

## HEALTH & SAFETY AT WORK – SERVICE PLAN

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### Executive Summary

The Health and Safety Service provided in 2009/10 was successful for a number of reasons. These were as follows:

- (a) The Commercial team carried out ten more health and safety inspections (82), compared to the corresponding figure of 72 in 2008/09.
- (b) The service achieved a high level of satisfaction based on the customer care questionnaires returned by local businesses visited by our enforcement officers.
- (c) We participated in two national priority initiatives relating to topics such as protecting young persons at work and slips/trips hazards in catering premises... These were addressed during a "Health Fair" at a local secondary School to increase awareness among young people about hazards and risks in the work place and planned health and safety inspections relating to slips and trips.

In 2011/12 the Commercial team are committed to continue improving the health and safety service provided to the local communities. Our main aims are as follows:

- (a) To achieve at least 98% of health and safety inspections in accordance with the frequencies set out in the HELA 67/2.
- (b) To participate in two or three national/regional priority initiatives in 2011/12.
- (c) To comply with the new health and safety enforcement standards set by the HSE under section 18 of the Health and Safety at Work etc. Act 1974.
- (d) Investigate the possibility of building closer partnership links with other Surrey authorities and the HSE through the "flexible warranting" scheme.
- (e) To respond to 95% of service requests within six working days.
- (f) To ensure that the pilot remote working project being launched within the service is a success in terms of improving the level of service provided to our customers.

## **1.0 SERVICE AIMS AND OBJECTIVES**

### **1.1 Service Aims and objectives**

- 1.1.1 The Spelthorne Community Plan 2005-2015, supported by a partnership of local organisations from the public, voluntary, business and community sectors aims to, in the next 10 years:

'make Spelthorne a safe, healthy, inclusive, prosperous and sustainable community'.

Particular themes of the Plan include Healthy Spelthorne, Thriving Spelthorne and Young People's Spelthorne. The Health & Safety Service Plan will assist in achieving the aims of the Community Plan by improving the standards health, safety and welfare in local work places.

- 1.1.2 Our Health & Safety at Work enforcement objectives will be set as part of the Service Improvement Plan when it has been updated following the completion of the current Business Improvement Process for the Environmental Health service. For 2011/12 the objectives which may be transferred into specific targets for the section are outlined as follows:

- To achieve 98% of programmed Category A and B1 and B2 health and safety inspections in accordance with frequencies set out in HELA LAC 67/2.
- Investigate the possibility of building closer partnership links with other Surrey authorities and the HSE through the "flexible warranting" scheme.
- To comply with all new legislative requirements imposed on the Borough regarding the enforcement of Health & Safety at Work. This includes any relevant guidance, codes of practice, etc., published by the HSE or the Local Better Regulation Office (LBRO).
- To comply with the revised HSC Section 18 - Guidance to Local Authorities by 1 April 2011. This will entail updating our internal operational procedures and ensuring authorised officers within the Commercial team have completed the Regulators Development Needs Assessment (RDNA).
- To contribute to the HSE "Be Part of the Solution" Strategy. This will entail active participation in selected national/regional priorities.
- To ensure that the service provided is that desired by the local community and other customers, including hard to reach groups.
- To ensure that the pilot remote working project being launched within the service is a success in terms of improving the level of service provided to our customers.

- To respond to 95% of service requests (e.g.: complaints, accident notifications) within six working days.
- To continue enforcing smokefree legislation which bans smoking in most workplace and public buildings.

## 1.2 Links to Corporate Objectives and Plans

1.2.1 This Service Plan supports the Service Plan for the Environmental Health and Building Control Services', which in turn forms part of the Corporate Performance Plan.

1.2.2 The health and safety at work enforcement service, as part of the overall Environmental Health Service, plays an important role in meeting the social, economic and environmental strategic objectives of the Council, which are set out within the council's 'Mission Statement', and the 'Strategic Priorities' and 'Core Values' as outlined in the Performance Plan. The Council's mission statement is:

### **"Making Spelthorne a Better Place"**

In order to achieve this ambition, the Council has outlined a number of strategic priorities, one of which is the need to ensure that Spelthorne is an attractive and healthy place to live and work. In addition, the authority has adopted 6 priorities, all of which are followed by Environmental Health Staff in the Commercial Team as they do their day-to-day work.

#### **Priorities of the Council**

1. Safer Spelthorne
2. Supporting Younger People
3. Cleaner and Greener Environment
4. Supporting Housing Needs
5. Help for Older People in Need
6. Economic Development

## 1.2.3 Cross Linkage to other Plans developed by the Authority

We recognise that the work carried out by the health and safety at work enforcement service interlinks with other strategic approaches and services. Some key areas where this is the case are:

#### **Regulator's Compliance Code**

This Code replaced the previous voluntary "enforcement concordant" in April 2008. All local authorities' Environmental Health and Trading Standards departments have a legal obligation to have regard to the code in the provision of their services to the public and businesses.

### **Local Development Framework**

We recognise the importance of commercial businesses to the local economy and work closely with Planning Officers to encourage businesses to 'design out' potential problems in commercial premises, for example safe means of access to mezzanine floor storage areas.

### **Licensing**

We play an active role in the licensing of a variety of premises such as: - food establishments providing late night refreshments after 11.00pm, pet shops, riding establishments, boarding establishments, acupuncture, night-clubs, public entertainment venues, and outdoor events etc. Officers will ensure that any health and safety problems that come to light during licensing inspections are dealt with without delay.

### **Health and Social Care Improvement Plan**

A health and social improvement plan for North Surrey has been written by the local PCT and the adults and community care team in liaison with other local partner including this Borough. The plan is linked to the local delivery plan. It addresses a wide range of locally identified health and social care issues and will enable agencies to develop services that better reflect local need. One of the targets particularly relating to health and safety is to reduce the prevalence of smoking in Surrey. Local authorities can indirectly contribute to this aim through their responsibility to enforce the smokefree legislation. All 11 Surrey authorities continue to work in partnership with Surrey County Council and Surrey Smokefree Alliance to tackle this issue.

It should be noted that under the Coalition Government's "Health and Social Care Bill" the public health role currently delivered by the NHS PCTs will be transferred across to local authorities in the next two years. Furthermore, a "Public Health England" service will be created to oversee these changes. How these changes will affect district councils is not yet clear.

### **Customer Care**

In addition to informal systems for resolving complaints and dissatisfaction, the Council has an open, clear, formal system for dealing with complaints. Clear corporate targets have been established for the speed and quality of response to letters (seven to ten working days) and telephone calls (respond within five rings) and our performance is published in the local press and is available on the Council's website.

Customer consultation and feedback to support national indicator targets have been used to set specific customer care standards and response times for work areas across the organisation, these are contained in the Service Plan for Environmental Health and Building Control Services.

