
ONESOURCE JOINT COMMITTEE

11th March 2022

Subject heading:

Transfer of Services to Newham
Council

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Financial summary:

It is proposed to delegate authority to
the Council's respective S.151
Officers to agree the financial detail
associated with the proposal

SUMMARY

This report proposes the transfer of the Newham Health & Safety function from oneSource to Newham Council with effect from 1st April 2022 including the transfer of Newham-employed staff and related salary budgets.

RECOMMENDATIONS

1. To agree in principle to the transfer of the Newham Health & Safety function from OneSource to Newham Council with effect from 1st April 2022.
2. To delegate authority to the Councils' Section 151 Officers to approve the detail of consequent financial and staffing arrangements.
3. To delegate authority to the Director of Legal & Governance to vary the terms of the oneSource agreement and, if necessary, update the oneSource Scheme of Delegation to reflect the transfer.

REPORT DETAIL

1. Background

- 1.1 The Health & Safety advisory function for both Councils is currently a shared service, provided as part of the Asset Management function within oneSource. The service supports all corporate directorates in both councils, plus Havering schools and some academies. Newham schools source their health and safety support from Newham Partnership Working (NPW) and elsewhere.
- 1.2 Newham Council intends to deliver its Health & Safety advisory function in-house and has accordingly sought removal of those delegated functions from the shared services.
- 1.3 This paper outlines the practical considerations to be applied, such that an in principle decision can be made by this joint committee, subject to the agreement of any detailed terms by the relevant s151 officers at the respective councils.

2 Operational Considerations

- 2.1 Reconfiguring the H&S provision to reinstate two borough teams triggers several operational considerations, although none should prove insurmountable - a non-exhaustive summary is set out below:
 - E-learning - the platform is provided by an external company and it would be possible to create new contracts for the respective councils, albeit two new contracts would need to be negotiated
 - Accident Forms are currently entered into a single database that would need to be split by the ICT service.
 - Cautionary Contacts System are two separate systems.
 - Individual Risk Assessments are designed by H&S but are entered into two separate databases (internal IT system)
 - All other forms that are in use are separated into two separate databases/spreadsheets and could easily be returned to the respective councils.
 - First Aid Training will need to be re-procured separately for each Council as the amounts are currently based on running courses across both.
 - IOSH Licence (for Managing Safely) must be held in an individual's name who has the relevant qualifications - Newham Council will need to apply for a separate licence if there is an intent to continue to run courses internally.
 - Lone Worker System: devices are now procured from a new supplier but are charged direct to services, so no issues arising in the event of a split service.
 - Audit System is a Newham system – CHASE. Havering Council would need to replace the system. It is recommended that an allocation of £10K will need to be set aside to build a bespoke system linked to dashboards in PowerBI
 - Fire Extinguisher training – Newham have the equipment and the relevant staff to run the training. Havering will need to take a view as to whether to continue to run the training.

3. Staffing Considerations

- 3.1 It is anticipated that the Newham-employed H&S team members would revert to their employing council whilst Havering-employees would remain within oneSource shared services only servicing Havering and traded services.
- 3.2 Appendix 1 below illustrates how this could apply for each borough, adopting the recommended structure for each that takes account of the systems currently in place and the work that Corporate H&S are involved in within the Directorates and Services in terms of support, guidance and proactive activity. Some resource gaps inevitably appear where currently shared resources revert to a single borough and each Council would need to consider whether to adopt the recommended structure as illustrated, or consider an alternative.
- 3.3 In relation to the Havering Traded Team, there is a desire to continue with the services that are offered as part of the agreed Business Plan. The pre and post headcount for Advisers is 3FTE, along with support and technical expertise.

Legal implications and risks:

The withdrawal of services from the oneSource agreement by one Council is governed by the provisions of the oneSource agreement, which is a contract between Newham and Havering made under various legal powers. The parties can agree to vary those terms by mutual agreement. The agreement will need to be amended to remove those delegated services in respect of Newham Council. If necessary, the oneSource Scheme of Delegation will need to be updated to reflect the transfer.

