

## NORTH YORKSHIRE COUNTY COUNCIL

### CORPORATE & PARTNERSHIPS OVERVIEW & SCRUTINY COMMITTEE

11 June 2012

#### PERFORMANCE REPORT – 2011/12 RE HEALTH AND SAFETY AND INSURANCE CLAIMS

##### Report of the Corporate Director – Finance and Central Services

### 1.0 PURPOSE OF THE REPORT

#### 1.1 PART A

To review Health & Safety performance during 2011/12 so that:

- (a) progress can be assessed, and
- (b) future actions for 2012/13 can be identified and prioritised

#### 1.2 PART B

In relation to Insurance

- (a) to provide an overview of insurance claims experience over recent years, and
- (b) analyse the pattern and costs of Public Liability claims over the last 10 years

### 2.0 BACKGROUND

- 2.1 Managing health and safety in a sensible and proportionate manner brings obvious benefits to individuals and the County Council. Reducing the costs associated with accidents/incidents and work related ill health has become increasingly important in the current financial climate.
- 2.2 This annual report to the Scrutiny Committee and Management Board on corporate performance is in addition to the regular reporting at Directorate senior management teams.
- 2.3 The Committee has previously discussed the links between Health and Safety management and the insurance claims experience of the County Council. This report continues the precedent of presenting information on both issues simultaneously.

## PART A - HEALTH AND SAFETY

### 3.0 PERFORMANCE OUTCOMES FOR 2011/12

- 3.1 The reports at directorate level measure outcomes in relation to reportable accidents/incidents, enforcement activity and liability claims. This reporting procedure enables corporate H&S data to be gathered and this is presented in **Appendix A** to this report. Data is available from 2006/07 thereby establishing a baseline for measuring performance trends, reviewing accident causation and providing relevant information to consider future targets for H&S performance.
- 3.2 The reportable accidents/incidents are those of a serious nature that must be reported to enable the enforcement body, which for the County Council is the Health and Safety Executive (HSE), to take appropriate action. A total of 54 **employee reportable** accidents occurred during 2011/12 compared to 55 during 2010/11, 61 during 2009/10, 66 during 2008/09, 70 during 2007/08 and 95 in 2006/07 (**see Tables 1 and 4** respectively of **Appendix A**). This reflects a continued reduction in the number of employee reportable accidents for the fifth successive year.
- 3.3 A total of 184 **non-employee reportable** accidents were reported during 2011/12 compared to 158 during 2010/11, 91 during 2009/10, 95 during 2008/09, 95 during 2007/08 and 270 in 2006/07 (**see Tables 2 and 5** respectively of **Appendix A**). The majority relate to pupil accidents during PE sessions and general slips, trips and falls. The work on reviewing the health and safety arrangements for curriculum related activities in schools will continue.
- 3.4 The continued reduction in employee accidents is welcome and these figures indicate that the significant reduction in reportable employee accident numbers achieved during previous years is being maintained. **This would suggest that the actions to improve H&S management across the County Council are having the desired effect in relation to our employees.** Hopefully the success demonstrated by this reduction will breed further confidence in the effectiveness of management efforts. The causes for the number of reported pupil accidents will have to be closely examined and initiatives developed to support schools in reducing this particular number in future years.
- 3.5 The types of accidents that stand out in terms of reportable employee accidents are slips/trips/falls and manual handling. The types that stand out in terms of non employee reportable accidents are slips/trips/falls; hit by moving/flying/falling objects; hitting fixed stationary objects and falls from heights. Detailed discussion on accident causation is undertaken at Directorate level as part of preventative planning and risk assessments. Work is ongoing within Directorates to learn lessons from specific incidents through pre-existing working groups and the distribution of newsletters etc. It is important that the understanding of accident causation continues to inform the H&S effort at corporate and directorate levels.
- 3.6 There has been 1 reportable asbestos related incident during 2011/12 compared to 2 in 2010/11, 2 during 2009/10, 7 during 2008/09, 8 in 2007/08 and 15 in 2006/07 (**see Tables 3 and 6 of Appendix A**). Achieving this low level of reportable dangerous occurrences is welcome and reassuring. However,

experience reminds us that the County Council cannot afford to become complacent on this issue, therefore lessons from all events are identified by thorough investigations and the on-going implementation of improvement action plans.

- 3.7 A fatal accident involving an employee working for a contractor on an NYCC roofing project at Aspin Park Community Primary School occurred on 16 August 2011. The HSE issued a prohibition notice to the contractor on the same day. The fatality is being jointly investigated by the Police/HSE and both NYCC and Jacobs UK have provided information and statements as part of the investigation process. The investigation is on-going and is at a stage where the Crown Prosecution Service is considering evidence.
- 3.8 The HSE continued to visit NYCC construction projects during 2011/12 making various verbal observations/recommendations, but have not taken any other formal enforcement action. Efforts continue to be made in conjunction with Jacobs UK to improve the standards of health and safety on our construction sites and this will remain a priority area for the County Council during 2012/13.

#### 4.0 **PROGRESS IN 2011/12**

- 4.1 The H&S Risk Management team (part of F&CS) continued its efforts to improve the **co-ordination of H&S planning and reporting processes** corporately and within the directorates and schools. All Directorate leadership teams continued to review their actions in response to the HSE/IOD guidance on leading health and safety at work.
- 4.2 The **Corporate H&S Policy** continues to be implemented within Directorates and a revised HAS Directorate policy has been drafted for approval.
- 4.3 There has been a continued effort to implement existing and develop further **corporate H&S procedures** where appropriate to meet identified needs. The following procedures have been drafted or are in the process of being reviewed during this period:
- Moving and handling of people
  - Violent indicator warning system
  - Driving at work procedure and the safer driving at work handbook
  - Threats procedure
  - First aid
  - Authorisation to start work on site
- 4.4 There is an on-going programme of reviewing **directorate health and safety procedures** and a full review of the CYPS H&S manual is near completion.
- 4.5 **Targeted H&S audit programmes** have been developed and delivered within Directorates and schools to reflect service risk profiles.

