

# Health and Safety Enforcement Service Plan 2019/20

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# Health and Safety Service Plan 2019/20

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## 1 Introduction

The format of this Plan meets the requirements laid down by the Health and Safety Executive, and is designed to ensure that local people and residents can clearly see what we do, how our services are delivered and what resources we have available to do this. It also allows the Health and Safety Executive to assess the services that we offer, so that they can ensure that our services meet the standard required under Section 18 of the Health and Safety at Work etc Act 1974.

The council is committed to improving health and safety outcomes across the borough and will commit the necessary resources and capacity to deliver its priorities and plan of interventions for the current year

The primary function of the Health Protection Service is to provide education and advice to businesses in Wellingborough to help them comply with the requirements of the legislation. Inspections and investigations are undertaken at premises that are classified as either high risk, or where concerns have been raised about working practices or the safety of premises.

Where businesses fail to comply with the advice given and fail to provide a safe working environment for employees and the public, the Health Protection Service will use its enforcement policy to take appropriate enforcement action.

To some, health and safety is seen as a burden on business. In fact the opposite is true, in that poor health and safety will result in accidents and poorer health which results in extensive time off work, and this impacts directly on the business and ultimately on the economy of Wellingborough. It also potentially gives an unfair economic advantage to those who might ignore the law.

Where appropriate, relevant health and safety information will be shared with other organisations including the Inland Revenue; Fire Service; Police Service; Trading Standards; UK Border Agency and National Non Domestic Rates, to maximise intelligence gathering. This will assist in targeting action against poor performing businesses. We will also investigate the possibility of reviewing and updating data, by using data held by other sections within the council to minimise the burden between the council and local businesses

In keeping with government reforms over health and safety, the section will continue to plan and target health and safety interventions having regard to the range of interventions available, the risk profile of the business/sector, national information (accident statistics, national priorities, Primary Authority inspection plans) and local intelligence and knowledge.

Proactive inspections will be reserved for the highest risk premises and other forms of interventions, including targeted visits and awareness raising interventions, will be used for other businesses. Reactive work such as accident and complaint investigations will continue to be undertaken and prioritised according to the level of

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risk identified. Only accidents which meet the HSE accident investigation criteria, or are linked to the county work plan as a high priority area will be investigated.

## 2 Service Aims and Objectives

### 2.1 Aims and Objectives

The overall **aim** of the Service is to work with others to protect people's wellbeing, and health and safety by ensuring risks in the changing workplace are managed properly.

Our key delivery **priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses. (Targeted approach to risk in line with Better Regulation agenda)
- To inspect businesses identified as being high risk
- Investigating major injury incidents and fatalities. (National justice agenda is used to assess and target poor management in line with Better Regulation.)
- To ensure enforcement decisions are consistent with our Enforcement Policy, the HSE's Enforcement Policy Statement and the Enforcement Management Model. (ensures proportionate, consistent, transparent and accountable enforcement - part of the Better Regulation agenda)
- Train and develop our staff to ensure competence (encourages staff retention/recruitment and ensures credibility with local business).

The key **objectives** of the service this year are to:-

- Reduce the number of accidents and illnesses associated with the workplace in the district
- Increase awareness of health and safety
- Review policies and procedures to reflect the HSE's strategic programme and meet requirements of the revised Section 18 guidance.
- Work in partnership to deliver the HSE strategic programme

### 2.2 Links to Corporate Objectives

Borough Council of Wellingborough priorities are;

- Promoting high quality growth
- Reducing crime and anti-social behaviour
- Improving life chances for young people
- Delivering efficient and responsive services
- Enhancing the environment

The aim and objectives of the authority in respect of health and safety law are drawn up annually by the health protection team and are integrated into the council's service plans.

## **3 Background**

### **3.1 Profile of the Authority**

The Borough covers an area of 163 sq. km centrally situated in the country with excellent communications. The Borough of Wellingborough is a diverse place to live and work. Urban and rural, traditional and modern, wealth and poverty, local and migrant - these and many other contrasts make for a richness of commerce, communities and culture.