### **Economic Development**

The policies set out in the Local Plan seek to achieve a balance between community health and development.

We aim to take a balanced approach to enforcing health and safety legislation in businesses we visit. We will safeguard the health, safety and welfare of their employees and visitors. However, we will not act in ways that lead to disincentive in businesses.

### **Social Inclusion and Diversity**

The Health and Safety Service provided by the Council is committed to social inclusion and diversity within its communities. This is achieved in the following ways:

- (a) Customer Care Questionnaires are sent out to all businesses who have received an inspection to ascertain levels of satisfaction with the Commercial Section's services.
- (b) We periodically send out a newsletter to our businesses to provide them with Health & Safety information and advice and inviting them to contact us for further advice.
- (c) We will make use of the Council's translation services, where necessary.
- (d) We must have regard to the Regulator's Compliance Code, which requires us to deal with all businesses with fairness and consistency.
- (e) Health & Safety advice leaflets are available in a number of different languages.

### **Investors In People**

The Council has been awarded Investors in People status. This demonstrates the Council's commitment to training and developing staff to their full potential.

## **1.3 Links to the HSE's Strategy for 'Be Part of the Solution'**

This strategy, launched in June 2009, aims to prevent the death, injury and ill-health to those at work and those affected by work activities. It recognises that although prime responsibility for managing health and safety lies with business owners, it is a partnership between regulators (HSE and local authorities) and UK businesses (duty holders) and workers that will achieve better health and safety standards.

The Government estimates that the total cost to society of health and safety failures could be as high as £18 billion every year. We can and should do something about this.

### **1.3.1 Aims of "Be Part of the Solution"**

- Closer partnership between regulators by participation in “flexible warranting” schemes so as to maximise limited resources and deliver effective, focused and risk based health and safety enforcement services..
- Promote leadership from the top, confidence and competence at all levels and worker involvement; provide practical solutions, common sense and expertise..
- Provide effective support and advice to Small and Medium sized enterprises (SMEs) and properly manage specialised high hazard industries; and
- In terms of delivering the strategy the HSE will provide advice and guidance free via their web-site. Regulators will need to enforce health and safety law to secure justice, be adaptable and work collaboratively with a range of stakeholders and seek to promote consistency and good practice within their ranks..

Spelthorne Borough Council (Environmental Health & Building Control Services – Commercial Section), having responsibilities for the enforcement of Health and Safety legislation, has an important role as a stakeholder in the delivery of these challenging new targets.

Spelthorne Borough Council will need to contribute to these new targets through: -

- Raising the profile of occupational health;
- Improving health and safety performance in key risk areas;
- Increasing the engagement of others and promoting full participation in improving health and safety;
- Improving openness and accountability.
- Contribute towards the development and implementation of a partnership approach to health & safety enforcement work with HSE, both locally and within Surrey and LBRO.
- Spelthorne Borough Council are signed up to the “Local Authorities and HSE Working Together – Local Statement of Intent”. This means the Council are committed to working in a closer partnership with HSE to tackle national, regional and local priorities for health and safety at work.

The strategy statement and action plan are designed to build on and further these themes.

## 1.4 LINKS TO LOCAL AUTHORITIES AND HSE WORKING TOGETHER

### 1.4.1 Operational Objectives

In order to meet national/regional priority objectives, Spelthorne Borough Council intend to participate in a number of agreed Surrey-Wide projects in 2011/12, which will run in parallel with HSE organised national schemes.

These projects are as follows:-

- **Legionella project** – targeted inspections of premises with registered cooling towers/evaporative condenser units and multi-site businesses (e.g. garden centres, health spas, etc.) throughout 2011/12. Particular focus will be on

preventative control measures to minimise the risks from legionnaires disease. .

- **Consider “flexible warranting” scheme for Surrey** – We will consider whether or not to join such scheme to incorporate Surrey authorities and HSE.
- **Gas safety in catering premises**– targeted inspection throughout 2011/12 of catering businesses to assess risks from cooking appliances and boilers to employees and/or customers.
- **Other areas** – The surrey authorities will also look to carry out joint initiatives in areas relating to tanning salons, particularly unsupervised and coin operated categories.

#### 1.4.2 Priority programmes within HSE’S Compliance Agenda

Taking into account the special characteristics of the LA enforced sector, the HSE has decided that it will be necessary for Local Authorities to develop programmes to tackle the following priority hazards:-

- Slips and trips
- Workplace transport where reasonably practicable
- Musculoskeletal disorders
- Stress
- Falls from height

HELA’s “Priority Planning” framework, as set out in LAC 67/2 , enables local authorities to both incorporate the “topic inspections “ approach within their existing inspection planning frameworks and create “headroom” within their service plans to contribute to partnership working with the HSE.

HSE has identified that LA’s have a particular role to play in the reduction of accidents involving slips and trips. In 2009/10 this type of accident accounted for nearly one third of all non fatal injuries to employees in all industry sectors (28%). Such accidents were also responsible for over 50% of all non-fatal injuries to members of the public each year in the businesses local authorities visit.

LA’s are required to lead the HSE’s priority programme for slips and trips by ensuring that this topic is given an adequate focus and priority in inspections, accident and complaint investigations and other dealings with stakeholders. “Topic” inspections and investigations throughout 2011/12 will generally concentrate on slips, trips, musculoskeletal disorders and falls from height hazards and risks. Also in 2011/12 the Surrey Health and Safety Study Group will participate in European Health and Safety Week in October 2011 if the theme coincides with Surrey’s identified priorities. The theme for this week had not been confirmed at the time of writing this service plan.

For the other HSE Priority Programmes, LA’s should, where appropriate:-

- Prioritise inspection effort to tackle these issues and contribute to national programme to maximise improvements in health and safety in these areas;
- Contribute to the workplace transport priority programme concentrating on the segregation of vehicles and pedestrians and the elimination of where practicable reversing movements;
- Consider the role of other LA enforcement functions and roles, in improving health and safety (e.g.: Building Control and Planning in improving health and safety in parts of the construction industry).

### 1.5 LINKS TO THE HSE SECTION 18 – GUIDANCE TO LOCAL AUTHORITIES

LA's are responsible for the enforcement of the Health and Safety at Work etc Act 1974 (HSW Act), to the extent as defined and prescribed in the Health and Safety (Enforcing Authority) Regulations 1998.

Section 18 (4) of the HSW Act requires LA's to perform their duties in accordance with guidance from the Health and Safety Executive (HSE). The "Section 18 Guidance" is therefore MANDATORY.

Section 18 (4) of the HSW Act states 'It shall be the duty of every local authority to:-

- (a) Make ADEQUATE ARRANGEMENTS for the enforcement within their area of the relevant statutory provisions; and
- (b) To perform the duty imposed on them by (a) above and any other functions confirmed on them by any of the relevant statutory provisions in accordance with such guidance as the commission may give them.

