

Malvern Hills District Council

Customer and Environmental Services

Occupational Health and Safety Enforcement
Service Plan 2010/2011.

April 2010

MALVERN HILLS DISTRICT COUNCIL

OCCUPATIONAL HEALTH & SAFETY ENFORCEMENT SERVICE PLAN 2010/11

1. Introduction

- 1.1 This service plan details the Occupational Health and Safety Enforcement functions carried out by the Commercial Team of Customer and Environmental Services.
- 1.2 The Council has produced this Occupational Health and Safety Service Plan to comply with guidance issued by the Health and Safety Commission and the Health and Safety at Work Etc Act 1974 (the Act)., and to show the substantial amount of work which the Commercial Team carry out in relation to occupational health and safety enforcement.
- 1.3 In April 2008 the HSE published a new section 18 standard prescribing mandatory elements, which must be included within this type of plan. A key change in the new standard was for Enforcing Authorities to promote sensible risk management and work in partnership with other enforcing authorities, regulators and stakeholders. Malvern Hills District Council is fully committed to partnership working.
- 1.4 To help enforcing authorities (EAs) comply with their duty a number of toolkits have now been developed to act as basic checklists and provide further links to additional supporting information.
- 1.5 Authorities must work towards full compliance by 2011.
- 1.6 Other section 18 key matters are:
 - Commitment, priorities and planned interventions;
 - Capacity and management
 - Maintaining and improving officer competency
 - Enforcement taking into account proportionality, accountability, consistency transparency and targeting
- 1.7 The guidance requires that the plan is submitted to the relevant member forum for approval to ensure transparency and accountability and to make clear the arrangements for contributing to current HSE priorities.
- 1.8 This Service Plan is a comprehensive document covering all occupational health and safety law enforcement functions that are the responsibility of Malvern Hills District Council and has been produced in accordance with the requirements outlined within the Health and Safety Commission (HSC) Section 18 Guidance to Local Authorities.
- 1.9 The HSC has set out its agenda to make occupational health and safety law enforcement more effective and undertaken in a more effective, comprehensive and collaborative way. This plan sets out the means by which the Council will seek to achieve these objectives.
- 1.10 The Council is designated as an Enforcing Authority under the Health and Safety (Enforcing Authority) Regulations 1998 and is responsible for the enforcement of the Health and Safety at Work Etc Act 1974 activities which fall to the Local Authority Sector within the District.

2 Service Aims and Objective

2.1 The aims of the Occupational Health and Safety Service are to promote and maintain good standards of occupational health, safety and welfare within the workplace environment and prevent ill-health and injury arising out of or from work activities carried out in the Malvern Hills District Council area and for which Malvern Hills District Council has enforcement responsibility.

2.2 These aims will be achieved through key objectives

- To maintain an accurate database of all health and safety businesses and activities in the district and any relevant registers.
- To comply fully with the Section 18 guidance by 2011, using the toolkits, and working with partners through the liaison group
- To carry out from time to time specific project work concentrating on areas such as slips and trips, falls, disease reduction (sun beds), moving goods safely, noise reduction, LPG inspection campaign, work related violence and aggression, ladder exchange, care home initiatives and asbestos, which will be coordinated across the county and region with HSE and LA officers working in partnership and together.
- To carry out inspections of workplaces in accordance with guidance published by the Health and Safety Executive and Local Authorities Enforcement Liaison Committee (HELA) LAC 67/2 and the Health and Safety (Enforcing Authority) Regulations 1998 and with specific reference to selected initiatives that contribute towards the HSC's Strategy for workplace Health and Safety in Great Britain to 2010 and Beyond and any other plans which they may publish.
- To investigate complaints concerning the condition of workplaces and work practices to identify potential causes of ill-health or injury and take appropriate action to reduce the risk of illness or injury arising.
- To take appropriate enforcement action proportional to the risks involved and in accordance with the Councils Occupational Health and Safety Enforcement Policy.
- To respond to reported accidents, diseases and dangerous occurrences in line with the national 'incident selection criteria' and ensure remedial action is taken where necessary and appropriate.
- To provide advice and information to businesses, employees and the public in order to assist in occupational health and safety matters.
- To provide and or enable training in occupational health and safety.
- To sample articles and substances where necessary to determine their safety.

- To ensure all staff involved in health and safety are properly qualified and competent and have adequate equipment and other resources to enable them to undertake their work.
- To respond to consultations from local, national and regional groups including centralised agencies such as Health and Safety Commission (HSC), Health and Safety Executive (HSE), Health and Safety Executive and Local Authorities Enforcement Liaison Committee (HELA) and Local Authorities Coordinators of Regulatory Services (LACORS)
- To issue licences, registrations, approvals and consents for certain activities
- To monitor compliance with the Smokefree legislation whilst carrying out health and safety inspections or investigations
- To work with the County Health and Safety Liaison Group and the HSE to ensure consist and effective health and safety is achieved across Herefordshire and Worcestershire
- To cooperate with the voluntary Lead Authority Partnership Scheme (LAPS) and the Primary Authority Scheme

3.0 Background

3.1 Profile of Malvern Hills District Council

3.2 The District has a population of approximately 72,000, of which 0.6% are from black and ethnic minority communities, and an area of 57,710 hectares located in the southern part of the County of Worcestershire. There are 31,294 households and the main towns are Malvern, Tenbury Wells and Upton upon Severn

3.3 The economy is primarily made up of agricultural activities, small enterprises, offices, retailing and tourism with some larger manufacturers and business parks. Unemployment in the district is well below the national average, (1.6%).

