

ABERDEEN CITY COUNCIL

Protective Services

OCCUPATIONAL HEALTH AND SAFETY

Service Plan

2024-25

Introduction

The Occupational Health & Safety Service Plan will reflect the HSE's national priorities and also address local matters of concern as appropriate.

The Plan is reviewed on an annual basis by the Principal Environmental Health Officer (PEHO) specialising in Occupational Health and Safety in conjunction with the Environmental Health Manager and Protective Services Manager.

The Service Plan details the intended activity of the Service based on service resources available.

Occupational Health and Safety Service Plan

1. Service Aims and Objectives

- 1.1 The overall aim of the Occupational Health and Safety Regulatory Service is to work with others to protect people's health and safety by ensuring physical risks in the workplace are managed properly.
- 1.2 The Service seeks to ensure the health and safety of members of the public is not compromised by ensuring businesses comply with their obligation to provide safe systems of work.
- 1.3 These aims are addressed primarily through the enforcement of relevant legislation by a variety of means, but also through advice given during visits to businesses. Opportunities are also taken to provide advice and promotion of relevant issues to employers, employees and, where appropriate, the wider public.

2. Scope of and Demands on the Health and Safety Regulatory Service

- 2.1 As an Enforcing Authority, the Council has responsibility for the provision of health and safety enforcement services covering a range of businesses, mainly within the service sector, covering approximately 4,000 establishments.
The principal activities in regard to these premises include: -
 - a) Investigating complaints relating to health, safety and welfare at these workplaces,
 - b) Investigating reported accidents arising in the course of work activities,
 - c) Investigating reports of statutory examination of certain types of work equipment, where the examination has revealed defects,
 - d) Receiving notifications of work involving asbestos that may require to be followed up to ensure adequate controls are in place; and
 - e) Engaging in focussed intervention programmes when appropriate.
- 2.2 The term 'enforcement' is not restricted to the use of legal sanctions to achieve the aims of the legislation. 'Enforcement' is also taken to include: -

- a) Encouragement of businesses to achieve compliance and adopt good practice through awareness raising promotion, education, and provision of feedback,
- a) Raising the awareness of employers, self-employed and employees about health and safety issues and the measures necessary or available to control them,
- b) Partnership management with the business and voluntary sectors and other agencies,
- d) The provision of advice about best practice,
- e) The provision of advice about the application and interpretation of legislation.

2.3 Formal enforcement options include:

- a) The use of enforcement notice procedures to require improvements to health and safety controls or prohibit dangerous work activities,
- b) The power to seize or render safe dangerous equipment, substances or articles
- c) Reporting matters to the Procurator Fiscal with a view to instigating prosecution.

2.4 The officers conducting health and safety inspections also have responsibilities for inspecting establishments under food safety legislation as detailed in Section 3.

2.5 The business profile for which the service is responsible for health and safety enforcement is detailed in Table 1 below (latest available data 2023)

Table 1: Business Profile for Health and Safety Enforcement in Aberdeen

Type of Establishments	No. in category (05/09/2023)
Retail	943
Wholesale	134
Office	1125
Catering	976
Hotels	79
Residential Care	83
Leisure	165
Consumer Services	465
Other	166
Total	4136

3. Organisational Structure

3.1 The Occupational Health and Safety Regulatory Service

The Service is a city-wide service provided from the Commercial Team of Protective Services by a mix of Environmental Health Officers, Authorised Officers and Licensing Standards Officers. The Service also carries out a range of additional activities including food safety, licensing, animal health and welfare inspections which gives the opportunity to deal with any health and safety concerns identified at the time of the visit.

3.2 Staffing Allocation (as of 5/03/24)

Section Management	Full Time Equivalent Staff involved in health & safety enforcement
Protective Services Manager	0.1
Environmental Health Manager	0.2
Principal EHO	0.6
Field Staff	
EHO	0.8
Total	1.7

3.3 The Service will only deploy officers to carry out enforcement tasks for which they possess the appropriate qualifications and experience. Officers who are not accredited operate under the close supervision of the Principal EHO. Formal enforcement action [service of notices or preparation of reports to the Procurator Fiscal] is subject to the scrutiny of the Principal EHO or Environmental Health Manager.

4. Service Delivery

4.1 Local authorities have a duty to 'make adequate arrangements for enforcement' under Section 18 of the Health and Safety at Work etc. Act 1974. "The National Local Authority Enforcement Code – Health and Safety at Work" sets out what is meant by "adequate arrangements for enforcement" and concentrates on the following four objectives:

- a) Clarifying the **roles and responsibilities** of business, regulators and professional bodies to ensure a shared understanding of management of risk,
- b) Outlining the **risk-based regulatory approach** that Local Authorities should adopt with reference to the Regulator's Compliance Code, Health and Safety Executive's (HSE') Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk,
- c) Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and,

d) Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements of this Code.

4.2 “The National Local Authority Enforcement Code – Health and Safety at Work” sets out what is meant by “adequate arrangements for enforcement.”

