

Members' Briefing

REVENUE & CUSTOMS GROUP

To: **All Members**

cc: **Branch Secretaries, Group Executive Committee, Equality Chairs, VOAC** (for info)

Can this Briefing be circulated via HMRC IT systems: **YES** Website: **YES**

Action to be taken: **For the attention of all members**

Date: **10 MARCH 2022**

Ref: **R&C/MB/015/22**

HMRC Responds to PCS Union Inspection Notice

- *HMRC Chief Executive responds to formal safety notice*
- *PCS express concerns over consultation and risk assessment*

Union Inspection Notice (UIN)

PCS served a Union Inspection Notice on Jim Harra, HMRC Chief Executive, on 22nd February outlining our concerns with the consultation and engagement process around risk assessments in relation to returns to the office. The UIN is a tool available to unions to formally lodge concerns where there are believed to be failures in following health and safety legislation, with PCS specifically quoting six areas of legislation and requiring HMRC to resolve the concerns PCS has identified and escalated.

Health and Safety Concerns

Jim Harra has formally responded to the PCS Union Inspection Notice and has made three commitments: to consult with PCS on matters affecting health and safety, to review and revise risk assessments as required with input from PCS, and to share COVID-19 risk assessments and guidance. PCS will continue to further discuss these concerns with HMRC and to act in the best interests of members' safety. The full response from HMRC to PCS' Union Inspection Notice can be found on pages 2 and 3 of this briefing.

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If you've read this briefing and you aren't yet a member of PCS, then [join today](#).

Get involved!

Remember, HMRC applies restrictions on the content of union circulars distributed using the department's email system, so make sure that you stay in touch with your union. You can find your membership number in your latest email digest from PCS.

If you haven't already done so, let PCS have your personal/non-work email address and your mobile phone number. We'll only use it to keep you informed about PCS matters. You can update your details securely online by registering for [PCS Digital](#) or by contacting your local PCS rep, and asking them to enter your details securely on the PCS Organising App.

Adam Smith

Assistant Group Secretary

If you require this publication in any other format such as Braille or large print please contact the Group Office at RCGroup@pcs.org.uk or call 0151 298 3900

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By email only.

1 March 2022

Dear Adam,

Health & Safety (H&S) - PCS Union Inspection Notice (UIN) - RCHS122

Thank you for your email dated 22 February, including the UIN in which you set out PCS concerns around consultation on H&S matters.

As you know, throughout the pandemic I've been clear that the safety of colleagues has been our top priority. We've continued to deliver on that by ensuring our workplaces were 'covid secure' and by facilitating working from home wherever possible. Those arrangements have been reflected in our H&S risk assessments, Helpcards and Working Safely Together Guides, which have been consulted on with you and other Trade Union colleagues, both nationally and, in terms of the risk assessments, locally too. The consultation includes existing H&S governance and at other forums, including:

- The quarterly national HMRC H&S Committee (the JCC) chaired by the Director HR Strategy Inclusion and Employee Deal, and its sub-groups (the Joint Working Group (JWG) and Mental Wellbeing Group);
- Fortnightly COVID-19 JWG;
- The Estates H&S Committees, and other ad hoc engagement; and
- A network of Regional and Local H&S Committees, held quarterly.

The UIN refers to '**...Repeated instances where consultation and engagement is not occurring...**'. You'll be aware that since June 2020 Government Guidance has required employers to assess and control the risks from COVID-19. The guidance has been subject to a number of changes since then, sometimes at short notice from their expected implementation. The HMRC workplace COVID-19 H&S Risk Assessment template has been regularly updated to reflect the guidance changes, and each iteration of the Risk Assessment (currently at Version 10) has been shared and discussed with DTUs H&S Leads for consultation purposes. The assessments have subsequently been consulted on at each of our locations with Local TU safety representatives (LTUs).

The UIN refers to guidance to Building Managers, which stated '**...that there was to be no LTUS consultation (on risk assessments) at that time...**'. That reflects the position where the draft Risk Assessment V. 10 was shared with Building Managers in January 2022, to give them early notice of the more significant changes we anticipated being able to make in our buildings in readiness for Hybrid Working from the end of February. The assessment had been shared with DTUs at that point, and the guidance went on to confirm that LTUs should be consulted once the Building Managers had reviewed the assessment for their location.

The UIN also states that the ***'Risk assessment(s) are not being amended to include risks identified by LTUS (and) ... no clear indication within the risk assessment process ... for those who may be especially at risk'***. Notwithstanding the assessment and control of H&S is a legal requirement on the employer, the knowledge and input of LTUs is an important part of our H&S risk control and review. Whilst the issues, risks or controls identified or suggested by LTUs have been considered, they have not always been practicable to implement. However, for example, your proposal that Face Coverings should be worn in all our locations, (notwithstanding it was not a legal requirement in England) was factored in as an additional control for all our workplaces from Summer 2021.

There has been a range of support for employees who were previously described as Clinically Extremely Vulnerable (or Vulnerable) to COVID-19. That includes advice from Occupational Health and our Employee Assistance Programme. As we move towards Hybrid Working, we know that some colleagues may need additional flexibility and support and the manager's toolkit outlines the flexibility to put in place a Supported Return Plan which might run beyond 28 February.

The third concern in the UIN states that ***'HMRC are not providing comprehensible and relevant information on the risks to H&S (and) while a risk assessment template may be reviewed locally, this information is not being provided, only made accessible'***. Our Risk Assessment and controls are aligned with government guidance, and each time they (and the Working Safely Together Guides for each building) are updated, they are shared with employees and published on the Intranet.

The UIN includes a ***'Request for Remedy of the said contraventions'*** in three parts:

- ***A commitment to consistently consult and engage "in good time", and to proactively provide related information, around any measure which could have a potential impact on health, safety, or wellbeing: HMRC will continue to consult with TU on matters affecting the H&S of employees, including through existing governance arrangements and those established during the pandemic.***
- ***All COVID-19 risk assessments to include risks identified by LTUS and adequate measures identified for mitigation in the best interests of health, safety, and wellbeing: Consultation with and input from TU Safety Representatives is a necessary and valuable part of HMRC H&S arrangements, including on our Risk Assessments. We will continue to monitor, review, and refine those assessments and control measures with you and TU colleagues.***
- ***Risk assessments to be actively distributed to ensure awareness of the risks and control measures: The location COVID-19 Risk Assessments and Working Safely Together Guides will continue to be shared with Safety Representatives and employees.***

I hope this helps to reassure you, and your PCS colleagues and Members, that H&S remains a top priority for HMRC as we emerge from the pandemic. As part of addressing any further specific issues or concerns around H&S and risk assessments please continue to raise those with Toni Court, Director HR SIED and Chair of the H&S Joint Consultative Committee.

Yours sincerely,



JIM HARRA
CHIEF EXECUTIVE & FIRST PERMANENT SECRETARY