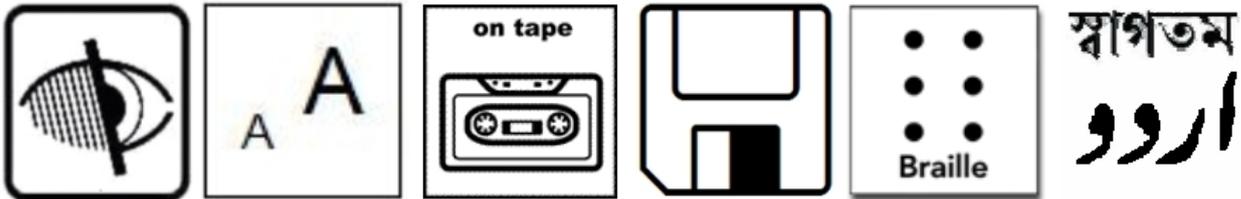


ENVIRONMENTAL HEALTH SERVICES HEALTH & SAFETY ENFORCEMENT STRATEGY

2008/11



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Version 1.0 – 20 November 2008 Philip Mepham Environmental Health Manager

1. SERVICE AIMS AND OBJECTIVES

1.1 Commitment Aims and Objective

To protect the health and safety of persons living and working within Rossendale, by working with others to ensure risks in the changing workplace are managed properly and promoting healthy living in the workplace setting. We are committed to the principles of sensible risk management in all that we do - this is covered in Para 2.6.

1.1.1 Objectives

- Undertake an annual programme of Health and Safety interventions and enforcement in accordance with all relevant statutory requirements, codes of practice and guidance
- To investigate complaints, requests for service in regards to working conditions, activities or hazards and to take appropriate action in accordance with all relevant codes of practice and guidance
- To investigate all statutory notifications in regards to Lifts and Pressure vessels
- To investigate/advise on all notification of Asbestos works within the Borough
- To provide advice, information and training to business owners, managers or stakeholders.
- Establish the LA as an independent reliable source of advice and information.
- To maximise impact in improving health and safety outcomes
- To secure action by duty holders to manage health and safety in their work place
- Target interventions on organisations and stakeholders who can influence risk reduction
- Target interventions on activities which give rise to serious risk or where hazards are least well controlled.
- To stop those that seek economic advantage through non-compliance.
- To investigate all accidents meeting the relevant selection criteria.

1.2 Links to Corporate Aims and Objectives

- Corporate Plan 2008-2011
The Health & Safety Service will contribute to the achievement of Corporate Plan outcomes as follows:-
Outcome 1.1 - By producing a comprehensive service plan incorporating working with other agencies and departments, we are contributing to the achievement of a corporate approach to enforcement activity.
Outcome 1.2 - By consulting with businesses and asking for their involvement, we are improving the way services are implemented.
Outcome 2.1 - Through coaching and targeting advice to businesses with insufficient expertise in health & safety, we are improving the skill levels of the Rossendale workforce.
Outcome 4.2 - By promoting sensible risk management encourage the organisation of community events, we are working to improve the recreational

offer made to visitors and maintain the culture and customs of the Rossendale Valley.

Outcome 5.1 - The whole health and safety enforcement programme is aimed at reducing the instances of ill health and accidents as a result of employment. Furthermore to use the workplace as a setting to promote healthy lifestyles as a benefit to employer and employee alike, thereby addressing directly those factors which have a negative effect on life expectancy.

- Sustainable Community Strategy 2008-2018 – Two priority outcomes of the Sustainable Community Strategy show how the local Strategic Partnership:
 - Wants more people to enjoy better health and mental wellbeing
 - Wants people to live longer with fewer deaths from cancer, stroke, heart disease and accidents.

The pursuance of interventions linked to healthy work places, safety and raising the awareness of risk management will directly contribute to the achievement of these outcomes.

1.3 Links to Health & Safety Commission Strategy

- Working in conjunction with other Lancashire authorities to support the national **Fit for Work , Fit For Life, Fit For Tomorrow** (Fit 3 Strategic Programme). The Fit 3 programme works in partnership with the Health and Safety Executive on a wide range of injury reduction initiatives.
- By utilising targeted enforcement and interventions, promoting sensible risk management and offering support and guidance to businesses the health and safety enforcement plan directly contributes to the HSC **Strategy for workplace health and safety in Great Britain to 2010** and beyond. We have demonstrated this by signing up to the **Vision-Endorsement of Statement of Intent**
- **Strategy for workplace health and safety in Great Britain to 2010** builds on 2 previous strategies of **Securing Health Together** and **Revitalising Health And Safety**. These are aimed at reducing accidents and incidents of ill health in the workplace with public sector targets set for HSE. By aligning our strategies with HSE we directly contribute to achievement of those public sector targets although they may not be directly measurable by RBC

