

ABERDEEN CITY COUNCIL

Protective Services

OCCUPATIONAL HEALTH AND SAFETY

Intervention Plan

2022-23

Foreword

Protective Service's Health & Safety Intervention Plan has regard to the changing Occupational Health and Safety landscape.

In 2022/23 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 service resources 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 visits 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.
- 1.4 Implementation of this Service Plan will contribute towards meeting Local Outcome Improvement Plan, Stretch Outcome 11 - Healthy life expectancy (time lived in good health) is five years longer by 2026, through ensuring that acceptable standards of health, safety and welfare are being met in Aberdeen.

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:

- a) Investigating complaints relating to safety, occupational health 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.

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

2.3 Formal enforcement options include:

- a) The use of enforcement notice procedures to require improvements to safety controls or prohibit the dangerous operations.
- b) The power to seize or render safe dangerous equipment, substances or articles.
- c) In certain cases, the regulation of activities through system of prior approval.
- d) 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 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 (latest available data 2018)

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

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

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 gives the opportunity to deal with any health and safety concerns identified at the time of the visit.

3.2 Staffing Allocation (as of 16/06/22)

	Full time Equivalent Staff involved in health & safety enforcement
Section Management	
Protective Services Manager	0.1
Principal EHO	0.6
Field Staff	
EHO	1
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 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:
- Clarifying the **roles and responsibilities** of business, regulators and professional bodies to ensure a shared understanding on the management of risk.
 - Outlining the **risk-based regulatory approach** that Local Authorities(LAs) 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 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 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 a programme meeting the requirements of the Code.

- 4.5 There is currently a national shortage of qualified officers resulting in a significant reduction in service FTE available. Arising from the Covid pandemic is the need to recommence Food Law interventions and this will significantly constrain the scope of this Plan. Reactive work will largely be confined to responding to accident investigations, investigating complaints (on a prioritised basis), providing advice informally and following up on issues that may be discovered during other intervention visits.
- 4.6 However if planned, proactive activities are limited to those considered to be a national priority, it is believed this will present an achievable and worthwhile target. Some proactive work can be achieved through strategies such as combined interventions and remote contact.(see Table 1)

Table 1

What Proactive Work	Why	How	Resource Demand
Raising awareness of the work-related stress and mental health campaign 'Working Minds' with businesses.	National Priority	Unable to target any particular sector proactively. Provide support pack if complaints /concerns are received. Follow up investigation if necessary.	Unknown
Electrical safety in hospitality settings	National priority Focus on provision of electrical supply to outdoor structures that have been installed during the pandemic	During programmed food safety /licensing standard inspections or as a result of complaint.	As linked to programmed inspection activities, additional resource demand likely to be insignificant.
Construction	National priority	Action taken when standards of health and safety of construction work in LA enforced premises is a matter of concern	Noted during visits to commercial premises for other purposes or following complaint.
Visitor attractions to prevent or control ill health arising from animal contact	National Priority	There is one petting farm worthy of a combined h+s /animal health visit.	2 officers, 4 hours estimated.
Trampoline parks	National priority arising from the number of injuries	Either visit to only park in area or contact my email.	Low

What Proactive Work	Why	How	Resource Demand
Gas safety in commercial catering premises	National priority arising from intelligence that duty holders are not fully aware of their responsibilities.	Duty holders were written to at beginning of 2021 on this concern. