

**Health & Safety Law Enforcement  
Service Plan  
2018 - 2020**

Approved by: .....Date.....  
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Housing and Wellbeing

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## Foreword

The Health and Safety Law Enforcement Plan (HSLEP) is a statutory document required under the 'Section 18 Standard' set by the Health and Safety Executive (HSE).

Section 18(4) of the Health and Safety at Work etc. Act 1974 (HSW Act) requires that enforcing authorities perform their duties in accordance with guidance issued by the HSE. This guidance is known as the Section 18 Standard and compliance with this Standard is mandatory.

One of the key elements of the Standard is that local authorities must publish an Enforcement Plan. This plan sets out the arrangements to demonstrate how it will comply with Section 18, outlines the work programme for the following two years as well as reflecting on the work carried out during the previous year.

A strong co-regulator partnership between the Health & Safety Executive and Local Authorities is integral in delivering the visions and mission of both organisations – but regulators cannot do it alone. We need everyone including businesses, workers and regulators working together to play their part in delivering improved standards of performance in health and safety because it is delivery of this Service Plan that counts.

Lichfield District Council has approved this Service Plan for the provision of our health and safety law enforcement service in the year(s) 2018-20

The plan details the following:-

- the aims and key priorities of the services provided
- the organisational structure and the scope of the services provided
- the ways in which the service will be delivered and the targets for its delivery
- the human and financial resources involved in providing the service
- the ways in which the quality of the service will be monitored and improved upon
- the ways in which the service will be reviewed and improved upon.

The HSLEP is reviewed on a biannual basis and the next revision will take place in spring 2020. However, before then the Council would welcome not only feedback on the current Service Plan, but also suggestions from interested parties on what they feel should be included in future plans.

Copies of this Service Plan will be available on our website [www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

Comments, observations and any suggestions for improvement should be sent for the attention of James Rudman, Environmental Health, Council House, Frog Lane, Lichfield, Staffordshire, WS13 6ZE, or by e-mailing him at [james.rudman@lichfielddc.gov.uk](mailto:james.rudman@lichfielddc.gov.uk)

Councillor Doug Pullen  
Portfolio Holder for Regulatory Services, Housing & Wellbeing  
February 2018

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## 0 INTRODUCTION

- 0.1.1 The Health & Safety Executive and Local Authorities are the principal Enforcing Authorities for the Health & Safety at Work etc. Act 1974. The primary purpose of the Health & Safety at Work etc. Act 1974 is to control risk from work activities. The role of Enforcing Authorities is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public.
- 0.1.2 Section 18 (the 'Standard') of the Health & Safety at Work etc. Act 1974 puts a duty on the Health & Safety Executive and Local Authorities to make adequate arrangements for enforcement. The 'Standard' sets out the arrangements that Local Authorities and the Health & Safety Executive should put in place to meet this duty. Enforcing Authorities are legally required to comply with the 'Standard.'
- 0.1.3 The Council recognises the important role it plays in securing health and safety compliance in the workplace to safeguard both employees and the public who live, work or visit the District. This plan's key focus is to demonstrate how the Council will fulfil its statutory obligations and duties in relation to health & safety and how we contribute to local and national visions and goals.
- 0.1.4 Working in partnership with the Health & Safety Executive, Local Authorities can help to protect people's health and safety by ensuring that risks in the changing workplace are properly controlled.

## 0.2 SETTING THE SCENE

- 0.2.1 Nationally, in 2016/17 137 workers were killed at work, 1.3 million working people suffered from a work-related illness. 609,000 injuries occurred at work according to the Labour Force Survey. 70,116 injuries to employees were reported under RIDDOR. 31.2 million working days lost due to work-related illness and workplace injury. In Total there was a £14.9 billion estimated cost of injuries and ill health from current working conditions (2015/16) and in 2015 there were 2,542 mesothelioma deaths due to past asbestos exposures.
- 0.2.2 In his report "*Reclaiming health & safety for all: An independent review of health and safety legislation*," Professor Ragnar Löfstedt recommended that the Health and Safety Executive be given a stronger role in directing Local Authority health & safety inspection and enforcement activity.
- 0.2.3 In response to Loftstedt's recommendation the HSE published the National Local Authority Enforcement Code to all local authorities detailing how they are to target their health and safety resources.
- 0.2.4 The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.
- 0.2.5 This means targeting interventions on those activities that give rise to the most serious risks or where the hazards are least well controlled.

0.2.6 Annex A of the code (shown in appendix 5) sets out a list of activities/sectors for proactive inspection by local authorities. This plan shows how the Council intends to regulate these activities.

**0.2.7 LAs should target these activities by:**

- Having risk-based intervention plans focussed on tackling specific risks;
- Considering the risks that they need to address and using the whole range of interventions to target these specific risks;
- Reserving unannounced proactive inspection only for the activities and sectors published by HSE or where intelligence suggests risks are not being effectively managed; and  
Using national and local intelligence to inform priorities.

0.2.8 The Commercial Team is responsible for enforcing health and safety legislation in a wide range of premises in Lichfield. These include:

- Warehouses.
- Steel stockholders.
- Sports stadia, theatres and cinemas.
- Retail and catering outlets.
- Hotels, hostels and residential care homes.
- Offices.
- Tattooists and beauty treatments.
- Consumer Services e.g. Funeral Directors, coin operated laundrettes, etc.

0.2.9 This Plan sets out to help to contribute to the overall mission and goals set out in the Health & Safety Executive's Strategy produced in 2016 – Helping Great Britain Work Well - A new health and safety system strategy.

0.2.10 To provide a focus for this important work, HSE has set out six strategic themes that will bring a renewed emphasis on improving health in the workplace, as well as building on the highly successful track record on safety.

The six strategic themes are:

Acting together: Promoting broader ownership of health and safety in Great Britain

Tackling ill health: Highlighting and tackling the costs of work-related ill health

Managing risk well: Simplifying risk management and helping business to grow

Supporting small employers: Giving SMEs simple advice so they know what they have to do

Keeping pace with change: Anticipating and tackling new health and safety challenges

Sharing our success: Promoting the benefits of Great Britain's world-class health and safety system

This document seeks to include much of the ideals included in the above HSE strategy.

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# 1 SERVICE AIMS & KEY PRIORITIES

## 1.1 SERVICE AIMS

- 1.1.1 The Commercial Team aims to:
- 1.1.2 Contribute to the Lichfield District Council's corporate commitment to 'To be a strong, adaptive council that delivers good value quality services and helps to create a vibrant and prosperous economy, healthy and safe communities and clean, green and welcoming places', by protecting and improving the health and safety of those living in our community in connection with the work environment.
- 1.1.3 Support and actively contribute to the 6 themes contained in the Health & Safety Executive's Strategy Helping Great Britain Work Well - A new health and safety system strategy.
- 1.1.4 Continue to target our interventions around areas of work which have the greatest impact on ill health reduction effectively using the resources we have. Target areas are contained within Appendix 5.

## 1.2 KEY PRIORITIES

- 1.2.1 In order to achieve our stated service aims, we need to set out some key priorities for our Health & Safety Service Delivery. These key priorities are to:-
  - ensure that premises that fall under our control for health & safety enforcement only have an intervention where risk management is failing.
  - base our interventions around areas of ill health reduction that have the greatest impact.
  - Continue to review the information contained within the premises database and review of local intelligence.
  - ensure that complaints about unsafe practices or premises are investigated in accordance with the complaints handling procedure.
  - investigate accidents and incidents of ill health where they meet the selection criteria shown in Appendix 6.
  - provide informed and helpful advice to businesses and the public alike on matters relating to health & safety, where requested. In particular start-up businesses operating within Lichfield.
  - develop partnerships with small local businesses and larger national companies based in our district, which will help to provide consistent and proportional advice on health & safety issues at both local and national levels.
  - play an active role with neighbouring local authorities in the Central England Health and Safety Coordinating Group in order to ensure a consistent approach to health & safety enforcement.
  - Continue to support organisers of events within Lichfield through the charring Safety Advisory Groups (SAGs) and providing advice and guidance on Event Management Plans.