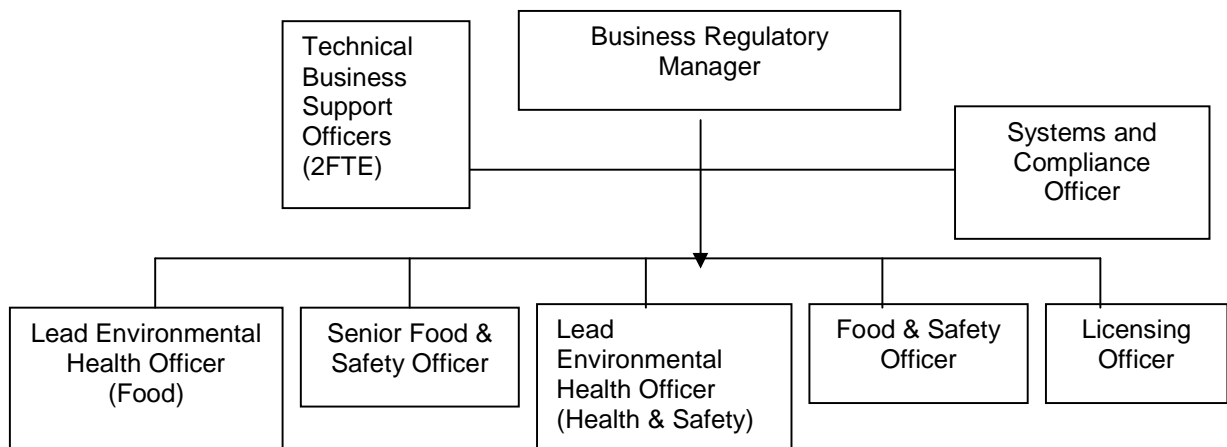
3.4 As of April 2010 there were 2,656 business rating assessments for the District. (2,620 in 2009, 2,578 in 2008, 2,562 in 2007)

4.0 **Organisational Structure**

4.1 The Occupational Health and Safety Service is provided by the Commercial Team within the Business Regulation Unit of the Customer and Environmental Services. This team is managed by the Business Regulatory Manager, reporting to the Head of Customer and Environmental Services. The Occupational Health and Safety Enforcement Policy and Plans of the Council are determined by the Council through its Executive Committee. A member of the Executive Committee holds the relevant Portfolio.

4.2 The Commercial Team are also responsible for food safety enforcement, enforcement of Smokefree legislation, infectious disease control, a variety of licensing functions, health education, promotion and training.

4.3 The structure of the Commercial Team from April 2010



4.4 All occupational health and safety tasks are carried out by suitably trained and experienced officers. Specialist Laboratory Services are used for the analysis of samples and there is small in-house laboratory in which some analysis can be carried out. Monitoring equipment is provided and maintained and calibrated as necessary.

4.5 The service operates from the Council House, Avenue Road, Malvern between 09.00 hours and 17.00 hours Monday to Friday. Out of hours inspections are carried out as part of the programme of inspections and in response to some requests for service. Emergency out of hour's occupational health and safety matters are channelled through the Councils Out of Hours Telephone Service provided by Worcestershire Telecare and are handled by the 2 qualified Environmental Health Officers within the Commercial Team on a call out basis.

4.6 Officers are responsible for producing their own reports and letters and inputting information into the App/Civica (Flare) software databases, they are encouraged to develop new methods of work whilst maintaining service standards. Customer Services answer initial enquiries from the public as the first reference point for telephone enquiries, email or personal visits from members of the public, or other customers.

5.0 Scope of the Occupational Health and Safety Enforcement Functions

5.1 Occupational Health and Safety Law is enforced through a number of activities.

- Inspections of premises at a frequency determined by the risk rating of the business activities set out in HELA guidance 67/2 or the agreed work programme
- Use of alternative enforcement strategies such as seminars and mail shots
- Revisits to premises following programmed inspections where serious contraventions have been noted.
- Investigation of complaints relating to workplaces
- Investigation of complaints relating to work practices
- Investigation of accidents, dangerous occurrences and incidents of occupational ill-health
- Promoting Health and Safety at Work
- Providing Health and Safety training
- Maintaining registers
- Responding to Statutory Notifications
- Analysis of samples
- Provision of information and advice
- Licensing, registration & approval of activities
- Provision of advice and recommendations at planning stage
- Survey of business premises and accurate maintenance of the database.
- Enforcement of the Smokefree legislation
- Joint working initiatives with the HSE and Liaison Group

6.0 Standards for the Occupational Health and Safety Service

6.1

- a) To implement projects in partnership with the HSE and neighbouring Local Authorities
- b) To inspect relevant premises in accordance with an assessment of risk and associated frequencies determined by the HELA guidance 67/2 or special projects
- c) To respond to complaints and request for service concerning occupational health and safety issues within 2 working days of receipt (or more quickly in urgent cases such as imminent risk to health), and resolve complaints within 60 working days
- d) To respond to requests for advice and information and statutory notifications within 2 working days of receipt.
- e) To respond to all reports of accidents, dangerous occurrences and incidences of occupational ill health within 2 working days of receipt (or more quickly in urgent cases such as fatalities).
- f) To sample swimming pool and spa water according to a sampling programme
- g) To continue to survey the District from time to time to identify all Local Authority enforced premises and update the premises database.
- h) To provide training courses and promote Health and Safety

- i) To determine the level of customer satisfaction with the service
- j) To develop alternative enforcement strategies for low risk rated premises
- k) To work in partnership with other Local Authorities and the Health and Safety Executive to reduce work related ill-health, disease and injury
- l) To monitor compliance with the Smokefree legislation whilst carrying out Health and Safety activities

6.2 The performance against some of these targets is measured by Environmental Services Local Performance Indicators (ESLPI)

- a) The number of service requests which were initially dealt with within 2 working days expressed as a percentage of the total of such requests each calendar month
- b) The number of service requests resolved within 60 days expressed as a percentage of those received each calendar month.
- c) The number of days spent on project work (Fit3) expressed as percentage of the total number of days to be spent during the year.
- d) Business satisfaction with local authority regulatory services (NI 182)

7.0 Volume of Work (for contextual purposes information relating to previous years has been included)

7.1 The major changes in the enforcement of Health and Safety began in April 2006 when a programme of work called Fit3 (fit for work, fit for life, fit for tomorrow) was launched which focussed activity within the wider government agenda rather than by routine inspection. This programme has now finished and been replaced by revised Local Authority Circular (LAC) 67/2 which requires a shift of focus in terms of interventions planning by LAs and their officers and reflects the HSE Board's new strategy

The Service is committed to increasing and improving compliance with nationally driven outcomes. In particular it will seek to ensure that issues highlighted in the HSE/Local Authority Enforcement Liaison Committee (HELA) Strategy are prioritised in inspections.