- 4.6 The **online risk assessment system** now contains general and specific risk assessment forms. Model assessments have been included and various services are using the system.
- 4.7 The H&S information on the **Intranet site** continues to be updated to reflect changes in policy and procedures.
- 4.8 There has been continued assistance to directorates and schools to implement the findings of the **legionella risk assessments** and there is an on-going programme to review these assessments.
- 4.9 Directorates and schools have been supported with **fire safety risk assessments** and now all workplaces have a detailed assessment which incorporates the findings of a technical fire audit. Support continues to be given to assist with the Fire and Rescue Service compliance audits.
- 4.10 The proactive approach adopted re property issues continues to deliver improvements in our **joint arrangements (with JUK)** for managing building maintenance and construction related risks. A programme of monitoring health and safety on construction sites has been delivered by the HSRM team and continues for new projects. The One Council Property workstream is considering how further improvements can be made to our approach to managing these risks.
- 4.11 The following actions in relation to **health and safety training** have been taken:
- H&S training for senior managers has been delivered in BES and CYPs
  - the HANDS team continue to deliver short training sessions to schools in manual handling, work at height, fire safety and personal safety
  - the IOSH managing safely and refresher courses continue to be delivered to H&S lead officers and managers
  - Directorate H&S risk managers continue to deliver and source training to meet specific needs in directorates
  - A series of presentations has been conducted across the County to launch the personal safety procedure, guidance and the lone worker system in conjunction with road safety. Further sessions have been planned for later in the year.
  - the Corporate Landlord Service continues to deliver asbestos and legionella training to site managers.
  - A number of training sessions have been conducted to inform NYCC staff, Jacobs UK and Contractors of recent changes to the Control of Asbestos Regulations 2012. Further sessions are planned for later this year specifically aimed at schools.

4.12 Work has continued into increasing the resilience of the **lone worker voice connect system**, and as part of the One Council Systems and Data workstream the review of this application has started.

## 5.0 DEVELOPMENTS PROPOSED FOR 2012/13

5.1 The H&S Risk Management Unit (HSRM) has recently completed a review of the approach to health and safety risk management within the County Council. This review examines external and internal drivers, takes account of the One Council approach and has been informed by the results from an internal health and safety survey. The review has established a three year programme of work which will be incorporated into the HSRM Service Performance Plans. The key areas of the work programme for 2012/13 are included below.

5.2 Take the One Council principle of standardisation and simplification into the review of the County Council's existing H&S procedures and their implementation by directorates. The following procedures have been targeted for review during 2012/13:

- Managing H&S in construction
- Measuring and reviewing H&S performance
- Workplace H&S inspection by managers
- Authorisation to work on site (ATWS)
- First aid
- Moving and handling of people
- Threats procedures

5.3 Develop the online H&S risk assessment system to become the single corporate approach to risk assessment and implement across all directorates.

5.4 Hold workshops at the directorate H&S/ risk management groups (involving directorate H&S champions) to explore the specific items identified by the H&S survey. The results indicate an overall positive view of the County Council's arrangements for H&S. In general it is perceived that H&S is taken seriously within the County Council and interactions with the HSRM team are appreciated. However the items identified as worthy of particular consideration included:

- training provision
- statistical information relating to H&S incidents and performance
- level of bureaucracy
- arrangements for consulting on H&S policies, etc
- effectiveness of Directorate H&S groups
- communicating H&S information to staff

5.5 HSRM to continue to assess the impact of Lord Young's report and as specific recommendations are implemented develop suitable responses within the County Council. The HSRM team has already amended its arrangements for accident reporting to accommodate the changes to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995. The amendments extend the period for reporting injuries that lead to a worker being

incapacitated for work from **three** days to **seven** days. There is no need for managers and employees to alter their reporting arrangements.

- 5.6 Continue to assist directorates to review their actions to support implementation of HSE strategy (The Health and Safety of Great Britain \ Be part of the solution) and IOD/HSE guidance on Leading H&S at work.
- 5.7 Complete development of the manager health and safety e learning package.
- 5.8 Continue to promote the health and safety training for senior management to a wider audience.
- 5.9 Continue developing the Radon strategy for the County Council and its implementation.
- 5.10 HSRM will continue to evolve the HANDS traded service to schools and will continue the joint working with the CYPs H&S team and QandI reviewing arrangements to support schools in managing those curriculum areas with a high risk profile such as DT, Science, PE etc.
- 5.11 Finally, and not least, to continue working with colleagues in CPM, Jacobs, Contractors, Client Directorates and schools to improve H&S in construction design and management

## **PART B – INSURANCE**

### **6.0 SCOPE**

- 6.1 The following paragraphs explain the position in 2011/12 (relative to previous years) for each of the main classes of insurance.
- 6.2 The insurance year runs from 1 October to 30 September therefore the figures provided in the Appendices for 2011/12 only represent a part year at this stage.

### **7.0 GENERAL MOTOR CLAIMS EXPERIENCE**

- 7.1 A summary of the motor claims experience for each Directorate over the last three years is included in **Appendix B**. Motor claim figures are provided over three years as the claims are normally settled within a short time frame.
- 7.2 The number and value of Commercial Motor Fleet claims per insurance year normally remains fairly static, although the value of claims appears to have decreased in 2011/12; this will be monitored this to establish if this is a trend going forward.
- 7.3 Statistics relating to leased vehicles and key worker vehicles have been combined. The number and value of Leased Vehicle claims per insurance year has reduced over recent years as the number of leased vehicles has reduced. In contrast the number and value of claims relating to both categories of vehicles

appears to have stabilized with most claims now relating to Key Worker Vehicles.

## 8.0 GENERAL LIABILITY CLAIMS EXPERIENCE

8.1 A summary of the liability claims experience for each Directorate over the last five years is included in **Appendix C**. Further detail regarding Public Liability claims experience is provided in **Appendix D** (see also **paragraph 10.5** in this report).

## 9.0 EMPLOYERS LIABILITY

9.1 Employers Liability insurance provides cover for claims made against the County Council for injury to an employee, which the claimant believes has been caused due to the negligence of the County Council.