2 **Background**

2.1 Profile of the Local Authority

The Borough of Rossendale comprises a mixed urban/rural covering 13,800 hectares situated in East Lancashire and to the North East of the Greater Manchester conurbation. It has a population of just over 66,700 the majority of whom live in the towns of Bacup, Haslingden, Rawtenstall and Whitworth. The ethnic minority population is about 3%, primarily of South Asian origin, and is mainly concentrated in Haslingden and Rawtenstall.

The health of the people in Rossendale is generally worse than or similar to the England average, however the estimated life expectancy for males and

females is significantly worse than the England average. Deaths from coronary heart disease and stroke is still significantly worse than the England average despite the large decreases in the last 10 years. This ably demonstrates that there are substantial health inequalities present in the Rossendale Valley.

2.2 Organisational Structure

The Health & Safety function is performed by staff in the Environmental Health Service which forms part of the Business Directorate of Rossendale Borough Council.

2.3 Scope of the Health & Safety Service

The Environmental Health Service is responsible for enforcing the provisions of the Health & Safety at Work Etc Act 1974 and regulations made under that Act. The service is also responsible for the licensing of Animal Boarding Establishments, Dog Boarding Establishments, Dog Breeding Establishments, Zoos, premises owning Dangerous Wild Animals and Pets Shops. The service also deals with the registration of all premises offering cosmetic treatments (ear piercing, tattooing, electrolysis and acupuncture). The service aims to provide a comprehensive service to consumers and businesses by:

- Proactive Health & Safety interventions
- Approval of certain cosmetic treatment businesses
- Investigation of complaints in relation to working conditions
- Investigations of accidents or incidents of ill health arising from a work activity to either an employee or member of the public
- Liaison with other East Lancashire local authorities.
- Advice to business.
- Health & Safety training to businesses in the area.
- Promotion of Sensible risk management via news letters, interventions etc.
- Promotion of Healthy Workplaces in partnership with other agencies including membership of joint working arrangements e.g. Lancashire Service for Young People, East Lancashire PCT.
- Co-ordination of work experience placements.
- Joint inspections for Food Safety and Health & Safety purposes are also undertaken.

2.4 Demands on the H&S Service

2.4.1 There is a mix of business throughout the Borough from high street to industrial estate including retail, wholesale, warehousing and catering. There are relatively few large employers in the valley and most have little or no support/knowledge in relation to health & safety requirements.

As we work in support of HSC strategies some involvement with non local authority enforced premises is inevitable i.e. Smoke free legislation (LA enforced) and Healthy Workplace initiatives.

The population in Rossendale is 66,700, with a working population of circa 41500. Professionals make up a 35% against 39% in the north west and 42% Nationally, 23% are admin or skilled trades which is in line with the national and Northwest figures, Customer services or manual operatives make up 23% which is higher than the regional or national statistics.

Jobs are primarily in manufacturing 24% which is higher than the national or regional picture at 12% and the service sector at 67% which is lower than the regional or national picture.

Approx 80% of the self reported ill health in Rossendale was due to musculoskeletal disorders, stress or respiratory disorders. Recent figures indicate that 5% of the working population in Rossendale self certified over a one year period against 4% regionally/nationally.

Working days lost to ill health are higher at 1.72 per worker against 1.35 & 1.05 regionally and national respectively. Days lost arising from injury were 0.36 against 0.23 and 0.26 regionally and nationally.

2.4.2 Local Requirements

Premises Profile (as on 1st April 2008)

Total Number of Premises subject to Local Authority H&S enforcement which include amongst others: 1235

• Catering Services	210
• Consumer Services	122
• Retail	250
• Non Retail	247
• Offices	181
• HSE Enforced premises (not included in total)	approx 800

2.4.3 Service Delivery Points

The service is based at Stubbylee Hall, Stubbylee Lane, Bacup, OL13 0DE.

General enquiries	01706 252565
Fax	01706 870447
Email	envhealth@rossendalebc.gov.uk
Web site	www.rossendale.gov.uk

Normal office hours are between 8.45am to 5.00pm. Officers do undertake evening and weekend inspections of premises and occasional events on an ad hoc basis.

2.5 Enforcement Policy and Decision Making

2.5.1 Rossendale Borough Council has a written policy which incorporates all

enforcement activity. This policy includes an appendix containing the detailed approach of the health & safety service.