- review the way we deliver our health & safety service annually taking into account recognised performance targets and standards.

### 1.3 LINKS TO CORPORATE OBJECTIVES & PLANS

1.3.1 This Health and Safety Law Enforcement Plan links closely with the strategic themes laid out in Our Strategic Plan 2016-2020. These essentially govern how the Council in future will deliver its services based on local aspirations, needs and priorities.

1.3.2 At the heart of the Plan is the Council's commitment to be a strong, adaptive council that delivers good value quality services and helps to create a **vibrant and prosperous economy**, **healthy and safe communities** and **clean, green and welcoming places**.

1.3.3 Seizing on the core values the Commercial Team will ensure it delivers:

**Good customer service** - We are passionate about our customers and our corporate value is to deliver good customer service.

**Mutual respect** - We believe in mutual respect, whether that's between our staff and customers, or our staff and members. By working together in a respectful way, we believe we can achieve more.

**Continuous improvement** - We are always striving for continuous improvement, whether that's in what we all achieve on a daily basis, or in the services we deliver to our customers

1.3.4 To help deliver this plan the Council has identified 3 external facing key 'priorities'

- **Vibrant & prosperous economy** - We work to support and strengthen our local economy, with high employment, good local jobs and thriving local businesses. We want people to be able to live and work locally and have the choice of great jobs and training opportunities – from apprenticeships through to high-skilled senior roles – so that they can fulfil their potential. We want our town and city centres and rural areas to be dynamic and thrive, and we want new businesses to start up, innovate and succeed.
- **Healthy & safe communities** - We want local people to have access to great opportunities to be active and live healthy, fulfilled lives. We want to prevent social isolation and loneliness, particularly in older members of our community. We want our communities to be even safer and for people to be less worried about crime and anti-social behaviour. We want to encourage and support people to volunteer and help shape their communities, and be an active part of local life.
- **Clean, green & welcoming places** - We want to create great communities where people want to and can afford to live. We want a mix of homes, including enough affordable homes, and we want the right type and quantities of office, retail and manufacturing spaces. We want to protect our stunning heritage and make sure our green spaces, streets and public areas are looked after and well managed.

1.3.5 Our Health and Safety Law Enforcement Plan will contribute to the priority of '**Vibrant & prosperous economy**' by:-

- identifying the need to ensure a consistent, proportionate and fair approach to enforcement is carried out across the District;

- providing support to start-up businesses in the form of advisory visits designed to assist them to achieve a high safety standard. The team will also work alongside the Councils Economic Development Officer to provide advice on business improvement as well as health and safety.
- delivering support, signposting and networking opportunities to existing businesses to help them thrive.
- targeting interventions in accordance with the national priorities as directed by the HSE and also as required by local priorities (Set by locally gathered intelligence).
- supporting major businesses in the district through Primary Authority arrangements to ensure they get assured and consistent advice on regulatory compliance.
- actively participating in initiatives on regulatory reform as part of the Greater Birmingham & Solihull Local Enterprise Partnership.
- providing support and advice through a Safety Advisory Group for organisers holding large events involving large numbers of visitors to the district.

1.3.4 Our Health and Safety Service will contribute to the **priority** of ‘**Healthy & Safe Communities**’ by:-

- ensuring we are delivering services to all communities equitably, proportionally and consistently in a fair way.
- carrying out interventions prioritised by risk and regulate to ensure that all businesses are managing health and safety risks effectively.
- providing transparent, robust and consistent approaches to investigating and resolving health, safety & welfare complaints about businesses.
- investigating all incidents reported to the council where they fall within the incident selection criteria (Appendix 6)

1.3.5 Our Health and Safety Service will contribute to the **priority** of ‘**Clean, Green and Welcoming places**’ by:-

- Carrying out waste enforcement and education during visits at businesses, ensuring that adequate provisions have been put in place to deal with waste generated by businesses.
- Working towards increasing overall standards within the District, thereby improving their reputation and appeal to consumers.
- Supporting events, where traders play a major role, with a suitable balance of advice and regulation to help protect the District’s growing reputation for providing popular events.

1.3.6 Our Health and Safety Law Enforcement Plan is built on the **foundation** underpinning these **priorities** and the service will monitor and measure its performance by:-

- identifying what we currently are delivering in our service;



- setting out what we want to do between 2018-2020 in a work programme based on HSE and local agendas; and
- highlighting an improvement plan to make our service better, within given timescales which we can be measured against.

1.3.7 By helping us to listen to local people and businesses' aspirations, influences will be drawn which will help shape some of our key priorities for our service in the future.

1.3.8 Performance of our service is measured against national and local targets such as:-

- Satisfaction of businesses with local authority regulation services.
- 100% of identified premises receiving an intervention where they have been identified within priority topic plans.
- Delivering a minimum number of priority topic plans.

The indicators provide an objective measure on how our premises are performing and what businesses think of our service.

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## 2 BACKGROUND

### 2.1 District Profile

- 2.1.1 Lichfield District is one of 9 Staffordshire District Councils. Within commuting distance of both the Black Country Boroughs and Birmingham, the District has a population of circa 102,100<sup>1</sup>, and covers nearly 33,130 hectares.
- 2.1.2 The District was formed in 1974, and comprises urban populations in the town of Burntwood and the city of Lichfield, and a substantial rural population in surrounding villages, some of which have significant populations.
- 2.1.2 We have nationally and internationally renowned visitor attractions and the historic environment of Lichfield City provides a strong base for tourism.
- 2.1.1 The increased income tourism has brought to the District has led to a proportionate increase in the number of businesses. Our proximity to the M6 corridor makes Lichfield the perfect location to do business from.
- 2.1.3 Lichfield has nationally and internationally renowned visitor attractions, including Drayton Manor Park, The National Memorial Arboretum and the historic environment of Lichfield City along with its cathedral provides a strong base for tourism.
- 2.1.2 The Districts population continues to grow. With this growth comes further business opportunity and new challenges for our health and safety service, as the industry base diversifies.

### 2.2 Organisational Structure

- 2.2.1 The Place & Community Directorate has a wide range of duties covering the spectrum of public health, environmental and housing functions. The Council's Health & Safety Service is delivered within the Regulatory Services, Housing and Wellbeing Directorate. The structure of the team is detailed in **Appendix 1**
- 2.2.2 The Director for Place & Community has delegated powers in relation to health & safety to act on behalf of the Council.
- 2.2.3 In response to the 'modernising agenda' the Council has adopted the 'cabinet and leader' approach to local governance. The committee structure and where our health & safety service fits into this is detailed in **Appendix 2**
- 2.2.4 The Regulatory & Licensing Committee has responsibility for policy, review and development in respect of certain environmental health issues including health and safety. Performance against this Plan will be reported to this Committee at the end of Spring 2018.
- 2.2.5 Officers who deliver our Health & Safety Service are multi-skilled and work across all the team's work areas at a level depending upon their competence and qualification. The officers with key responsibility for the service are:

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<sup>1</sup> A Focus on Lichfield, 2015, Insight, Planning and Performance Team, Staffordshire County Council, Sept 2015

- **Head of Service – Regulatory Services, Housing and Wellbeing** – service development and strategic direction
- **Food and Health & Safety Manager** - overall management of the service, day to day management of the service; service development; official returns; premises inspection; accident investigations; service requests
- **Environmental Health Officers** - service development; premises inspection; accident investigation; service requests.
- **Technical Officers** – service development; premises inspection; accident investigation; service requests.