9.2 The number of Employers Liability claims per insurance year are lower in comparison to Public Liability claims. However, the value per Employers Liability claim can be much higher as all Employers Liability claims involve injury whilst many Public Liability claims within North Yorkshire involve property such as pothole damage to vehicles (**paragraph 11 refers**).

9.3 For Business and Environmental Services, Chief Executives Group and Finance and Central Services, the number and value of Employers Liability claims can fluctuate as there is no common or consistent cause of incident.

9.4 Children and Young People's Services (including County Caterers) has the highest number and value of Employers Liability claims with the main causes of claims being "Slip, Trip and Fall"; "Lifting, Handling and Carrying" and "Damage/Injury Caused by Pupil". Eight of the claims recorded are in respect of asbestos, which are incidents that have been reported to insurers on a precautionary basis, but are not formal claims at this stage.

9.5 For Health and Adult Services the number and value of Employers Liability claims fluctuate. The main causes of claims are "Lifting, Handling and Carrying" and "Slip, Trip and Fall".

## 10.0 PUBLIC LIABILITY

### Basis of Insurance

10.1 Public Liability insurance provides cover for claims made against the County Council for injury or damage to a member of the public and/or damage to their property, which the claimant believes has been caused due to the negligence of the County Council.

10.2 The insurance year runs from 1 October to 30 September. When a Public Liability claim is received it is recorded against the insurance year in which the incident occurred. Thus a claim which occurred on 30 November 2005, but not

reported to the County Council until 1 January 2008, would be recorded against the 2005/06 insurance year.

10.3 Due to the Limitation Act, claims for injuries can be submitted up to 3 years after the incident or when the claimant becomes aware of the injury. For property claims this is extended to 6 years.

10.4 The salient facts are –

- the external premium paid by the County Council for Public Liability was £118k in 2011/12, with an excess of £100k for each and every claim
- therefore claims costing up to £100k are paid by the County Council
- insurers then pay for any costs which exceed this £100k excess on an individual claim
- however, if the total liability payments (Employers Liability and Public Liability) made by the County Council in any one insurance year exceed the aggregate limit (£2.184m for the 2011/12 insurance year), then insurers will pay all additional claim costs in excess of the aggregate limit
- the County Council has an internal Insurance Fund set aside to pay for all losses incurred within the £100k excess and this internal premium is approximately £1m per insurance year for all Liability claims (including Public Liability, Employers Liability, Officials Indemnity etc)
- the balance held in the Fund is reviewed annually by the external Insurance/Risk Advisor to assess the appropriateness of its value against potential liabilities
- the Fund does not provision up to the aggregate limit, which is the maximum liability; this is a professional judgment by officers based on the analysis and advice provided by the Advisor.

### **Claims Experience**

10.5 A summary of the claims experience as at 31 March 2012, for the last 10 years for each Directorate is attached as **Appendix D**. The figures are split between insurance years (1 October to 30 September as mentioned above) and as such the 2011/12 insurance year reflects figures for 6 months.

10.6 The figures for the Chief Executives Group and Finance and Central Services have not significantly altered since last year's report and are minimal, as would be expected for these Directorates.

10.7 The figures for Health and Adult Services have also not significantly altered since last year's report, with the exception of one large claim in 2010/11. The claims tend to be low in both number and value and fluctuate with no obvious pattern.



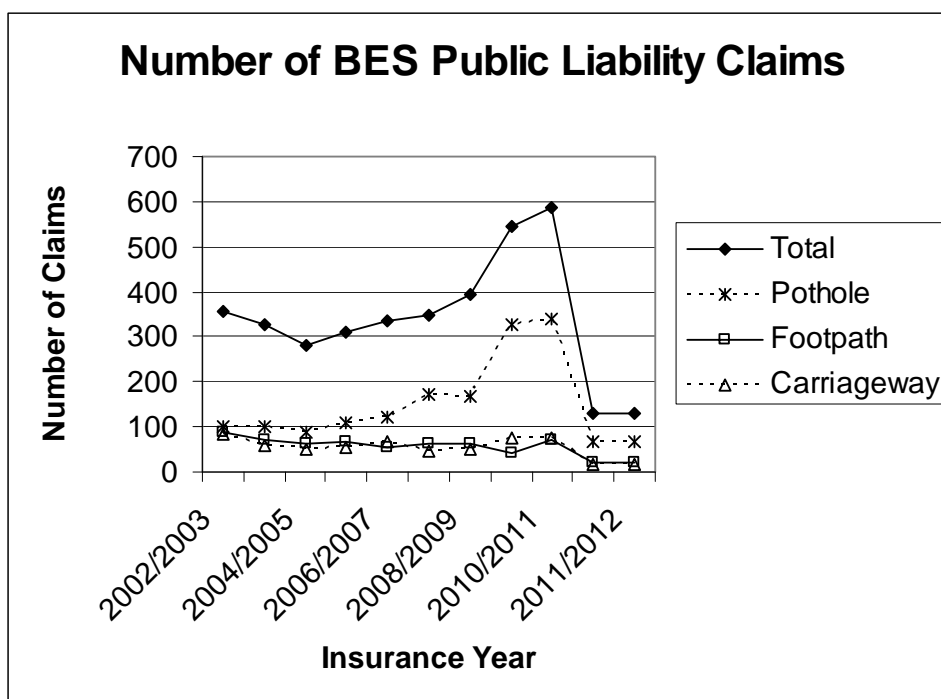
10.8 The figures for the Children and Young People’s Service are difficult to predict as the 3 and 6 year rule (as mentioned in **paragraph 10.3** above) does not start until a pupil reaches 18 years old, so the figures for the older years may still undergo some change. If the last three immature insurance years are excluded, the overall average for the remaining seven years is 35 claims per insurance year with a total paid and outstanding of approx. £113k per insurance year. This is showing a slightly downward trend in the number and value of recent claims.

10.9 The figures for Business and Environmental Services remain the highest for the County Council and are therefore analysed further in **paragraph 11** below.