The guidance notes issued by the HSC under section 18 (4) contain the broad principles which the HSE wishes LA's to adopt in enforcing health and safety legislation. They provide a framework with which LA's should operate so that the HSE can be confident that the LA are making adequate arrangements for enforcement.

Spelthorne Borough Council will refer to this relevant guidance and subsequent revisions when considering compliance with their duties under section 18 of the HSW Act.

The HSE, considers the following elements are essential for a LA to adequately discharge its duty as an Enforcing Authority:-

- A clear published statement of enforcement policy and practice;
- A system for prioritised planned inspection activity according to hazard and risk, and consistent with any advice given by the HSE and HELA
- A Service Plan detailing the LA's priorities and its aims and objectives for the enforcement of health and safety;
- The capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures;
- Arrangements for benchmarking performance with peer LA's;

- Provision of a trained and competent inspectorate; and
- Arrangements for liaison and co-operation in respect of the Primary Authority/ Lead Authority Partnership Schemes. .

LA's need to ensure that they devote sufficient resources to the health and safety enforcement to comply with their duties under section 18 (4) of the HSW Act. HSE will take a view on the performance of LA enforcement and promotional activities, in accordance with its strategy using information supplied by Authorities as requested (e.g. Annual LAE1 returns), by consulting with HELA, and by reviewing the reports of inter-authority audits carried out using the HELA protocol.

If a LA fails to meet its legal obligation under Section 18 of the HSW Act, the Secretary of State may, after considering a report submitted by the HSE, cause a local enquiry to be held. If the Secretary of State is satisfied by such an enquiry that a LA has failed to perform any of its enforcement function, he may make an order declaring the Authority to be in default. The order may direct the LA to perform their enforcement functions in a specified manner within a specified period of time.

If the defaulting LA fails to comply with such an order, under Section 45 of the HSW Act, the Secretary of State may enforce the order, or make an order transferring the enforcement functions of the defaulting LA to the HSE, in which case the HSE's expenses are paid by the defaulting authority.

## **2.0 BACKGROUND**

### **2.1 Profile of Spelthorne**

#### **The Borough**

2.1.1 Spelthorne Borough Council lies 15 miles west of Central London and sits in the far North West corner of Surrey close to the boundary of Berkshire. The Borough is also bordered by the London Boroughs of Richmond, Hillingdon and Hounslow. The Borough is at the inner edge of the Metropolitan Green Belt, with 45% being urban and the remainder protected as Green Belt.

2.1.2 The main centres of population are the towns of Staines, Ashford, Sunbury, Shepperton and Stanwell.

#### **The People**

2.1.3 Spelthorne's resident population was 90,390 by the end of 2001, based on the 2001 census.

2.1.4 The population is predominantly white with other ethnic groups making up 5.7% of the population compared with the national average (9.1%). This figure is based on the 2001 census.

#### **The Local Economy**

2.1.5 The local economy includes manufacturing and service industries, research, agriculture, the professions and many administration sites. A number of large commercial organisations have their main UK offices in the Borough.

## **2.2 Organisational Structure**

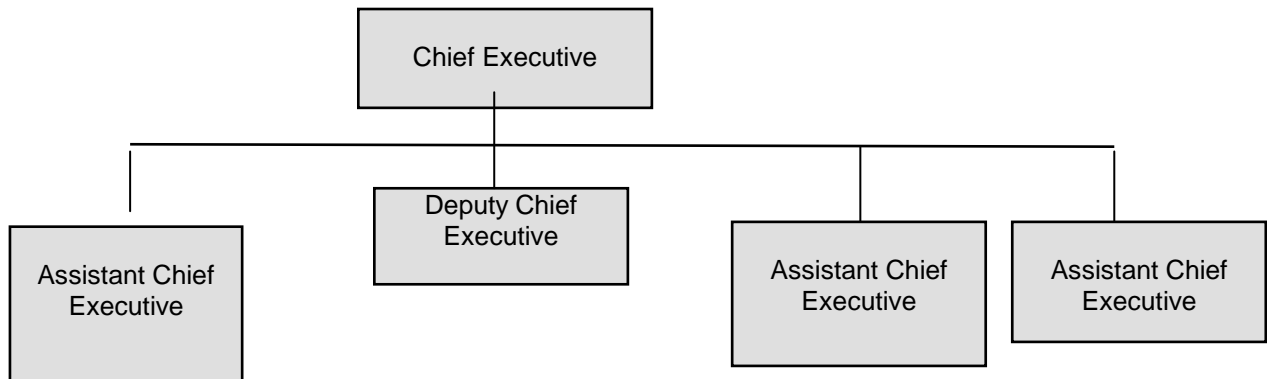
#### ***The Political Structure***

2.2.1 The Council implemented a 'cabinet' style committee structure, which is attached as appendix 1.

2.2.2 The Cabinet Committee is responsible for deciding matters relating to health and safety, however the Improvement and Development committee scrutinises the work we do in relation to Health and Safety at Work Enforcement and monitors progress against targets and makes recommendations to the executive.

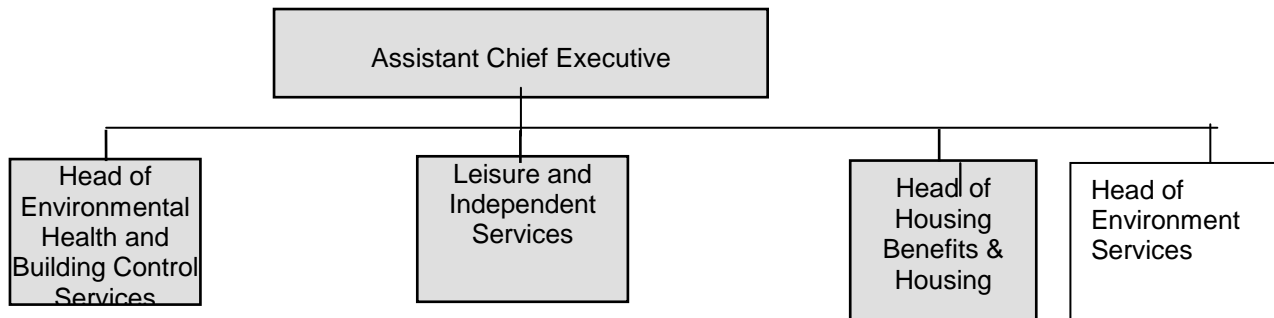
***The Council's Management Team***

2.2.3 The services provided to achieve the Council's strategic objectives are delivered under the direction of the Council's Management Team led by the Chief Executive. The Management Team comprises of the following 5 Senior Officers:-



