

# HEALTH & SAFETY SERVICE PLAN 2011/12

Environmental Health and Trading Standards

Planning and Economic Development

Health and safety made simple



WEST LoTHIAN COUNCIL DELIVERS



West Lothian  
Council

## Overview:

Section 18 of the Health and Safety at Work etc Act 1974 places a duty on the Health and Safety Executive (HSE) and Local Authorities (LAs), as Enforcing Authorities, to make adequate arrangements for enforcement. The Section 18 Standard sets out the arrangements that LAs and HSE's Field Operation Directorate should put in place to meet this duty.

The S18 Standard requires every Enforcing Authority (EA) to:

- make a commitment to improving health and safety outcomes;
- set out its priorities and plan of interventions for the current year; and
- target their interventions to maximise their impact.

## Basic Requirements

To meet these requirements of the S18 Standard Enforcing Authorities should:

Make a formal corporate commitment to improving health and safety outcomes, and prepare a written intervention plan agreed by senior management, which references:

- the overall aim and priorities;
- a range of risk-based interventions targeted upon:
  - improving health and safety outcomes,
  - securing action by relevant duty holders,
  - those that can influence risk reduction,
  - serious risks or least well controlled hazards,
  - those that seek economic advantage from non-compliance,
  - national guidance on interventions and priority programmes,
  - local, regional and national programmes,
- how it is intend to deliver the intervention plan;
- performance against the previous year's interventions plan.

The intervention plan should be:

- an annual plan or a two or more year rolling plan that is reviewed annually;
- a stand alone document or part of a broader plan of services if it clearly identifies the H & S priorities and plan of interventions; and
- available for use by managers and practitioners.

In addition to these essential areas, the Health & Safety team of West Lothian Council's Environmental Health & Trading Standards service is also involved in duties out with the scope of health and safety legislation. These duties include licensing and enforcement of the smoking ban.

## **Commitment, priorities and planned interventions**

### **Commitment**

Our commitment is to protect and enhance the health, safety and welfare of people living and working in West Lothian by ensuring risks in the changing workplace are properly controlled.

### **Priorities and planning**

Our aim is to work with businesses, the Health and Safety Executive (HSE) and other stakeholders, to try to reduce injury rates and work-related ill health and to continue improving the working environment. We support the Health and Safety Executive's (draft) strategy, which identifies goals in the following key areas:

- the need for strong leadership;
- building competence;
- involving the workforce;
- creating healthier, safer workplaces;
- customising support for small and medium enterprises (SMEs);
- avoiding catastrophe; and
- taking a wider perspective.

To contribute to these goals our role is as follows:

- To inspect business premises within West Lothian, in accordance with recognised inspection frequencies in order to secure a safe and healthy workplace environment in accordance with relevant legislation, approved codes of practice, EC directives and other initiatives;
- To investigate accidents, work-related diseases and dangerous occurrences reported to the service, as required by the local accident investigation criteria, taking enforcement action where necessary and giving advice as appropriate;
- To react to public and business complaints and enquiries in relation to health, safety and welfare within West Lothian workplaces;
- To provide health, safety and welfare advice and guidance and to ensure compliance of new business and businesses transferred to new owners;
- To ensure activities that are necessary to support, compliment and develop the work of the health and safety section are carried out; and
- To prepare relevant reports, statistical, and other relevant information to local businesses and other service units within West Lothian Council, Central Government, professional bodies and any other interested parties as appropriate.

## **Targeting Interventions**

We will target our interventions:

- to maximise their impact in improving health and safety outcomes;
- on securing action by duty holders to manage and control the health and safety risks of their work activities;
- on the duty holders who are best placed to control the risks whether they be employers or others;
- on other organisations and stakeholders that can influence risk reduction;
- on activities that give rise to serious risks or where the hazards are least well controlled;
- to stop those that seek economic advantage from non-compliance (e.g. rogue traders);
- in accordance with national guidance on interventions and priority programmes; and
- in accordance with local, regional and national programmes.

## **Capacity and management**

### **Capacity**

West Lothian is a mixed rural and urban authority covering a geographical area of 42,504 Ha with a population of approximately 172,080. The Environmental Health service is located in County Buildings, Linlithgow. There are approximately 2459 premises for which the authority has enforcement responsibility, ranging from offices and shops to national distribution warehouses.

The Health and Safety team is part of Environmental Health and Trading Standards service, which is part of Planning and Economic Development and reports to the Environment Policy Development and Scrutiny Panel.