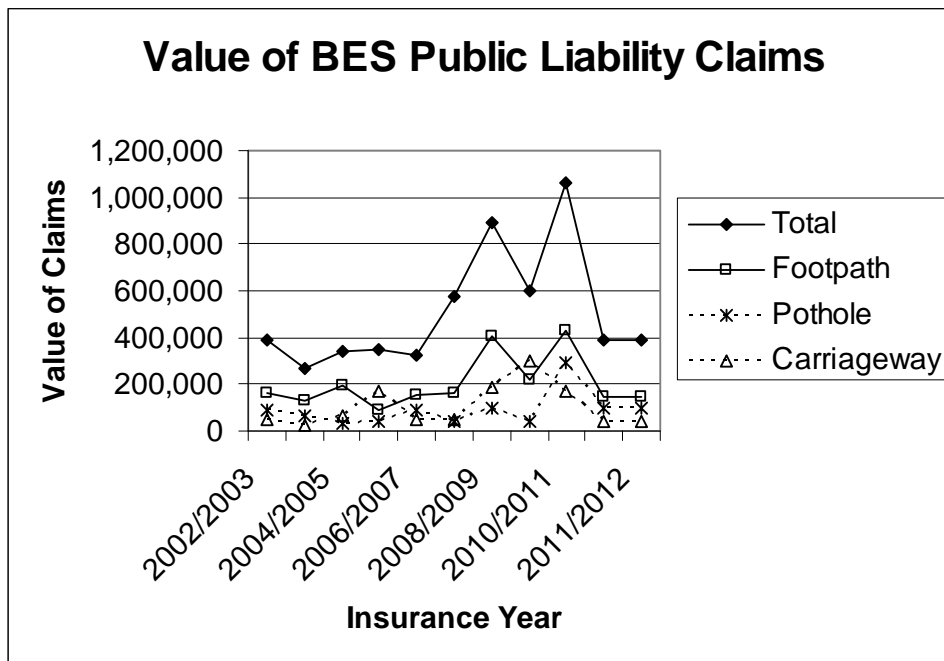
**11.0 BUSINESS AND ENVIRONMENTAL SERVICES (BES)**

11.1 For BES, the overall average for the 10 full insurance years (i.e. 2002/03 to 2011/12) is 387 claims per insurance year and a total value of paid and outstanding of approximately £538K. This is a slight increase on last year in terms of average numbers and total value.

11.2 As can be seen in the diagram below the numbers of claims spike from 2007/08 to 2010/11. The most common causes of the claims are due to “Pothole”, “Footpath” and “Carriageway”.



11.3 The following diagram shows that the cost of claims seem to accelerate in recent years. However, most of these costs are estimated figures in respect of a relatively few number of open claims; investigations are ongoing for these outstanding claims. A further year or so will need to pass before the volume / value of claims for 2011/12 will be evident.



11.4 The two diagrams present an apparent anomaly in that in **paragraph 11.2** the number of pothole related claims exceeds that of footpath claims whilst the table in **paragraph 11.3** shows that the aggregate value of footpath claims exceeds that of pothole claims. This is due to the fact that pothole claims usually relate solely to the cost of damage to the vehicle (see **paragraph 11.5** below) whilst footpath claims relate to personal injury.

#### Potholes

11.5 As a result of the unprecedented weather conditions during the two winters of 2009/10 and 2010/11, there was an increase in the number of claims received from the public as a result of the formation of potholes in roads across the County. The claims mainly involved the cost of repairs to damaged tyres and wheels although there were some personal injury incidents. The number of pothole/road surface claims received in the Insurance and Risk Management Section as at 31<sup>st</sup> March 2012 was approximately 403 out of the total 543 BES Public Liability claims for 2009/10 and approximately 414 claims out of the total 585 BES Public Liability claims for 2010/11. The current repudiation rate for these pothole/road surface claims is approximately 90% for each insurance year.

#### Repudiation of BES Claims

11.6 Although society is now more litigious and there is no effective way of stopping claims being made against the County Council, risk management measures can be put in place to enable the County Council to learn from the claims made in order to try to prevent them in the future and to put operational measures in place to better defend these claims.

11.7 **Appendix E** shows for 2002/03 to 2011/12 the number of claims that have been closed for each insurance year and of those closed the number and percentage of closed claims that have been settled with a nil payment. It is noticeable that over the ten year period this percentage has fluctuated but gradually increased.

- 11.8 Officers recognised that this was not an accurate measure of whether claims had been successfully defended; as some claims will have been successfully defended but payments will have been made in respect of own solicitors fees, whilst other claims may simply have been withdrawn.
- 11.9 In the light of this, from 2003/04, the following information has been recorded for each closed claim:
- Conceded - the liability is admitted and the claim paid
  - Lost - the claim was defended, but it was subsequently found that the County Council was liable
  - Withdrawn - the claimant has chosen to withdraw the claim
  - Won - the claim was defended and it was subsequently found that the County Council was not liable
- 11.10 It can be seen from **Appendix F** that for 2003/04 to 2010/11, the largest percentages relate to claims submitted to the County Council but successfully defended and / or withdrawn with a commensurate reduction in the percentage of claims conceded or lost. The current insurance year of 2011/12 is still immature, but the position will continue to be monitored particularly for 2009/10 and 2010/11 in relation to the resolution of outstanding pothole claims.

### **Risk Management**

- 11.11 The defence of these claims has been supported over time by the following actions taken by officers in Business and Environmental Services:
- providing detailed information to the public on the County Council Website and through the Insurance and Risk Management Section to ensure that the claimant understands the circumstances and information required to make a valid potential claim.
  - vigorous defence of any claim where it is thought that NYCC are not liable
  - improving recording and retention of records that are used to defend claims
  - a willingness to provide witness statements and attend court to defend claims
  - an analysis of claims that have to be conceded to see how preventative systems can be improved in the future
  - benchmarking against other similar local authorities and sharing of information in order to ensure good practice.

