



OCCUPATIONAL HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2012/13

ARGYLL & BUTE COUNCIL
OCCUPATIONAL HEALTH AND SAFETY SERVICE PLAN 2012-13

1. SERVICE AIMS AND OBJECTIVES

1.1. Aims and Objectives

1.1.1. The aims and objectives of Argyll and Bute Council with respect to Occupational Health and Safety are:

Argyll and Bute Council is committed to the protection of the public. As an enforcing authority for occupational health and safety within specific workplaces, the service seeks to attain adequate standards within these premises to protect the health and safety of employees and members of the public and the welfare of employees.

1.1.2. Service Commitments

Regulatory Services will:

- Promote sensible health and safety management based upon risk
- Exercise the Council's statutory enforcement role
- Operate a risk-based approach to the enforcement of health and safety law in line with the Service's Health and Safety Enforcement Policy and the Health and Safety Executive's Section 18 guidance
- Work to support business to ensure that they are aware of their responsibilities and of new challenges or requirements introduced from legislative changes,
- Work in an open and transparent manner, with fair and proportionate enforcement.
- Identify and develop opportunities for joint working with the Health and Safety Executive and other local authorities, including the West of Scotland Health and Safety Liaison Group and similar forums.
- Manage and provide an effective service for occupational health and safety, based on a culture of service planning and performance management.
- Ensure that enforcement staff are competent and proficient

1.2. Links to Corporate Objectives and Plans

1.2.1. This service remit is consistent with the Council's Single Outcome Agreement and Corporate outcomes as it seeks to protect the public, and to support the economy of Argyll and Bute by supporting business, organisations and the public to provide workplaces which are safe, so far as is reasonably practicable, for employees and the public

2. BACKGROUND

2.1. Profile of the Local Authority

- 2.1.1. Argyll and Bute Council is a unitary authority, with a resident population of 90,550¹ and a geographical area of 690,899 hectares, including 25 inhabited islands, located within the west highlands of Scotland.
- 2.1.2. The Occupational Health and Safety Enforcement role of the Council is delivered through Regulatory Services, which embraces the animal health, environmental health and trading standards functions of local government. Health and safety regulatory work is principally undertaken by environmental health and trading standards professionals including environmental health officers (EHOs), trading standards officers (TSOs) and public protection officers (PPOs). Authorised officers are appointed as Inspectors under the Health and Safety at Work etc. Act 1974 (“the Act”).
- 2.1.3. The service reports to the Planning, Regulatory Services and Licensing Committee where items can be referred to either the Executive as determined by the nature of the report. The approval of the Service Plan falls to be approved by the Planning, Regulatory Services and Licensing Committee.

2.2. **Organisational Structure**

- 2.2.1. Further to the reconfiguration of the Service after the Service Review, a Lead EHO (Health and Safety and Service Support) has been appointed to provide a focus for health and safety regulatory activity. Two new EHO appointments have been made in front-line positions to improve our capacity to deliver the service. Authorised inspectors are located in the Service’s five local offices – details at Appendix I. All authorised inspectors report to the one of the two Area Environmental Health Managers. The Area Environmental Health Managers and the Regulatory Services Manager are themselves authorised inspectors.
- 2.2.2. Within our Trading Standards section, inspectors use powers contained within the Health & Safety at Work Act to facilitate enforcement of various pieces of Trading Standards legislation (including, but not limited to legislation relating to storage of explosives, fireworks and petroleum spirit). Trading Standards follow national guidance as set out by various regulatory and trade agencies. This guidance is similar to but not entirely identical to the EH Health & Safety Enforcement Policy. Authorised Inspectors are located in the four main local offices (not Rothesay) – details in Appendix 1. All authorised inspectors report to the Trading Standards Manager who, in turn, reports to the Regulatory Services Manager. The Trading Standards Manager is also an authorised inspector.

2.3. **The Scope of the Service**

- 2.3.1. Authorised Inspectors undertake the health and safety enforcement work. This work includes specific health and safety audits to high and medium risk premises. In addition to other interventions are undertaken to low risk premises where health and safety issues are considered in conjunction with other related work including food hygiene and standards inspections, smoking enforcement and licensing, depending on the authorisation of the officers.