2.2.6 The Council if necessary will call for technical expertise through the Health & Safety Executive.

## 2.3 Scope of the Health & Safety Service

2.3.1 The Commercial Team is responsible for delivering all the Authority's Health & Safety Regulation Service as relevant to a District Council. This includes:-

- national and local priority planned health & safety interventions and revisits
- partnership working with the Health & Safety Executive and other Local Authorities
- the investigation of complaints regarding safety standards or practices in premises across the district, which meet the complaints handling procedure
- the investigation of reportable incidents that have occurred across the district where they meet the incident selection criteria
- the provision of advice and information on health & safety issues
- consideration of the health & safety aspects of planning and licensing applications

2.3.2 All of the officers who deliver services within our Health & Safety Team also undertake certain duties in relation to the delivery of our Food Safety Service.

2.3.3 All health & safety services are delivered by the officers of the team, except where specialist and technical advice is required.

## 2.4 Demands on the Health & Safety Service

### 2.4.1 Health & Safety Interventions

In Lichfield District, the Commercial Team are responsible for approximately 1740 premises, ranging from large warehousing/logistic firms to smaller operations. A breakdown of the premises, as defined by type in the Annual LAE 1 report is shown in the table below.

Following the National Enforcement Code and LAC 67/2 to prioritise work means that previous proactive planned regular inspections are no longer carried out and this reduces the accuracy of the health and safety premises database. Work must continue to review local intelligence sources to ensure the database is maintained. Officers review the database when planning and delivering priority work, identifying which premises are still present and trading in the district. The table below updates previous figures reported based work carried out last year, however it is accepted that this does not reflect the complete picture with regard to premises operating within the district.

Type of premises	Number
Catering	617
Consumer Services	210
Hotels, campsites, accommodation	24
Leisure and cultural services	76
Office	265
Other Premises	26
Residential Care Home	16
Retail Shop	421
Wholesale Shops, warehousing	70
Unclassified	15
<b>Total Number of Premises</b>	<b>1740</b>

With the implementation of a new software system, the database will be further scrutinised to ensure that integrity is as high as possible.

## 2.4.2 Regionally & Nationally Significant Companies

In the District, there are several large warehousing/logistics firms, for example: Tesco Distribution Centre (Fradley). The district is also home to Drayton Manor Park and the National Memorial Arboretum.

Lichfield itself is home to the headquarters of The Central England Co-operative Society (Retail) and Busy Bees Nursery's Ltd (Child Care), Midland Expressway, and Police Mutual all of which are regionally and nationally significant companies.

## 2.4.3 Other Factors likely to have an impact on Health & Safety Service Delivery in 2018-20

In addition to some of the demands identified above, other factors are likely to influence the way we work in **2018-20**, including:-

- changes to when we carry out an intervention (Local Authority Circular 67/2) could mean an increase or decrease in the number of programmed interventions over this period depending on national priorities.
- Significant changes to the national priorities in 2018-20.
- implementation of a potential new computer system.
- the transfer of data from our current databases to any new computer system.
- possible changes to the Enforcement Authority Regulations.
- additional premises picked up during district wide surveys.

#### 2.4.4 Access to our Service.

Our Health & Service is delivered from The Council House, Frog Lane, Lichfield, Staffordshire. Service users may contact officers on site or by leaving a message, in the following ways:-

- ❖ **in person** between 8.45am and 5.15pm Monday to Friday.
- ❖ **by telephone** on (01543) 308000 or (01543) 308999  
between 8.45am and 5.15pm Monday to Friday.

Out of hours:- (01543) 254213

- ❖ **by e-mail** [occuapntional.safety@lichfielddc.gov.uk](mailto:occuapntional.safety@lichfielddc.gov.uk)

For other useful contact addresses and numbers please refer to **Appendix 3**

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## 3 SERVICE DELIVERY

### 3.1 Premises Interventions

- 3.1.1 One of this Service Plan's key priorities is to ensure that there is a local plan in place for delivering Health and Safety Regulation which is relevant to national and local priorities and to businesses which are failing to meet standards.
- 3.1.2 It is therefore essential that time is spent building up information on the local business picture. This will be achieved by continuing to review the databases held by the council, surveys of the district, intelligence gathering from local directories and internet sites, and a review of local accident statistics, complaints and insurance reports.
- 3.1.3 Following a review of the local intelligence gathered through this process any significant trends identified, for example, an increase in incidents involving fork lift trucks will be targeted by delivering project specific interventions designed to provide information, advice and regulation to businesses that are at risk of similar incidents occurring.
- 3.1.4 In addition to local intelligence driven projects the commercial team will (where premises are identified) be delivering on the following National Priorities (Shown in Appendix 5) identified by the HSE as being significant causes of injury or ill health:
- Carbon monoxide poisoning at commercial catering premises using solid fuel cooking equipment
  - Fatalities/injuries resulting from being struck by vehicles at Tyre fitters / Motor Vehicle Repair (as part of Car Sales), High volume Warehousing/Distribution
  - Fatalities/injuries resulting from falls from height/ amputation and crushing injuries at Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants
  - Crowd control & injuries/fatalities to the public at large scale public gatherings e.g. cultural events, sports, festivals & live music due to lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue
  - Industrial Diseases (Occupation deafness / cancer / respiratory diseases) in relation to industrial retail / wholesale premises (eg steel stockholders, builders / timber merchants / instore bakeries, etc.) High risk activities will be looked at to include noise exposure, use of loose flour (bakeries in store), exposure to carcinogens, etc.
  - Manual Handling at High volume warehousing and distribution;
  - Unstable loads on vehicles at high volume warehousing
  - Violence at work at premises with vulnerable working conditions (lone / night working / cash handling, such as betting shops /off-licences / hospitality) and where intelligence indicates that risks are not being effectively managed.
- 3.1.5 Officers are tasked to deliver project based work on these priorities. A variety of means will be used to ensure that individuals and organisations meet with their legal responsibilities relating to health & safety during an intervention including education, negotiation, advice, guidance, warning letters, formal notices and prosecution.
- 3.1.6 Officers will be given individual responsibility for identifying premises which carry out high risk activities and will plan and manage at least one project to deliver regulation based on the above priorities.
- 3.1.7 The Following priorities will also be addressed during all interventions:

- Promoting worker involvement by ensuring employees are engaged during interventions carried out by officers;
  - Raising awareness of preventing sheltering within large retail bins.
- 3.1.8 Appendix 8 shows the types of interventions available to officers planning priority project based work.

## **3.2 Health & Safety Premises Practices & Complaints**

- 3.2.1 Health & Safety complaints received and investigated by the service fall into one of two broad categories:- complaints about safety practices or complaints about safety on the premises .
- 3.2.2 An initial response to a health & safety complaint will be made within 5 working days. The team investigates on average 100 complaints about practices and premises annually.

## **3.3 Primary Authority**

- 3.3.1 The Council fully supports the Primary Authority Principle. Officers give advice to companies and other Local Authority Health & Safety Enforcement Services if requested to do so.
- 3.3.2 The Commercial Team manages four Primary Authority agreements with Midland Expressways (M6 Toll), Busy Bees Nurseries and Police Mutual, and the Central England Co-operative Society.