## 12.0 TENDER FOR INSURANCES

- 12.1 The annual insurance renewals for the County Council took place on the 1 October 2011. A full tender exercise was carried out to ensure the County Council procured the most competitive rates and comprehensive cover for the three main categories of insurance: Liability, Motor and Property.
- 12.2 A table is attached at **Appendix F** that provides details of the outcome of the tender exercise (this table was reported to the Audit Committee on 29 September 2011 – it has not been updated for subsequent minor variations to policies and premiums). As well as the three main categories of insurance the table provides details of the outcome for insurances relating to Personal Accident, Travel (including school journeys) and Engineering Inspections (including inspecting lifts and hoists installed in vulnerable people's homes etc). The tender process followed the negotiated procedure which enabled further negotiations following receipt of initial tenders. Using this procedure has proved effective.
- 12.3 For example, it was anticipated that the increase in property claims (due to the severe 2010/11 winter) may have had an adverse effect on the renewal premium of this class of insurance. However due to a combination of demonstrating proactive risk management and a previously good claims experience, the County Council negotiated a 5% package discount with the appointed insurers, Zurich Municipal.
- 12.4 On the right hand side of the table a 'Comments' narrative column has been provided. These comments provided explanatory information at the time of submitting the report to the Audit Committee.
- 12.5 The overall reduction in annual premium for the classes of insurance shown is 1.28% which in cost terms equates to approximately £14k p.a.

## 13.0 CONCLUSIONS

- 13.1 General public awareness that a claim can be made for damage or injury, which is believed to be due to the negligence of another party has never been higher. In addition as the economic climate continues to decline the likelihood of claims being made (in particular fraudulent claims) will increase. Therefore it is not surprising that the number of claims submitted to the County Council is increasing.
- 13.2 However, it is important to recognise that without –
- the measures put in place to prevent incidents occurring in the first place
  - putting in place measures and records to defend claims when they do occur
  - learning from claims where the County Council is found negligent

the number and costs of Public Liability claims against the County Council would be much higher.

## 14.0 RECOMMENDATIONS

14.1 The Committee are recommended to

- (i) note H&S performance in 2011/12, and
- (ii) indicate any areas where they believe further efforts should be made to improve the H&S performance of the County Council
- (iii) consider the information provided in relation to insurance claims and determine if any further actions are required.

DOMINIC PASSMAN

Head of H&S Risk Management

FIONA SOWERBY

Corporate Risk and Insurance Manager

May 2012

**Background documents:** None

## HEALTH AND SAFETY PERFORMANCE SUMMARY FOR 2011/2012

**Table 1 – Employee reportable accidents 2011/12**

This table shows the numbers of employee reportable accidents (classified as major injury or over 3 day absences) for 2011/12. First number is a total, first brackets are the numbers of major injuries and second brackets are the number of over three day absences.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
<b>HAS</b>	1 (0) (1)	0	3 (0) (3)	1 (0) (1)	5 (0) (5)
<b>BES</b>	0	0	2 (0) (2)	1 (0) (1)	3 (0) (3)
<b>CEG</b>	0	0	0	0	0
<b>CYPS</b>	0	2 (0) (2)	3 (0) (3)	3 (0) (3)	8 (0) (8)
<b>FCS</b>	4 (1) (3)	5 (0) (5)	1 (0) (1)	0	10 (1) (9)
<b>Schools</b>	10 (1) (9)	1 (0) (1)	7 (1) (6)	10 (2) (8)	28 (4) (24)
<b>Total</b>	15 (2) (13)	8 (0) (8)	16 (1) (15)	15 (2) (13)	54 (5) (49)

**Table 2 – Non-employee reportable accidents 2011/12**

This table shows the numbers of non-employee reportable accidents for 2011/12.

	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
<b>HAS</b>	0	0	1	0	1
<b>BES</b>	0	0	0	0	0
<b>CEG</b>	0	0	0	0	0
<b>CYPS</b>	0	0	0	0	0
<b>FCS</b>	0	0	0	0	0
<b>Schools</b>	64	36	38	45	183
<b>Total</b>	64	36	39	45	184

**Table 3 – Dangerous Occurrences 2011/12**

This table shows the numbers of reportable dangerous occurrences for 2011/12. All relate to the accidental release of asbestos fibres in County Council premises.

Financial Year 2011/12	Number of reportable asbestos releases and premise details
Q1	
Q2	1 – Harrogate High
Q3	
Q4	

## Summary of HSE involvement with the County Council during 2011/12

A fatal accident involving an employee working for a contractor on an NYCC roofing project at Aspin Park Community Primary School occurred on 16 August 2011. The HSE issued a prohibition notice to the contractor on the same day. The fatality is being jointly investigated by the Police/HSE and both NYCC and Jacobs UK have provided information and statements as part of the investigation process. The investigation is on-going and is at a stage where the Crown Prosecution Service is considering evidence.

The HSE continued to visit NYCC construction projects during 2011/12 making various verbal observations/recommendations, but have not taken any other formal enforcement action. Efforts continue to be made to improve the standards of health and safety on our sites and this will remain a priority area for the County Council during 2012/13.

**Table 4 - Employee reportable accidents for financial years 2011/12, 2010/11, 2009/10, 2008/09, 2007/08 and 2006/07**

This table shows the numbers of employee reportable accidents (classified as major injury or over 3 day absences) for financial years 2011/12, 2010/11, 2009/10, 2008/09, 2007/08 and 2006/07. First number is a total, first brackets are the numbers of major injuries and second brackets are the number of over three day absences.

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
<b>HAS</b>	21 (6) (15)	10 (1) (9)	9 (1) (8)	9 (0) (9)	3 (1) (2)	5 (0) (5)
<b>BES</b>	4 (0) (4)	4 (1) (3)	2 (0) (2)	0	2 (0) (2)	3 (0) (3)
<b>CEG</b>	1 (0) (1)	0	0	0	1 (1) (0)	0
<b>CYPS</b>	30 (3) (27)	20 (5) (15)	16 (0) (16)	10 (0) (10)	12(0) (12)	8 (0) (8)
<b>FCS</b>	5 (0) (5)	12 (0) (12)	7 (2) (5)	7 (2) (5)	7 (0) (7)	10 (1) (9)
<b>Schools</b>	34(11) (23)	24 (2) (22)	32 (5) (27)	35 (9) (26)	30(3) (27)	28(4)(24)
<b>Total</b>	95(20) (75)	70 (9) (61)	66 (8) (56)	61(11) (50)	55(5) (50)	54(5)(49)

**Table 5 - Non-employee reportable accidents for financial years 2011/12, 2010/11, 2009/10, 2008/09, 2007/08 and 2006/07**

This table shows the numbers of non-employee reportable accidents for financial years 2011/12, 2010/11, 2009/10, 2008/09, 2007/08 and 2006/07.