¹ 2008 MYE, Argyll and Bute Council’s Intranet

2.4. Occupational Health & Safety Enforcement Policy

- 2.4.1. The Service seeks to support business and work with employees, and other agencies to protect health and safety in the workplace. The Occupational Health and Safety Enforcement Policy has regard to the Health and Safety Executive's *Enforcement Management Model*¹, which is a logical system that helps inspectors to make enforcement decisions in line with the HSE's Enforcement Policy Statement (EPS). The EPS sets out the principles inspectors should apply when determining what enforcement action to take in response to breaches of health and safety legislation. Fundamental to this is the principle that enforcement action should be proportional to the health and safety risks and the seriousness of the breach.
- 2.4.2. This Service's policy is presented with this plan for approval by Committee (Appendix II).
- 2.4.3. In addition to the enforcement policy, the Service is reviewing all existing policies and procedures as part of its assessment against the Section 18 standard².

3. SERVICE DELIVERY

3.1. Health and Safety in Argyll and Bute

- 3.1.1. Work is categorised as proactive and reactive. **Proactive** work includes the routine inspection of premises, appraisal of licensing applications and renewals, sampling and monitoring of the environment, food and water. **Reactive** work includes the investigation of accidents at work and reports of communicable diseases etc.
- 3.1.2. The design of this service is based on the Council's statutory duty under the Act to monitor and ensure minimum standards of health and safety within Argyll and Bute.
- 3.1.3. More detailed guidance on targeting interventions has been issued by the Health and Safety Executive/Local Authorities Enforcement Liaison Committee (HELA) as LAC67/2 (rev3). The latest edition of this statutory guidance was issued in November 2011 and is designed to implement the Government's lighter-touch health and safety regime which aims to concentrate enforcement activity on higher-risk sites and on tackling serious breaches of the rules. The LAC advises that local authorities should decide, plan and target their health and safety interventions by considering the risks that they are trying to address and 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 knowledge and priorities.
- 3.1.4. Significant changes introduced by LAC67/2 (rev3) are:
- Severe restrictions on the use of *proactive inspection* as an intervention
 - Removal of *intervention frequencies* from the intervention priority planning scheme
- 3.1.5. The LAC sets out a wide range of available interventions for health and safety regulators:
- a. Proactive interventions:

¹ *Enforcement Management Model, Operational version 3.1*, HSE, January 2012

² *Making a Difference – The Standard for Health and Safety Enforcing Authorities v0.2*, HSE, 2008

1. Partnership
 2. Motivating senior managers
 3. Supply chain
 4. Design and supply
 5. Sector and industry-wide initiatives
 6. Working with those at risk
 7. Education and awareness
 8. Inspection (restricted to category A premises only)
 9. Intermediaries
 10. Best practice
 11. Recognising good performance
- b. Reactive interventions
1. Incident and ill-health investigation
 2. Dealing with issues of concern that are raised and complaints
- 3.1.6. The Interventions Plan will therefore have more emphasis on partnership working, specific projects, education and advice than on the proactive inspections which have characterised health and safety regulation to date.
- 3.1.7. Reactive interventions remain essential for investigating incidents such as accidents and for complaints and other matters of evident concern.
- 3.1.8. Fundamental to the selection of the appropriate intervention is a review of the site's actual or likely performance. It is to be noted that, even for a Category A site, proactive inspection is not necessarily indicated without a review of all the available information and determining whether or not another intervention might not achieve the desired outcomes. Part of the review process will also require an assessment of unrated sites.
- 3.1.9. Although the LAC no longer prescribes intervention frequencies, the service will use the existing risk-based programme to inform the site review cycle, ensuring that all sites are reviewed and appropriate interventions identified and delivered according to risk and safety performance.
- 3.1.10. The changes introduced to the health and safety system in Great Britain over the last year will require time and resources to be devoted to refresher training of inspectors and refocusing our objectives.
- 3.2. **Categorisation of Regulated Sites**
- 3.2.1. Regulated sites are divided into risk categories. The risk rating is based upon an assessment of the performance of management on the site to secure health and safety, rather than the inherent site hazards. The numbers in each category are:

Category	Available Interventions ¹	Number of sites ²
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¹ LAC67/2 (rev3)

² Service data at 15th March 2012

A	Suitable for proactive inspection Identify the risk and consider the use of all interventions to address that risk	11
B (B1 + B2)	Not suitable for proactive inspection Identify the risk and consider how you might address it using the remaining 12 interventions	275
C	Use reactive interventions only	834
Unrated	Conduct site review to identify appropriate interventions	1100 ¹

3.3. **LBRO Primary Authority Scheme**

3.3.1. The Primary Authority Scheme was launched by the Local Better Regulation Office (LBRO) in April 2009 under powers in the Regulatory Enforcement and Sanctions Act 2008, which is legislation that applies to England and Wales. The Primary Authority Scheme, however, is national and gives companies 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.

3.3.2. Primary Authority partnerships have now been established which cover:

- 438 businesses
- 78 local authorities
- 46,400+ premises
- 1,190,000+ employees²

3.3.3. Each business agrees with its primary authority inspection plans for particular regulatory domains such as food safety, weights and measures and, for the purpose of this plan, health and safety. Inspecting local authorities are required to take agreed inspection plans into account when planning interventions in these companies and to consult with the primary authority before taking enforcement action. A number of the larger business chains in Argyll and Bute have primary authority agreements and Regulatory Services will have regard to agreed inspection plans in order to plan more efficient and targeted interventions in these businesses.

3.4. **Promoting Sensible Risk Management**

3.4.1. In June 2009 the Board of the Health and Safety Executive published its strategy for the national health and safety system³. The document sets out a number of key strategic goals for the national system, which includes government, regulators, industry and other stakeholders.

3.4.2. Local authority regulators have been invited to sign up – pledge – to the strategy and Argyll and Bute Council have done so. We have therefore committed ourselves that we shall:

- Agree to play our part in reducing the numbers of work-related deaths, injuries and ill-health in Great Britain.

¹ Service estimate at 15th March 2012

² *Primary Authority News*, LBRO, 09/01/2012

³ *The Health and Safety of Great Britain \ \ Be part of the solution*, HSE 2009

- Call on employers to put health and safety at the heart of what they do and to take a common-sense approach to health and safety.
- Commit to debunking myths around health and safety that trivialise the impact of injuries, ill health and deaths on individuals and their families.
- Recognise the importance of health and safety in difficult economic times and the dangers of complacency.
- Pledge to work with the Health and Safety Executive to Be part of the solution.

3.4.3. Inspections and other interventions provide an ideal opportunity for businesses to discuss health and safety. There is also the ability to contact Council offices at other times for specific advice and guidance on occupational health and safety issues. All correspondence issued by the Service invites the recipient to contact the author's line manager, should they wish for advice or to raise specific issues or concerns regarding the inspection.

4. REVIEW OF SERVICES OBJECTIVES AND PRIORITIES FOR 2011-12

4.1. In reviewing performance against the Occupational Health and Safety Plan approved for 2011/12, the following should be noted:

2011/2012 Objective	Target	Outcome
To meet the service's intervention programme of programmed audits to premises	100% of category A and B1 75% of Category B2	97%* (1 premises inspected late due to resource issues) 81%
To investigate all formal reports of injuries, diseases and dangerous occurrences which require a formal service intervention	100%	100%
To deliver the alternative enforcement workplan relating to Occupational health and safety	70%	44%
To promote Sensible Risk Management in Argyll & Bute by committing to the Strategy, Health & Safety of Great Britain – Be Part of the Solution campaign		The Service has signed up to the campaign
To participate in the programme of Joint National Priorities focussing on those with a local dimension (i.e. storage and sale of LPG; asbestos and duty holders management of risk)	Identify projects of particular significance to the local/national priorities	The Service has continued to inspect sites with underground LPG pipework as part of the HSE's national LLARD project. National and local priorities have been identified to inform the interventions plan for 2012-2015.

2011/2012 Objective	Target	Outcome
To deliver the Section 18 Action plan which has been developed by the service to attain a level of compliance with the Section 18 audit standards	Achieve Audit level 3	Development work on the Section 18 standard has commenced.
The Service will ensure that Officers undertaking occupational health and safety enforcement activities are competent and aware of developing issues in that field of environmental health	REHIS CPD scheme	Officers now receive regular information on technical and legal matters relating to health and safety at work. A programme of CPD activities is designed into the interventions plan for 2012-2015.
Partnership working. Promote improved standard and awareness of health and safety through partnership working with other Local Authorities and the Health and Safety Executive through the West of Scotland Health and Safety Liaison Group		The Service is represented at the West of Scotland Health and Safety Liaison Group by the Lead EHO (Health and Safety).
Review the appropriateness of the RDNA (Regulators Development Needs Assessment) tool and its applicability within Argyll and Bute	Produce evaluation report	Not completed.
Customer management. Review the content of the inspection reports and correspondence to make them simpler to understand	Improve customer feedback from 94% to 97%	See commentary below.
Review the unrated premises and identify their risk rating category		Work has commenced on this item. Included in the interventions plan for 2012-2105 as part of the site review procedure.

4.2. Commentary on Performance

4.2.1. In reviewing the 2011/12 priorities, achievements of note are:

- The Lead EHO (Health and Safety) was appointed in April 2011 and the work on revitalising the health and safety regulatory function is now under way.
- Information on the Council's website about health and safety has been revised.
- A pilot project assessing gas safety in caterers has identified a high rate of non-compliance with the requirement for annual gas safety inspections and that a number of gas engineers in Argyll and Bute have been working outwith the scope of their registrations.

- A safety alert was issued to registered care homes for which the Council is the health and safety enforcing authority in relation to the danger of failure of window stays; a similar failure resulted in a fatality to a vulnerable person in England

4.2.2. A customer satisfaction survey conducted in October 2011 for businesses receiving environmental health inspections identified the following levels of satisfaction with inspection reports and correspondence:¹

Question	Satisfied	Dissatisfied	Not applicable/ Prefer not to say
Quality of information received	94%		6%
Information was easy to understand	78%	6%	6%
Information that was relevant to the business	94%		6%
Information in relation to new legislation	89%		11%
Given all information needed	78%	6%	6%
Being given accurate information	94%		6%
Officer explained how to meet legal requirements	89%		11%
Correspondence confirmed outcome of the inspection	92%		8%
Quality of advice	85% Good or Excellent		15%
Differentiation between requirements and recommendations	85% Good or Excellent		15%

4.2.3. A number of objectives relating to service development were not met. The officer resource required for these tasks was diverted to support the introduction of electronic document management systems for the service, which are now largely in place.

5. INTERVENTION PRIORITIES AND OBJECTIVES

5.1. The following priorities have been identified for the next three planning years.

5.1.1. National priorities identified in LAC67/2 (rev3):

- Prevent and control ill-health from animal contact at visitor attractions
- Asbestos duty to manage and awareness-raising
- London 2012 Olympic Games

5.1.2. Local priorities:

- Engaging with new businesses
- Gas safety in catering premises

¹ Survey data are based on a sample set of 18 responses. Percentages are rounded to nearest whole number.

- Investigation of reportable incidents under RIDDOR
- Legionella
- Licensed petroleum sites
- LLARD (underground LPG pipework)
- Microbiological safety of hot tubs
- Occupational noise exposure in the entertainment sector
- Review of unrated sites
- Safety at unsupervised swimming pools
- Safety in the beauty sector
- Slips, trips and falls in the catering sector

5.2. In addition to the above, the workplan includes objectives relating to:

- The Section 18 standard¹
- Officer competence and development
- Partnership working
- Customer management

5.3. Objectives and Targets for 2012-2013

ID	2012/2013 Objective	Target
HS.01	To meet the service's intervention programme of proactive inspections	100% of category A
HS.02	To meet the service's intervention programme of proactive inspections of licensed petroleum sites and other premises licensed for fireworks and explosives undertaken by Trading Standards Service	100% of licensed petroleum sites
HS.03	To meet the service's programme of site reviews of category B and category C sites arising in the year	100% of category B 75% of category C
HS.04	To investigate all reportable incidents under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)	100%
HS.05	To review unrated sites	300 sites to be reviewed by 31/03/2013
HS.06	To deal with issues of concern that are raised and complaints	100% of health and safety service requests to be investigated
HS.07	To develop and deliver intervention projects relating to the following national priorities: <ul style="list-style-type: none"> • Prevent and control ill-health from animal contact at visitor attractions • Asbestos duty to manage and awareness-raising • London 2012 Olympic Games 	