The urban centre is the town of Wellingborough where over two thirds of the 76,461 (ONS 2014) residents live. The remainder live in 19 surrounding settlements.

The town has expanded significantly from its market square base in the last sixty years. These changes have brought new housing, industry and people. A proportion of these people have come to settle from overseas. India, Africa and the Caribbean have been the main sources of migration. Taken together these communities represent 11% of the urban population — comparable with some of the most diverse urban communities in the country.

During the last ten years the town has witnessed the arrival of individuals and families from Eastern Europe. These communities are discernible through new shops, products and languages. Reliable statistical evidence of the numbers staying or working in the town is weak, but the food business profiles of these Eastern European migrants within the town have an increased presence. There is also a notable presence amongst employees in many factories, warehouses and distribution centres visited by the Health Protection team.

The team will keep under review the implications of Brexit on health and safety legislation and enforcement. In particular the potential for large changes in workforce could have implications on health and safety compliance and accidents.

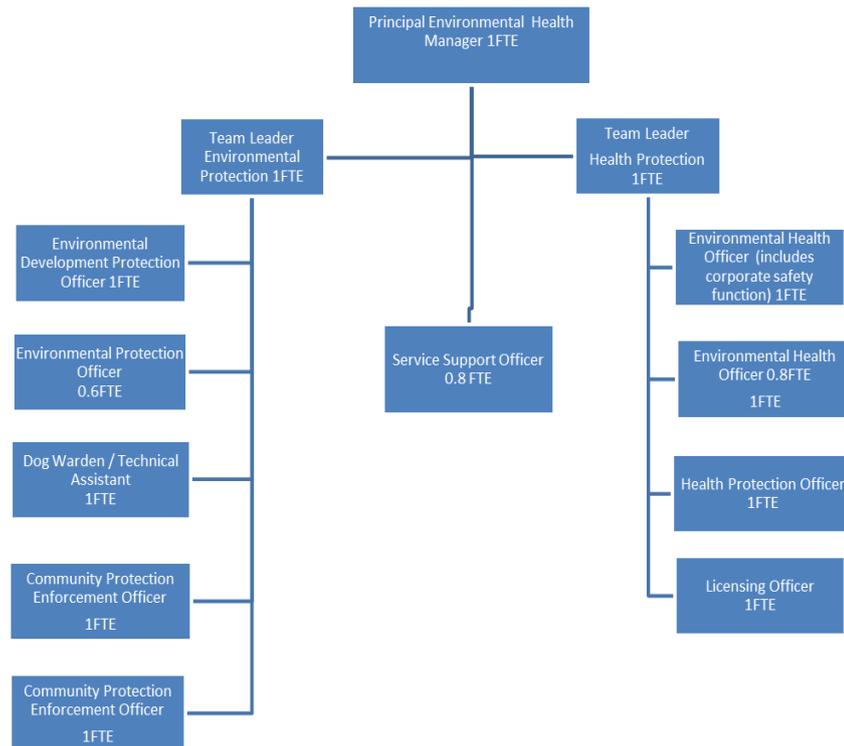
### **3.2 Organisational Structure**

The Health Protection team manages the health and safety function and is within Environmental Health, which is part of the Places service. Health Protection reports to the Services Committee. In addition to health and safety the Health Protection team also have responsibility for other areas of work, including food safety enforcement, licensing, infectious disease control and water safety. Most officers are involved in all areas of work.

Environmental Health is structured as detailed below:

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### 3.3 Scope of the Health and Safety Service

The health and safety service provides two broad areas of work, which can be classified as either pro-active or reactive.

#### *Pro-active*

- Inspections (programmed interventions) at premises subject to local authority enforcement
- Education of proprietors and employees through guidance, information and training
- Undertaking issue specific targeted interventions
- Liaising with other Council departments and external organisations including Planning, Building Control, Licensing, corporate health and safety, Trading Standards, HSE, Northamptonshire Health and Safety Liaison Group, Care Quality Commission and OFSTED
- Assessing ASB5 notifications (Asbestos removal works)
- Devising material to help businesses comply with the law and good practice
- Website maintenance and design

#### *Reactive*

- Investigating reported accidents, diseases and dangerous occurrences
- Responding to complaints and requests for service
- Planning/ building control applications

### **3.4 Delivering the Health and Safety Service**

The service is delivered both in and out of normal office hours to ensure premises are inspected whilst they are operational and late night visits will be undertaken where required. The Environmental Health Service runs an emergency out of hours call out service, through which requests for emergency action will be received.