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
<b>HAS</b>	1	3	1	1	1	1
<b>BES</b>	1	2	0	0	0	0
<b>CEG</b>	0	0	0	0	0	0
<b>CYPS</b>	2	0	0	0	0	0
<b>FCS</b>	2	0	0	0	0	0
<b>Schools</b>	264	90	94	90	157	183
<b>Total</b>	270	95	95	91	158	184

**Table 6 – Dangerous Occurrences for financial years 2011/12, 2010/11, 2009/10, 2008/09, 2007/08 and 2006/07**

This table shows the numbers of reportable dangerous occurrences for financial years 2011/12, 2010/11, 2009/10, 2008/09, 2007/08 and 2006/07 relating to the accidental release of asbestos fibres in County Council premises.

<b>Financial Year</b>	<b>Number of reportable asbestos releases</b>
2011/12	1
2010/11	2
2009/10	2
2008/09	7
2007/08	8
2006/07	15

Note: The HSE has recently amended the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995. The amendments implement Lord Young's proposals to extend the period for reporting injuries that lead to a worker being incapacitated for work from **three** days to **seven** days. The changes came into effect on 1 April 2012 and HSRM have introduced the necessary changes to the County Council's reporting arrangements. There is no need for managers and employees to alter their reporting arrangements.



## Appendix B

## Motor Claims Occurring Per Insurance Policy Years Between 1st October 2009 to 31st March 2012

Commercial Fleet Vehicle Claims									
Directorate	2009/10			2010/11			2011/12		
	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate
BES	42	£30,642	£0	47	£16,233	£791	25	£13,818	£11,260
CEG	16	£5,369	£0	13	£4,727	£0	2	£0	£0
CYPS	42	£42,951	£0	37	£19,632	£0	16	£29,000	£3,621
FCS	32	£15,196	£0	14	£5,960	£333	9	£15,482	£6,035
HAS	58	£21,479	£100	65	£22,006	£3,050	25	£14,697	£8,411
<b>TOTAL</b>	<b>190</b>	<b>£115,637</b>	<b>£100</b>	<b>176</b>	<b>£68,558</b>	<b>£4,174</b>	<b>77</b>	<b>£72,997</b>	<b>£29,327</b>

Keyworker and Lease Vehicle Claims									
Directorate	2009/10			2010/11			2011/12		
	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate
BES	2	£8,449	£0	1	£418	£0	0	£0	£0
CEG	1	£376	£0	0	£0	£0	0	£0	£0
CYPS	11	£3,669	£0	1	£1,148	£0	0	£0	£0
FCS	2	£439	£0	4	£1,220	£0	1	£1,527	£0
HAS	16	£15,525	£7,759	28	£24,475	£2,072	8	£1,106	£2,255
<b>TOTAL</b>	<b>32</b>	<b>£28,458</b>	<b>£7,759</b>	<b>34</b>	<b>£27,261</b>	<b>£2,072</b>	<b>9</b>	<b>£2,633</b>	<b>£2,255</b>

**Liability Claims Occurring Per Insurance Policy Years Between 1st October 2007 to 31st March 2012**

Public Liability Claims															
Directorate	2007/08			2008/09			2009/10			2010/11			2011/12		
	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate
BES	349	£415,077	£156,991	394	£321,092	£569,763	543	£79,062	£522,380	585	£35,539	£1,077,747	132	£555	£386,989
CEG	0	£0	£0	1	£0	£0	1	£0	£0	0	£0	£0	0	£0	£0
CYPS	25	£89,022	£9,265	36	£90,832	£55,560	13	£16,493	£85,790	17	£10,274	£250,917	4	£0	£15,600
FCS	5	£55	£0	3	£536	£0	2	£0	£0	0	£0	£0	0	£0	£0
HAS	2	£599	£0	2	£19,250	£0	1	£0	£0	3	£0	£110,000	0	£0	£0
<b>TOTAL</b>	<b>381</b>	<b>£504,753</b>	<b>£166,256</b>	<b>436</b>	<b>£431,710</b>	<b>£625,323</b>	<b>560</b>	<b>£95,555</b>	<b>£608,170</b>	<b>605</b>	<b>£45,813</b>	<b>£1,438,664</b>	<b>136</b>	<b>£555</b>	<b>£402,589</b>

Employers Liability Claims															
Directorate	2007/08			2008/09			2009/10			2010/11			2011/12		
	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate
BES	2	£1,283	£33,804	4	£279	£0	0	£0	£0	1	£0	£0	0	£0	£0
CEG	0	£0	£0	0	£0	£0	0	£0	£0	1	£0	£8,500	0	£0	£0
CYPS	25	£115,646	£71,845	14	£56,283	£86,564	12	£14,349	£60,566	8	£8,519	£217,774	2	£0	£26,600
FCS	2	£4,900	£0	1	£0	£45,000	1	£0	£19,500	2	£0	£31,587	0	£0	£0
HAS	4	£11,907	£0	7	£5,891	£253,242	4	£7,566	£35,000	2	£650	£28,850	0	£0	£0
<b>TOTAL</b>	<b>33</b>	<b>£133,736</b>	<b>£105,649</b>	<b>26</b>	<b>£62,453</b>	<b>£384,806</b>	<b>17</b>	<b>£21,915</b>	<b>£115,066</b>	<b>14</b>	<b>£9,169</b>	<b>£286,711</b>	<b>2</b>	<b>£0</b>	<b>£26,600</b>