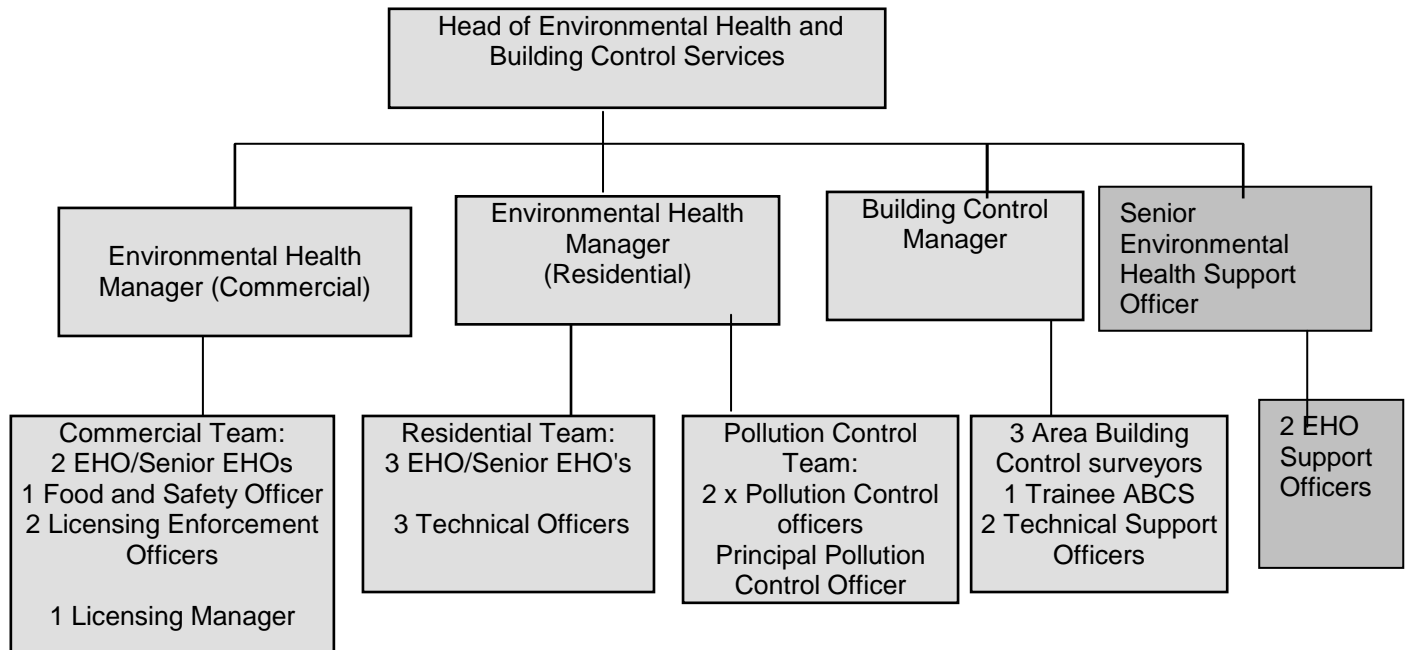
***The Assistant Chief Executive's Management Team***

2.2.4 The management structure for the Assistant Chief Executive with overall strategic responsibility for Environmental Health and Building Control Services is indicated below:



### ***The Environmental Health and Building Control Service***

2.2.5 The Departmental structure is as follows:-



### **2.3 Scope of the Health and Safety at Work Enforcement Service**

2.3.1 The Council provides a comprehensive service to both employers and employees of commercial premises, and the general public who may be affected by work activity within Spelthorne Borough Council. The responsibility for health and safety enforcement within commercial premises in the Borough, is shared between the Health and Safety Executive and the Local Authority. This responsibility is determined by statutory legislation (The Health and Safety (Enforcing Authority) Regulations 1998) and is established on the basis of the "main activity" carried out at the premises (HELA LAC 23/15 provides guidance on the allocation of premises).

Spelthorne Borough Council has the responsibility for enforcing the provisions of the Health and Safety at Work etc Act 1974, and health and safety regulations made under the Act in approximately 1405 (as of April 2010) commercial premises located within the Borough.

An example of premises in which we are responsible for health and safety enforcement are detailed as follows:-

- Sale or storage of goods for retail or wholesale distribution (e.g.: retail shops and warehouses);
- Offices;
- Residential accommodation in Non-Domestic premises (e.g.: residential care homes);
- Consumer services provided in a shop (e.g.: tool hire, hairdressers);

- Care, treatment, accommodation of animals (e.g.: pet shops, boarding establishments);
- Pre-school childcare, playschool or nurseries (excludes educational establishments);
- Cosmetic services and therapeutic services (e.g.: sauna, massage, skin piercing);

### 2.3.2 The main elements of the service are:-

Programmed Health and Safety Inspections - Regular inspection of all our commercial premises, rated in the "A", "B1" categories to check on health and safety standards to promote safe practices and secure compliance with the law, whilst having regard to the national/regional priority programmes. Commercial premises rated as either "B2s" or "C" categories, which will not form part of the planned inspection programme. However, these category premises will be subject to other "Intervention strategies" such as planned, local or national campaigns/initiatives on topic based issues (e.g. "Backs! 2006 Initiative and European Health and Safety Week on slips and trips). The inspections are carried out in accordance with the adopted Health and Safety Inspection Procedure. Enforcement is focused on particular hazards or sectors where the greatest action will be necessary, to contribute to the HSE's "Be Part of the Solution" Strategy.

Special/Other Health and Safety Inspections – To undertake visits as necessary having regard to the priority programmes within HSE's Strategy, focusing our enforcement on particular hazards or sectors where the greatest action will be necessary.. In 2009/2010, 82 such inspections were carried out.

Health and Safety Investigations - Investigation of all complaints relating to health and safety received from employers, employees and the general public. In 2009/10, 29 such investigations were carried out.

Accident Investigation - Investigation of all F2508 accident notifications. Accidents are investigated in accordance with the adopted Accident Investigation Procedure. In 2009/10, 76 accidents were notified to us. This compared favourably to the 83 accidents reported to us in 2008/09. 14 accidents were investigated in 2009/10. The table below shows the numbers of notifiable accidents reported to this Council over the last 4 years:

2008/09	83
2007/08	102
2006/07	88
2005/06	79

In 2010/11, up to 9th of February 2011, 60 reported accidents were notified to us, so hopefully the final figure is likely to be less than the previously two years of 2009/10 and 2008/09.

Health and Safety Initiatives - To develop initiatives to focus on issues within the national/regional Priority Programmes outlined in paragraph 1.4.1 in this service plan.

During European Health and Safety Week in October 2010 the focus was on "Maintenance". Spelthorne did not take part in this initiative, because it did not correspond to any priorities/projects we were undertaking last year.

Non-Food Premises Database. We will maintain the database of non-food premises allocated to us under the Health & Safety (Enforcing Authority) Regs 1998, in the Borough and take steps to ensure that the information is accurate and up-to-date. Ad hoc special surveys and monitoring of monthly releases of new businesses registered with the Council's Business Rents Team are examples of how this will be achieved.