¹ Making a Difference – The Standard for Health and Safety Enforcing Authorities v0.2, HSE, 2008

ID	2012/2013 Objective	Target
HS.08	To develop and deliver intervention projects relating to the following local priorities: <ul style="list-style-type: none"> Engaging with new businesses Gas safety in catering premises LLARD (underground LPG pipework) Microbiological safety of hot tubs Safety at unsupervised swimming pools 	
HS.09	To deliver the Section 18 Action plan which has been developed by the service to attain a level of compliance with the Section 18 audit standards	Achieve Audit level 3
HS.10	The Service will ensure that Officers undertaking occupational health and safety enforcement activities are competent and aware of developing issues in that field of environmental health	Deliver a minimum of 10 hours professional development for inspectors
HS.11	Review the appropriateness of the RDNA (Regulators Development Needs Assessment) tool and its applicability within Argyll and Bute	Produce evaluation report
HS.12	Partnership working. Promote improved standard and awareness of health and safety through partnership working with other Local Authorities and the Health and Safety Executive through the West of Scotland Health and Safety Liaison Group	Attend and participate in the West of Scotland Health and Safety Liaison Group and other partnership activities as arise.
HS.13	Customer management. Review the content of the inspection reports and correspondence to make them simpler to understand	Implement new document standards by 31/03/2013.

5.4. Planned activities in 2012-2013 will be in two phases. The first phase, between April and September, will focus on the following activities:

- Proactive inspection of Category A sites
- Investigation of health and safety complaints
- Investigation of reportable accidents and other incidents
- Advise and prepare businesses in Argyll and Bute for the changes in the Council's regulatory approach and signposting them to advice services such as Health Working Lives
- Detailed project design for intervention projects
- Training inspectors in the new arrangements
- Programmed site reviews

5.5. The second phase, from October onwards, will be the delivery of the intervention projects identified and designed in the first six months of the year and continuing the programmed work from the first six months.

5.6. Trading Standards will continue with their ongoing program of visits to licensed petroleum, fireworks and explosives sites throughout the year

6. RESOURCES

6.1. Financial Allocation

6.1.1. Health and Safety Enforcement Budget

Employee costs	£95,000
Training & Resource Materials	£500
Furniture, Materials & Equipment	£300
IT & communications	£1000
Total Costs	£96,800

Note: No element has been included at this time to represent corporate support, including office services, finance, IT or legal.

6.2. Staffing Allocation

- 6.2.1. Section 2.2 details the status and deployment of the Service's staffing resource.
- 6.2.2. Environmental Health Officers and a Public Protection Officer are authorised to undertake occupational health and safety enforcement activities. 14 officers are authorised to carry out occupational health and safety work in addition to their other general environmental health duties.
- 6.2.3. Trading Standards Officers will utilise powers under the Health & Safety at Work Act when appropriate whilst they are carrying out their duties. Five officers are authorised to use Health & Safety at Work Act powers to facilitate enforcement of various pieces of Trading Standards legislation.
- 6.2.4. All enforcement officers are competent and meet the requirements set by the Health and Safety Executive for “authorised inspectors” under the Act. The Service has an established procedure for the Authorisation of Enforcement Officers and this is an on-going process which is delegated to the service under the Council’s Scheme of Delegation. The inspectors authorised under the Act as of the date of this report are detailed in Appendix IV and these will be reviewed and amended as appropriate by the Regulatory Services Manager.

6.3. Staff Development Plan

- 6.3.1. The Council operates a Performance Development and Review scheme, which is designed to identify and deliver required training and development opportunities for its employees.

7. QUALITY ASSESSMENT

7.1. Quality Assessment

- 7.1.1. The service is committed to the concept of quality systems and to the auditing of these in accordance with HSE’s Section 18 Guidance. We will undertake a review against these standards.
- 7.1.2. Internal monitoring systems to review our occupational health and safety work will be developed during Year 1 of this Plan. This will build upon professional training in policies and procedures to be delivered as part of the competence and development programme.