The frequency of interventions has undergone a major review in the past year, culminating with the issue of advice from HELA in Circular 67/2. This allows LAs more flexibility in designing their inspection programme. Other interventions are suggested for a number of the risk categories including mail shot / questionnaires, accident report monitoring, seminars, telephone advice and self-inspection/assessment packs.

When self assessment questionnaires are returned they will be assessed for compliance against Health and Safety legislation and 5% of the returned questionnaires will be randomly inspected to ascertain that the information provided by businesses are a true reflection of their declaration.

Closer partnerships, effective communication, doing fewer things better, and making sure the programme is delivered by the right people in the right structure have all helped with the delivery and to balance national and local priorities.

Specific project work has been undertaken and concentrated on areas such as carpet retailers manual handling, work related violence project, asbestos duty to manage for property management companies, slips and trips, gas safety, noise in music and entertainment sector, asthma in bakeries and catering premises, and providing information on smoking cessation.

This year the work programme developed with the HSE and the Liaison Group will concentrate on slips and trips, falls, disease reduction (sun beds), moving goods safely, noise reduction, LPG inspection campaign, work related violence and aggression, ladder exchange, care home initiatives and asbestos.

The work will be coordinated across the county and region with officers working together. The programme follows the national themes and campaigns but applied locally.

We will continue to carry out routine inspections at high-risk rated premises and carry out some health and safety inspections in conjunction with food hygiene inspections where this is advantageous.

The Health and Safety Laboratory that provides expert advice were engaged to help with the investigation and analysis regarding a slip accident at a residential care home.

The team have continued to implement the Smokefree legislation, a total of **361** visits made, and have also managed to maintain levels of activity in relation to Health and Safety. It is anticipated that the number of inspections and other visits this year will be consistent to the previous levels.

7.2 On 31st March 2010, the number of fixed inspectable Health & Safety premises within the Malvern Hills District held on the database was **1117**

On 31 st March 2009	1120
On 31 st March 2008	1053
On 31 st March 2007	1061

7.3 The **revised** health and safety inspection rating will be used from April 2010 to determine the highest to lowest hazard/risk for each premises and will be used to inform the inspection regime which is adopted.

Premises Category	Frequency of Inspection	Total number of Premises in Category (at 31.3.10)
A (186 – 999)	12 months	1
B1 (171 – 185)	Intervention based upon local priorities, but contact every 18months	0
B2 (141 – 170)	Intervention based upon local priorities	25
C (55 – 140)	Use of non-inspection interventions	852
Unrated/new premises		239
Total		1117

Non-inspection intervention strategies include use of questionnaires, monitoring incident reports, seminars/business forums,

7.4 This table shows the **previous** health and safety inspection rating used to determine the highest to lowest hazard/risk for each premises and informed the inspection regime which was adopted.

	Premises Category	Frequency of Inspection	Total number of Premises in Category (at 31.3.09)	Total number of Premises in Category (at 31.3.08)	Total number of Premises in Category (at 31.3.07)
Highest hazard/risk	A (186-999)	12 Months	1	1	1
	B1(171-185)	18 Months	0	0	1
Intermediate hazard/risk	B2(156-170)	24 Months	4	5	6
	B3(141-155)	use other intervention strategies but review rating after 36 Months	20	20	21
Lowest hazard/risk	B4(126-140)	use other intervention strategies but review rating after 60 Months	44	48	51
	C(0-125)	use other intervention strategies	826	857	906
	Unrated (Awaiting inspection)		225	122	75
Total			1120	1053	1061

8.0 Premises Profile

8.1 The nature and type of premises on the database is shown on the following table

Type of Premises	2010/11	2009/10	2008/09	2007/08
Retail Shops	320	222	315	321
Wholesale/Warehouse	15	14	11	11
Offices	89	92	91	99
Catering Services	319	345	310	315
Hotels, Campsites and other short stay accommodation	70 (some premises recategorised)	26	24	25
Residential Care	25	27	24	25
Leisure & Cultural activities	178	191	166	166
Consumer Services	87	86	77	70
Other Premises	14	17	35	23
Total	1117	1120	1053	1019

8.2 It is accepted that the figures currently held on the database for the number and type of premises in the district requiring inspection are likely to be inaccurate. There are a number of factors, historical and practical, which account for these anomalies.

These include:

- **239** premises unclassified and awaiting inclusion on the database/inspection programme. These arise due to new premises registrations, new businesses, company take-over, mergers etc.
- **335** premises listed as vacant premises on the database at the time of the last inspection which may now have reopened and not inspected.
- The business rates figures in 2010 suggested there are **1940** premises within the district which fall within the health and safety enforcement responsibility of the occupational health and safety service, (see the table below). This differs markedly with the **1117** currently held on the database. This is a factor associated with business premises turnover, unitisation and new business centre/estates developments.
- The lack of a comprehensive and recent health and safety premises survey. A survey of the district would identify all L A enforcement premises and produce a more accurate and complete data base
- The concentration on project sector specific and Fit3 based work leads to the database becoming out of date
- The repeal of the need for premises to register with the Local Authority with the use of the ORS1 form

8.3 In order to give an indication of the number of inspectable premises which may be missing from the existing database, information from the MHDC Business rating list by type from previous years has been obtained.