Any enforcement decisions are informed by the Enforcement Management Model. The model was produced by HSE as a tool to aide consistent and proportionate responses to health/safety related issues. It is not used in all circumstances but assists in those circumstances in which there may be a number of possible enforcement options.

The H&S section has an enforcement mix based on the following principles:

- 1 Demand driven such as requests for advice, complaints
- 2 Inspection driven such as risk based programmed interventions
- 3 Education driven such as publicity and awareness campaigns
- 4 RIDDOR accident/incident notifications and subsequent investigation.
- 5 Licensing of animal welfare premises and cosmetic treatments.

2.6 Sensible Risk Management

We believe that risk management should be about practical steps to protect people from real harm and suffering - not bureaucratic back covering. Health and safety is not about stopping any activity that might possibly lead to harm. This is not our vision of sensible health and safety - we want to save lives, not stop them.

Our approach is to seek a balance between the unachievable aim of absolute safety and the kind of poor management of risk that damages lives and the economy. Our approach to all facets of the service will be guided by this philosophy

Sensible risk management is about:

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

3 **Service Delivery**

3.1 Health & Safety Premises Interventions

The Council maintains a computer database of all premises using Flare software which was installed in April 2000. The interventions are carried out in accordance with a risk rated inspection programme.

All are carried out by suitably qualified officers who are authorised and satisfy the requirements to work within HSC Section 18 Guidance, Approved Code of Practice, Guidelines and follow in-house procedures.

Premises Profile	2	A rated premises
	5	B1 rated premises
	28	B2 rated premises
	161	B3 rated premises
	357	B4 rated premises
	595	C rated premises
	87	Currently Unrated

3.1.1 High Risk Premises

Premises rated A, B1, B2 are termed as being high risk in local authority terms. Consequently these premises will be visited at a time scale determined by its risk rating. Such visits may encompass a review of the total H&S management procedures of the business or a targeted Fit 3 topic visit where that topic presents a significant risk to that business.

The aim of this process is to secure compliance in duty holders and to raise awareness of their duties for hazard identification and risk management.

3.1.2 Low Risk Premises

Low risk premises are subject to Alternative enforcement, meaning that premises can be targeted using self assessment and need not be subject to a visit.

This low risk inspection procedure was introduced in 2004 for all premises categorised B3-C and due for inspection. It is based on the issuing of Educational packs and the completion of self assessment forms by proprietors. Ten percent of these businesses will be subject to a validation inspection in the following year's inspection programme. The process is covered by in-house procedures.

Whilst B3 and B4 are classed as low risk and therefore subject to interventions other than a physical visit to the premises, the authority will determine from time to time that the business remains low risk and therefore suitable to remain at such a risk rating.

3.1.3 Revisits

Following a planned or unplanned intervention, items of evident concern may be identified within the business. This will result in a clear and unambiguous identification in writing of the legal requirements as distinct from advice or recommendation.

In such circumstances an officer will revisit the premises after a reasonable period to ascertain if compliance has been achieved. If compliance has not

been achieved further action will be taken which is in accordance with the enforcement policy.

3.2 Complaints About Work Activities

The H&S Service has a target to respond to all work related complaints within 3 working days in accordance with in-house procedures written with reference to the HSC Section 18 Guidance. This target includes complaints or requests for service related to it including unsafe conditions, unsafe work practices, or welfare conditions

Work Activity Complaints received in 2007/08	= 56
Work Activity Complaints received in 2006/07	= 28

Complaints received by the service are actioned within three days and enforcement action taken in accordance with the enforcement policy and departmental procedures.

3.2.1 Complaints About Licensed Animal Welfare Premises

The service responds to complaints about animal welfare premises within 3 working days. Complaints include animal welfare issues to unlicensed activities in relation to non-farm animals. Issues related to animal health and welfare of farm animals are dealt with by Lancashire Trading Standards Service.

Complaints received by the service are actioned within three days and enforcement action taken in accordance with the enforcement policy and departmental procedures.

3.3 Home Authority Principle/ Lead Authority/Local Authority Partnership Scheme

The Health & Safety Service currently has no Home/Lead or Partnership agreement in place and is not considering the promotion of this concept. The decision is based on insufficient resources to support such an agreement. There have been no local requests for such an arrangement. The service will participate in the impending Primary Authority arrangements currently being developed by the Local Better Regulation Office.

3.4 Advice to Business

Rosendale B.C. has a policy of offering advice to members of the public and any business which has trading premises within its area, on any work related health & safety or animal welfare or cosmetic treatment related issue, be it starting up in business or advice to existing businesses.