## **3.4 Advice to Business and the Public**

- 3.4.1 The Commercial team will provide advice to businesses to help them comply with the law and encourage the use of best practice. Through such an approach, standards of health & safety are improved and positive relationships built with businesses. This is achieved through:-
- advice given during inspections and other visits
  - the provision of advice leaflets
  - responding to enquiries
  - via attendance at Safety Advisory Groups.
- 3.4.2 We will also provide advice and assistance, when requested, to new and proposed businesses at the planning and pre-planning stages and will assist existing businesses that propose to make changes to their operations.
- 3.4.3 An initial response to a request for advice will be made within 5 working days. An estimated 100 enquiries are received from businesses and the public each year.

## **3.5 Accident, Ill Health or Dangerous Occurrence Investigation**

- 3.5.1 Incidents are reported to us:-
- via the HSE Incident Contact Centre on the web
  - via direct contact with the business where the accident occurred
  - via direct contact with the injured party
  - via other organisations such as the Police, the fire service, OFSTED, etc.

3.5.2 Investigation priority will be given to any accident, report of ill health or dangerous occurrence that occurs in line with **Local Authority Circular 22/13 (Incident Selection Criteria Guidance)**. We will also be using the Enforcement Management Model to help us decide on our enforcement approach.

3.5.3 We have a 1 day response time for major incidents, reports of ill health or dangerous occurrences. We currently have around 100 incidents reported annually.

### **3.6 Partnership Working with the Health & Safety Executive and Liaison with Other Organisations**

3.6.1 We will continue to work in partnership with the Health & Safety Executive to target our resources more effectively.

3.6.2 Members of the Commercial Team play an active role in the Central England Health and Safety Coordinating Group, which is governed by a Core Constitution. The Group's primary aim is to encourage greater consistency in enforcement across the whole of the Midlands and on a local level the 9 Staffordshire Authorities represented.

### **3.7 Event Safety work**

3.7.1 The Commercial Team will continue to be heavily involved in providing advice and support to the various event organisers. A Safety Advisor Group (SAG) has been created by the Commercial Team and is chaired by the Local Authority. The group includes all of the bodies responsible for regulation at events and allows for event organisers to receive advice on their Event Management Plans.

3.7.2 The SAGs are held for each major event in the District and include all of the regulatory authorities allowing Event Management Plans to be reviewed and providing advice to organisers who must demonstrate that their events will be managed safely.

3.7.3 Officers are also in attendance at larger events ensuring that standards are being maintained and Event Management Plans are being followed.

### **3.8 Internal Audit Recommendations**

3.8.1 An Internal Audit of the health and safety enforcement service was delivered conducted in October 2017 assessing the following criteria:

#### **Criteria assessed:**

01 Written procedures relating to health and safety inspections are in place and are made available to all members of staff involved in these processes

02 Officers authorised to carry out enforcement in respect of health and safety inspections are suitably qualified and experienced in accordance with legislation requirements

03 The Council has in place priority planning and programmes of health and safety inspections which are undertaken in accordance with the determined risk assessment undertaken by the Council



04 Systems are in place to ensure that database records relating to non-domestic premises requiring health and safety inspections are kept up to date and reviewed regularly for appropriateness

05 Adequate documentation is maintained relating to the health and safety inspections undertaken

06 Adequate monitoring and reporting of the health and safety inspection programmes and the quality of inspections in place

07 Satisfactory procedures are in place to deal with complaints and incidents arising from health and safety issues and are followed in principal

3.8.2 The following recommendations have been highlighted as actions to be implemented during the time period covered within this plan. Actions have been identified to carry out improvements alongside implementation dates:

No.	Recommendation	Action to take	Implementation Date
1	All departmental health and safety procedures should be revised to reflect current practices.	Procedures are being reviewed and will be updated. Particular focus will be given to a new intervention planning procedure. Until such time as procedures are updated officers are subscribed to RIAMS which contains model procedures and model templates and these will be used in the interim.	1 <sup>st</sup> April 2018
2	A central record of completed priority inspections should be maintained to support delivery against the work programme target for priority interventions. Records should include the date inspected, outcomes and action required.	A paper based system has been implemented to record completed interventions and whilst it is accepted that this is a short term measure, long term it is intended to procure a computer based system to record interventions on.	31 <sup>st</sup> March 2018
3	Work should continue to ensure the council's business database is updated to reflect real time information. Re-configuration of the council's Uniform system should be considered for inclusion within the Innovation Hub project to ensure a centralised and systematic approach is adopted for the management and sufficient record keeping in support of health and safety processes associated with non-domestic premises.	Computer software is in the process of being procured. A paper is going to cabinet in February 2018	Project Initiation Document indicates that this will be completed by April 2019
4	Performance measures detailed within the Work Programme should be developed into formal performance indicators and from here should be subject to regular management review to identify performance issues/ areas for improvement. Quality monitoring of case file documentation should be completed and evidenced on a regular basis to ensure compliance against local and national requirements.	Performance indicators are contained within this service plan and are monitored. Currently officers are tasked with 5 interventions per month. This is monitored as part of the PDR process and during 1 to 1s and team meetings. Internal monitoring will be set up – similar to those used for Food Safety so that the regular 1 to 1 meetings, accompanied visits and team meetings are formalised and recorded.	31 <sup>st</sup> March 2018
5	Consideration should be given to introducing a mechanism for the classification of all incidents to assist in the effective monitoring of incidents requiring investigation.	The Council's LAGAN system will no longer be used after the procurement of a new computer system. It is not designed for investigating incidents. The configuration of the new system should differentiate between those that meet the selection criteria and those that do not. Incidents requiring investigation are generally discussed during 1 to 1s and team meetings.	1 <sup>st</sup> April 2019

## 3.9 Performance Indicators

- 3.9.1 A new suite of performance indicators have been developed to manage the performance of the team.
- 3.9.2 The new performance indicators are shown in the table below. Benchmarking will include those authorities identified in the CIPFA LG Inform Benchmarking Summary Report. 2017/18 includes the following authorities identified as comparable with Lichfield: Stafford, Hinckley and Bosworth, South Staffordshire, Stroud, South Ribble, Bromsgrove, Tewkesbury, East Northamptonshire, West Lancashire, South Kesteven, Maldon, Staffordshire Moorlands, Chorley, and Rushcliffe. Benchmarking, where data is available (published in the HSE LAE1 report) will be reported annually as a placement figure (eg 1<sup>st</sup> out of 15).
- 3.9.3 Further indicators will be added following the publishing of the LAE1 report submitted to the HSE. Changes have been made to the report since 2015-16 which means the way in which the number of interventions reported is different. Once data is made available it will be included in the team statistics.

Status	Performance Indicator	2015-16 Actual	Target	National Average	Bench-marked Position (Out of 15 LA's)	Notes
NEW	% of reports sent within 10 working days of intervention	n/k	98%	N/a	N/a	Reported monthly, quarterly & annually <i>NB: No benchmark or national average data available. Team data reported, individual officer data held by the Food and Health &amp; Safety Manager</i>
NEW	Satisfaction of business with local authority regulation services (NI 182)	n/k	99%	N/a	N/a	Reported annually <i>NB: No benchmark or national average data available</i>
NEW	No. Improvement Notices Served	0	N/a	5 (2015-16)	7 <sup>th</sup> (Joint)	Reported annually <i>NB: Only available after LAE1 report is published.</i>
NEW	No. Prohibition Notices served	2	N/a	1 (2015-16)	1 <sup>st</sup> (Joint)	Reported annually <i>NB: Only available after LAE1 report is published</i>
NEW	Visits to investigate health and safety related incidents	3	N/a	20 (2015-16)	11 <sup>th</sup> (Joint)	Reported annually <i>NB: Only available after LAE1 report is published</i>
PROPOSED	No. Interventions carried out	n/k	N/a	n/k	n/k	<i>NB: This new PI will be reported annually and will be included as a PI only following publish of the latest LAE1 report.</i>

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## 4 RESOURCES

### 4.1 Financial Allocation

- 4.1.1 The net expenditure for health & safety law enforcement budgeted for 2018-2020 is £54,150 for 2018-19 and £54,870 for 2019-20.
- 4.1.2 A breakdown of net expenditure for health & safety by activity between 2017 and 2022 is included in **Appendix 4**
- 4.1.3 If legal action is to be taken by the service, costs are met from within the overall environmental health budget under a specified cost area for prosecutions. Where possible costs are recovered.
- 4.1.4 The Council recognises the importance of being able to deal with legal actions and other one off occurrences by maintaining adequate corporate reserves and provisions.