7.2. Equality

- 7.2.1. The service seeks to engage with and communicate with all businesses in an effective manner which promotes and secures occupational health and safety and meets statutory requirements. There are many levels of communication from face-to-face to written correspondence and formal statutory notices.
- 7.2.2. The Service will undertake monitoring of the effectiveness of our communications with businesses and other stakeholders and review and implement learning from these exercises.

8. REVIEW

8.1. Review of this Plan

- 8.1.1. The Service Plan will be reviewed annually and more frequently if required. The Service Plan will be subject to specific approval by the Planning, Protective Services and Licensing Committee.

APPENDIX I

Contact arrangements and details

The Environmental Health service is accessible at offices of the Council located in all larger towns within the Council area. Service requests can be initiated by telephone, fax, video conference, e-mail or in person. The various office locations are as follows:

Offices where environmental health staff are based

EAST	Dunoon Service Point, Hill Street, Dunoon Tel: 01369 707120 Fax: 01369 705948
	Blairvadach, Shandon, Helensburgh Tel: 01436 658918 Fax: 01436 658919
	Eaglesham House, Mount Pleasant Road, Rothesay Tel: 01700 501350 Fax: 01700 503095
WEST	Municipal Buildings, Albany Street, Oban Tel: 01631 567947 Fax: 01631 567988
	Area Office, Manse Brae, Lochgilphead Tel: 01546 604776 Fax: 01546 604758

Environmental health staff can also be seen by appointment at any location within Argyll and Bute or at the Council's other customer service points:

Islay Service Point, Jamieson Street, **Bowmore**, Isle of Islay, PA43 7HL

Campbeltown Service Point, Burnet Building, St John Street, **Campbeltown**, PA28 6BJ

Mull Service Point, Breadalbane Street, **Tobermory**, Isle of Mull, PA72 6NZ

Tiree Service Point, The Business Centre, **Crossapol**, Isle of Tiree, PA77 6UP

Colonsay Service Point, **Scalasaig**, Isle of Colonsay, PA61 7YW

Jura Service Point, Schoolhouse, **Craighouse**, Isle of Jura, PA60 7XG

Regulatory Services management can be contacted at Kilmory, **Lochgilphead**, PA31 8RT, telephone 01546 604131, fax 01546 604410.

The service can be contacted by email at env.health@argyll-bute.gov.uk.

Advice and information on occupational health and safety is published on the Council's website www.argyll-bute.gov.uk.

APPENDIX II

**ARGYLL AND BUTE COUNCIL
PLANNING AND REGULATORY SERVICES
OCCUPATIONAL HEALTH & SAFETY
ENFORCEMENT POLICY**

APPENDIX III

Details of Internal Policies

The Service have implemented policies to meet the requirements of the Health and Safety Executive's Section 18 Guidance to Local Authorities¹.

The policies and procedures currently in place are:

- Enforcement Policy
- Determination of Enforcement action and Prosecution
- Inspection procedures
- Procedures for the investigation of accidents and incidents
- Procedures for the investigation of Service Requests
- Council procedures relating to the right to make complaints about the service ("Your Rights to Complain")

¹ *Making a Difference – The Standard for Health and Safety Enforcing Authorities v0.2*, HSE, 2008

APPENDIX IV

Authorised Officers under the Health and Safety at Work etc. Act 1974 as of the 31st March 2012

Officer	Position
Alan Morrison	Regulatory Services Manager
Iain MacKinnon	Environmental Health Manager (West)
Jo Rains	Environmental Health Manager (East)
Patrick Mackie	Lead Environmental Health Officer (Health and Safety and Service Support)
David Chapman	Public Protection Officer (Environmental Health)
Richard Gorman	Environmental Health Officer
Russell Green	Environmental Health Officer
Andrew Hill	Environmental Health Officer
Wendy Lilico	Environmental Health Officer
Paula Monaghan	Environmental Health Officer
Jim Rennie	Environmental Health Officer
Paul Reynolds	Environmental Health Officer
Sue Stefek	Environmental Health Officer
Mary Frances Watt	Environmental Health Officer
Lee Roberts	Trading Standards Manager
Matthew Corns	Trading Standards Officer
John Scott	Trading Standards Officer
James Howard	Trading Standards Officer
Kathleen Munro	Public Protection Officer