Type of premises	Number of Premise by Type 2010		Number of Premises by Type 2009		Number of Premises by Type 2008	
	LA	HSE	LA	HSE	LA	HSE
Commercial (Shops, Offices, Warehouses etc.)	1697		1650		1600	
Educations Establishments (Schools, Colleges etc.)		90		90		88
Industrial (Factories/Workshops)		509		518		532
Leisure (Clubs/Cinemas)	177		174		169	
Miscellaneous (Local Govt. Offices/Cemeteries)	66	66	67	67	67	68
Transport/Water (Highways)		51		51		51
Crown Premises		0		0		3
Total Number of premises	1940	716	1891	729	1836	742
In addition there are business rated premises which are closed		373		300		283

9.0 Enforcement Policy

- 9.1 The Enforcement Policy for Environmental Health was approved in March 2004 and the Occupational Health and Safety Enforcement Policy was adopted following consultation in July 2004. The policies were reviewed and updated in November 2008 following the publication of the Statutory Regulators' Compliance Code of Practice. The principles of the Enforcement Concordat are incorporated in these policies.
- 9.2 The Occupational Health and Safety Enforcement Procedures are reviewed annually and as circumstances change, with new procedures written if necessary. The procedures relevant to occupational health and safety are available as subordinate documents to this plan and are held by the Commercial Team
- 9.3 In deciding whether to prosecute for offences, the service will take into account the Health and Safety Executives Enforcement Management Model and the MHDC Environmental Services Enforcement Policy and Occupational Health and Safety Enforcement Policy and Procedures

10.0 Service Delivery Programme – Fit3 Programme and Occupational Health and Safety Inspections

- 10.1 A number of projects were carried out during 2009/10 in accordance with the Fit3 programme. Although 100 days were initially proposed to be spent on Fit3 work however not all of this allocation was used due to other work pressures on the Team, progress was reported on during the year.

Work in the following areas was undertaken concentrating on asbestos related disease reduction (a seminar for land lords), workplace transport, work related violence and moving goods safely (carpet handling), noise at work and providing information on smoking cessation services.

- 10.2 Prioritised planned inspections of high risk rated premises, which may be topic based, will be undertaken in accordance with the revised Section 18 HSC Guidance to Local Authorities and the frequency of inspection will be determined by the Inspecting Rating as specified in HELA 67/2
- 10.3 Inspections and revisits (where significant contraventions were noted or statutory notices served) will be carried out in accordance with any relevant HELA Guidance and the Health and Safety Inspection Procedures.
- 10.4 The inspection rating profile of premises will be reassessed after every inspection or intervention and determined by reference to the criteria in the HELA LAC 67/2.
- 10.5 Additional inspections may be undertaken following receipt of a complaint or accident notification, request for advice or as a result of participation in surveys or special initiatives as directed by the HSC. If this level of work is significant, it may have an adverse impact on the ability to complete the inspection programme or revisits.
- 10.6 All officers undertaking inspections, investigating complaints, giving advice and taking samples or taking enforcement action meet the competency requirements of the Section 18 HSC Guidance to Local Authorities, are appropriately authorised and receive ongoing training and assessment to maintain competence.
- 10.7 During 2010/11 work in the following areas: slips and trips, falls, disease reduction (sun beds), moving goods safely, noise reduction, LPG inspection campaign, work related violence and aggression, ladder exchange, care home initiatives and asbestos, will be carried out and coordinated across the county and region with HSE. Further projects may be added through the year if they are felt to be beneficial to the Malvern Hills District Council area.
The service will carry out inspections of the high-risked rated premises and a programme of project based work will be developed and carried out in conjunction with the other Worcestershire and

Herefordshire Councils and the HSE to concentrate activity where it will make significant improvements to Health and Safety at Work.

- 10.8 Following inspections or project work all relevant information concerning the inspection/intervention, contraventions, and the premises will be recorded on the APP/Civica Flare premises database and within the relevant premises file. The inspection data from topic based inspections is also recorded on the HELA website.
- 10.9 Alternative methods of providing information and/or inspection of health and safety premises are also available to Officers. These include the use of self-assessment questionnaires and check lists, mail shots of information, targeting similar types of premises for inspection, targeting areas, themed inspections or carrying out partial inspections with the HELA strategic plan priority hazards being the focus of attention, business sector seminars and training initiatives.
- 10.10 The changes to the Priority Planning arrangements and the revised LAC67/2 are aimed at ensuring enforcing authorities focus their resources on high-risk areas where they can have the greatest impact. The topic inspection approach is a means of proactive intervention, which encourages enforcement officers and duty holders to concentrate on five key topic areas, (workplace transport, falls from height, slips and trips, musculoskeletal disorders and work induced stress) These areas have been identified by the Commission as contributing nationally the highest rates of accidents/incidents and ill-health across all health and safety enforcing authorities.
- 10.11 There are five officers who are qualified to carry out occupational health and safety work within the Commercial Team, and there is consequently a need to balance the time spent on Health and Safety issues against other duties. Officers inspect premises, take appropriate enforcement action and carry out revisits as a part of their workload. It is estimated that a full-time equivalent of 0.81 officers will be engaged on health and safety related work during 2010-2011
- 10.12 Officers will monitor compliance with the Smokefree legislation whilst carrying out health and safety inspections or investigations. **357** visits were carried out in 2009/10 to check compliance.

11 Service Delivery – Occupational Health and Safety Complaints/Requests for Service

- 11.1 The Occupational Health and Safety Service respond to all occupational health and safety complaints made to the Council in accordance with the service request / complaints standards (see section 6) and procedures.
- 11.2 Complaints received may relate to the workplace or working conditions.
- 11.3 Any complaints received which are not the responsibility of the District Council to investigate, will be referred to the appropriate enforcement authority as soon as possible.
- 11.4 Complaints / requests for service are anticipated to be similar to that received in previous years.

