

Appendix A

Welwyn Hatfield Borough Council
Public Health and Protection

Health and Safety Service Delivery Plan 2017/18

| Key information on this document | |
|----------------------------------|--|
| Purpose | Required in part fulfilment of mandatory guidance to Local Authorities issued under s18, Health and Safety at Work <i>etc</i> Act 1974 |
| Intended target | Appointed Inspectors, Specialist Support Officers and Elected Members |
| Status | Operational and open |
| Prepared by | C Brown |
| Review date | March 2018 |

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BACKGROUND

Welwyn Hatfield Council is both an employer and a regulator and is part of the overall health and safety system for Great Britain. This service plan covers the work of the council as a “regulator” for certain health and safety activities, rather than its role as an employer.

The Public Health and Protection Service works in partnership with the Health and Safety Executive (HSE), other local authorities, private businesses, unions and health service providers and with internal services where appropriate to regulate statutory health and safety provisions and to provide enforcement, education, guidance and emergency intervention to ensure the health and safety of employees and other persons. Part of this work involves appointing persons as Authorised Inspectors under the Health & Safety at Work etc Act 1974 to regulate health and safety in the Borough.

This service plan provides a summary of the work which has been undertaken and a commitment to work which will be undertaken.

SERVICE AIMS AND OBJECTIVES

Specific objectives of the Service in connection with health and safety are:

- To focus resources on proactive enforcement of the relevant statutory provisions and provide advice and education in high risk workplaces in order that duty holders are able to achieve and maintain a good standard of compliance.
- To investigate workplace accidents in accordance with the incident selection criteria guidance (Local Authority Circular 22/13, February 2012)
- To provide advice, support and training to business to help them achieve a good standard of compliance, safe working conditions and enable them to grow.
- To respond to health and safety related aspects of civil emergencies and serious workplace incidents including fatalities where the council has enforcing responsibility.
- To operate the service in accordance with the National Local Authority Enforcement Code and the Regulators Compliance Code.

These objectives underpin the overall all vision, priorities and values of the council which include:

- Maintain a safe and healthy community
- Protect and enhance the environment
- Help build a strong local economy

Through this service plan the council also commits to support the key messages given in the national strategy¹ for health and safety which are:

- We can be proud of Great Britain's record on occupational health and safety – it is one of the best in the world
- Getting risk management right is an enabler for innovation and growth and is integral to business success as well as the well-being of workers
- Everyone in the system needs to play their part and make Great Britain work well. We all have a responsibility.

PROFILE OF THE LOCAL AUTHORITY

Welwyn Hatfield Council is a blend of old and new and covers an area of approximately 130 square kilometres of mid Hertfordshire. It is made up of both urban and rural communities, with the towns of Welwyn Garden City and Hatfield the main commercial centres, with eight other large villages and settlements.

Welwyn Hatfield Council area has a population of approximately 116 000, the population has grown by 5% since the 2011 census and this is among the largest estimated increases in the UK at a growth rate of 1.7% per annum. Welwyn Hatfield is generally a prosperous area but there are some pockets of deprivation and disadvantage.

Over 70 per cent of the population lives in the two main towns of Hatfield and Welwyn Garden City. Welwyn Garden City and Hatfield are the key centres for employment, shopping leisure and other services for the Borough. There are a number of smaller settlements providing shops and local services, including Brookmans Park, Cuffley, Oaklands and Mardley Heath, Welham Green and Welwyn.

The locality of the Borough to London and provision of major road networks including the A1(M) and A414 provides for a strong position for both small and large warehouse development.

Accidents and ill health at work can cost money and ruin lives. Good health and safety is good business – and it's the law. At Welwyn Hatfield our overall aim is to work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly.

HEALTH & SAFETY SERVICE DELIVERY

¹ Helping Great Britain Work Well 2016: A new health and safety system strategy. <http://www.hse.gov.uk/strategy/strategy-document.htm> accessed 18/03/16

Since Professor Ragnar Löfstedt's independent review of health and safety legislation was delivered in November 2011 health and safety delivery has significantly changed in this Council.

We follow the HSE developed, binding and enforceable 'National Code' for Local Authorities to ensure consistent and proportionate inspection and enforcement. This code has legal effect as HSE guidance under section 18(4) of the Health & Safety at Work etc Act 1974 and must therefore be the standard to which services are operated to ensure 'adequate arrangements for enforcement' are met.