There are no TUPE implications staff are not assigned to each borough specifically

Financial Implications and risks:

The transfer of the Health & Safety function to Newham Council will be accompanied by the transfer of all related revenue budgets. Other financial details resulting from the transfer will be agreed by the Councils' S.151 Officers, subject to the delegation sought within this paper. The current net budget for the service is £626k.

Havering's position

The financial impact of splitting the integrated service as modelled within this paper can be summarised as follows:

	Newham £ k/p.a.	Havering £ k/p.a.
Current net cost of health & safety service by Council*	381	245
Revised net cost in event of LBN withdrawing H&S from oneSource**	411	422
Increase cost to each Council/compensation to be borne by LBN	30	168

* Based upon post cost share split of 60/40 Havering/Newham

** Costs assume that the structures recommended in Appendix 1 are adopted

The increase is due to the need to build in the capacity within the Corporate H&S team that each borough is losing as a result of splitting from the shared arrangement and the need to fund certain non-staffing costs within each borough going forwards instead of once and then sharing them as is currently the case.

The funding gap is higher for Havering as a result of transitioning from a 60:40 cost share (Newham/Havering) to a position where Havering would be bearing 100% of the cost of addressing gaps within its team structure.

Beyond the ongoing support required for Havering Council, the Health & Safety resource retained within oneSource will also be supporting OneSource services themselves.

Newham's position

Newham expects to be able to deliver a more cost-effective and risk-focused service as a result of the change.

Newham's view is that Havering had not requested any increases to the H&S budget prior to Newham's proposal to return the service to its own control in order to improve efficiency and effectiveness. The proposed addition of 1.6 FTE posts within the service retained by Havering is therefore not agreed, as this is not a management overhead cost arising from the withdrawal from the shared service but a decision by Havering to increase its headcount for the H&S function. It is of course entirely accepted that Havering should be entitled to choose to spend more on the function by adding 1.6 FTE to it (or any other amount), but not that Newham should have to fund that.

HR Implications and risks:

The transfer of the Newham-employed Health & Safety resources (6 FTE in post but an establishment of 8.6 FTE) from Onesource to Newham Council is proposed as a line management change, rather than a service restructure, negating the need for formal consultation.

Equalities Implications:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Councils, when exercising their functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Councils are committed to all of the above in the provision, procurement and commissioning of services, and the employment of their workforce. In addition, the Councils are also committed to improving the quality of life and wellbeing for all residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. It is acknowledged that in emergency or urgent situations it will not always be possible to carry out an EqHIA in advance of a relevant activity; however, managers will undertake the required EqHIAs at the earliest opportunity. Where managers are already clear that protected groups/users will be impacted negatively by the intended activity, then this will be noted in the next paragraph and/or put into EqHIAs. Where the negative impact of the intended activity can be mitigated, this too should be set out in this report and/or the EqHIA.

In all situations, urgent or not, the Councils will seek to ensure equality, inclusion, and dignity for all.

There are no equalities implications foreseen as a consequence of these proposals

Background Papers

None

Appendix 1 – Recommended Structures

Recommended Structure retained at oneSource	FTE	Recommended Structure LBN	FTE
Corporate			
Head H&S	1	Head H&S	1
H&S Adviser	1	H&S Adviser (TL)	1
H&S Adviser	1	H&S Adviser	1
H&S Adviser	1	H&S Adviser	1
		H&S Apprentice	1
Project Officer	1	Project Officer	1
Support	1	Support	1
Fire Adviser (Corp/Traded)	0.6	Fire Adviser	0.6
	6.6	FE Tech	1
Traded			8.6
H&S Team Mgr (Deputy)	1		
H&S Adviser	1		
H&S Adviser	1		
H&S Adviser	0.6		
Project Officer	1		
H&S Tech Support*	1		
Support	1		
	6.6		
	13.2		

Posts shown in red are where additional resource is required to address gaps arising from splitting the current shared service

* Postholder is currently engaged under a fixed-term contract with LBN, but supports the traded team so would need to be funded by LBH following the split and offered a Havering contract.