

Environmental Health Service

East Devon District Council

**Health and Safety Service Plan
2010-11**

December 24th 2009

Introduction

This document is East Devon District Council's Health and Safety Service Plan. It forms the basis of the health and safety enforcement function for the Authority and ensures that national health and safety priorities are addressed along with locally identified needs.

It has been produced to ensure that local businesses, (employers and employees), members of the public, Council Officers and Members understand the approach to health and safety adopted by the Council. The service plan will help to ensure that the actions of the Council are fair, consistent, open and effective.

We have a duty to act as an enforcing authority for health and safety in premises for which we are responsible - this is predominantly in the service sector. The plan outlines how we will undertake that function and ensure we comply with requirements of the Health and Safety Commission.

This Plan is in addition to the Environmental Health Service Plan of which health and safety is one key function.

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1.0 Service Aims and Objectives

1.1 Aims and Objectives

The Service aims to actively promote and maintain good standards of health and safety for people working in the District and members of the public who visit workplaces in the district.

We must ensure that arrangements are in place to ensure that enforcement work is targeted, proportionate, consistent, and transparent and have suitable monitoring systems.

We are aware of the pressures on local businesses particularly where the economy is seasonal and subject to fluctuation. We will seek to work with local businesses offering advice and assistance to businesses.

We will do this with a combination of education and provision of up to date information to businesses, backed up where necessary with law enforcement. This approach is based on our responsibilities under the Health and Safety at Work etc Act 1974, national guidance and standards coming from the Health and Safety Executive (HSE).

The methods of achieving our aims will include;

- risk based inspection of high risk health and safety premises
- developing the use of postal return questionnaires to assess and assist businesses who are not in the inspection framework
- use of training seminars for businesses who are not in the inspection framework
- promoting health and safety training for staff
- providing leaflets
- publishing newsletters
- promoting sensible health and safety awareness in the community
- working in partnership with related organizations

In planning and delivering our enforcement services, we take in to account the Best Value framework as well as any standards required by the HSE. The Environmental Health Service received and is maintaining "Customer Service Excellence Award" status, (replacement to the Chartermark Award we achieved in 2006/7) and we are making ongoing improvements to all our areas of service provision as part of this initiative.

1.2 Links to Corporate Objectives and Plans

The Council's vision statement is "Outstanding and sustainable quality of life for everyone in East Devon".

To achieve the vision, there are seven priorities:

1. Affordable homes
2. Thriving economy
3. Safe, clean and green environment
4. Recycling
5. Children and young people

6. Excellent service for our customers

7. An inspirational Council

The health and safety service has a particularly important role to play several of these priorities:

- Thriving economy

We provide transparent and proportionate enforcement creating a fair and consistent environment in which good businesses can thrive, promoting a healthy and therefore effective workforce. We advise on new legislation and its implications to ensure proprietors are not wasting effort on un-necessary 'red tape'

- Safe, clean and green environment

We protect people from unsafe working conditions, and safeguard the environment against nuisance from businesses

- Recycling

We encourage and promote recycling and energy efficiency in businesses, and provide information and advice.

- Excellent service for our customers

We are customer focused and primarily provide our services at the customer's premises, making our service available to minority and vulnerable groups freely and impartially. We monitor feedback from service users to ensure we maintain high standards.

- An inspirational Council

We have been a leading player in the increased partnership working across Devon County, providing organisation and procedures, developing and driving the training events which are taking the place of routine inspections for many of our businesses.

Our priority is to work in partnership with the business community, providing excellent service.

2.0 Background

2.1 Profile of Authority

East Devon is on the Devon coast in the South West of England. The Council area covers 314 square miles between the River Exe and outskirts of Exeter to the West, Somerset (inland) and Dorset to the East. The District stretches 30 miles east to west and 15 miles north to south. Exeter International Airport is in the District, and main line rail services and the M5 are easily accessible.

There are eight Devon Districts. We have a population of 132,600. According to the Wikipedia Encyclopaedia in 2007 we were 140th in size by population out of the 358 district councils in England. The rural nature of the district is emphasised by the population density which is 1.62 per hectare. There are 68 Town/Parish Councils.