The environmental health service has a general enforcement policy approved by the council which has a health and safety appendix. All enforcement action will be taken in line with this policy. In addition there are comprehensive procedures available to ensure consistency of service.

## 4 Service Delivery

### 4.1 Legal Requirements upon the Service

The Section 18 Standard sets out the requirements which HSE and Local Authorities are obliged to comply with in making 'adequate arrangements for enforcement'. This standard has legal status, and requires Local Authorities to perform their duties as enforcing authorities in accordance with the Section 18 Standard and the Regulators Code of Conduct.

### 4.2 Inspection Programme

Interventions are targeted on activities that give rise to higher risks or where the hazards are least well controlled, with the aim of maximising their impact on improving health and safety outcomes. Interventions are also designed to stop those that seek economic advantage from non-compliance (e.g. rogue traders)

The Health and Safety Executive in association with Local Authorities have agreed a set of national priority topic areas. This list includes;

- Asbestos
- Falls from height – work on/adjacent to fragile roofs/materials
- Hygiene Facilities in animal establishments
- Gas safety in commercial catering premises
- Beverage gas in the hospitality industry
- Slips and Trips
- Musculoskeletal/manual handling issues
- Loading/unloading HGV's
- Welfare provision for delivery drivers

Local priorities have also been identified which represent areas of local concern. These topic areas are chosen to ensure that high risk activities are prioritised for attention by the service.

The Northamptonshire Health and Safety Liaison Groups Work plan for 2019/20 is still to be finalised but is likely to again include;

- Unattended gyms and swimming pools
- Workplace Transport
- Better Regulation
- Health and Wellbeing within the workplace
- Radon awareness
- Public Events
- Radon gas

These topic areas were chosen since they represent significant risk in relation to either the number of accidents reported across the county or due to the severity of those accidents which are reported. Local intelligence has also been used.

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In addition the team will review all health and safety procedures to ensure that we are consistent with colleagues within other Northamptonshire Local Authorities ahead of public sector reform within the county.

Premises will be targeted for a health and safety intervention according to the risk posed. The above topic areas will be covered during most interventions. Officers will decide upon the most suitable type of intervention to be undertaken, by taking into account all available information. Intervention types will include:

- Targeted topic interventions
- Accident investigations
- Provision of seminars or awareness days
- Self-assessment questionnaires
- Provision of information or mail-shots specific to particular risks associated with the main work activity
- Complaint investigations

Decisions on the required enforcement action to be taken following a health and safety intervention will only be taken after consulting the enforcement policy and where appropriate after completing the enforcement management model to ensure consistency and fairness.

### 4.3 Better Regulation

The Government has made a commitment to cut red tape to lift the regulatory burdens on businesses. Efficient and effective local regulation will play a key role in ensuring that the reduction of regulation really does translate into a reduction in the burden on businesses at a local level.

The team are working with local Enterprise Partnerships, other councils and national regulators across Northamptonshire to help reduce the regulatory burden on businesses under the Better Business for All (BBfA) government initiative. The project is seeking to develop ways for regulators to work with and support businesses, to encourage economic growth.

It is proposed that the project will seek to enhance relationships through:

- Seeking to reduce the regulatory burden on businesses
- Promotion of two way communication between businesses and regulatory services
- Improving the business perception of regulators
- Supporting regulators to find the right balance between encouragement, education and enforcement
- Developing a joint offer of support from regulatory services for businesses
- Building trust of both regulators and businesses
- Feeding back to government on how to do things better for both businesses and regulators

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## 4.4 Performance Indicators

The service has internal performance indicators designed to measure the effectiveness of the service;

Reference	Indicator Description	Target
W38	Number of pro-active Health & Safety at Work interventions undertaken	20 visits
W41	Number of reactive Health & Safety at Work visits undertaken including re-visits and accident investigations	50 visits
W128	Number of food hygiene and health and safety courses undertaken	3
W129	% response to requests for service within 2 working days	95%

## 4.5 Achievements During 2018/19

The below achievements represent work undertaken between 1<sup>st</sup> April 2018 and 31<sup>st</sup> December 2018.

