and think, because there may be people on the list who should not see the information and the list may include people from outside the Council. You may use a distribution list only if it is necessary that every person on the list should see your email message. You should check distribution lists thoroughly before using them, and if you use a departmental or corporate list regularly you must check it before each use in case new people have been added.

Further information

For further information about using email with personal data, have a look on the NCC intranet at <http://intranet.norfolk.gov.uk/im/dataprotection/email.htm>

Every member of staff with access to the Learning Hub should have completed the *Data Protection Essentials* e-learning course. Managers should ensure that this is the case with their staff.

October is Breast Cancer Awareness Month

Every year 50,000 people in the UK hear the devastating words “you have breast cancer”.

In the UK, women aged between 50 and 70 are invited for breast screening every three years as part of the National Health Service Breast Screening Programme. Details can be found at <http://www.cancerscreening.nhs.uk/breastscreen>

This age range is due to be extended to 47 to 73 in the near future. At present women under 50 are not invited for routine breast screening because in younger women, the density of the breast tissue makes it more difficult for the mammogram (breast x-ray) to detect problems.

Also, the incidence of breast cancer is much lower in this age group – 80 per cent of breast cancers occur in women over the age of 50 and the risk continues to increase with age. For more details visit www.breastcancercare.org.uk.

This condition not only affects women. Around 300 men are diagnosed each year with breast cancer too!

The 5 point code

Here are five easy steps to being breast aware. Nobody knows your breasts like you do, so you're the best person to notice any changes to them. Being breast aware is easy – just follow these five simple steps.

- 1. Know what is normal for you**
- 2. Know what to look and feel for**
- 3. Look and feel**
- 4. Report any changes to your GP without delay**
- 5. Attend routine breast screening if you are aged over 50**

Friday 28 October 2011 is 'Wear it Pink' day



'Wear it Pink day' is one of Breast Cancer Care's biggest fundraising campaigns. By doing something pink, you can support this year's event and make a donation to the Breast Cancer Campaign. It couldn't be easier to help save lives!



It's not too late to get involved and be entered in to our prize draw.



Why not organise a pink event eg pink lunchtime picnic or simply decorate your work space or desk? There's lots of ways to get involved.



Then send a photo of your pink event to the Well-Being Team and you will be entered into our prize draw for the chance to win two Active Norfolk Get Back Into....vouchers worth up to £40 each.



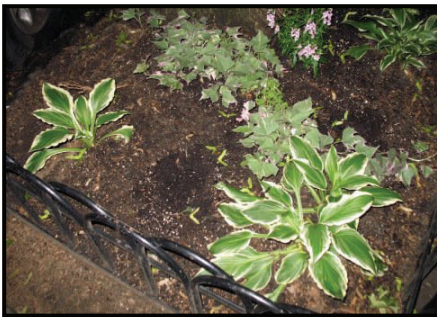
Email the Well-Being Team at well-being@norfolk.gov.uk by **4 November 2011**. They'd love to hear from you.

Risky business

More plant thefts

Not the usual loss of generators or JCBs this time.

Instead, according to a report by the BBC, East Devon District Council has had a problem with people stealing plants from council flowerbeds.



Their solution? – put microchips in some of the plants so they can be scanned, if found, to indicate they belong to the authority. A council spokesperson said they believed this was the first scheme of its kind in the country - not really surprising is it!

Schools and alarm coverage

A couple of years ago we initiated a comprehensive programme of extending intruder alarm coverage at schools to cover all areas containing ICT equipment. This had a dramatic impact on our claims experience with claims for break ins reducing

by at least 80%.

What we are now seeing are a few instances of break ins at schools where ICT equipment has been taken but the alarm was not triggered. This was because the schools concerned had remodelled an area within their building to now contain ICT equipment when previously there was nothing of value there.



What they had omitted to do, however, was to extend the intruder alarm or move a detector to cover the new area and so the equipment was not protected.

This meant the loss was not insured and the schools concerned had to bear the cost themselves.

Our insurance policy states that there is no cover for theft of ICT equipment from school premises outside of normal business hours from an area unprotected by an active intruder detection system.



Schools should review where their ICT equipment is located within their premises to ensure it is all protected by an alarm, or accept they are taking the risk in the event of a break in.

Also, when drawing up new projects they should ensure that security is considered at the start so it can be planned for in the budget.

And finally . . .

Pupils at a primary school in Devon were using a speed gun outside their school as part of their lessons to see if anyone was speeding past.



Not only did they catch 26 drivers in a two and a half hour session, but one of them was their chair of governors!