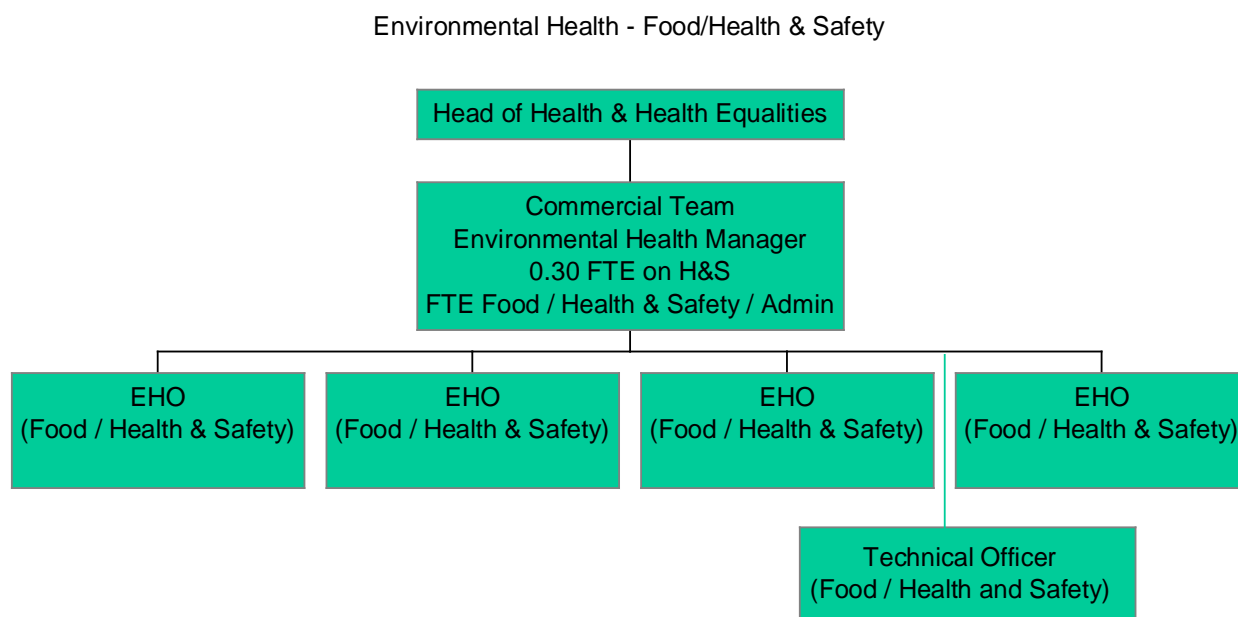
The main settlements are the coastal resorts of Exmouth (Devon's largest town – population 46,296); Budleigh Salterton; Sidmouth; and Seaton, and in rural inland areas Honiton; Ottery St Mary; and Axminster

2.2 Organisational Structure

The Council's services are delivered by eight Services grouped under four Directors.

The health and safety function is part of the Environmental Health and Health Equalities Service and based in the Commercial Team of Environmental Health.

The relevant part of the organisational chart is shown below.



2.3 Scope of the Service

The Commercial Team provide the occupational health and safety function and have other responsibilities;

- food safety,
- animal licensing issues,
- commercial private water supplies,
- disease control and infections,
- complaints,
- planning consultations,
- licensing consultations,
- health promotion.

External expertise is available from the HSE, the Devon Health and Safety Liaison Group and specialist consultants.

2.4 Demands on the Service

The Commercial Team is based at the Council Office, Knowle, Station Road, Sidmouth. There is an out-of-hours service available for emergencies.

We enforce health and safety mainly in small, lower risk businesses, predominantly in the service sector and include warehousing; retail; office; leisure and catering premises. There are more than 3000 of these businesses in East Devon.

Because of the importance of tourism in the district, especially in the summer months, there is a great impact on workloads with increased numbers of complaints.

Tourism by its very nature results in a high turnover of business ownership and these require an increased input by officers.

The migration of our records systems to Idox UniForm (CAPS) is nearing the end of the project. This has entailed significant data cleansing to ensure records are up to date and accurate. Reporting tools have been developed to ensure continued accuracy and integrity of the database and detect data input errors.

- Health and safety inspections

The HSE produce guidance for categorising premises according to the risks they involve. Using this risk based approach we can put our inspection resource into premises and processes where the risk of accidents ill health is increased. We are committed to inspecting the A, B1 and B2 premises on the district each year, although this is a very small number.

The main thrust of our work is targeted at distinct topics that are being tackled on a national basis, co-ordinated by the HSE and the Devon Health and Safety Liaison Group.

During 2009/10 we were involved in 5 major projects that we assisted in co-ordinating locally across Devon.