### 4.2 Staffing Allocation

- 4.2.1 The staff resources available to undertake Health & Safety law regulation during 2016-18 are equivalent to 1.3 full time officers. A breakdown of this figure based on full time equivalent posts (FTE) is as follows:-

Post	Full Time Equivalent (FTE)
Head of Service & Environmental Health Manager	0.1
Food and Health & Safety Manager	0.3
Environmental Health Officer (Pt time)x2	0.3
Technical Officer (x2)	0.6
Total (FTE)	1.3

- 4.2.2 All officers are qualified and competent to undertake health & safety work in food businesses. The Regulatory Development Needs Analysis sets out clearly the competencies and qualifications needed by inspectors. Officers who have completed this analysis have identified that they require further training in certain aspects of Health and Safety regulation outside of food businesses. In order for the team to deliver the key priorities, knowledge gaps will need to be addressed.
- 4.2.3 Support for our service comes from our Customer Services Team. Currently the level of this support is 0.3 of a full time equivalent.

### 4.3 Staff Development

- 4.3.1 The Council recognises that there is a need to invest in the continuing development of staff. Each member of staff takes part in a performance and development review at the beginning of the financial year in order to establish work and performance targets and identify training and development needs.
- 4.3.2 Within the Commercial Team, such development is needed in order to meet the continuing professional development requirements of the Chartered Institute of Environmental Health and

more specifically requirements contained in the Health & Safety Executives Section 18 Guidance.

- 4.3.3 All necessary training will be undertaken through in house training, formal courses and vocational visits as appropriate. Innovative ways of receiving training to maximise limited training resources will be pursued.
- 4.3.4 A training programme will be developed for each officer to be delivered by the Senior Environmental Health Officer in advance of each area of work being undertaken.

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## 5 SECTION 5: QUALITY ASSESSMENT

### 5.1 Quality Assessment

- 5.1.1 The work of the team is subject to scrutiny by Members, internal auditors, the Audit Commission, the Health & Safety Executive and peer review by other Staffordshire Local Authorities.
- 5.1.2 The following monitoring arrangements are currently in place to assist in the quality assessment of the work carried out by the Commercial Team, although some need formalising through written procedures:-
- sample inspection audits
  - sample audits of health & safety files and associated paperwork
  - performance and development reviews
  - performance monitoring of target response times
  - performance monitoring against targets set down as local indicators
  - monthly team meetings and individual 1 to 1 meetings with officers
- 5.1.3 In addition to this, we will continue to consult with our customers through business satisfaction questionnaires, this will provide us with qualitative data to further develop our service in the future.

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## 6 SECTION 6: REVIEW

### 6.1 Review against this Service Plan

- 6.1.1 The process of review will commence in April/May each year based on:-
- performance and resources available over the previous 12 months
  - responses to consultation with local businesses and the community
  - observations from members and the Commercial Team
  - advice and guidance issued by the Health & Safety Executive, the Local Authority Co-ordinating Body on Regulatory Services and examples of best practice.
- 6.1.2 The new Service Plan for 2018-20 will be submitted to Regulatory & Licensing Committee before being forwarded for adoption by Council.
- 6.1.3 A briefing paper on the previous year's performance against the Health & Safety Law Enforcement Plan for 2018-19 and 2019-20 will be submitted to the Regulatory & Licensing Committee for information in May/June of each year.

### 6.2 Identification of any Variation from the Service Plan

- 6.2.1 Quarterly performance figures are produced for our Corporate Performance Plan. Any variances against the Health and Safety Law Enforcement Plan, including resource implication, will be addressed during this process

### 6.3 Work Programme and Areas of Improvement

- 6.3.1 Both a work and improvement programme have been developed as part of this Plan, details of which can be found in the tables below.

## 6.4 Work/Improvement Programme 2018-20

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures –	Timescales (based on end of reporting years for 2016-18)	Responsibility	Resources (per annum)
		1	2	3	4				
<b>Interventions</b>	To undertake project based interventions based on the key priorities: <ul style="list-style-type: none"> <li>➤ Carbon monoxide poisoning at commercial catering premises</li> <li>➤ Fatalities/injuries resulting from being struck by vehicles</li> <li>➤ Fatalities/injuries resulting from falls from height/ amputation and crushing</li> <li>➤ Crowd control &amp; injuries/fatalities to the public at large scale public gatherings</li> <li>➤ Industrial Diseases (Occupation deafness / cancer / respiratory diseases)</li> <li>➤ Manual Handling at High volume warehousing and distribution;</li> <li>➤ Unstable loads on vehicles at high volume warehousing</li> <li>➤ Violence at work at premises with vulnerable working conditions</li> </ul>	✓	✓	✓	✓	<p>Officers to deliver at least one project per annum. (4 per year team target)</p> <p>Complete interventions for all identified catering premises</p> <p>Deliver SAGs and interventions at all major events which meet the Terms of Reference conditions.</p>	Monthly/March 2020	FHSM	295 days
<b>Internal Monitoring</b>	To undertake management checks to monitor consistency of inspection and enforcement		✓	✓	✓	90% compliance / training needs acted upon if identified	Ongoing	Commercial Team / FHSM	20 days

Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures –	Timescales (based on end of reporting years for 2016-18)	Responsibility	Resources (per annum)
		1	2	3	4				
<b>Health Internal monitoring &amp; Safety Complaints relating to Premises and Practices</b>	To investigate all premises complaints	✓	✓	✓	✓	To respond to 95% of all premises and practices complaints within 5 working days	March 2019 March 2020	Commercial Team / FHSM	15 days
<b>Primary Authority Scheme</b>	To consider applications made by businesses in relation to becoming a Primary Authority	✓	✓	✓	✓	Conclude whether partnerships are viable	March 2019 March 2020	Commercial Team / FHSM	30 days
<b>Provision of Advice to Business &amp; other Service Users</b>	To respond to all requests for advice from businesses and service users	✓	✓	✓	✓	To respond to 95% of all requests for advice within 5 working days	March 2019 March 2020	Commercial Team / FHSM	40 days
<b>Incident Investigation</b>	To respond to reportable incidents which meet the incident selection criteria.	✓	✓	✓	✓	To respond to 100% of all reportable incidents within 1 working day.	March 2019 March 2020	Commercial Team / FHSM	30 days
<b>Liaison with Other Organisations</b>	To actively participate on the Central England Health and Safety Coordinating Group	✓	✓	✓	✓	Attendance by a member of the Commercial Team at 4 meetings in 2018-20. and undertake Inter Authority Auditing where appropriate	March 2019 March 2020	Commercial Team / FHSM	5 days



Work Activity	Ongoing Work / Improvement Action	Links to Strategic priorities:				Performance Measures –	Timescales (based on end of reporting years for 2016-18)	Responsibility	Resources (per annum)
		1	2	3	4				
Additional Work in Health & Safety	To continue to develop any documented procedures for health & safety  Ensure compliance with the requirements of Section 18 Guidance	✓	✓	✓	✓	Complete a review of procedures and their implementation  Complete in house assessment in relation to Section 18 compliance	March 2020	FHSM	6 days
	Review Officers self-assessment using RDNA tool.  All officers to receive targeted training in relation to our new health & safety procedures		✓	✓	✓	Self-assessments to be fully completed by each officer and areas of further competency requirements identified  All officers to have received training in relation to procedures	March 2019  March 2020	Commercial Team / FHSM	2 days
	All officers undertaking health & safety work to have received at least 10 hours training in relevant subject areas		✓	✓	✓	Completion of at least 10 hrs training using RDNA defined competencies and the GRIP Tool	June 2018 June 2019	Commercial Team / FHSM	2 days
	To consult with customers on service delivery	✓	✓	✓	✓	90% satisfaction with service/records kept of actions	March 2020	FHSM	3 days

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## 7 REFERENCES

1. Health & Safety at Work etc Act 1974 – Section 18 ‘The Standard’.
2. Helping Great Britain work well – HSE strategy
3. Local Authority Circular 22/13 (Incident Selection Criteria Guidance).
4. National Local Authority Enforcement Code (the Code)
5. Local Authority Circular 67/2 (Priority Planning)

**Commercial Team**

Food and Health & Safety Manager  
(1.0 FTE)

**Food and Safety Commercial  
Team**

Environmental  
Health Officer  
(0.5 FTE)

Environmental  
Health Officer  
(0.5 FTE)

Food Safety  
Officer  
(1.0 FTE)

Food Safety  
Officer  
(1.0FTE)

Technical  
Support Officer  
(0.8FTE)



## 9 Appendix 2 - Committee Structure & Food Safety Reporting

### Lichfield District Council Portfolio Chart



Last updated: 18 October 2017

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## 10 Appendix 3 - Useful Contacts

Lichfield District Council  
Regulatory Services, Housing & Wellbeing  
Commercial Team  
Council House  
Frog Lane  
Lichfield  
WS13 6ZE

Health & Safety Executive &  
Employee Medical Advisory Service

Staffordshire County Council Consumer Services  
Trading Standards  
24 Horninglow Street  
Burton upon Trent  
DE14 1PG

Tel:- (01543) 308725/726/727

Out of Hours Tel:- (01543) 254 213

E-mail:- [occupational.safety@lichfielddc.gov.uk](mailto:occupational.safety@lichfielddc.gov.uk)

Web address:- [www.lichfielddc.gov.uk](http://www.lichfielddc.gov.uk)

Tel:- 0300 003 1647

Web address:- <http://www.hse.gov.uk/contact/index.htm>

Tel:- 03454 040506

E-mail address:- [consumeradvice@staffordshire.gov.uk](mailto:consumeradvice@staffordshire.gov.uk)

Web address:- [www.staffordshire.gov.uk/trading](http://www.staffordshire.gov.uk/trading)

## 11 Appendix 4 - Performance Indicators for our Health and safety service

Performance Indicator	2018-19		2018-19	
	Target	Actual	Target	Actual
No priority projects planned and delivered	4		4	
% of reports sent within 10 working days of intervention	98%		98%	
Satisfaction of business with local authority regulation services (NI 182)	95%		95%	
No. Improvement Notices Served	n/a		n/a	
No. Prohibition Notices served	n/a		n/a	
Visits to investigate health and safety related incidents	n/a		n/a	
No. Interventions carried out	n/k		n/k	

## 12 Appendix 5 - A Breakdown of Net Expenditure for Food Safety by Activity from 2017 to 2022

			Forecast		
	Budget	Budget	Budget	Budget	Budget
	2017/18	2018/19	2019/20	2020/21	2020/22
	£	£	£	£	£
Expenditure					
Employees	9,690	10,020	10,360	10,700	11,050
Transport	620	620	620	620	620
Supplies and Services	490	490	490	490	490
Overheads	44,850	45,520	45,900	45,450	45,780
Total Expenditure	55,650	56,650	57,370	57,260	57,940
Income					
External Sources	2,500	2,500	2,500	2,500	2,500
Internal Recharges	0	0	0	0	0
Total Income	2,500	2,500	2,500	2,500	2,500
<b>Net Expenditure</b>	<b>53,150</b>	<b>54,150</b>	<b>54,870</b>	<b>54,760</b>	<b>55,440</b>



## 13 Appendix 5 – National Local Authority Priorities list.

List of activities/sectors for proactive inspection by LAs <sup>1</sup> – only these activities falling within these sectors or types of organisation should be subject to proactive inspection			
No	Hazards	High Risk Sectors	High Risk Activities
1	Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures
2	Explosion caused by leaking LPG	Premises (including caravan parks) with buried metal LPG pipework	Buried metal LPG pipe work (For caravan parks to communal/amenity blocks only)
3	E.coli/ Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions <sup>2</sup>	Lack of suitable micro-organism control measures
4	Fatalities/injuries resulting from being struck by vehicles	High volume <sup>3</sup> Warehousing/Distribution	Workplace transport
5	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants	Workplace transport/work at height/cutting machinery /lifting equipment
6	Industrial diseases (occupational deafness/cancer/ respiratory diseases)	Industrial retail/wholesale premises e.g. steel stockholders, builders/timber merchants/ in-store/craft bakeries <sup>4</sup> , stone wholesalers <sup>5</sup>	Noise (steel stockholders), use of loose flour(in-store/craft bakeries <sup>4</sup> ), exposure to respirable crystalline silica (outlets cutting/shaping their own stone)
7	Falls from height	High volume <sup>3</sup> Warehousing/Distribution	Work at height
8	Manual Handling	High volume Warehousing/Distribution	Lack of effective management of manual handling risks
9	Unstable loads	High volume Warehousing/Distribution Industrial Retail/Wholesale/builders/timber merchants	Vehicle loading and unloading
10	Crowd management & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue
11	Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
12	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/hospitality) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign

<sup>1</sup> See LAC 67/2 (rev 6) for guidance on the application to certificated petroleum and licensed explosives storage sites.

<sup>2</sup> Animal visitor attractions may include situations where it is the animal that visits e.g. animal demonstrations at a nursery

<sup>3</sup> Typically larger warehousing/distribution centres with frequent transport movements/work at height activity

<sup>4</sup> Premises where loose flour is used and exposure inhalation to flour dust is likely to frequently occur during baking i.e., not baking pre-made products

<sup>5</sup> Pubs, clubs, nightclubs and similar elements of the night time economy

January 2017 Version - (LAC 67-2 Rev 6)

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## 14 Appendix 6 – Extract from Selection Criteria for investigating incidents.

### 5.0 Mandatory investigations

The following defined major incidents should always be investigated:

#### 5.1 Fatalities (Work-related deaths):

- **All** work-related accidents which result in the death of any person, including non-workers. “Accident” specifically excludes suicides\* and deaths from natural causes.
- Other deaths arising from a preventable work-related cause,\* where there is a likelihood of a serious breach of health and safety law, and where it is appropriate for enforcing authorities to investigate.

\*In some circumstances e.g. in health or social care, the risk of suicide may arise from the work activity. In such cases, the HSC/E guidance on the application of HSWA section 3 should be applied. This guidance also clarifies those circumstances when investigation by enforcing authorities is appropriate e.g. in relation to areas regulated by other regulators and legislative regimes, such as clinical judgment and practice. See: [Enforcement - Health and Safety at Work etc Act 1974 - Section 3](#)

#### 5.2 All work-related accidents resulting in a “Specified Injury” [RIDDOR Reg. 4(1)] to any person, including non-workers, that meet any of the following conditions:

- Serious multiple fractures (more than one bone, not including wrist or ankle);
- All amputations other than amputation of digit(s) above the first joint (e.g. fingertip);
- Permanent blinding in one or both eyes;
- Crush injuries leading to internal organ damage, e.g. ruptured spleen;
- Any burn injury (including scalding) which covers more than 10% of the surface area of the body or causes significant damage to the eyes, respiratory system or vital organs;
- Any degree of scalping requiring hospital treatment;
- Loss of consciousness caused by head injury or asphyxia;
- Any injury arising from working in an enclosed space which leads to hypothermia or heat induced illness, or requires resuscitation or hospital admittance for more than 24 hours.