2.3.3 The health and safety at work enforcement service is provided by the Commercial Team who also provide a food safety enforcement service, process and monitor licences issues under the Licensing Act 2003, and animal licensing in relevant premises.

## **2.4 Demands on the Health and Safety at Work Enforcement Service**

2.4.1 As of April 2010 there were approximately 1405 commercial premises within Spelthorne Borough Council, rated categories. The breakdown in terms of nature of business are as follows :

- 429 Retail shops;
- 59 Wholesale shops, warehouses;
- 336 Offices;
- 297 Catering, restaurants and bars;
- 18 Hotels and other short stay accommodation;
- 4 Residential care homes;
- 52 Leisure and cultural services;
- 169 Consumer services; and
- 41 Other premises (not classified above).

## **2.5 Accessing the Service**

The service can be accessed by:-

- Calling in person to Spelthorne Borough Council, Knowle Green, Staines, Middlesex, TW18 1XB. The Offices are open from 9am to 5.30pm Mondays to Thursdays and 9am to 5pm on Fridays. The office is closed during the evenings and at weekends.
- Telephoning the Environmental Health Support Officers.
- Officers have direct line telephone numbers.
- The Commercial Team can be contacted via e-mail box: [environmental.commercial@spelthorne.gov.uk](mailto:environmental.commercial@spelthorne.gov.uk) and officers have individual e-mail addresses.

- Health and safety emergencies can be dealt with by telephoning our 24-hour out of hours emergency service where the on-call officer will contact a senior officer from environmental health.
- Information and advice can also be accessed via the Council's website ([www.spelthorne.gov.uk](http://www.spelthorne.gov.uk))
- Information and advice can be requested via the sections email address [environmental.health.commercial@spelthorne.gov.uk](mailto:environmental.health.commercial@spelthorne.gov.uk)

## **2.6 Enforcement Policy**

- 2.6.1 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the Regulator's Compliance Code and the Environmental Health Enforcement Policy. The policy was last updated in 2010 to take account of minor changes, such as change to staff personnel. It is published and made available to businesses and customers in printed format if requested, and is available on the Council's website. Officers shall provide proprietors and managers of commercial premises with the new Spelthorne leaflet entitled "Enforcement Policy – Advice to Businesses" during health and safety inspections.
- 2.6.2 We recognise that most businesses want to comply with the law. We will therefore endeavour to help businesses and others meet their legal obligations without unnecessary expense, whilst taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. Enforcement action will always be proportional to the risk to public health.
- 2.6.3 In considering enforcement action we will give full regard to Home Office Circular 30/2005, The Code for Crown Prosecutors, and the HSE Enforcement Policy. We will also seek advice offered in relation to the current Lead Authority Partnership Scheme and the Primary Authority Principle scheme that will replace it in the near future. We must also have regard to any relevant guidance produced by LBRO.
- 2.6.4 All authorised officers will follow the policy when making enforcement decisions. Any departure from the policy must be exceptional, capable of justification and approved by the Head of Environmental Health and Building Control Services.
- 2.6.5 The Environmental Health Enforcement Policy will be regularly reviewed and amended.

## **3.0 SERVICE DELIVERY**

### **3.1 Health and Safety Inspections/Visits**

- 3.1.1 Whilst the primary responsibility for identifying hazards and controlling risks rests with proprietors and managers of businesses, there are several categories of health and safety visits undertaken by Spelthorne Borough Council's team of Environmental Health professionals:

### Programmed Health and Safety Inspections

- Inspections of premises involving a full Health and Safety inspection, where all aspects of the work throughout the premises are looked at, or a general overall assessment of health and safety is carried out, in accordance with frequencies set out in HELA LAC 67/2.

### Special Surveys/Other Visits for Enforcement Initiatives

To undertake visits as necessary having regard to regional/national priority programmes, focusing our enforcement on particular hazards or sectors where the greatest action may be necessary to contribute to the HSE's Strategy

### Other Visits - Health and Safety Investigations -

Investigation of all complaints relating to health and safety received from employers, employees and the general public, including advice and/or complaint visits.

### Other Visits - Accident Investigation

Investigation of F2508 accident notifications, including visits to premises to investigate the scene/cause of the accident

### Revisits

Revisits are carried out to premises to check if specific action has been taken to remedy faults found at a previous inspection/visit. In 2009/10 9 revisits were undertaken.

#### 3.1.2 The main objectives of a health and safety inspection are:

- determination of the scope of the business activities and of the relevant health and safety legislation that applies to the operations taking place at the premises thorough and systematic gathering and recording of information, from observations and discussions with employees, managers and proprietors
- identification of potential hazards and associated risks to employee/public health, safety and welfare
- assessment of the effectiveness of controls to achieve safe
- identification of specific contraventions of health and safety legislation
- consideration of appropriate enforcement action, (proportionate to risk), to secure compliance with health and safety legislation
- provision of advice and information to employees, employers, managers and proprietors of commercial premises
- recommendation of practical, good health and safety practices, in accordance with subject specific codes of practice where appropriate
- the promotion of continued improvements in health and safety standards through the adoption of good practice.

3.1.3 We aim to undertake 98% of our programmed health and safety inspections of premises within the Borough at a frequency which is in accordance with the inspection rating system set out within HELA 67/2.

3.1.4 All commercial premises in the Borough are categorised according to potential risk and the frequency that they are inspected depends on this category. In 2009/10 we inspected 75% of our programmed inspections for this year (i.e. businesses risk rated "A", "B1" or "B2"). The rating system takes account of management practices and past compliance with legislation in determining likely future risk. Premises are inspected within the following minimum frequencies:

<b>Category</b>	<b>Minimum frequency of Inspection</b>
A	At least every year
B1	At least every 18 months
B2	Carry out an intervention visit
C	Use non intervention methods, e.g. reactive intervention following accidents or complaints.

**See Section 6.2 on Pages 29 and 30 of this Service Plan, which summarises achievements in 2009/10.**

3.1.5 The Council recognises that some commercial businesses present a higher risk than others. We plan to visit all Category A – B1 premises within their due date. Additional resources will also be targeted at specific premises to focus our attention on issues within the priority programmes compliance agenda contained within national/regional priorities. Furthermore, all category B2 premises, which are due for a review of their current rating score will be done so.

3.1.6 Prior notice of a programmed inspection will not normally be given to proprietors and managers unless they are not normally available at the premises to discuss health and safety issues, and ensure that relevant personnel and documentation will be made available.

3.1.7 Commercial premises will be inspected during normal trading hours. We recognise that certain businesses operate in the early hours of the morning, late at night and at weekends and indeed that some businesses are busiest at these times and would therefore benefit from a visit at these times, so the inspections programme will include health and safety inspections outside of normal working hours where appropriate, and are agreed with the Environmental Health Manager.