Officials Indemnity Claims															
Directorate	2007/08			2008/09			2009/10			2010/11			2011/12		
	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate	Claim Number	Claims Paid	Claims Estimate
BES	1	£0	£0	0	£0	£0	0	£0	£0	0	£0	£0	1	£0	£0
CYPS	1	£0	£0	0	£0	£0	1	£43,291	£58,333	1	£0	£0	1	£0	£5,000
HAS	0	£0	£0	0	£0	£0	1	£10,392	£0	0	£0	£0	0	£0	£0
<b>TOTAL</b>	<b>2</b>	<b>£0</b>	<b>£0</b>	<b>0</b>	<b>£0</b>	<b>£0</b>	<b>2</b>	<b>£53,683</b>	<b>£58,333</b>	<b>1</b>	<b>£0</b>	<b>£0</b>	<b>2</b>	<b>£0</b>	<b>£5,000</b>

**Footnote:** Not included in the above figures is 4 Land Charges Claims and 1 Professional Indemnity Claim

## Appendix D

## PUBLIC LIABILITY CLAIMS FOR NYCC AS AT 31st MARCH 2012

<b>Business and Environmental Services</b>										
	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2020	2010/2011	2011/2012
Number	355	325	281	312	335	349	394	543	585	132
Paid	£386,069	£264,695	£342,016	£289,753	£259,604	£415,077	£321,092	£79,062	£35,539	£555
Outstanding	£0	£0	£0	£56,000	£66,926	£156,991	£569,763	£522,380	£1,077,747	£386,989
<b>Total Paid + Outstanding</b>	<b>£386,069</b>	<b>£264,695</b>	<b>£342,016</b>	<b>£345,753</b>	<b>£326,530</b>	<b>£572,068</b>	<b>£890,855</b>	<b>£601,442</b>	<b>£1,113,286</b>	<b>£387,544</b>

<b>Chief Executives Group</b>										
	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2020	2010/2011	2011/2012
Number	2	1	4	0	0	0	1	1	0	0
Paid	£0	£0	£255	£0	£0	£0	£0	£0	£0	£0
Outstanding	£25,000	£0	£0	£0	£0	£0	£0	£0	£0	£0
<b>Total Paid + Outstanding</b>	<b>£25,000</b>	<b>£0</b>	<b>£255</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>

<b>Children &amp; Young People's Services</b>										
	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2020	2010/2011	2011/2012
Number	49	35	34	27	42	25	36	13	17	4
Paid	£97,319	£86,278	£79,914	£118,959	£106,504	£89,022	£90,832	£16,493	£10,274	£0
Outstanding	£0	£0	£41,500	£0	£15,000	£9,265	£55,560	£85,790	£250,917	£15,600
<b>Total Paid + Outstanding</b>	<b>£97,319</b>	<b>£86,278</b>	<b>£121,414</b>	<b>£118,959</b>	<b>£121,504</b>	<b>£98,287</b>	<b>£146,392</b>	<b>£102,283</b>	<b>£261,191</b>	<b>£15,600</b>

<b>Finance &amp; Central Services</b>										
	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2020	2010/2011	2011/2012
Number	2	4	2	1	2	5	3	2	0	0
Paid	£575	£35	£124	£9,486	£0	£55	£536	£0	£0	£0
Outstanding	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0
<b>Total Paid + Outstanding</b>	<b>£575</b>	<b>£35</b>	<b>£124</b>	<b>£9,486</b>	<b>£0</b>	<b>£55</b>	<b>£536</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>

<b>Health &amp; Adult Services</b>										
	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2020	2010/2011	2011/2012
Number	10	5	14	5	5	2	2	1	3	0
Paid	£305	£603	£5,489	£6,300	£0	£599	£19,250	£0	£0	£0
Outstanding	£0	£0	£0	£0	£0	£0	£0	£0	£110,000	£0
<b>Total Paid + Outstanding</b>	<b>£305</b>	<b>£603</b>	<b>£5,489</b>	<b>£6,300</b>	<b>£0</b>	<b>£599</b>	<b>£19,250</b>	<b>£0</b>	<b>£110,000</b>	<b>£0</b>

## Appendix E

## BES CLOSED CLAIMS EXPERIENCE AS AT 31st MARCH 2012

Insurance Year	2002/2003		2003/2004		2004/2005		2005/2006		2006/2007	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Number of closed Claims	355	100.0%	325	100.0%	281	100.0%	311	99.7%	329	98.2%
Number of closed claims settled at Nil	257	72.4%	241	74.2%	207	73.7%	248	79.7%	256	77.8%
Conceded	N/A	N/A	56	17.2%	40	14.2%	40	12.8%	57	17.3%
Lost	N/A	N/A	10	3.1%	19	6.8%	8	2.6%	7	2.1%
Withdrawn	N/A	N/A	34	10.5%	61	21.7%	126	40.5%	89	27.1%
Won	N/A	N/A	225	69.2%	161	57.3%	133	42.8%	174	52.9%
To Be Advised	N/A	N/A	0	0.0%	0	0.0%	4	1.3%	2	0.6%

Insurance Year	2007/2008		2008/2009		2009/2010		2010/2011		2011/2012	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Number of closed Claims	342	98.0%	375	95.2%	516	95.0%	438	74.9%	2	1.5%
Number of closed claims settled at Nil	295	86.3%	312	83.2%	457	88.6%	395	90.2%	1	50.0%
Conceded	35	10.2%	49	13.1%	44	8.5%	39	8.9%	1	50.0%
Lost	3	0.9%	10	2.7%	4	0.8%	0	0.0%	0	0.0%
Withdrawn	142	41.5%	196	52.3%	361	70.0%	282	64.4%	0	0.0%
Won	160	46.8%	116	30.9%	104	20.1%	115	26.2%	1	50.0%
To Be Advised	2	0.6%	4	1.0%	3	0.6%	2	0.5%	0	0.0%

