

ABERDEEN CITY COUNCIL

Protective Services

OCCUPATIONAL HEALTH AND SAFETY

# Intervention Plan

2019-2020

## **Foreword**

Protective Service's Health & Safety Intervention Plan has regard to recent developments in Council Policy and the changing Occupational Health and Safety landscape.

In 2019/20 the Service activities will reflect the HSE's national priorities but will also address local matters of concern.

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

The intervention plan details the intended activity of the Service based on the resources allocated and the officer staffing levels available.

# Health and Safety Intervention Plan

## 1 Service Aims and Objectives

### Aims and Objectives

- 1.1 The overall aim of the Occupational Health and Safety 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 Officers seek to ensure that 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 passed primarily through the enforcement of relevant legislation by a variety of means but principally through advice given during proactive inspection and audits of work systems. In addition, these aims are also achieved by the provision of advice and promotion of relevant issues to employers, employees and, where appropriate, to 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 are:

1. Investigating complaints relating to safety, occupational health and welfare at these workplaces;
  2. Investigating reported accidents arising in the course of work activities;
  3. Investigating reports of statutory examination of certain types of work equipment, where the examination has revealed defects;
  4. Receiving notifications of work involving asbestos that may require to be followed up to ensure adequate controls are in place; and
  5. Engaging in focussed intervention programmes.
- 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:
    1. The provision of advice about the application and interpretation of legislation.
    2. The provision of advice about best practice.
    3. Encouragement of businesses to achieve compliance and adopt good practice through awareness raising, promotion, education and provision of feedback.
    4. Raising the awareness of employers, self-employed and employees about safety and health issues and the measures necessary or available to control them.

5. Partnership management with the business and voluntary sectors and other agencies.

2.3 Formal enforcement options include:

1. The use of enforcement notice procedures to require improvements to safety controls or prohibit the dangerous operations.
2. The power to seize or render safe dangerous equipment, substances or articles.
3. In certain cases the regulation of activities through system of prior approval.
4. Reporting matters to the Procurator Fiscal with a view to instigating prosecution.

2.4 The staff carrying out health and safety inspections also have responsibilities for inspecting establishments under food safety legislation as detailed in the organisational chart set out in Section 3.2.

2.5 The business profile for which the service is responsible for health and safety enforcement is detailed in Table 1 below.

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

<b>Type of Establishments</b>	<b>No. in category (05/01/2018)</b>
Retail	1040
Wholesale	137
Office	1141
Catering	949
Hotels	102
Residential Care	88
Leisure	152
Consumer Services	502
Other	93
<b>Total</b>	<b>4204</b>

### 3. Organisational Structure

#### 3.1 The Health and Safety Regulatory Service

The Health and Safety regulatory service is a city-wide service provided from within the Commercial Section in Protective Services by a mix of Environmental Health Officers, Authorised Officers and Licensing Standards Officers. The team also carry out a range of additional activities including food safety, licensing, animal health and welfare inspections which give the opportunity to deal with health and safety concerns at that time.

#### 3.3 Staffing Allocation (as of 01/05/19)

	Full time Equivalent Staff involved in health & safety enforcement
<b>Section Management</b>	
Protective Services Manager	0.1
PEHO	0.6
<b>Field Staff</b>	
EHO	1.5
<b>Total</b>	<b>2.2</b>

- 3.1 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 PEHO. Formal enforcement action [service of notices or preparation of reports to the Procurator Fiscal] is subject to the scrutiny of the PEHO or Protective Services 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 etc. at Work 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 on the management of risk;
  - [b] Outlining the **risk-based regulatory approach** that LAs should adopt with reference to the Regulator’s Compliance Code, HSE’s 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 Intervention 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;
- [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 the LAs 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 an programme meeting the requirements of the Code.

## 5 **Quality Monitoring and Assessment**

5.1 Documented procedures for quality monitoring and quality assessment of the Service have been established and as part of this joint inspections, where

competency is assessed and consistency checks are made are carried out throughout the year. These should ensure adherence to the Service's Health and Safety Enforcement Policy, internal enforcement procedures and the HSE guidance and the Enforcement Management Model.

## 6 Performance Review 2018/19

Year 2018/19 is reviewed below.

Intervention type		Number of Inspection / intervention visits		Notes
Proactive Inspections	Proactive inspection	<b>Targeted using National Intelligence</b>	<b>Targeted using Local Intelligence</b>	.
		0	0	Planned interventions were not carried out due to the prioritisation other activities. Worthy of note in this regard are the 2 fatalities currently under investigation and which are having a significant staffing resource impact
Non- inspection interventions	Other visits/face to face contacts	0	0	
	Other contact /interventions	14	14	
Reactive visits	Visit to investigate incidents	44		
	Visit to investigate complaints	112		
	Visits following requests for advice	0		
Revisits following earlier interventions		24		
Improvement Notices		Immediate Notices	Prohibition	Deferred Prohibition Notices
23		1		0



## 6.1 **Areas for Continuous Improvement**

- [a] Ensure that the profile of occupational health and safety is maintained and enhanced, primarily by the interventions detailed in this Plan.
- [b] Continue to establish partnership agreements for promotional and educational initiatives where possible.
- [c] All field officers are to be assessed as to their competency. Ongoing development needs to be addressed therefrom.
- [d] Ensure the publication of data of the Service's health and safety activities, including the register of enforcement notices.