Practically, this Service is guided to achieve this by:

- a) having a risk-based Service Plan focussed on tackling specific risks,
- b) evaluate the risks that they need to address and use the whole range of interventions to target these specific risks,
- c) reserving unannounced proactive inspection only for the activities and sectors published by HSE or where intelligence suggests risks are not being effectively managed. A program of inspections out with this scope is not considered to be acceptable practice in terms of the above Code,
- d) using national and local intelligence to inform priorities,
- e) ensuring that officers authorised to enforce the requirements are trained and competent,
- f) setting clear expectations for delivery,
- g) having a clear and easily accessible enforcement policy,
- h) providing easily accessible information on services and advice available to businesses,
- i) publishing data on our health and safety inspection records,
- j) having an easily accessible complaints procedure.

4.3 Arising from the Enforcement Code is a list, produced by the HSE, of high-risk activities/sectors that may be subject to proactive inspections, and which guides the Service's direction in enforcement activity.

4.4 In summary, this means local authorities ensure their planned regulatory activity is focussed on outcomes-primarily working to deliver those national priorities set by HSE, taking account of local issues prioritised by risk, and be accompanied by a programme meeting the requirements of the Code.

These national priorities are defined in HSE’s “HELA LAC 67/2 Advice/Guidance to Local Authorities on Targeting Interventions” which is updated annually.

4.5 There is currently a national shortage of qualified officers resulting in a significant reduction in service FTE available. Health and safety delivery is therefore prioritised on a risk basis. Reactive work will largely be confined to responding to accident investigations and investigating complaints on a prioritised basis, providing advice informally and following up on significant issues that maybe discovered during other visits.

4.6 Proactive work will be confined to those activities that will have a significant local impact and that are proportionate to the limited resources available. Considering the HSE’s priorities outlined above, completion of the following activities is believed to be realistic.

Activity	Why	How	Resource Demand
Visiting and inspecting Swimming Pools	Potential consequences of non-compliance at leisure venues are severe. No recent focus in any detail.	A definitive list of venues will be produced. Visits will largely be programmed when applications are made for Public Entertainment Licences required by leisure venues. ...	Medium .
Raising awareness of Gas Safety in commercial catering premises	National priority arising from intelligence that duty holders are not fully aware of their responsibilities. This is supported by the experience of Officers of this Service.	Email advisory letter and guidance. Raised during food safety inspections and enforcement action taken when necessary.	Low.
Cooling towers located in built-up areas	Outbreak of Legionnaire's disease in other UK area arising from cooling tower	Visit and inspect only known site in area, although not within "built up area".	Low (1 officer, 1 working day)
Raising awareness of the work-related stress and mental health campaign 'Working Minds' with businesses	Recognition that the numbers of workers suffering from stress is high.	Intelligence gathering by Officers during visits through completion of a questionnaire.	Low, if restricted to non-food business visits, as otherwise would be considered to be unacceptably burdensome.
Planned Preventative Maintenance	Failure to maintain work equipment can result in dangerous	Raised awareness by Officers to identify situations during visits.	Low as will be included within other work activities.

	situations in the workplace. Perception that employers are not taking the necessary steps to ensure safe working.		
Violence at work (premises with vulnerable working conditions such as night working/cash handling e.g. betting shops/off-licences/hospitality)	Risk of serious injury if appropriate measures are not in place.	Primarily through programmed visits by Licensing Standards Officers (LSOs) for licensing compliance purposes. Also, when particular premises are considered to be high risk (crime levels in area, police concern)	Low as will largely be included within other LSO work activities.

5. Quality Monitoring and Assessment

- 5.1 Documented procedures for quality monitoring and quality assessment of the Service have been established where competency is assessed, with consistency checks being conducted throughout the year. These should ensure adherence to the Service's Health and Safety Enforcement Policy, HSE guidance and the Enforcement Management Model.

6. Performance Review 2023/24

Year 2023/24 is reviewed below.

Intervention type		Number of Inspection / intervention visits		Notes
Proactive Inspections	Proactive inspection	Targeted using National Intelligence	Targeted using Local Intelligence	
		0	12	Tanning salon visits following complaint.
Non- inspection interventions	Other visits/face to face contacts	0	0	
	Other contact /interventions	0	0	
Reactive visits	Visit to investigate incidents	14		
	Visit to investigate complaints	27		
	Visits following requests for advice	1		
Revisits following earlier interventions		0		
Improvement Notices		1		
Immediate Prohibition Notices		0		
Deferred Prohibition Notices		1		

7. Areas for Continuous Improvement

- a) Ensure that the profile of occupational health and safety is maintained and
- b) enhanced primarily by the activities detailed in this Plan,
- c) Undertake promotional and educational initiatives whenever possible,
- d) All field officers to be assessed as to their competency. Development needs to be identified
- e) Ensure the publication of appropriate data of the Service's Occupational Health and Safety activities.