The Code sets out the expectations for a risk based approach to targeting regulatory interventions. Recognising that the primary responsibility lies with the business that creates the risk the Council's regulatory role involves ensuring the effective and proportionate management of risks, supporting business, protecting the community and contributing to the wider public health agenda.

The National Strategy

The council commits to playing its part to implement the themes of the national strategy, 'Helping Great Britain work well', and the work to be undertaken in this regard is set out later in this service plan.

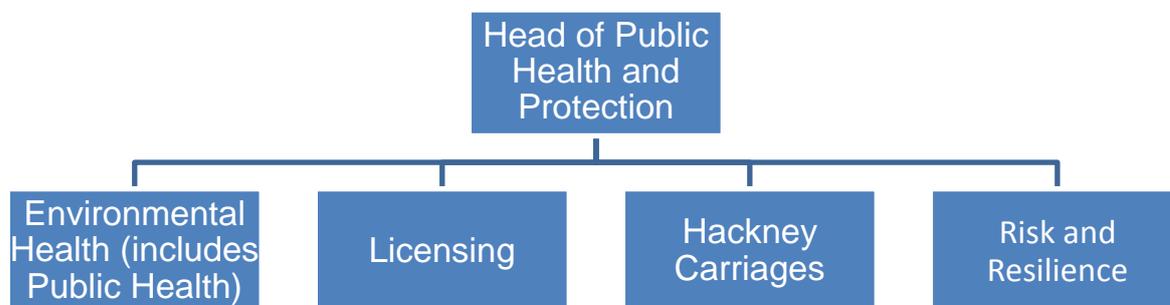
The 6 strategic themes are:

1. Acting together
2. Tackling ill health
3. Managing risk well
4. Supporting small employers
5. Keeping pace with change
6. Sharing successes

ORGANISATIONAL STRUCTURE FOR SERVICE DELIVERY

The Environmental Health Team is part of the Public Health and Protection Service which in turn is part of the Governance Directorate.

Figure 1: General Structure of Public Health and Protection Service



Environmental Health services are delivered by two Team Leaders posts, three Environmental Health Officer posts and four Technical Officers (one currently on maternity leave). In addition there is one part time Health Improvement Officer and an Energy Efficiency Officer.

The service is able to draw upon legal assistance and expert assistance as required, including access to national health and safety laboratory and other specialist expertise.

SCOPE OF THE HEALTH AND SAFETY SERVICE

The health and safety service covers the following areas of work:

- Health & Safety Interventions as part of a national priority, a significant local issue or where there is sufficient intelligence to require intervention
- Health & Safety Inspections of higher risk businesses and revisits
- Health & safety enforcement
- Raising health & safety standards through education and awareness, this includes working with businesses as part of the growth agenda
- Health & safety advice and guidance to a variety of stakeholders, including the Public, Employers, Event Organisers, Partner Enforcement Agencies (e.g Emergency Services)
- Dealing with Issues of Health & Safety Concern and Complaints

- Incident and Ill Health Investigations

In addition to the above, the officers who deal with health & safety also cover many other aspects of Environmental Health work. This includes:

- Food Safety – proactive and reactive inspection, investigation of food complaints, food poisoning, provision of training
- Provision of advice and guidance within the scope of the Safety Advisory Team
- Pollution Control for example, statutory nuisance, permitted premises and private water sampling
- Public Health including taking the lead on delivering the public health agenda for the Council through health protection, health promotion and improvement
- Consultations for Planning and Licensing applications, temporary event notices

All officers within Environmental Health work generically providing a full range of services within the field. All officers are expected to prioritise a workload that includes a range of cases both of a proactive and reactive nature.

The service is delivered predominately in normal office hours but also out of normal working hours to inspect businesses when operational and/or where circumstances such as accident investigation demands officers remain on site. There is also a 24/7 reactive service for emergencies, which includes the investigation of fatal or serious workplace incidents.

SECTION 18 COMPLIANCE

Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on the Health and Safety Executive (HSE) and Local Authorities (LAs) to make adequate arrangements for enforcement of health and safety law.

The HSE has published guidance (National Local Authority Enforcement Code) to assist local authorities in achieving the S.18 principles and standards.

The council recognises the need to provide a competent inspectorate. The Code has provided guidance for the training and competence of inspectors and for the use of the Regulators Development Need Analysis tool (RDNA). All authorised inspectors will be appropriately qualified and through this service plan the council commits to them receiving regular training to maintain and improve their level of competence.