1. Undertook 9 reactive interventions to secure compliance with legislation.
2. Assessed and took appropriate action where necessary in response to 39 accidents and incidents reported under the Reporting of Injuries Disease and Dangerous Occurrence Regulations 2013 (RIDDOR).
3. Investigated 15 complaints about health, safety and welfare and took appropriate action.
4. Served 1 improvement notice on 1 premises failing to meet food hygiene legislative requirements.
5. Issued 1 simple caution for health and safety contraventions.
5. Officers again undertook the nationwide Regulators' Development Needs Analysis (RDNA) which is a competency and development framework designed to assess health and safety enforcement competence and to ensure Enforcement Officers have the right skills for the job. A training programme was designed for each authorised officer and appropriate training has been undertaken, utilising free or low cost training provided by the HSE or the Northamptonshire Health and Safety Liaison group as part of the partnership approach.

### 4.6 Working with others

Businesses now have the right to form a statutory partnership with a single local authority, which then provides robust and reliable advice for other councils to take into account when carrying out inspections or dealing with non-compliance. The Health Protection Service works in Partnership with neighbouring and other local authorities through the 'Primary Authority' scheme. The effect of 'Primary Authorities' on the regulation of multiple site businesses is beginning to grow. There are a growing number of partnerships and inspection plans which we must now take into account.

The team are undertaking licensing visits at the same time as other enforcement visits where appropriate, representing a more efficient use of resources.

Smoking enforcement checks are undertaken within business premises and commercial vehicles during routine intervention visits and following receipt of complaints.

Officers also comment on the safety aspects of planning permission and building control applications where appropriate including applications for smoking shelters.

The Flexible Warrant arrangements have been endorsed by Committee for partnership working across boundaries with the HSE and the other Northamptonshire Regulatory Authorities which will allow better use of scarce joint resources.

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## 5 Resources

### 5.1 Financial Allocation

The salary budget for the Environmental Health team is around £535,000 for the financial year 2019/20 which includes the other functions of the team such as Food Safety Enforcement, Licensing and Environmental Protection, of which around 10% will be allocated to Health and Safety Enforcement activities.

The remaining budgets are shown below;

Account Description	2019/20 Budget
Equipment, Furniture and Materials	£50
Staff Clothing	£150
Printing Stationary and Office Supplies	£400

### 5.2 Staff Allocation

The Health Protection team consists of 8 members of staff. At the time of writing this plan there are 0.8 Full Time Equivalent (FTE) officers for the health and safety function including smoking enforcement. The above calculations can be broken down into officers as detailed below:

Principal Environmental Health Manager	0.10 FTE
Team Leader Health Protection	0.10 FTE
Environmental Health Officer	0.10 FTE
Environmental Health Officer	0.20 FTE
Health Protection Officer	0.20 FTE
Service Support Officer	0.08 FTE
Licensing Officer	0.02 FTE

## **6 Quality Assessment**

### **6.1 Quality Assessment**

Borough Council of Wellingborough recognises the need to measure the effectiveness of its health and safety enforcement duties. Auditing, peer review and external monitoring are seen as parts of this process to ensure that its procedures result in high quality, consistent inspections. The interpretation and action taken by Officers following an inspection should also be consistent within the authority.

The authority complies with the HSEs Section 18 guidance.

### **6.2 Qualifications and Training**

The Authority will ensure that it only appoints appropriately qualified and experienced personnel to health and safety enforcement duties. The level of authorisation given will be appropriate to the training and experience of each individual officer.

The training needs of officers are identified during the appraisal process known as Performance Development Review (PDR) and during completion of the Regulators Development Needs Analysis (RDNA). An individual training programme is developed once this process is complete. It is the policy of the Council to ensure that officers receive adequate training to fulfil their training needs. This will be provided through a combination of commercial courses, those provided by the HSE, Northamptonshire Health and Safety Liaison Group and internal training.