The health and safety team services are available from 8:30am to 5:00pm, Monday to Thursday and 8:30am to 4:00pm, Friday. Routine work out with office hours is carried out where necessary.

### **Staff**

Health and Safety activities are delivered by the Commercial Team led by a Team Leader (Senior EHO). The whole team comprises eight staff. Inspections covering multiple pieces of legislation are carried out where appropriate in order to ensure efficient working.

There are currently 2459 premises registered on the service unit's computer system, categorised as follows:

Retailing	781
Wholesale/ warehouse	136
Offices	481
Catering	500
Hotels, campsites, etc	27
Residential care homes	44
Leisure and cultural	129
Consumer services	303
Others	58

The current profile of workplaces in West Lothian (rated at 7<sup>th</sup> April 2011) is as follows:

Risk Category	Total number in category	Required inspection frequency	Planned inspections for 2011/2012
A	4	12 months	4
B1	56	24 months	6
B2	552	60 months/ Other intervention strategy	172
C	1718	Other intervention strategy	123
No Category	129	-	129
Total	2459	-	434

During 2010/11 a total of 409 inspections were carried out (target 538) to premises on the database at the beginning of the work year. In addition 107 inspections were carried out on new premises identified during the work year. It is planned to carry out 311 routine inspections and 123 alternative interventions this year.

### **Management Infrastructure**

The team is currently developing its operational procedures in line with national standards and guidance. The team has a formal meeting on a monthly basis where workload, enforcement issues and performance are discussed. The council has IIP accreditation and regular performance and development interviews take place.

### **Performance Management**

There are currently no statutory performance indicators for the Health & Safety team's work, however performance against internal targets is monitored through the council's Covalent system. In addition, the attached workplan and partnership activities are monitored on a monthly basis.

Standards of service are published locally in a free leaflet, on the back of all headed paper and on the council's website.

### **Information Systems**

Premises records are held on the Authority Public Protection (APP) computer system, which is used to manage the inspection programme and record details of inspections,

accidents, complaints and enquiries. The database is regularly reviewed and updated to facilitate the planning of inspection programmes and production of management reports. Copies of correspondence, reports, etc are stored and attached electronically to the premises details held on the computer system. Only enforcement notices are currently stored in hard copy.

Progress towards local, regional and national outcomes is monitored on a monthly basis using the reporting functions of the computer system. Statutory returns are made using data from the APP computer system.

## **Maintain a competent inspectorate**

### **Regulators Development Needs Analysis Tool (RDNA)**

The management of West Lothian EH&TS service have adopted the RDNA process for the Health & Safety team. The process is incorporated in the PRPDP scheme, which is already in place. In due course the RDNA process will be rolled out to all officers likely to be involved in health and safety duties.

All health and safety inspectors are authorised to carry out the tasks that their individual qualifications and experience allow. Their deployment is in full accordance with the requirements of “Local Authority Circular 22/18 – the appointment of Local Authority Inspectors to enforce the Health and Safety at Work etc Act 1974” issued by HELA (Health and Safety Executive and Local Authority Joint Coordinating Committee).

## **Enforcement**

### **Enforcement Policy**

Health and Safety enforcement is carried out in line with the EH&TS Enforcement Policy. The policy is based on the principles of:

- TARGETING the higher risk businesses;
- CONSISTENCY of approach;
- PROPORTIONALITY of enforcement action;
- TRANSPARENCY in dealing with employers and the public; and
- ACCOUNTABILITY to the council and the public.

### **Enforcement decisions**

Enforcement decisions are taken in accordance with the service' enforcement policy. Arrangements are in place to monitor and review decisions that have departed from normal procedure. The appropriate enforcement models (e.g. Enforcement Management Model) are applied consistently to enforcement decisions and officers follow relevant guidance and direction where appropriate before taking enforcement action.

### **Complaints**

There is a council wide complaints procedure called “Points of View” and staff are required to help customers access the procedure where they are unhappy with the

service they have received. The leaflets are available at any council office, by post or via the Internet.

Where a customer does not wish to make a formal complaint, the EH&TS service operates an informal complaints system, which is reviewed monthly by the management team.

## **Partnership**

### **Work in partnership**

As part of West Lothian Council, the Health & Safety team is committed to working in partnership with other regulators and its stakeholders.

The team will take part in appropriate joint working with other local authorities and the HSE through membership of Lothian and Scottish Borders Health & Safety Liaison Group and representation at the Health And Safety Co-ordinating Group (HASCOG).