**Tender 2011 Insurance Premium Comparison**

<b>Policy</b>	<b>Annual Premium 2010/2011 (excl 5% IPT)</b>	<b>Annual Premium 2011/2012 (excl 6% IPT)</b>	<b>Percentage Change</b>	<b>Comment</b>
<b>Liability</b>				
Liability Primary Layer	£208,544.10	£223,849.91		Wageroll has decreased from £399,845,700 to £368,211,700 i.e. -7.91%. Insurers are now prepared to insure the whole £50 million sum insured therefore the excess layers are no longer necessary. A discount of 7.5% has been negotiated for a five year Long Term Agreement along with a 5% for a package discount with Motor. The overall premium has therefore decreased by 2.13%. This has happened even though there have been severe winters which affected the Liability claims experience.
Hirers Liability	£3,295.31	£3,295.31		
XS Layer EL (£25m/£25m)	£8,750.00	£0.00		
XS Layer PL (£25m/£25m)	£11,500.00	£0.00		
<b>Liability Total</b>	<b>£232,089.41</b>	<b>£227,145.22</b>	<b>-2.13%</b>	
<b>Motor</b>				
Motor	£37,489.23	£38,243.20		The rate per vehicle has decreased from £83 to £80, however, the number of vehicles has increased from 514 to 544 i.e. 5.8%. A discount of 7.5% has been negotiated for a five year Long Term Agreement along with a 5% for a package discount with Liability producing a small increase of 2.01% in the overall premium.
<b>Motor Total</b>	<b>£37,489.23</b>	<b>£38,243.20</b>	<b>2.01%</b>	
<b>Property</b>				
Material Damage	£577,630.61	£549,514.61	-4.87%	The sum insured has decreased from £2,426,821,284 to £2,167,935,908 i.e. -10.7%. However, due to over 100 burst pipe claims in the winter of 2010/2011 the claims experience has deteriorated. This has produced an overall reduction in premium of 4.87% for Material Damage.
Additional Expenses	£37,513.13	£42,643.13	13.68%	
Work In Progress	£54,734.56	£45,968.32	-16.02%	The sum insured has decreased from £74,363,800 to £68,884,000 i.e.-7.4%, therefore the reduction does appear to be a genuine saving
Money	£7,638.54	£11,180.12	46.36%	Wageroll has decreased from £399,845,700 to £368,211,700 i.e. -7.91%, therefore this is a large increase in percentage.
Foster Carers	£1,517.63	£1,397.07	-7.94%	The number of Foster Carers has reduced from 313 to 302 i.e. -3.5%, therefore this does appear to be a genuine saving
Fidelity Guarantee	£25,461.82	£30,842.27	21.13%	Wageroll has decreased from £399,845,700 to £368,211,700 i.e. -7.91%, therefore this is a large increase in percentage.
Computer	£11,783.82	£11,194.62	-5.00%	The sum insured has reduced from 4,650,438 to 4,637,808 i.e. -0.3%, therefore this does seem to be a genuine saving
Contractors Plant	£531.00	£363.95	-31.46%	The sum insured has stayed the same and therefore this does seem to be a genuine saving
<b>Property Total</b>	<b>£716,811.11</b>	<b>£693,104.09</b>	<b>-3.31%</b>	Following further negotiations we reduced the price by 5% for a 5 year Long Term Agreement and a package discount with Engineering

APPENDIX F

**Tender 2011 Insurance Premium Comparison**

<b>Policy</b>	<b>Annual Premium 2010/2011 (excl 5% IPT)</b>	<b>Annual Premium 2011/2012 (excl 6% IPT)</b>	<b>Percentage Change</b>	<b>Comment</b>
<b>Personal Accident/Assault</b>				
Personal Accident/Assault	£12,751.89			Wageroll has decreased from £399,845,700 to £368,211,700 i.e. -7.91% and number of FTE from 15,105 to 13,817 i.e. -8.5%
Travel	£2,183.51			
<b>Personal Accident / Assault and Travel Sub-Total</b>	<b>£14,935.40</b>	<b>£14,200.88</b>	<b>-4.92%</b>	
<b>*School Journey and Personal Accident</b>				
School Journey	£13,366.14			We believe that this figure has increased due to the high number of claims submitted by schools in respect of school journeys and in particular the high number of claims caused by the ash cloud.
Personal Accident	£5,624.03			
<b>School Journey and Personal Accident Sub- Total</b>	<b>£18,990.17</b>	<b>£44,621.41</b>	<b>134.97%</b>	
<b>Personal Accident / Assault &amp; Travel, School Journey and Personal Accident Grand Total</b>	<b>£33,925.57</b>	<b>£58,822.29</b>	<b>73.39%</b>	
<b>Engineering</b>				
<b>Engineering</b>	<b>£105,067.97</b>	<b>£93,704.39</b>	<b>-10.82%</b>	Until final figures are in it is difficult to estimate, we believe that the number of inspections have remained level and therefore this is a genuine reduction by insurers. Following further negotiations we reduced the price by 5% for a 5 year Long Term Agreement and a package discount with Property
<b>GRAND TOTAL</b>				
<b>GRAND TOTAL</b>	<b>£1,125,383.29</b>	<b>£1,111,019.19</b>	<b>-1.28%</b>	
<b>Aggregate Limits</b>				
<b>Liability Aggregate</b>	<b>£2,032,738.00</b>	<b>£2,184,000.00</b>	<b>7.44%</b>	Original tendered limits for Liability were proposed at £2,457,000 and Cross Class Aggregate at £2,619,000. Negotiations therefore reduced the aggregates by the following: Liability £273,000 (-11.1%) and Cross Class Aggregate by £291,000 (-11.1%). The previous Motor Aggregate was considered too high and so even though a reduced Motor Aggregate of £207,000 was offered we managed to negotiate this down further by 11.1%.
<b>Motor Aggregate</b>	<b>£394,700.00</b>	<b>£184,000.00</b>	<b>-53.38%</b>	
<b>Cross Class Aggregate</b>	<b>£2,269,558.00</b>	<b>£2,328,000.00</b>	<b>2.58%</b>	

\* Paid by Schools as part of the Traded Service

Note: There are other smaller insurances not included in the tender such as Medical Malpractice, Non-Owned Aviation Contractors Top Up and Legal Expenses