- We invited all our Entertainment Venues to a number of “Safety and Health Awareness Day” (SHAD) events highlighting their highest risks. We ran presentations on seven topics particularly relevant to these sectors, providing information and practical advice particularly on the new noise regulations.
- The development a health and safety self assessment pack for small businesses in conjunction with the Devon Sub Group was completed and subjected to trials across Devon. It is anticipated that this pack will be further developed for national use.
- We participated in testing the HSE’s proposed new national accident investigation criteria.
- We provided a facilitator for the Regional Health and Safety Event held at the Exeter Rugby Ground.
- We took part in a major project with HSE, creating and trialling a Topic Inspection Pack to be used nationally to assess small business safety management structures. We co-ordinated pilot projects across the County to trial and fed back responses on the pack before it will be rolled out across the country. It will be used by Local Authority and HSE inspectors to ensure consistency of enforcement in this sector.

- Accident investigation

We have a duty to investigate accidents to determine if offences have been committed and prevent a recurrence. Employers must notify us of certain unsafe equipment and we respond and investigate such notifications. We are committed to reducing workplace accidents. We have a procedure for deciding whether an accident will be investigated, very similar to the model developed and trialled with us by HSE.

- Complaints/Requests for Advice

We have a duty to investigate complaints about health and safety conditions/issues and about health, safety and welfare provision

HSE are increasingly appreciative of the huge amount of health and safety work undertaken by Councils across the country. They offer training and support material to Councils to raise the competence of officers who may not specialise in health and safety, enabling them to deal with a wide range of issues. We support these training events whenever resources permit.

Health and safety enforcement continues to be a priority for the service and over previous years we have consistently achieved our target number of inspections. We are looking forward to continuing and expanding our use of new approaches to spread good health & safety practice and improve co-operation with other agencies.

2.5 Enforcement Policy

The Council endorses the principle of good enforcement practice set out in the Enforcement Concordat by the Cabinet Office. The Enforcement Policy was reviewed and re-issued by the Head of Service during the year to take in to account the Regulators Compliance Code issued by the Government which legally obliges listed regulators to have regard to the Hampton principles when forming policy, rules, codes and guidance.

The enforcement approach reflects the responsibilities placed on the Authority by the Health and Safety at Work, etc. Act 1974. We consider that the primary responsibility for ensuring health and safety at work rests with the proprietors of businesses. We will provide advice and information to proprietors as a key element in helping them to understand how to fulfil their responsibilities.

Our options for enforcement include informal action, advice, statutory notices, formal cautioning and prosecution. We consider the enforcement policy, assess the risk to health and safety and the seriousness of a particular offence in deciding upon the best course of action

3.0 Service Delivery

3.1 Health and Safety Inspection Programme

A health and safety work-plan is drawn up at the beginning of every financial year to balance national and locally defined priorities. It includes specific targets to be met and is subject to ongoing review.

Our health and safety inspection programme is developed from the HELA Circular (67/1 Revised) to risk rate premises and prioritise visits. The guidance categorises premises with a score which determines the inspection frequency which ranges from annually to 5 yearly. A new circular was released at the end of 2009 which simplifies and consolidates the bands shown below. We will be re-banding premises according to the new guidance during 2010.

The premises are at present categorised according to inspection rating scores are as follows:

<i>High Risk</i>	<i>A</i>	<i>2</i>
<i>Medium Risk</i>	<i>B1</i>	<i>10</i>
	<i>B2</i>	<i>16</i>
	<i>B3</i>	<i>93</i>
	<i>B4</i>	<i>505</i>
<i>Low Risk</i>	<i>C</i>	<i>1681</i>

Medium risk (B3 and B4) and Low risk (C) premises are not part of the main inspection programme. Apart from the topic projects described above, we use alternative strategies to contact these businesses such as mail shots, newsletters or questionnaires. Health and safety issues are discussed following complaints or

accidents, and usually during food inspections. A proportion of low risk premises are therefore inspected each year.

We still have a duty to enforce health and safety standards in low risk premises and must develop strategies to work with such businesses to improve health and safety standards.

We intend to review our database of premises to ensure correct categorisation and accuracy once the transfer to the CAPS system is completed. This is particularly important for the large number of Category C premises where inspections are not normally carried out. This review will incorporate the banding changes dictated by the new HELA circular.

There are now approximately 200 premises on the database which have not received an inspection by an Officer to establish their risk rating. We know that many new businesses have started in the area over the past few years that are likely to require assistance in complying with health and safety law.