This table shows the breakdown of requests.

	2009/10	2008/09	2007/08	2006/07
H & S advice	35	51	73	70
H & S W Public Request	16	15	28	27
H & S W Staff Request	9	3	4	8
Total	60	70	107	112

- 11.5 Requests for information, leaflets, contact details or general advice have not always been previously recorded, however, given the high volume of in-coming calls to Environmental Services and those now dealt with by the Malvern Hills Customer Service Centre, these requests are likely to be significant in number and are able to be quantified with the use of E-shop.
- 11.6 In accordance with HELA LAC 22/5 investigating officers will avoid revealing to any employer and/or their representatives that a complaint has been made unless the complainant has agreed otherwise. Care is, therefore, taken when conducting an enquiry to ensure the protection of the complainant's anonymity.
- 11.7 The disclosure of Occupational Health and Safety information is included in the Council's policy on Freedom of Information and covers all work areas of the service ensuring compliance with the relevant statutory provision and guidance.
- 11.8 During the year 2 applications for licensing of Dangerous Wild Animals (wild boar and a monkey) were received and processed.
- 11.9 2 new scrap metal dealers were registered

12 Service Investigation – Accident/Incident Investigation

- 12.1 The Reporting of Injuries, Disease and Dangerous Occurrences Regulations 1995 (RIDDOR) require the notification of fatalities, specified major injuries, injuries resulting in absence from work for over 3 days (where those events arise from work activity), specified diseases and dangerous occurrences.
- 12.2 Notifications may be received by post from the employer or via the Incident Contact Centre (ICC) which acts as a control co-ordinating body for the effective and efficient collation and distribution of incident notifications and statistics across all HSE Operational branches and local authorities. The ICC website is accessed daily to check for notifications.
- 12.3 In addition to the written reports received and recorded as detailed above, incident notifications may also be received directly from injured persons, other interested persons or agencies which require investigation or further action.
- 12.4 The number of incidents likely to be reported is difficult to predict, particularly as the ICC becomes more widely known and used as a reporting mechanism. The number and response target statistics for the previous years are given below.

Year	No. Received	No. responded to within target time	% performance
2009/2010	65	64	99%
2008/2009	50	50	100%
2007/2008	68	68	100%
2006/2007	56	56	100%

- 12.5 Accidents and incidents are investigated in accordance with the accident/incident investigation procedure and any enforcement action is proportionate to the circumstances and taken in accordance with the Occupational Health and Safety Enforcement Policy. The factors which are taken into account when deciding on the depth of response from the service are

- the severity and scale of potential, as well as actual, harm

- the previous health and safety record
- the wider relevance of the incident including the public concern its causes and its relevance to the HELA strategy.

- 12.6 Records of notifications will be kept on the APP/Civica (Flare) database and in the relevant premises file.
- 12.7 A major investigation has been carried out following the report of a fatality on the 13/9/08 at a hotel in the District; the investigating Officer gave evidence at the Coroners Court in July 2009.
- 12.8 Officers attended the British National Trials for Xtreme kiting and powered micro lights which was held in Kempsey. They monitored the health and safety including the investigation an accident where one of the kites landed on the kite bar which got stuck in the ground seriously injuring his neck.
- 12.9 An accident at Malvern Theatres was investigated where an actor was knocked out by scenery.
- 12.10 An accident was investigated at a local butcher's shop, where the end of the butcher's finger was chopped off using new meat slicer.
- 12.11 Officers gave advice following a report of Cyanide contamination and carried out investigations following a child falling into a tank containing a caustic soda solution at Blackmore.
- 12.12 A major investigation into the chemical contamination of a milk shake which led to serious injuries has required significant resources this year and is ongoing.
- 12.13 2 investigations were carried out concerning the storage of kerosene in basement areas, one in a cinema was investigated and ultimately passed to the HSE for further action, the other involved a public house and involved taking samples and monitoring conditions.

13.0 Service Delivery – Voluntary Lead Authority Partnership Scheme and Primary Authority Principle

- 13.1 The service supports the voluntary Lead Authority Partnership Schemes (LAPS) and the Primary Authority Principle. A Lead or Primary Authority acts as a single point of contact for all enquiries and enforcement about a company having its head office in its area, giving advice on procedures to the company management.
- 13.2 The Occupational Health and Safety Service currently have no Lead Authority agreements but dependant on resource implications is willing to consider a request for a relevant business to participate.
- 13.3 The Occupational Health and Safety Service will contact, and if necessary, liaise with the relevant Lead Authority in the following circumstances:
- before taking formal enforcement action i.e. issuing notices or considering prosecution against a participating organisation, except in the case of immediate danger
 - after serving a prohibition notice as soon as it is practicable
 - when significant shortcomings are identified in a participating organisations agreed policies or procedures which ought to be challenged at a national level
 - following any on-site investigation of any death, major injury case of work related ill health or dangerous occurrence reportable under RIDDOR 1995

14.0 Service Delivery - Advice and Support to Businesses

- 14.1 The service is committed to working with the local business community to help them comply with the law and to encourage the use of best practice.
- 14.2 Support to businesses is offered in a number of different ways including
- provision of training courses
 - advisory visits on request
 - visits and advice prior to the setting up of any commercial business
 - provision of informal advice on best practice during inspections
 - provision of free advisory leaflets and information where appropriate
 - provision of advice relating to planning and building control applications
 - undertaking joint health and safety and food safety inspections if requested
 - responding to queries
 - dialogue with trade associations or business partnerships
 - periodical events and initiatives
 - membership of the Consumer Support Network
 - information supplied on the Councils web site
- 14.3 Some of these businesses are run by owners who do not have English as their first language; however, this does not prove a major issue for the services. Information can be obtained in a variety of languages and translation services bought in if needed
- 14.4 The service has previously provided occupational health and safety training courses for local businesses however there have been no requests for training since 2004/05. Should businesses identify the need to acquire the necessary knowledge and training to devise effective health and safety policies and risk assessments they may contact us and request assistance.
- 14.5 Subject to the availability of resources, we will be able to provide health and safety courses, with the possibility of developing new topic based courses relevant to project based work.
- 14.6 The excellence of our training courses has been previously acknowledged during an external audit by the Chartered Institute of Environmental Health.
- 14.7 The Team provided help and support to local businesses through telephone advice, provision of guidance and information and site visits.

15.0 Service Delivery - Sampling and monitoring

- 15.1 The service regularly carries out monitoring of premises and equipment to ensure they are safe for use in work activities.
- 15.2 The service is able to monitor and sample microwave equipment, humidity, light, temperature, air, water and materials
- 15.3 Samples and levels can be analysed by Officers using calibrated equipment or the in-house laboratory facilities. Alternatively, by analysis in either the Public Health Laboratory Service at Heartlands Hospital, Birmingham couriered via Hereford County Hospital or the Worcester County Council Public Analyst. If necessary samples or materials can also be sent for specialist analysis.

15.4 The samples taken over previous years are included

Type of Sample	2009/10	2008/09	2007/08	2006/07
Mains water, private water, water tanks etc. in commercial premises (for health and safety reasons)	5	1	10	6
Private swimming pool water		19	5	7
Public/paddling swimming, spa pools		7	15	13

The sampling programme for pools was suspended due to the pressure of work in other areas, the programme will be recommenced this year

15.5 The Health Protection Agency which determines the allocation of samples entitled to be taken and tested by each Local Authority revised the number of free samples which can be taken and tested in relation to swimming pool and spa pool waters. This resulted in the restriction of the routine monitoring of pools for which the District Council has enforcement responsibility. All pool owners were advised of the changes and given the option to purchase the service from the section, however none have done this. Any complaints are investigated and sample taken as necessary.

16 Service Delivery - Liaison

16.1 There are a large number of stakeholders for whom occupational health and safety law has an impact.

16.2 The service is committed to liaise with a wide range of organisations to achieve its objectives. This liaison varies in its degree of formality, as it will include members of the public, local businesses, business groups, statutory bodies and other Council departments.

16.3 Liaison helps to build relationships and ensure consistency and uniformity across different local authorities, allowing the sharing of information and exchange of intelligence and ideas.

16.4 The Herefordshire and Worcestershire Chief Environmental Health Officers Group has established a Health and Safety Liaison Group and directs and monitors the group's work. An annual work plan (linked to Local and National priorities) is produced and the Group collaborates on occupational health and safety issues to produce common policies and procedures and promote consistency between both officers and authorities.

16.5 The Group meet at least 6 times each year, with working group meetings arranged in addition and also organises training events. The Enforcement Liaison Officer (ELO) from the HSE regularly attends these meetings. Any policy issues which are considered to have implication outside this Local Authority or at a national level are raised at the meetings.

16.6 Liaison is maintained with other agencies and bodies (listed below) in a variety of ways and contacts are also maintained for specialist areas of work.

16.7 Liaison arrangements exist with

- Other local authorities – lead authority and liaison group.
- HSE, including specialist inspectors for advice, the HSE laboratory and the ELO.
- Police and Fire Authority.
- Health Protection Agency.
- South Worcestershire Primary Care Trust/Consultant in Communicable Disease.
- Employment Medical Advisory Service (EMAS).
- Care Quality Commission
- Office for Standards in Education (OFSTED).
- Licensing Institute/Groups.
- Hereford and Worcester Chartered Institute of Environmental Health (CIEH) Branch.
- Hereford and Worcester Safety Officers Group.
- Representatives of local businesses – licensed victuallers, care homes, Chamber of Commerce

Within Malvern Hills District Council liaison mechanisms exist to ensure inspectors are aware of planning applications which may benefit from this input, to ensure land charges registers are maintained and to share information where necessary with appropriate colleagues. Team meetings are held fortnightly to discuss administrative issues and technical/professional issues.

The liaison group arranged for the training of 2 Officers from the Counties in order to provide county-wide asbestos removal and management advice. From March 2006 these Officers provide expert advice on the safe removal and management of asbestos in commercial premises across Herefordshire and Worcestershire.

The advice is provided without charge and is available at three levels. Verbal and written advice on the suitability of paperwork provided by asbestos removal contractors, joint site visits with our Officers during asbestos removal to check compliance with relevant legislation and Codes of Practice and telephone advice during office hours on other asbestos related enforcement concerns.

Joint site visits have taken place and actions required of the asbestos removal contractor in order to ensure safe removal of the asbestos and compliance with the regulations completed.

17 Service Delivery - Health and Safety Promotion

- 17.1 Occupational Health and Safety promotion work is dependant upon demand, the resources available and subsequent to meeting the main objectives which are to achieve national and local performance indicators/targets.
- 17.2 The service provides occupational health and safety training courses which can be tailored to the requirements of the client or take the form of the Chartered Institute of Environmental Health Foundation Certificate in Health and Safety or the equivalent Royal Society of Health course.
- 17.3 The service has previously take part in European Health and Safety week (usually in October) together with other Herefordshire and Worcestershire authorities.
- 17.4 The following activities are also undertaken:
- Provision of business information leaflets.
 - Provision of talks to local groups including schools.
 - Participation in selected initiatives/campaigns (subject to resources) which will contribute to the national defined objectives in the HELA revitalising strategy.
 - Development of occupational health and safety information and inclusion on the services web page.
- 17.5 Officers from the Team participated in 2 Safety and Health Awareness Days, one for the carpet retailing sector (manual handling) and the second for landlords (asbestos).

18 **Resources**

18.1 **Financial details**

The expenditure for the Commercial Team is given below.