3.1.8 Health and Safety inspections of all new catering premises and inherently "high risk" new non food premises will be undertaken at the same time as the initial Food Hygiene inspection, and generally within 3 months of opening.

3.1.9 When we become aware of new premises other than a catering establishment, we will send a new business Health and Safety information start up pack . During special survey initiatives we will also send a self-assessment checklist designed to enable both the business and the officers to identify whether or not the business

complies with the law. We receive information regarding change of occupation from business rates on a monthly basis to assist this process.

- 3.1.10 When special survey initiatives are carried out the targeted employers shall be required to return the self-assessment checklist; failure to do so may result in a visit by an officer. A sample of 5% of all premises returning the self-assessment checklists shall be visited in order to validate responses. In addition, officers shall assess the Risk Category of the business based on the information provided. Businesses shall receive feedback as may be necessary on our conclusions as a result of assessing the form and would be sent any relevant information, which they required. In addition they shall be visited where it was obvious that this was necessary. If new businesses do not reply, we will inspect the premises as soon as possible, subject to other priorities.
- 3.1.11 Wherever it is practicable and appropriate to do so, we will combine a health and safety inspection with another visit (e.g. complaint, or a request for advice, or if the premises is due a food/licensing inspection etc) to help make effective use of resources and to minimise disruption to business.
- 3.1.12 We will reschedule our programmed health and safety inspection programme in exceptional circumstances if requested to do so by HSE. We will co-operate with the HSE and will provide them with any information and assistance as may be necessary.
- 3.1.13 All health and safety inspections will be conducted by appropriately qualified officers who satisfy the requirements of the relevant legislation and HSE Section 18 Guidance to Local Authorities.
- 3.1.14 If we identify serious contraventions of health and safety legislation and/or poor practices during a programmed inspection and formal action is not appropriate as laid out in the enforcement policy, we will undertake a revisit to the premises after an appropriate time period to check that matters have been attended to satisfactorily. We will revisit to check compliance with all formal notices served.
- 3.1.15 Spelthorne recognises that the approach to health and safety inspections in low hazard/risk (category C) premises, such as offices and small retail shops, is outdated and is not very effective. Spelthorne formally excludes these premises from the planned inspection programme, and as an alternative introduced a package of initiatives to more effectively communicate the health and safety message to businesses. The following initiatives shall be introduced:
- A self-assessment checklist:- Category C premises shall be sent a Health and Safety information pack designed to enable both them and officers to identify whether or not the businesses comply with the law. The employer shall be required to return a self-assessment checklist, failure to do so shall result in a visit by an officer. A sample of 5% of all premises returning the self-assessment checklists shall be visited in order to validate responses. In addition, officers shall reassess the category of the business based on the information provided. Businesses shall receive feedback on our conclusions as a result of assessing the form and would be sent any relevant information

which they required. In addition they shall be visited where it was obvious that this was necessary.

- Distribution of literature:- Officers shall send information about current health and safety issues regarding their specific business type, to businesses returning the self-assessment checklists. At present this is carried out following requests and inspections.

### **3.2 Health and Safety Complaints**

3.2.1 Our policy is to investigate all health and safety complaints made within Spelthorne Borough Council, in accordance with the departmental policies and procedure notes, whilst having regard to our Enforcement Policy.

3.2.2 Our main aims in undertaking independent investigations of health and safety complaints on behalf of members of the public or employees are:

- The identification of potential hazards and associated risks to employee/public health, safety and welfare;
- The assessment of the effectiveness of existing controls;
- The identification of specific contraventions of health and safety legislation;
- To prevent a recurrence of the complaint by securing improvements in health and safety standards, including practices and procedures;
- Provision of advice and information to employees, employers, managers and proprietors of commercial premises;
- Recommendation of practical, good health and safety practices, in accordance with subject specific codes of practice where appropriate
- Appropriate enforcement action, (proportionate to risk), to secure compliance with health and safety legislation where necessary.

3.2.3 We aim to respond to all health and safety complaints within 6 days after receipt, or in accordance with our documented procedures and relevant HSE guidance.

3.2.4 The depth and scope of investigation required will depend on the nature of the complaint and whether the complaint arose within a premises for which the Council has health and safety enforcement responsibility.

3.2.5 All complaints are thoroughly investigated and complainants advised of the outcome.

### **3.3 Accident Investigation**

3.3.1 Our policy is to appropriately investigate F2508 accident notifications made within Spelthorne Borough Council, in accordance with the departmental policies and Accident Investigation procedure notes, whilst having regard to our Enforcement Policy and HELA's LAC 67/2.

3.3.2 Our main aims in undertaking independent investigations of accident notifications on behalf of members of the public or employees are:

- To prevent a recurrence of the accident by securing improvements in health and safety standards, including practices and procedures;
- The assessment of the effectiveness of existing controls;
- The identification of specific contraventions of health and safety legislation;
- The identification of potential hazards and associated risks to employee/public health, safety and welfare;
- Provision of advice and information to employees, employers, managers and proprietors of commercial premises;
- Recommendation of practical, good health and safety practices, in accordance with subject specific codes of practice where appropriate
- Appropriate enforcement action, (proportionate to risk), to secure compliance with health and safety legislation where necessary.

3.3.3 We aim to respond to all accident notifications within 6 days after receipt, or in accordance with our documented procedures and relevant HSE guidance.

3.3.4 The depth and scope of investigation required will depend on the nature of the accident and whether the accident arose within a premises for which the Council has health and safety enforcement responsibility.

3.3.5 F2508 Accident notifications shall be investigated in accordance with the Accident Investigation procedure.

#### **3.4 Advice to Business**

We recognise that the majority of businesses seek to comply with the law and during 2009/2010 we have endeavoured to provide such advice and assistance as may be necessary. This includes:

- providing businesses with details of our Enforcement Policy. This may be through a leaflet either left at premises during routine visits or sent with inspection reports.
- developing and providing business information sheets, leaflets, practical information and other guides as necessary to simplify legislation and aid compliance with specific health and safety legislation;
- providing on the spot advice during routine visits and inspections;
- provision of free telephone advice;
- the publication of a health and safety information pack/guide for new businesses;
- the provision of a health and safety newsletter once or twice yearly;
- Health and Safety initiatives, e.g., as mentioned in Section 3.4.

#### **3.5 Primary/Lead Authority Partnership Schemes**

The Lead Authority Partnership Scheme (LAP) is a formal recognition of the importance of the relationship between a business and the Local Authority where the relevant decision making base (i.e. head office) of the company is located.

It is a voluntary scheme that is supported by the HSE, LBRO, Local Government Regulation and Local Authorities and a significant number of businesses, particularly large enterprises.