The Authority will have regard to the competencies defined in Regulators Development Needs Analysis Process when assessing the competency of its Officers. Where an Officer cannot be shown to achieve the standard in all areas, the Authority will ensure that that Officer is supervised by an Officer who does possess these competencies.

The department adheres to section 18 guidance under Health and Safety at Work etc. Act 1974.

### **6.3 Procedural Documents**

Borough Council of Wellingborough operates a system of procedural documents for key areas of health and safety enforcement. These are issued in a controlled document format and are regularly reviewed.

### **6.4 Standard Letters**

Where appropriate officers involved in health and safety enforcement are issued with standard phrases and standard letters to ensure consistency.

To ensure we are responsive to customer needs, and to ensure we attain our agreed performance standards, we survey service users to gauge our performance. As part of this process customer satisfaction forms are sent out on occasion throughout the year to those who receive a health and safety intervention to assess duty holder's satisfaction with our service.

## **7 REVIEWS**

### **7.1 Review against the Service Plan**

The performance of the service against the service plan is internally monitored monthly.

The health and safety service plan and procedure documents are reviewed annually. The authority takes part in peer review processes as appropriate, the results of which inform the review process and bring about improvements in service as appropriate.

### **7.2 Identification of Variations from the Service Plan**

Any shortfalls from targets noted during the year are reviewed on a monthly basis to see:

- What factors have caused the variation to take place and
- Whether additional resources are needed to rectify the variation and achieve the annual targets.

Significant shortfalls are reported to the Head of Service and actions needed to resolve the problem are then agreed. This action can include

- Prioritisation of work, with lower risk inspections and other low priority work delayed, carried out in some other way or dropped from the work plan for the year as appropriate
- Staff reallocated from other duties in the short term to resolve any shortfalls that are regarded as a priority.
- Any shortfalls in inspections that have not been resolved by the end of each year are carried forward.

### **7.3 Areas for Improvement**

As part of the review process, areas for improvement will be identified, covering:

- Improvements to response times as part of the performance indicator reporting.
- Improvements in efficiency, effectiveness and economy.
- A commitment to working with other authorities and partners to ensure a consistent approach to the project priority inspection programme through the Northamptonshire Health and Safety Liaison Group to reduce accidents and ill health statistics.
- Improvements in working practices, to improve efficiency and the quality of service.
- New projects or initiatives to improve the overall quality of safety in workplaces in the area or to raise the awareness of the general public.

### 7.4 Future considerations

In May 2013 the National Local Authority Enforcement Code was introduced. This code replaced Section 18 guidance. The National Code sets out the risk based approach to targeting health and safety interventions to be followed by LA regulators.

The Code provides a principle based framework that recognises the respective roles of business and the regulator in the management of risk, concentrating on four objectives:

- Clarifying the roles and responsibilities of business, regulator and professional bodies
- Outlining the risk-based approach to regulation that LAs should adopt
- Setting out the need for training and competence of LA health and safety regulators
- Explaining the arrangements for collection/publication of LA data and peer review to give assurance on meeting the requirements of the Code.

The Regulators' Code came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006, replacing the Regulators' Compliance Code. It provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate. Local authority enforcement officers must have regard to it when developing policies and procedures that guide their regulatory activities.

Internal procedural documents and the Environmental Health Enforcement Policy have been reviewed to ensure that they continue to reflect the National Code and Regulators Code.

Government reforms over health and safety will be kept under review and incorporated into practice as required. The Health Protection team are committed to improving health and safety standards in accordance with this strategy.

## **Glossary of Terms**

CIEH - Chartered Institute of Environmental Health

EHO - Environmental Health Officer

FTE - Full-time equivalent

HELA - Health & Safety Executive/Local Authorities Enforcement Liaison Committee

HSE - Health and Safety Executive

LPG - Liquefied Petroleum Gas

PHE Public Health England

RDNA - Regulators' Development Needs Analysis

RIDDOR - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995