	2008.09 (Actual)	2009/10 (Budget)	2009/10 (Actual)	2010/11 (Budget)
Salaries (including employers NI & Superannuation)	27,517	30,858	29,164	30,678
Recharges Departmental and other services	12,847	17,480	17,480	13,992
Analytical and other expenses	2,349	2,080	1,541	1,960
Net Service Cost	47,712	50,418	46,625	46,630

19.0 **Staffing Allocation**

- 19.1 All occupational health and safety enforcement activities are carried out by Officers in the Commercial Team, some administrative support is provided by Business Support staff, and legal advice by Legal Services. If legal action were to be taken, although specific budgets are not provided, costs not awarded by the courts would be covered by the internal budget.
- 19.2 There are 5 suitably qualified Officers who are able to undertake occupational Health and Safety duties; however the Business Regulatory Manager is not as actively involved in routine inspections as the other members of the Team. Also within the Business Regulatory Unit are the Licensing Officer, who deals with Licensing applications, the Systems Compliance Officer who administers and updates the software system and web site, and following the reorganisation of the Business Support service within the Council 2 FTE technical Business Support Officers.
- 19.3 The Team of Officers dealing with Health and Safety comprise of 2 qualified Environmental Health Officers and 2 Food and Safety Officers (1 Senior). The Food and Safety Officers hold various occupational health and safety related qualifications and within the team we also have staff with qualifications in health education, administration, training and microbiology.
- 19.4 All Officers are provided with an authorisation that specifies which of the powers given by the Health & Safety and Work etc Act 1974 they can enforce.
- 19.5 All Officers are authorised to carry out general investigations (section 20), to seize articles and substances and to serve Improvement Notices. The EHO's are specifically authorised to serve prohibition notices and instigate prosecutions.

19.6 All Officers employed on duties involving Occupational Health & Safety at work enforcement must be able to demonstrate a level of knowledge commensurate with the duties of the post and authorisation.

20.0 Staff Development Plan

- 20.1 As a part of the Councils Performance Review and Development programme all occupational health and safety enforcement staff are subject to an annual appraisal, this identifies training and development needs.
All the Officers are also obliged under the legislation to continue with their professional development, the Senior Food and Safety Officer has successfully completed the Health and Safety NEBOSH Diploma and has successfully completed adding significantly to the Teams expertise.
- 20.2 Competency of the Officers is assessed by using the standards in the HSC Section 18 Guidance and the Regulator's Development needs Analysis tool (RDNA). The RDNA is a structured ongoing training framework which was developed to ensure competence of the appropriate standards for regulators of health and safety is achieved and in line with business need. The process will effectively lead to and maintain compliance with S18 for ensuring a competent workforce.
Officers will be required to carry out an assessment of their training needs with the involvement of the relevant line manager. A targeted action plan is then put in place to ensure that identified training needs are met. The target date for full implementation of the process will be 2011.
- 20.3 Although the Team Officers are appropriately qualified, there is a requirement for regular training and refresher training and a training needs plan has been prepared for each Officer so that training can be planned and appropriate resources allocated.
- 20.4 Officers are encouraged to attend training events which contribute to their continuous professional development on occupational health and safety enforcement related topics and to ensure consistent occupational health and safety law enforcement.
- 20.5 Training for staff is provided in a number of ways including.
- Courses and seminars provided by external organisations including the HSE.
 - Qualification courses for officers
 - Seminars provided by the local liaison group and CIEH branch
 - In house training and team meetings
 - Provision of relevant information (publications, internet access etc)
 - Training and instruction provided on a one to one basis (accompanied visits, debriefing from courses attended etc)
 - Review of work (inspections, correspondence, notices, reports etc)
- 20.6 A training and qualification log is kept for each officer to maintain and monitor training undertaken.
- 20.7 An estimated 3 days training per member of the team has been budgeted for in this year's financial allocation which includes provision for occupational health and safety training.

21.0 Quality Assessment

- 21.1 The service targets are monitored on an on going basis and reported on a monthly and bi-monthly basis as a part of the Council's Performance Management Framework, annually we report to the Health and Safety Commission
- 21.2 Inter-authority audits are arranged through the Herefordshire and Worcestershire Health and Safety Enforcement Officers Liaison Group, Benchmarking exercises were also undertaken to assess value for money and compare the performance and costs of the service with other similar Local Authorities
- 21.3 The audit of the management of occupational health and safety enforcement will be carried out in accordance with HSC section 18 guidance using the relevant toolkits.
- 21.4 National and Local Performance Indicators, which include elements of occupational health and safety enforcement, are reported on monthly and annually.
- 21.5 Annual returns of occupational health and safety performance are reported to the Health and Safety Commission and through this plan.
- 21.6 Procedures and guidance notes are currently being drawn up in relation to occupational health and safety enforcement to ensure full compliance with section 18 HSC guidance to LA's.
- 21.7 In order to minimise the risk of corruption of logs of data, all electronic databases are backed up daily. APP/Civica (FLARE)
- 21.8 Arrangements to monitor the work of field officers include accompanied visits, random enforcement checks including the accuracy and appropriateness of subsequent action, correspondence, notices and documentation, and record and file reviews.

22.0 Review

- 22.1 This service plan will be reviewed annually and amended according to the changing needs and demands upon the service. Reports on previous year's performance including the identification and explanation of any discrepancy between targets and performance will be included.
- 22.2 The service delivery standards, including policies and procedures will be reviewed each year.
- 22.3 The activities and operations carried out under the occupational health and safety law enforcement responsibilities of the Authority will be reviewed annually.
- 22.4 The targets for inspections, complaints, requests for service and notifications will be reviewed monthly with reports and performance indicators prepared.

23.0 Identification of any variation from the Service Plan

- 23.1 The annual review will highlight areas where there has been variation in performance from that laid out in the service plan.
- 23.2 If the variation is significant a report clarifying the reasons for the variation and the recommendations for further or immediate action is prepared.