### **Governance**

West Lothian Council is represented at the Lothian and Scottish Borders Health & Safety Liaison Group and subsequently at HASCOG. A monthly work progress report is submitted to the Environmental Health & Trading Standards Manager and any significant issues are raised to the council's Corporate Management Team. The Service Plan, and other relevant matters, are reported to the Environment Policy Development and Scrutiny Panel (PDSP).

## **Sensible Risk Management**

West Lothian Council, through its Health and Safety team, will promote the principles of sensible risk management including:

- ensuring that workers and citizens are properly protected;
- providing overall benefit to society by balancing benefits and risks, with a focus on controlling real risks – both those which arise more often and those with serious consequences;
- enabling innovation and learning not stifling them;
- ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action; and
- enabling individuals to understand that as well as the right to protection, they also have to exercise personal responsibility.

## Promotion of Health and Safety

West Lothian Council, through its Health and Safety Team, will promote workplace safety and standards by the following means:

- By giving free advice, including appropriate information and guidance leaflets, to employers during enforcement visits;
- By maintaining stocks of externally sourced information and guidance leaflets on all aspects of workplace safety that will be available to all businesses and employees on request;
- By supporting business through the provision of training and other initiatives; and
- By joining in promotional activities organised by HSE and the Lothian and Scottish Borders Health and Safety Liaison Group.

## Intervention Plan

Our key delivery **priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses;
- Investigating major injury incidents and fatalities;
- Delivery of Local Priorities;

**FIRST** – Emergencies, investigation of serious accidents and complaints and other essential reactive and proactive work.

**SECOND** – Carry out planned inspections of category A premises on time and category B1 & B2 premises (as per Appendix 3) within the financial year. Inspect new premises (uncategorised) and fulfil our commitment to National Priorities as per Appendix 1.

**THIRD** – All other work, including the use of other interventions in relation to category C premises, as per Appendices 1&2.

- Delivery of National Priorities, as per appendix 1;
- Working in Partnership;
  - With our colleagues within West Lothian Council;
  - With the HSE and or neighbouring local authorities;
  - With Lothian & Borders Police; and
  - Business and other stakeholders.
- To ensure enforcement decisions are consistent with our Enforcement Policy, the HSE's Enforcement Policy Statement and the Enforcement Management Model;
- Train and develop our staff to ensure competence; and
- To work with local partners towards making our communities safer and healthier.

## **Future Issues**

The Government has outlined a reduction in regulation agenda. This has led our main partner, the HSE, to target a reduction of one third of its inspection activities. It is also planned that by April 2012, the HSE will introduce full cost recovery for enforcement activities in premises where there is a major non-compliance. It is anticipated that local authorities will be encouraged to follow this lead. A consultation on this is anticipated in July 2011. Different dynamics exist between national regulators (the HSE) and the major premises they are responsible for, and local regulators and their customers. It also remains unclear what will be declared a major non-compliance.

If local authorities follow the HSE lead, it may result in:

- Reducing the burden for low hazard workplaces;
- Charging non-compliant businesses for officer time;
- Amending the regulations on accident reporting; and
- Different arrangements for multi-site businesses.

The consultation is therefore awaited with interest.

## **Appendices**

### **Appendix 1 – Health and Safety Workplan 2011/2012:**

Lists and details the activities, including National Priorities, to be carried out, measures of success and outcomes, responsible officers and time allocated.

### **Appendix 2 – Programmed Inspections 2011 – 2012:**

Outlines the number and category of premises due for inspection each month, as scored using LAC 67/2 (rev3) and held within the EH&TS computer system.

### **Appendix 3– Team Activities – Health & Safety:**

Summarises the team's activities over the last three years, giving a comparison of measured statistical performance.

### **Appendix 4 – EH&TS Staffing Structure:**

Current service structure.