### 5.3 Cases of Occupational Disease:

The following notifications of cases of occupational disease, other than those arising from circumstances or situations which have already been investigated:

- **All** reports of cases of occupational disease which are reportable under RIDDOR Regulations 8 – 10, specifically:
  - Carpal Tunnel Syndrome,
  - cramp in the hand or forearm,
  - occupational dermatitis,
  - hand arm vibration syndrome,

- occupational asthma,
- tendonitis or tenosynovitis in the arm or forearm,
- any cancer attributed to an occupational exposure to a known human carcinogen or mutagen,
- any disease attributed to an occupational exposure to a biological agent.
- Other reports of cases of occupational disease with the potential to cause death or a “serious health effect” as defined in EMM, and which arise from working practices that are likely to be ongoing at the time the report is made.


#### 5. 4 Incidents which indicate a likelihood of a serious breach of health and safety law:

This includes any incidents considered liable to give rise to serious public concern, where, from the facts known, the application of the Enforcement Management Model would give rise to an initial enforcement expectation of a notice or a prosecution.

#### 5. 5 Major hazard precursor events:

All relevant precursor events as identified within the HSE business plan, and the relevant work plans of each HSE Operational Directorate.

## 6.0 Non–investigation of a mandatory incident

6.1 For any mandatory incident that is not investigated, a Decision Recording Form (DRF) ([Appendix A](#) , Section B) or a local equivalent should be completed to explain the reasons for non-investigation. A senior manager (Head of Service) should be involved in any decision with the competent nominated person. LAs should adhere to this principle of recording decisions and having them signed off by a senior manager.

6.2 The grounds for not investigating incidents that would normally be investigated may include:

- where an investigation is impractical, e.g. unavailability of key witness(es), key evidence is no longer available;
- no reasonably practicable precautions available to prevent the incident\accident or its recurrence;
- investigating the accident will mean the Local Authority will be acting ultra vires;
- there is a conflict of interest between the LA as a regulator and duty holder, in which case the appropriate enforcing authority should be notified, or
- inadequate resources due to other priorities.

## 7.0 Discretionary investigations

7.1 Those incidents not falling into the above criteria for mandatory investigation may be investigated at the local authority’s discretion when taking into account the following factors:

- the incident may not have caused a RIDDOR defined major injury but is either in accordance with HSE's national guidance to LAs on targeting interventions ([LAC 67/2](#)) or one which arises from a specific health and safety initiative that may be contained within the Local Authorities Service Plan;
- the poor health and safety track record of the duty holder and whether or not there has been a history of similar events;
- the incident has the potential for high public profile\media attention or has received considerable media attention leading to reputational risk through inaction\perceived inaction;
- the incident may give rise to complaint(s). Depending on the circumstances, this should be dealt with as a normal complaint procedure and not necessarily require a full incident investigation unless found to be appropriate, or any incident that has been identified as being useful for –
  - enhancing sector good practice\technical knowledge or
  - training and developing staff as recognised from any Regulators' Development Needs Analysis (RDNA) discussions.

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## 15 Appendix 7 – HSE Complaints handling procedure

# Complaints

## Introduction

This procedure describes how HSE handles complaints against dutyholders: from initial receipt, through follow up, to a decision whether or not to formally investigate.

### Purpose

To provide a common, transparent procedure for HSE Operational Group staff to handle complaints consistently and enable HSE to fulfil its duties under the Health and Safety at Work Act.

### Scope

This procedure covers handling of all complaints by HSE from receipt to completion. It does not cover issues raised during a general discussion on site. These would not normally be classed as a complaint but would be dealt with as part of the site visit.

### Definitions

A **complaint** is a concern, originating from outside HSE, in relation to a work activity for which HSE is the enforcing authority, that is sufficiently specific to enable identification of the issue and the dutyholder and/or location and that either:

- has caused or has potential to cause significant harm, or alleges the denial of basic employee welfare facilities, or
- appears to constitute a significant breach of law for which HSE is the enforcing authority.

### Policy

HSE's policy is to investigate every such complaint received unless:

- the complainant wishes to remain anonymous, will not allow HSE to disclose that a complaint has been received and a [vulnerable person](#) is not involved
- it is from a serial complainant and Band 2 or above decides no further action is required
- it has been made by an employee and has not been taken up with the dutyholder or trade union (unless it involves a vulnerable person)
- it is outside the scope of section 3, (except for pesticide complaints) see: [Health & Safety at Work, etc Act 1974 section 3: enforcement](#)
- it is a gas complaint that is not "[serious](#)" (as defined) or the dutyholder cannot be identified

HSE will not investigate where:

- there are no reasonably practicable precautions
- it is impracticable to follow up / investigate

In the following exceptional circumstances HSE may decide not to investigate where:

- there are inadequate resources to follow up / investigate

A decision not to investigate because of inadequate resources or other emerging priorities must be made by a Band 1 or above.

### Roles and responsibilities

**Complaints / Working Time Officers** should:

- handle complaints in accordance with this procedure.

**Inspectors** should:

- handle complaints in accordance with both this and the [investigation procedure](#).

**All staff** should:

- meet the performance standards set within the procedure (and record relevant data on COIN completely and accurately) or agree with the line manager revised performance standards when necessary

**Line managers** should:

- ensure staff receive the appropriate training and are competent in their role
- support and guide their staff as necessary
- ensure staff achieve the performance standards set or, exceptionally agree revised standards if necessary
- undertake monitoring as required by this procedure.

## **Procedure overview**

An overview of the procedure is provided in the attached [flowcharts](#).

## **Monitoring**

Line managers should ensure, via normal management activity, that those involved in operating this procedure carry out their responsibilities in line with the standards and timescales described. However, they should make sufficient documented checks to satisfy themselves, and to prove to any subsequent audits, that the procedure is being operated correctly.