Section 26 of the Health and Safety at Work etc. Act 1974 allows local authorities to indemnify Inspectors appointed under that Act under specified circumstances. As set out in the corporate enforcement policy it is the policy of the Council to indemnify Inspectors appointed under that Act against the whole of any damages and costs or expenses which may be involved, if the council is satisfied that the Inspector honestly believed that the act complained of was within their powers and that their duty as an Inspector entitled them to do it, providing the Inspector was not wilfully acting against instructions.

The Authority recognises and affirms the importance of achieving and maintaining consistency to their approach in making all decisions concerning enforcement action. All enforcement decisions are made in line with our enforcement policy and with reference to the Enforcement Management Model (EMM). The corporate enforcement policy covers all the council's enforcement activities.

Inspectors apply the principles of the EMM in all their regulatory actions but they will only formally apply the EMM and record the outcome in certain circumstances, such as the service of an improvement notice and/or where evidence and professional opinion suggests the consideration of a prosecution.

Where a management review is needed, this will be undertaken by the Team Leader with responsibility for Health and Safety; or Head of Public Health & Protection or their suitably qualified nominated deputy in periods of absence.

Liaison with Primary Authorities, Lead Authorities or other regulatory bodies is a useful means in determining previous compliance, making assessments of health & safety management compliance, preventing duplicity in enforcement and ensuring consistency in approach. The service will continue to liaise with other parties. All statutory enforcement notices are subject to internal peer review prior to service to ensure accuracy and enforceability.

DEMANDS ON THE HEALTH & SAFETY SERVICE

Welwyn Hatfield Council is committed to improving health and safety outcomes and business growth. The service recognises that this must be achieved through targeted risk based interventions.

Much of the work undertaken over recent years has been reactive either through advice and guidance within the scope of the Council's Safety Advisory Team or through accident investigation. We recognise that our proactive initiatives have reduced over the last few years further to the service demands for re-active investigation and in 2016/17 sought to start re-balancing that.

Investigation of accidents and complaints

The service receives notifiable incidents both from the HSE Incident Contact Centre and sometimes directly from employers. Allegations of inadequate health & safety practices and/or arrangements are also received.

Investigations are targeted on activities that give rise to serious risks or where hazards are least well controlled, and have resulted in a fatality, major injury and/or occupational disease (as defined in the Reporting of Diseases and Dangerous Occurrence Regulations 1995).

Investigation work places a significant demand on the service but is also a good source of intelligence regarding business compliance. The number of accident notifications received can vary significantly from year to year but has significantly reduced further to changes made to the reporting requirements whereby now only serious injuries and those causing absence from work for more than 7 days are reportable. Nationally it is believed that there is significant under reporting in this area.

During 2016/17 the service has been engaged in the prosecution of a significant workplace accident, both in terms of injury sustained by the individual, and the work involved in undertaking a thorough investigation to identify both immediate and more importantly underlying cause. This case has now reached a conclusion in the Crown court.

Health and Safety Inspections and Activity

In line with HSE guidance, the service has moved very much away from proactive inspections and concentrated resources to predominately reactive investigation, with some planned project work.

The gas safety project looking at gas safety in tandoori ovens has been concluded. Overall the project has resulted in an 85% increase in premises (within the scope of the project) obtaining a gas safety inspection report by a competent engineer. We have developed a closer partnership with Gas Safe through this project and 4 investigations have been prompted into the competency of gas engineers working in the borough. This project has resulted in much greater inspector awareness of the typical hazards within our businesses. It is therefore more likely that significant gas safety hazards will in the future be more routinely identified during food inspections.

A small warehouse project was undertaken during 2016/17 which concentrated on the topic of work at height. This is consistency a significant cause of accidents in this sector within the borough and nationally. The project concentrated on one industrial estate following the investigation of a serious workplace incident.

Formal Enforcement Intervention

In accordance with our Corporate Enforcement Policy we take enforcement action in those businesses where there is significant risk and/or poor compliance history, in a graduated manner. In the first instance we will generally try and resolved health & safety contraventions informally however we have the enforcement tools of both an 'improvement' or 'prohibition' notice that may be used as deemed necessary by the inspector. Notices hold a legal status, where the recipient does not comply with the notice to the satisfaction of the inspector within the timescale specified, a prosecution may follow. The table below shows the number of notices served and prosecutions.

| Formal Enforcement Action | Number served in 2014/15 | Number served in 2015/16 | Number served in 2016/17 |
|----------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Improvement Notice | 6 | 4 | 4 |
| Prohibition Notice | 5 | 1 | 3 |
| Simple Caution | 0 | 0 | 2 |
| Prosecution | 0 | 1 | 1 |

OVERVIEW OF KEY SERVICE CHALLENGES IN 2016/17

Health and safety regulation has changed. We now provide a much more reactive service than in the past. We recognise the need however to provide an effective balance between proactive and reactive and will continue to build upon the project work of this year into next.