## Health &amp; Safety Workplan - Planned Activity Outline

Planned Activity	Project / Activity Outline	Measures of Success/Performance Indicator	Responsible Officer/ FTE
Inspections	<p>Inspection of all Category A premises by the due date</p> <p>Inspection or alternative interventions carried out at all other due premises during the year</p> <p>Includes National Priorities – respiratory disease, asthma in bakeries, dermatitis in catering and sunbeds.</p>	<p>100 % of Category A premises inspected by due date</p> <p>Other premises due during the year inspected or visited as part of other interventions during the year. Inspections will be targeted in priority of inspection rating and nature of premises as outlined in the intervention policy for health and safety inspections. Performance will be reported on a monthly basis as % of inspection programme complete. Enforcement action instituted in cases of poor compliance and/or poor cooperation.</p>	IRM/FS/ PB/ND/Food Team
Violence at Work in Betting Offices	National & Local Priority with HSE, SHWL & SBCC	Improved awareness amongst employers and staff	IRM/FS
Noise in entertainment premises	Assessment of noise at work assessments in a maximum of six high risk licensed or entertainment premises	<p>A maximum of six premises visited and assessed.</p> <p>Assessments found to be adequate or agreement by duty holder to carry out further agreed work.</p> <p>Enforcement action instituted in cases of poor compliance and/or poor cooperation.</p>	IRM/ND
Licensing	<p>Assessing applications and issuing licences.</p> <p>Assessing application consultations providing comments as appropriate.</p> <p>Introducing procedures and standard conditions.</p>	<p>Licenses issued timeously</p> <p>Consultations responded to within 15 days</p> <p>Procedures and standard conditions in place</p>	IRM/FS/PHP team/Dog Wardens

	Taking Enforcement action where appropriate		
Outdoor pop concert	Co-ordinate EH&TS input into event. Ensure compliance with H&S legislation.	Successful event held without significant incident.	IRM/BC/Food Team
Sunbeds	Identify premises with sunbeds. Ensure compliance with H&S and Public Health legislation	Improved premises database. All known premises visited and compliant/working towards compliance.	
Beauty/Health Treatments	Identify premises and ensure compliance with relevant legislation and guidance	Improved premises database. All known premises visited and compliant/working towards compliance.	
MSDs	Raised with duty holder during routine inspections and accident or complaint investigation	Enforcement action instituted in cases of poor compliance and/or poor cooperation.	H&S & Food inspectors
Stress	Raised with duty holder during routine inspections and accident or complaint investigation	Enforcement action instituted in cases of poor compliance and/or poor cooperation.	H&S & Food inspectors
Slips & Trips	Raised with duty holder during routine inspections and accident or complaint investigation	Enforcement action instituted in cases of poor compliance and/or poor cooperation.	H&S & Food inspectors
Workplace Transport	Raised with duty holder during routine inspections and accident or complaint investigation	Enforcement action instituted in cases of poor compliance and/or poor cooperation.	H&S & Food inspectors
Asbestos – DTM	During routine inspections, where appropriate, duty to manage will be raised with duty holders.	Enforcement action instituted in cases of poor compliance and/or poor cooperation.	H&S & Food inspectors

Gas Safety	Raised with duty holder during routine inspections and accident or complaint investigation	Enforcement action instituted in cases of poor compliance and/or poor cooperation.	
Smoking Ban	Provision of signage and observance of ban checked during routine inspections and other visits carried out by all EH&TS staff.	Full compliance with smoking ban requirements.  Enforcement action instituted in cases of poor compliance and/or poor cooperation.	All EH officers

## PROGRAMMED INSPECTIONS 2011-2012

## HEALTH &amp; SAFETY

CAT	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	TOTAL
A	-	-	-	-	-	1	-	1	1	-	1	-	4
B1	-	1	-	1	1	3	-	-	-	-	-	-	6
B2	17	18	13	20	9	12	12	20	16	9	4	22	172
C	12	9	19	11	12	20	10	5	8	7	4	6	123
UNRATED	20	16	42	17	12	9	1	3	2	2	1	4	129
<b>TOTAL</b>	<b>49</b>	<b>44</b>	<b>74</b>	<b>49</b>	<b>34</b>	<b>45</b>	<b>23</b>	<b>29</b>	<b>27</b>	<b>18</b>	<b>10</b>	<b>32</b>	<b>434</b>



### Appendix 3

#### Team Activities - Health & Safety

Activity	2008/2009		2009/20010		20010/2011	
H&S inspections	510		447		516	
Revisits	39		42		85	
Accidents	194		149		140	
Smoking Ban inspections*	1415		855		374	
Number of premises	2377		2375		2455	
H&S inspection performance indicators	Category	% on time	Category	% on time	Category	% on time
	A	100%	A	100%	A	100%
	B1	96%	B1	100%	B1	100%
	B2	100%	B2	89.9%	B2	87%
Number of H&S complaints	96		115		91	
Number of smoking complaints	31		13		9	
% Complaints responded to in 2 days	86%		86%		90%	
Number of H&S notices	6		26			
Smoking Fixed Penalty Notices	5		0		0	
Reports to the fiscal	0		0		1	
Staffing	6		6		6	

\* carried out as part of other routine inspection where possible



Appendix 4

**Environmental Health & Trading Standards Staffing Structure**