## 16 Appendix 8 – Types of intervention

Type	Description	Examples
<b>Intervention types: Proactive interventions</b>		
<b>Influencing and Engaging with Stakeholders, Others in Industry and Large Employers</b>		
TYPE	DESCRIPTION	EXAMPLE
<i>Partnerships</i>	Strategic relationships between organisations or groups who are convinced that improving health and safety will help them achieve their own objectives. This may involve duty holders or trade unions, regulators, other Government departments, trade bodies, investors.	Developing new relationships between businesses and regulatory services to reduce the regulatory burden on businesses; promote two way communication between businesses and regulatory services; supporting regulators to find the right balance between encouragement, education and enforcement and offering support from regulatory services for businesses e.g. Local Enterprise Partnerships. Working with a range of agencies e.g. work experience co-ordinators, secondary school students and other regulators/enforcement organisations from the coast guard to school wardens to raise awareness on sensible health and safety, tattooing, road and fire safety, and workplace safety use a variety of techniques e.g. supporting website and Facebook pages. Estates Excellence type projects use a range of organisations (e.g. LAs, Fire and Rescue Service, the Federation of Small Businesses, EEF, service providers, trade unions and local business groups) to set up/fulfil the need for advice and training for businesses and workers. Uses specially-trained staff to visit SMEs on targeted industrial estates to offer advice to managers and workers and provide free workshops, training, advice and guidance specifically targeted to a business' individual needs.
<i>Motivating Senior Managers</i>	Encouraging the most senior managers to enlist their commitment to achieving continuous improvement in health and safety performance as part of good corporate governance, and to ensure that lessons learnt in one part of the organisation are applied throughout it (and beyond).	Business engagement partnerships (e.g. Local Enterprise Partnerships) can link a range of local partners including representatives from the Federation of Small business and Chamber of Commerce to get manager buy-in on effective management of health and safety risks.
<i>Supply Chain</i>	Encouraging those at the top of the supply chain (who are usually large organisations, often with relatively high standards) to use their influence to raise standards further down the chain, e.g. by inclusion of suitable conditions in purchasing contracts	Given an LA's local focus, national supply chain activity is often outside of their remit (although large Primary Authority Schemes may help develop this). However, there can be opportunities for LAs to get local supply chains to improve health and safety e.g. office cleaning suppliers, builders merchants.  LAs can also be involved in helping to collect intelligence that feeds into supply chain monitoring e.g. linking in with trading standards or public health work on sunbeds, tattoo inks.
<i>Design and Supply</i>	"Gearing" achieved by stimulating a whole sector or an industry to sign up to an initiative to combat key risks,	Initiative to reduce workplace violence in takeaways – the LA working with the Police and local takeaways to pledge and commit to certain activities e.g. takeaways prohibiting

	preferably taking ownership of improvement targets.	customers possessing alcohol from entering the premises; the Police and the LA providing specific guidance, training, promotion and publicity
<i>Intermediaries</i>	Enhancing the work done with people and organisations that can influence duty holders. These may be trade bodies, their insurance companies, their investors or other parts of government who perhaps are providing money or training to duty holders.	Using local HABIA and training college contacts to influence hair dressers and managers to take up published materials and working practices.
<b>Engaging with the Workforce</b>		
<i>Working with Those At Risk</i>	Working with safety representatives, trade unions and other organisations that represent people put at risk by work activities to support them in their roles.	Migrant Workers - Using the local community structures and support groups to educate and communicate health and safety messages to vulnerable migrant workers.
<b>Working with Other Regulators and Government Departments</b>		
<i>Working with other regulators etc.</i>	Where appropriate work with other regulators (including HSE, other LA regulators, the Police etc.) to clarify and set demarcation arrangements; promote cooperation; coordinate and undertake joint activities where proportionate and appropriate; share information and intelligence.	Working with relevant signatories of the WorkRelated Death Protocol. Working with the Care Quality Commission during the period of transition to aid handover and ensure continued protection of employees and non-employees.
<b>Creating Knowledge and Awareness of Health and Safety Risks and Encouraging Behaviour Change</b>		
<i>Education and Awareness</i>	Seeking further ways of getting messages and advice across early to key target groups, particularly those who are difficult to reach, using channels such as small business groups, chambers of commerce etc. Promoting risk education as a curriculum item at all levels of the education system.	Using awareness days and targeted information to promote health and safety messages at take away establishments. Working with educational establishments that operate work experience placements to raise safety awareness of students. Gas safety in catering premises – having evaluated intelligence that highlighted local catering premises were not managing significant risks effectively including gas engineers working out of scope - food safety officers, health and safety officers and representatives from Gas Safe Register developed and organised a training day for the local businesses and enforcement officers. Talks to local Technical College students e.g. to construction students on asbestos awareness, to student hospitality managers – on legionella control, to hair dressing students – on dermatitis. Offering advice and support visits to new business start-ups.
<b>Promoting Proportionate and Sensible Health and Safety</b>		
<i>Encouraging Compliance</i>	Encouraging the development of examples with those organisations that are committed to performance and then using these examples to show others the	Promoting and sharing compliant practice through campaigns, local business forums, large business mentoring small businesses etc. to improve the management of health and safety risks.



	practicality and value of improving their own standards.	
<i>Recognising Compliance</i>	“Where proper management of risks can be assured, HSE and LAs	Business Awards to give public recognition to workplaces that have taken positive action to improve employee’s health and wellbeing. Recognising the use of third party inspections
	will not intervene proactively. This means we will discourage HSE and LAs from putting resources into issues where the risks are of low significance, well understood and properly managed.”	and audits for large events (formalised in license agreements) by LAs who then only need to oversee/check the process – thus freeing up LA resources for other purposes. Directing regulatory resources away from compliant businesses and low risk activities, and a more direct focus on non-compliant businesses.
<b>Inspection and Investigation</b>		
<i>Inspection</i>	Alongside the National LA Enforcement Code (the Code), HSE has published a list of higher risk activities falling into specific LA enforced sectors. Under the Code, proactive inspection should only be used for the activities on this list and within the sectors or types of organisations listed, or where there is intelligence showing that risks are not being effectively managed. The list is not a list of national priorities but rather a list of specific activities in defined sectors to govern when proactive inspection can be used. However, if a business carries out an activity on this higher risk list, it does not mean that it must be proactively inspected: LAs still have discretion as to whether or not proactive inspection is the right intervention for businesses in these higher risk categories.	Proactive inspection of industrial retail/wholesale premises to ensure adequate control of work at height and work place transport.
<i>Incident and Ill Health Investigation</i>	Making sure that the immediate and underlying causes are identified, taking the necessary enforcement action,	Using <a href="#">HSE Incident selection criteria</a> <a href="http://www.hse.gov.uk/lau/lacs/22-13.htm">http://www.hse.gov.uk/lau/lacs/22-13.htm</a> and <a href="#">HSE’s risk based approach to complaints handling</a> <a href="http://www.hse.gov.uk/lau/lacs/67-2annexc.htm">http://www.hse.gov.uk/lau/lacs/67-2annexc.htm</a>
	learning and applying the lessons.	When there is only limited information regarding the potential need for a more involved intervention it may be prudent to maintain an active ‘watching brief’ to see if there is cumulative evidence that identifies poor performance.
<i>Dealing with Issues of Concern and Complaints</i>	Encouraging duty holders to be active and making sure that significant concerns and complaints from stakeholders are dealt with appropriately.	Adoption of the HSE complaints handling procedures to ensure that resources are targeted on complaints that indicate the poor management of risk.
<b>Enforcement</b>		
	Inspection and investigation provides the basis for enforcement action to prevent harm, to	Ensuring that adequate arrangements are made for enforcement.

	<p>secure sustained improvement in the management of health and safety risks and to hold those who fail to meet their health and safety obligations to account. Enforcement also provides a strong deterrent against those businesses who fail to meet these obligations and thereby derive an unfair competitive advantage.</p>	<p>Taking proportionate enforcement action in line with HSE's <i>Enforcement Policy Statement</i> (EPS) (<a href="http://www.hse.gov.uk/pubns/hse41.pdf">www.hse.gov.uk/pubns/hse41.pdf</a>) and <i>Enforcement Management Model</i> (<a href="http://www.hse.gov.uk/enforce/emm.pdf">www.hse.gov.uk/enforce/emm.pdf</a>). When taking enforcement action, making it clear to the dutyholder which matters are subject to enforcement, where compliance has not been achieved, what measures are needed to achieve compliance (including timescales) and their right to challenge/appeal.</p> <p>Following up on enforcement action taken to check that the necessary improvements have been made.</p>
<i>Other interventions</i>	<p>Other forms of proactive activity that are distinctly different to the other types of intervention outlined elsewhere on this list. Such interventions should be clearly described and named within your own recording systems to aid any future analysis and to prevent this classification being used as a 'catch-all'.</p>	<p>E.g. Test purchasing of services.</p>