The concept of the LAP Scheme is that a lead authority offers health and safety advice to the business and provides assistance to other Local Authorities by providing them with information concerning company policies, procedures and standards. Such information is of particular help to Local Authorities who may be investigating an accident or complaint concerning a procedure/working practice adopted by the company.

The Council is committed to the HSE Lead Authority Principle and will adhere to relevant HSE guidance. In 2011/12 there are plans to completely phase out the LAP with the "Primary Authority" Principle (PAP) which will have already been established in law. It will mean that all local authorities will have to have regard to it when considering enforcement action in relation to certain large businesses which have a number of branches or units in other food authority areas and a decision making base in another area, the relevant "Primary Authority" must be consulted before taking formal action. The only exemption to this requirement is when a local authority needs to take urgent action to avoid a significant risk of serious harm to human health.

At present there are 310 PA arrangements in place and this is likely to increase over the next year. Spelthorne does not act as a Lead Authority and very unlikely to act as a PA for any business.

### **3.6 Liaison with Other Organisations**

3.6.1 The Council actively participates in liaison arrangements with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, to share good practice and to reduce duplicity of effort.

- Surrey Occupational Health and Safety Study Group
- Surrey Chief Environmental Health Officer's Group
- Local Government Regulation (formerly LACORS)
- Liaison arrangements with Building Control, Planning, Solicitors
- North Surrey Primary Care Trust (NSPCT)
- Surrey CIEH Branch
- South East Centre CIEH Group
- Surrey and Sussex Health Protection Unit.

#### **3.6.2 Liaison with the Primary Care Trust**

The Head of Environmental Health & Building Control Services will attend such meetings at a policy level, where necessary.

### 3.6.3 Work with the Primary Care Trust

Spelthorne regularly informs the Primary Care Trust of the Council's activities in relation to their local targets and regularly liaise with them regarding the progress of targets. This is dealt with at a strategic level under the banner "Spelthorne Together".

### 3.7 Consultation with other Statutory/Advisory Bodies

There are a variety of statutory/advisory bodies who we may consult:-

#### Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA)

HELA is responsible for the overall formulation and direction of policy and activity concerned with the interface between the HSE and local authorities as the enforcers of health and safety legislation.

HELA brings together representatives and professional advisors of the Local Authority Association and officials of HSE and other relevant organisations. .

The Committee provides a forum for discussions and exchange of information on a wide range of health and safety issues. It aims to achieve a consistent approach to enforcement of health and safety legislation, across local authorities and between the HSE and local authorities.

HELA produce a variety of Circulars to help us with the interpretation of legislation, and the enforcement of health and safety legislation. Officers whilst carrying out their duties shall have regard to LAC's produced by HELA as may be appropriate. Spelthorne Borough Council will feed views to the committee via the Surrey Occupational Health and Safety study group

#### The Employment Medical Advisory Service (EMAS)

EMAS is staffed by doctors and nurses with occupational health specialist qualifications, who are able to advise and inform anyone with an interest in health and safety at work on:-

- The effect of work on health; and
- The effect of a person's health on his or her ability to undertake work of any particular sort.

Officers can contact EMAS when;-

- The officer suspects that something connected with work activity is having an effect on peoples health and the firm has no medical advisor;
- When an officer is asked for advice on fitness to work;

- When specialist advice is needed by the officer in connection with a firm's arrangements for occupational health provision or first aid.
- Where advice of an occupational health specialist is needed in connection with consideration of enforcement action.

EMAS can be contacted through the Enforcement Liaison Officer (ELO) at the HSE, where enforcement related matters are involved, or direct at the HSE, West Sussex.

#### Enforcement Liaison Officer (ELO)

The ELO is an officer of the Health and Safety Executive (HSE), who acts as the first point of contact for deciding whose responsibility it is to enforce health and safety in a certain type of premises, gives general advice, access to EMAS and other HSE specialist officers. Our local ELO is based at the HSE West Sussex.

## 4.0 FINANCIAL RESOURCES, STAFF ALLOCATION AND TRAINING

### 4.1 Financial Resources

The gross cost of providing the health and safety service, ie staff and budgetary expenses, in 2009/2010 was £102,958. It is estimated that the cost of providing the service in 2011/12 will be £88,974. The majority of the costs are made up from staff costs, incorporating salaries. It is anticipated that the proportion of Full time Equivalents (FTEs) allocated to this service will drop from 1.55 in 2010/11 to 1.45 in 2011/12. This is because the future of the Environmental Health Technician post, which contributed to approximately 0.1 FTE of the service, is not certain at the time of writing.

### 4.2 Staffing Allocation

#### Staffing Allocation for Health and Safety at Work Enforcement

Name & Job Title	F.T.E	Qualifications	Health & Safety Enforcement Experience
Jonathan Bramley Environmental Health Manager	0.25	BSc (Hons) Environmental Health, Corporate Member of the CIEH MSc in the Science of Occupational Health, Safety and the Environment	20 years
Goga Sheppard Food and Safety Officer	0.3	BSc (Hons) Environmental Health	8 years
Fidelma Harding EHO	0.3	BSc (Hons) Environmental Health,	5 years
Liz England EHO	0.3	Diplomas in Environmental Health and Health & Safety	27 years

Name & Job Title	F.T.E	Qualifications	Health & Safety Enforcement Experience
Administrative Support	0.3		
<b>Total:</b>	<b>1.45</b>		

## 4.2 Staff Training and Development

- 4.2.1 We recognise the need for all officers engaged in the health and safety service to be trained, not only to the level required by law, but also to a level commensurate with the work they carry out. We also recognise the need to develop the personal skills needed in order to work effectively in the field, and for EHO's to meet the requirements of the CIEH Continuing Professional Development (CPD) scheme.
- 4.2.2 The Council has achieved the Investors in People award three times. All staff are regularly appraised, development needs are identified and records of all training to be undertaken is formally recorded. Follow up evaluation of the usefulness of the training is formally undertaken immediately following the course and three months later.
- 4.2.3. Each member of staff receives one appraisal and development meeting per year at which development needs are identified and a plan agreed to address these.
- 4.2.4 Training and development of staff is provided by a range of methods including:
- i) Post Entry Training  
Nominations for formal training courses/qualifications are considered annually and in appropriate cases members of staff are sponsored on formal academic and practical courses.
  - ii) Short Course Training  
Where appropriate, short courses, seminars and workshops can provide valuable updates for staff. We support attendance at such events through the Departments short courses training budget.
  - iii) In-house/cascade Training  
We carry out in-house training sessions as this helps to develop an individual's presentation skills, as well as cascading information to other members of staff following attendance at seminars and short course. They also assist in maintaining consistency of enforcement and the competency of Officers. In 2009/10 three internal cascade training days were held for staff.
  - iv) Peer Review  
We use peer review, e.g.: joint visits, to monitor work performance; encourage exchange of expertise and skills between staff; achieve consistency in enforcement; to strive for continual improvement in service delivery.

v) Team Meetings

These monthly meetings provide a useful forum for exchange of information and experience amongst team members, and assist in achieving a uniformity of approach to health and safety enforcement.

- 4.2.5 We will ensure that the Council's appraisal scheme and training plan is used effectively to identify general and personal training and development needs for all members of staff and ensure that these are addressed through the Commercial Team's Training Plan.

## 5.0 QUALITY ASSESSMENT

### 5.1 Internal Monitoring

- 5.1.1 We have set up a number of documented internal monitoring procedures to monitor compliance with HSE strategies and guidance, and our own internal procedures and policies.

The Officers carry out joint visits with each officer twice a year to ensure consistency between officers (Peer Review).

The Environmental Health Manager checks a selection of post-inspection risk scores and correspondence that is sent out.

The Environmental Health Manager shall carry out joint visits with each officer twice a year to ensure consistency between officers.

Health and Safety standard paragraphs are used where appropriate to assist consistency in the information provided to businesses.

Customer questionnaires are sent out to all businesses, who have received a visit and the results are collated and discussed at team meetings every six months.

During 2009/10 52 customer care questionnaire forms were returned from businesses who had received either a food hygiene or health and safety inspection. In terms of the quality of advice received from the EHO, 100% of respondents rated this as either "good" or "excellent". Furthermore, 100% of respondents rated the report either left with or sent to them as either "good" or "excellent".

The percentage of businesses who felt they were fairly treated by us, as a regulatory service, was 89% in 2009/10.

- 5.1.2 We recognise the need to review and update our existing internal health and safety procedures to ensure compliance with the requirements of the HSE Section 18: Guidance to Local Authorities. These should have been completed by the end of March 2011.

## **5.2 External Monitoring**

### **Peer Review**

- 5.2.1 Our health and safety enforcement at work service receives peer review as part of the local Surrey Districts inter-authority audit scheme. The health and safety at work enforcement service was first audited in 1994 and in 1997.

We participated in an Inter-Authority audit organised by the Surrey Health & Safety Study Group in accordance with both the HSC Section 18: Guidance to Local Authorities, which was issued in September 2001, and the revised HELA Audit Protocol (issued in January 2002). The audits were carried out in May/June 2004. The Environmental Health Manager (Commercial) Co-audited Health & Safety Services provided by Runnymede and Mole Valley Borough Council. Our Health & Safety Service was audited on 29 June 2004. Our Health and Safety Service was given an overall rating of two, according to HELA's audit protocol for the management of LAs' health and safety enforcement, which meant we were frequently complying with HSCs Section 18 guidance. In order to achieve full compliance with the guidance, we had to make small improvements to the investigations of accidents and complaints which were achieved. It is intended to complete this process by the end of March 2011.

### **District Auditor**

- 5.2.2 The performance indicator figures submitted by the Department regarding the achievement of the health and safety inspection programme and response to complaints are periodically audited by the District Auditor.

### **Health and Safety Executive**

- 5.2.3 We currently submit annual statistical returns to the HSE in respect of our health and safety enforcement activity. We may need to develop additional reports in conjunction with our software suppliers CAPS solutions, to provide such information in a form that is acceptable to the Health and Safety Commission.

## **6.0 REVIEW**

### **6.1 Review against the Service Plan**

- 6.1.1 This Service Plan should be read in conjunction with the Departmental Performance Plan.
- 6.1.2 Both documents are used in setting individual and team targets through the annual appraisal process.

Performance is reviewed through a variety of mechanisms. These include:

- i) Monthly Performance monitoring meetings between the Environmental Health Managers and the Head of Service.
- ii) Commercial Team Meetings.
- iii) Case load review meetings with officers and “Cascade” training days
- iv) Monitoring of correspondence sent out by officers (e.g. letters, reports, notices etc).
- v) Peer Review (Accompanied inspections).

6.1.3 Four principal performance measures are used. These are:

- i) Performance against programmed health and safety inspection targets. Our target is to achieve 98% of inspection targets for commercial premises.
- iii) Performance against departmental response targets for health and safety service requests.
- iii) Performance against departmental response targets for accident notifications.
- iv) The Number of reports (e.g. letters/informal notices) sent out within the target time.

## 6.2 Commercial Team Performance in 2007/2010

Performance Measures	2007/08	2008/09	2008/09
<b>Health &amp; Safety Inspection Programme</b>			
<b>Target for Programme Inspection (achieved % in brackets)</b>	98% (67%)	98% (95%)	98% (75%)
<b>Rating A number of planned inspections carried out</b>	4	2	2
<b>Rating B1-B2 number of planned inspections carried out</b>	18	6	13
<b>Rating B3, B4 and C number of planned inspections carried out</b>	37	64	17
<b>Number of new/other inspections carried out</b>	19	8	50
<b>Response to service requests</b>			
<b>Target to respond to within six working days</b>	95%	95%	95%

<b>Number of health and safety related service requests</b>	131	100	66
<b>Percentage responded to within six working days target (* Average across whole of Environmental Health Service)</b>	70*%	90%	98%

### 6.3 Commercial Team Performance against Target – 2009/10

Although the team only achieved 75% of the planned inspection programme, it should be noted that for the first 4 months in 2010 the team had one unfilled post.

The team received a total of 66 health and safety service requests for 2009/10. The percentage of these service requests responded to within the target of six working days was 98%, which was a significant improvement on the corresponding figure in 2008/09 of 90%.

The team produced a total of 346 reports following food hygiene and health and safety inspections. The percentage of reports sent out within seven working days was 96, which was a slight improvement to the comparable figure of 92% in 2008/09.

#### 6.3.1 Update for 2010/11

Up to the 9th of February 2011 the team had completed 58 health and safety inspections. Approximately a further 15 businesses will receive an inspection before the end of March 2011. So far 196 follow up food hygiene/health and safety reports have been sent out after inspection visits. 98% of these reports were sent out within 7 working days of the date of inspection. Finally, 95% of the 69 health and safety related service requests received so far in 2010/11 were responded to within 6 working days.

### 6.4 Identification of any variation from the Previous Service Plan (2009/10)

There is still a need to review and update our internal health and safety procedures, as outlined in Section 5.1.2 (page 27). This should be implemented by the end of March 2011.

### 6.5 Identification of any variation from the Service Plan

A report will be submitted to the Executive Committee in 2012, following a review of performance against this service plan to identify any improvements or service developments necessary to incorporate into the service plan for 2012/2013.

### 6.6 Areas of Improvement

6.6.1 Our health and safety objectives will be set as part of the Service Improvement Plan when it has been updated following completion of the current Business Improvement

Process for the Environmental Health service. Likely health and safety objectives were outlined in section 1.1.2 (pages 4 and 5).

**APPENDIX I – SPELTHORNE’S COMMITTEE STRUCTURE**

**COMMITTEE STRUCTURE**