3.2 Complaints/Requests for Advice

We have received 59 complaints so far this year about health and safety issues in local businesses, all of which were investigated or passed to the relevant agency. Last year we had received a total of 68 by this time.

3.3 Statutory Notifications

Certain serious accidents, dangerous occurrences and occupational diseases are reported to us under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.

Serious accidents would include fatalities and accidents involving visits to hospital or more than 3 days off work. We have received 45 reports of these types of accidents to date.

Employers also have to report accidents to members of the public that are connected with workplaces. We have received 109 reports of these to date.

3.4 HELA Strategy/ Health & Safety Commission Strategic Plan

We have a duty to focus our activities on national priorities and strategies and in particular the Revitalising Health and Safety Strategy to secure a reduction in accidents and ill-health in the workplaces for which we are responsible.

The HSE have identified a portfolio of projects in their new Work plan for 2010/2011. Projects we are considering for 2010/11, in partnership with other Devon councils and the Health and Safety Executive include;

- We intend to hold a SHAD for the Caravan, Camping and Holiday Park industry and another for Care Home Managers.
- We intend to hold a training event for enforcement officers in conjunction with the police and HSE on workplace death investigation.
- Slips and Trips – will be covered in the training events
- Asbestos – the duty to manage asbestos is covered in all inspections, and will be included in the training events
- Working at height is will be included in the training events
- Manual handling will be included in the training events

Our actions must focus on these priorities whilst assessing local needs. We maintain contact with the HSE Partnership Managers to ensure we take advantage of all joint working and training opportunities.

3.5 Initiatives

Lead Authority Partnership

This HSE lead scheme encouraged councils to become the authority acting as a focal point for guidance on health and safety for a company with outlets in a number of local authority areas. The Lead Authority liaises on health and safety issues between the company and the councils where their outlets are. This maintains consistency of guidance and advice over wide areas.

We have an agreement to act as the Lead Authority for Bradfords Building Supplies, a local builder's merchant. We are the point of contact for other local authorities with queries about the operation of the Company, and provide advice to the Company on company-wide issues in the future.

Over the next year HSE propose replacing this scheme with a similarly operated Primary Authority Scheme. This imposes a legal requirement on any authority that intends taking formal enforcement action to consult with the Primary Authority before it takes the action. If an authority does not liaise, its enforcement action will automatically fail in court.

Bradfords does not have a history of frequent enforcement action being taken against it. However this change in responsibility may increase the amount of routine work involved if we decide to enter in to a Primary Authority agreement with the Company. This matter will require consideration and discussion with the Company over the next few months.

It is clear that nationally, many companies and local authorities who have Lead Authority Partnership agreements are reluctant to change to the more formalised Primary Authority agreement. It should be known in the coming months whether Lead Authority Partnerships will be able to remain in place if they are functioning satisfactorily.

Smoking at Work.

We are responsible for enforcing the smoke free legislation introduced by the Health Act 2006 in July 2007, making all enclosed premises open to the public and places of work smoke free.

Thanks to the large amount of work carried out before the legislation came in to force we have had very few problems across the District with the implementation of the law. in the year to date we have received one complaint.

Advice to Business

While we recognise that the resource priority lies with health and safety inspections, accident and complaint investigation, we will continue to provide businesses with as much support and advice as resources permit.

The Environmental Health Service has taken considerable action to improve communication with local businesses over the last year, in part through the Customer Service Excellence Award process. The Commercial Team have set up customer focus groups, and are trying to arrange a business focus group specifically to look at food and health and safety enforcement issues with businesses proprietors. We have attended two Chamber of Commerce meetings to improve our links with the business community.

We have published one Commercial Team Newsletters, sent to all businesses on our database, to inform them of events happening both nationally and locally and consult them on possible changes in our service delivery.

We provide a comprehensive range of advice including leaflets produced nationally, mail shots to specific trade sectors and locally produced leaflets on dermatitis, ladder safety and risk assessment guidance.

The Councils website also provides a considerable amount of health and safety information, produced and maintained from within the Commercial Team.

3.6 Liaison with other Organisations

We are represented and actively participate in the Devon Chief Environmental Health Officers Health and Safety Liaison Group where topical issues of mutual concern and policy and procedures are debated. Such meetings are held every 6 weeks with a Fit3 working group concentrating on co-ordinating County wide topic matters, and other ad hoc working groups on a more regular basis to deal with specific issues.

There was not any formal inter-authority auditing through the Liaison group. However we will be recording information in the coming year to produce set figures on our performance to the Chiefs Group to create some common benchmarks for the future.