In assisting new businesses, visits to proposed premises to advise of the suitability of works required prior to signing lease or purchase may be required. This area of activity is currently being expanded to help businesses understand and comply with current legislation.

The emphasis when giving advice is to try and increase capacity in business owners, managers, supervisors and other employees to be able to manage H&S. Advice may include training and instruction which may be delivered by ourselves or in partnership with a local training provider. This approach may impact on other partners/stakeholders and their targets. In such circumstance we will work with such stakeholder to achieve common benefits.

3.5 Healthy Workplace Scheme

The authority recognises that the inequalities that exist in relation to people's health are complex and far reaching. It is recognised that housing, education, diet, levels of activity etc have a direct bearing on people's health.

Traditionally great emphasis has been placed on delivering more effective treatments in the most timely fashion. Less effort has been placed on preventing people becoming ill in the first place.

The healthy workplace scheme seeks to utilise the workplace as a setting to promote healthier lifestyles. In doing so the Service is looking to remove the barriers to the changes needed for individuals to make that choice.

The scheme involves engaging with employers and employees to identify the lifestyle risks to individuals and how that collective risk may affect the company. In the process we would identify a series of interventions based on the needs of the individuals and the business and subsidise these from our resources until they can be continued by the employers and employees themselves.

The interventions may be delivered by the authority or more likely in partnership with other public and private sector stakeholders.

3.6 Investigation of Reportable Accidents

The H&S service policy is to investigate notifiable accidents which meet the selection criteria detailed in the enforcement policy and departmental procedures. The accident selection criteria are reflects the policy of HSE's incident selection criteria and concentrates on the following priorities:-

- Incidents which are likely to give rise to serious public concern
- Incidents involving children or vulnerable people
- Multiple casualties, or where the outcome or potential outcome including any breach, is serious.

3.6.1 Major Health & Safety Incidents

The system for dealing with major H&S incidents is covered in departmental procedures. Records are kept of decisions made and action taken or planned.

A major incident is a significant event which demands a response beyond the routine. Significance is determined by the severity of the incident, the degree

of public concern and the nature and extent of previous involvement of Rossendale Borough Council or other enforcing authorities.

Major incidents are likely to attract the attention of the media whether or not they result in a number of injuries, cases of ill health, deaths or damage to property. They may be the first story in the press or on television and subject to bulletins as details of the event emerge.

The significance of incidents can change leading to substantial public concern, perhaps best evidenced in public health issues such as legionella, asbestos residue contamination after a fire or an uncontrolled release of gas or chemical.

3.7 Investigation of reports re Pressure Vessels, Lifts etc

Engineers carrying out statutory checks to lifting equipment and pressure vessels have a statutory duty to report to the local authority any equipment which fails their detailed and thorough examination.

Only equipment which has been identified as having a serious defect which affects the safe operation of that equipment would be reported to the authority.

The service would take enforcement action to ensure that the appropriate corrective action had been taken by the duty holder. Departmental procedures cover the process when such a report is received from the engineer.

3.8 Asbestos Work Plans

Asbestos remains one of the highest causes of work related deaths and research indicates that it will remain so for some considerable time. Those most at risk being in the manual trades - plumbers, builders etc

Prior to any licensable work with asbestos, contractors are obliged to notify the local authority of its intentions no later than 14 days prior to the work commencing.

The authority will vet their method statement, health records and other pertinent records. A decision to visit the site is based on the their licence number which indicates a previously known poor performer or an inexperienced contractor. A report is submitted to the Asbestos Licensing Unit who use such information to determine future licence periods.

3.9 Liaison with other organisations

- 3.9.1 The Council is a member of the Lancashire H&S Officers Group (HASOG). This group meets regularly with the purpose of ensuring consistency of action within the County. It is a sub-group of Environmental Health Lancashire, which approves the HASOG Annual Action Plan and monitors the delivery of those actions.

- 3.9.2 The Council obtains and provides information through other members of HASOG and thereby contributes towards their work.
- 3.9.3 The Council is currently consulting with businesses in order to determine the most efficient and effective means for liaison with businesses and the voluntary sector. The concept of helping businesses to help themselves in relation to all Environmental Health functions, within the context of the Enforcement Policy, is supported by the service.
- 3.9.4 The Council also liaises regularly with other authorities, the Health and Safety Executive, East Lancashire PCT and other stakeholders in designing and delivering work based health interventions.

3.10 Health & Safety Promotion

- 3.10.1 The main driver for promotions comes from HSE Fit 3 strategic programme to which all authorities work collaboratively to contribute annually

The HASOG group discuss and decide upon which of the portfolio of projects the group will target. The group will then work to produce joint resources to instigate the promotion or intervention.

Promotions/Interventions can cover a diverse range of topics including

- Slips & Trips
- Falls From height
- Workplace transport
- Stress
- Violence in the work place
- Noise & vibration
- Disease Reduction - Asthma, Dermatitis, Cancer (Asbestos)
- Gas Safety
- Musculoskeletal Disorders

3.10.2 Business Newsletters

The service will contribute to a twice yearly newsletter to all businesses to advise and update on all H&S issues, current concerns and promote the work of the service. The service will also participate in European Health & Safety Week normally in October each year.

4. **Resources**

4.1 Capacity and Performance Management

- 4.1.1 The current capacity of the service stands at 1.7 f.t.e of which 1 person is dedicated to the service full time at Principal EHO level. This is supplemented by 0.2 f.t.e Senior EHO and 0.5 f.t.e Environmental Health Technician.
- 4.1.2 A monitoring system, including checks of inspection records, accompanied inspections and questionnaires to business is in place to assess compliance

with statutory requirements, guidance, internal procedures, good enforcement and customer care practice. Monthly performance reports are also produced to compare performance against service plan targets and performance indicators and these are reviewed through the Service's line management at monthly 1-1 and performance management meetings.

This is supplemented on an individual level with an annual performance development review (PDR) which produces individual work plans and development plans. Progress is reviewed at 1-1 meetings as describe above.

4.1.3 Rossendale B.C. has a performance management process whereby national and local performance indicators are monitored. The new national performance indicator NI 182 (satisfaction of businesses with the service) and Local Indicator 166 are all monitored and reported on.

4.1.4 The Service Plan is displayed on Covalent, the Council's performance management software, where achievements can be monitored by the Council's Members and Executive Management Team.

Target for achievement by March 2009 for NI 182 is 95% Business satisfaction in relation to regulatory services overall. Current indications are that this target will be met, but will not be calculated until March 2009.

4.2 Staff Competency

The H&S service has adopted the HSE Regulators Development Needs Analysis Tool and utilises it as a benchmark to assess officer competency. This analysis directs development needs which are fed in to the PDR.

Competency is also monitored by a number of mechanisms including shadowing, monitoring or reports and letters. These are detailed in departmental procedures.

4.3 Joint Working and Partnership including Flexible Warrants

The H&S service will seek to increase capacity by utilising other agencies were possible to deliver interventions on our behalf. Such interventions may include workshops, training, healthy workplace interventions.

Flexible warranting enables officers from one Authority or Agency to be authorised to take action in the area of another Authority or Agency. To further enhance the capacity of the service we will look to secure flexible warranting with neighbouring authorities to address specific targeted programmes. In addition we will seek to secure flexible warranting from LACORS and HSE to make maximise impact on Fit 3 programmes and other interventions.

4.4 Maintenance of Database

In any process which relies information management it is essential that such information is current, accurate and up to date. This is especially important

when so much of the work undertaken by the service is risk based and targeted. This is also important as some premises may not have regular contact with us.

To ensure our information remains current the following methods can be employed to gather data.

- Trawl planning applications for change of use
- Database Challenge with local Directories i.e. Thompson & Yellow Pages
- Monthly reports from Business Rates as to changes in ownership
- Local Press
- Business contact visits targeting industrial estates to identify changes in use/new builds/occupancy
- Request for information from letting agents

5 Quality Assurance

- 5.1 The Environmental Health Service's Quality Management System, designed to meet the ISO 9000:2000 standard, is used to provide a framework for the management of the service. A suite of procedures and accompanying documents has been produced to cover the activities of the service. These are regularly reviewed to ensure that they meet the needs of the service. If practices at any moment in time indicate that a procedure is no longer fit for purpose it will be reviewed accordingly.

6 Review

6.1 Review Against Drivers

This strategy will be reviewed annually against the identified drivers to ensure that the design of the service maintains its focus on delivering the changes in behaviours required.

6.2 Variation to the Strategy

Changes to national priorities, national legislation and the results of the LBRO review of Local Government enforcement priorities may dictate that actual business plans and service delivery vary from that outlined in this strategy. If such a situation necessitates a variation, a review and revision will be undertaken of this strategy to ensure that local and national drivers remain to be best served by this strategy.

6.3 Service Improvement

The service will investigate and implement electronic capture and storage of information to make more flexible use of the resources. This will include electronic storage of files, capture of information electronically at the point of generation i.e. inspection reports, provision of advice and information and access to services.