We will continue to resource the investigation of workplace accidents of which we receive a significant number (133 notified in 2016/17). Of our existing case load, two serious accidents are subject to ongoing investigation.

Much resource has been placed over the last few years into the successful prosecution of Finesse Leisure Partnership and Closer to the Edge Ltd.

Local intervention plan

An intervention plan will be used for 2017/18 work, this is in addition to the Public Health and Protection Service Plan. As previously, our intervention plan will concentrate on national priorities, means of supporting small and medium sized enterprises, and local interventions; and reactive interventions such as inspections, complaints, incident investigation. These interventions will be overseen and managed by a Public Health and Protection Team Leader and scrutinised by the Head of Public Health & Protection, and are fully compliant with the National Local Authority Enforcement Code and supplementary guidance.

Furthermore Welwyn Hatfield is involved in the implementation of local priority projects identified through Herts and Beds Health & Safety Topic Group for delivery during 2017/18. These local projects enable us to share and optimise resources, identify and share good practice and promote effective communications and sustainable productive partnerships.

Examples of how the local intervention plan may map to the national strategy as shown below:

| National theme | Indicative description | Example work to be carried out |
|----------------------------|---|--|
| Acting together | Promoting broader ownership of health and safety in Great Britain | To work in partnership with the HSE on joint interventions to specific business sectors where there is an overlap of enforcement responsibility and/or sharing of sector specific experience. Contribution to the Safety Advisory Team to support events within the borough |
| Tackling ill health | Highlighting and tackling the costs of work related ill health | Delivery of proactive and reactive health & safety interventions Links to our public health work, especially regarding prevention of occupational ill health |
| Managing risk well | Simplifying risk management and helping business to grow | To operate a robust and consistent selection procedure for incident investigations. To see our existing significant accident investigations through to timely conclusion |
| Supporting small employers | Giving small and medium sized businesses simple advice so they what they have to do | Reviewing the range of courses provided to SMEs Exploring opportunities to work with the councils economic development officer Reviewing the content of our webpages |
| Keeping pace with change | Anticipating and tackling new health and safety challenges | Providing support and training for our inspectors to enable them to keep up to date To attend and contribute to Herts and Beds Health and Safety liaison group and other relevant HSE events |
| Sharing successes | Promoting the benefits of Great Britain's world class health and safety system | Make more use of the council's communication channels to promote good practice and learning from enforcement cases. |

REVIEW

Monitoring Arrangements

The Team Leader (Public Health and Protection) will monitor and review performance against this health and safety service plan and periodically report to Environmental Overview and Scrutiny Committee.

In addition the activities covered by service plan will be regularly reviewed by senior management and the Portfolio Holder.

Arrangements are in place to monitor the individual performance of inspectors and officers against both the enforcement policy and to assess the how the service meets customer expectations.

Monitoring arrangements include the following:

- Paper/computer based checks in respect of health and safety inspections, complaints and accident investigation.
- Shadow inspections with colleague inspectors for validation and consistency purposes
- Peer review/audit
- Team meetings
- One to one meetings with individual officers

MEANS OF ACCESSING THE HEALTH AND SAFETY SERVICE

The Environmental Health Service is located at:

The Council Offices,
The Campus,
Welwyn Garden City,
Hertfordshire
AL8 6AE

Service users may contact officers in the following ways:

- By mail
- In person at the reception to the above premises
- By telephone between 8.45am and 5.15pm (4.45pm on a Friday) on 01707 357242.
- By email: e.health@welhat.gov.uk. In addition, each officer has their own email address.
- Through local Councillors

Complaints against the health and safety service should in the first instance be put in writing to Mrs C Brown, Team Leader Public Health and Protection, at the above address or by email to c.brown@welhat.gov.uk. Additionally persons may refer their complaints to Joanna Harding, Head of Public Health & Protection at the same address.

Persons are also able to contact the local government ombudsman service, and the Independent Regulatory Challenge Panel.

An out of office hours service for health and safety emergencies can be contacted via the Welwyn Hatfield Council Emergency Contact Centre on 0800 1114484.