Regular liaison will take place with the following bodies

- Health and Safety Executive
- Devon Environmental Health Officers Health and Safety Liaison Group
- Fire Authority
- Local Authority Co-ordinating body for Regulatory Services
- Devon CC Trading Standards
- Planning & Building Control Services

4.0 RESOURCES

4.1 Financial Allocation

Health and safety is part of a wider enforcement activity which includes food safety. The overall cost for 2009/10 for this combined service (including support costs) is £362,440 of which the health and safety element makes up approximately £131,415. (These figures include on costs from the councils supporting services).

4.2 Staff Allocations

Staff engaged in health and safety enforcement, also carry out other functions, in particular food safety. Consequently staff allocation within the service fluctuates on occasions.

Approximately 2.25 FTE staff are directly involved in health and safety matters with 0.50 FTE administrative support.

The staffing level tends to limit capacity and the ability of the service to meet the demands and expectations being placed on enforcing authorities. We concentrate on meeting basic legal duties, however in the coming year we will put more emphasis on proactive health and safety promotion through the SHADs and information dissemination activities we intend to carry out

The Head of Service will undertake a periodic review of performance and workload to identify any critical shortfall in resources.

Most of the officers within the service and involved in health and safety enforcement are qualified Environmental Health Officers.

The Technical Officer has an Environmental Health Higher National Diploma. All such officers are authorised to carry out a range of duties under the Health and Safety at Work, etc. Act 1974 in line with the guidance set out in the Health and Safety Commission statutory guidance.

4.3 Staff Development

Staff appraisal and development interviews are carried out annually to determine training needs.

Health and safety competence is becoming more tightly defined, and as of 2011 the Council will be required to assess the competence of its Health and Safety Enforcement Officers using the Regulators Development Needs Analysis Tool. It is our intention to introduce this system over the next year to ensure our staff complies fully with competency requirements.

Other specific health and safety training to meet Health and Safety Commission guidelines is arranged through the year.

4.4 Quality Assessment

Internal monitoring procedures have been set up to verify compliance with relevant legislation, codes of practice, procedures and other guidance.

4.5 Activity & Outcomes for 2009/10 include:

- We are on target to achieve 100% of the inspections
- 31 preventative inspections were carried out
- 56 logistics company proprietors attended the Workplace transport SHAD we ran with Exeter City Council and HSE.

- 95 companies attended the Warehouse SHAD we ran in conjunction with Exeter City Council
- 154 accidents were reported to us
- 59 complaints about health and safety at work issues were investigated
- Maintained and updated the Councils web site information on health and safety
- Produced a Commercial Team newsletter.
- Reviewed and updated information leaflets and customer charters
- Attended a Chamber of Commerce meeting
- Assisted in attaining Customer Service Excellence Award
- Development and piloting of the “Safer workplace, Better Business”, self assessment toolkit for small businesses
- Provided informative talks to Community groups out of office hours
- Taken part in lessons and careers event at Sidmouth Community College
- Assisted in the development of the national accident investigation protocol with HSE.
- Provided speakers for a partnership training day on Gas Safety, and also for a Regional Safety event with HSE.

5.0 OBJECTIVES

5.1 Objectives for 2010/11

We are hoping to maintain our expanded service this year within the limited resources available to us and continue to achieve some ‘non-statutory’ objectives for 2010/11.

1. Continue involvement in projects outlined in the HSE priority work plan for the year.
2. Complete the risk based inspection programme for 2010/11 focussing on the HELA priorities.
3. Work with the Devon Health and Safety Liaison Group and HSE to provide two sets of SHADs to include local businesses. (Caravan, Camping and Holiday Parks and Care Homes)
4. Work with the Devon Health and Safety Liaison Group and HSE to create, disseminate and provide training on a self assessment tool and information and training pack for small businesses to assist them to manage health and safety.
5. To consult with customers to identify potential service improvements, and monitor and improve customer satisfaction levels.
6. To consult with businesses through focus groups and to develop communication with other trade associations.

7. To promote health and safety training for persons working in the district by providing training courses.
8. To further develop and enhance website pages on health and safety at work.
9. To regulate businesses in accordance with the Council's enforcement policy.
10. To apply the Customer Service Excellence Award principles to the service.
11. To produce 2 newsletters specifically aimed at the business community, these will be published on our web pages and developed in conjunction with other Devon councils.
12. To identify and share specialist expertise throughout Devon and beyond
13. Continue and develop Junior life-skills and school/community involvement.