23.3 Any additional activities other than direct enforcement action which have taken place and which achieves the objectives will be identified and taken into account during the annual review. Examples of such activity may include targeted mailings about specific issues, request for self-assessment by businesses or other methods of meeting a wide range of businesses that would not otherwise be inspected or in relation to issues arising between scheduled programmed inspections.

24.0 Areas of Improvement

24.1 Advancements in the delivery of occupational health and safety at work law enforcement have been made in the recent past despite the limited resources. This has been achieved both from within the service and through the Liaison Group.

24.2 These include officer training, participation in inter-authority liaison group initiatives and the improvement in the consistency of service delivery.

24.3 The main variation of performance in the service plan over recent years has been in the inspection programme. The following factors have affected the work:

- Priority given to food premises inspections which resulted in fewer health and safety inspections being carried out.
- The change from programmed planned inspection to Fit3/sector specific project work
- Priority being given to reactive work rather than proactive work.
- Lack of resources due to external pressures such as new functions taken on and increasing demand for paperwork/recording.
- Incomplete database of premises requiring health and safety inspections.
- Joint health and safety and food safety inspections no longer carried out except by special request.
- Organisational and internal pressures on the resources of the section. (reorganisation/restructuring, initiatives, reviews)

24.4 As part of the commitment to continuing improvement a number of areas for improvement have been identified. These include:

- Reviewing existing procedures
- Production of policies, procedures and guidelines for all occupational health and safety enforcement functions.
- Ensuring all relevant premises are included on the database by carrying out a survey.
- Ensuring all relevant premises are properly inspected and risk rated.
- Provision of additional resources to re-establish occupational health and safety enforcement as equal priority to food safety enforcement.
- Improve consultation with businesses.
- Improve occupational health and safety information for businesses, employees and public.
- Implement all the requirements of the HSC section 18 guidelines.
- Ensure continuous upgrading and updating of the database to improve quality and detail of information available to managers, officers and public.
- Improve public awareness of the service and access to the service.
- Improve the number of revisits carried out.
- Investigate alternative methods of work e.g. self-assessment and provision of information to duty holders.
- Establish links with business organisations or representatives.
- Improve the proactive approach to health and safety enforcement.

- Provision of ongoing officer training to ensure competence through attendance of outside training events, team meetings, discussions and joint accompanied visits.

25.0 Performance

25.1 Inspections.

The following table shows the inspections achieved and those due this year

Hazard	Premises Category	2008/9 Fit3 interventions	2008/09 inspections achieved	2009/10 Fit3 Interventions	2009/10 inspections achieved	2010/11 inspections due
	Rating					
High Risk	A 186-999	0	0	0	0	A 1
Intermediate Risk	B1 171-185	0	0	0	0	B1 0
	B2 156-170	2	0	0	1	B2 20
	B3 141-155	2	7	0	4	C 686
	B4 126-140	5	5	3	6	
Low Risk	C 1-125	60	83	20	42	
Unrated		11	25	6	45	New 239
Frequency of inspection A 6 months B1 1 year B2 2 year B3 3 year B4 4 year C 5 year	Total (this figure includes inspections of stalls/mobile premises at shows and festivals)	80	120	29	91	946 Frequency of inspection/intervention A 1 year B1 18 months B2 Intervention based upon local priorities C Use of non-inspection interventions

NB Concentration on Fit3 topics, food safety and the lack of resources earlier in the year has resulted in the large number of due inspections this year.

25.2 Number of actual inspections/interventions carried out by premises type;

Type of Premises	2009/10 Fit3	2009/10 Inspections	2008/09 Fit3	2008/09 inspections	2007/08 Fit3	2007/08 inspections
Retail	6	17	24	37	11	46
Wholesale		1	1	3	0	2
Office		34	0	1	1	8
Catering	15		37	56	38	87
Hotels	4	3	2	1	1	2
Residential Care	1		9	1	2	3

Leisure	1	9	2	12	4	8
Consumer	1	3	2	2	2	3
Other	1	31	3	7	3	28
Total	29	98	80	120	63	189

25.3 Enforcement Action

Type of premises	Retail	Wholesale	Office	Catering	Hotels	Residential Care	Leisure	Consumer	Other
Informal Notices 2008/09	1								
Informal Notices 2009/10	6			7	2	2	1		
Imp. Notices 2008/09	1				2				
Imp. Notices 2009/10				2					
Proh. Notices 2008/09					1				
Formal caution 2008/09									
Proh. Notices 2009/10	1						1		
Formal caution 2009/10									

25.4 Complaints/Requests for service (includes all requests)

Year	No received	No responded to within 2 day target time	% performance
09/10	119	117	98
08/09	102	99	97
07/08	164	163	99
06/07	157	153	97

25.5 Smokefree Compliance

Year	Number of Premises	Number of visits	Premises compliant	Signage compliant	Revisits	Verbal/written warnings
09/10	335	357	354	354	3	5
08/09	92	92	88	89	10	4
07/08	366	377	364	353	13	68

Written and verbal warnings related to failing to prevent smoking, smoking in an enclosed place and incorrect or missing signage. In these instances Officers have advised the proprietors of the problems and worked with them to resolve the issues and achieve compliance with the legislation

276 of these visits were to food premises

25.6 Fit3 Programme delivery

Programme	2007/08 Proactive visits/interventions	2008/09 Proactive visits/interventions	2009/10 Proactive visits/interventions
Slips and Trips	73	149	6
Disease reduction – contact dermatitis	54	97	5
Disease reduction - asbestos	32	89	24
Moving good safely	2	2	Seminar held
Falls from height	7	0	1
Workplace transport	1	1	
Height awareness		13	
Backs		4	
Ladders and compactors		40	
Gas safety			9
Total	169	395	

NB Officers will combine topics at inspections/interventions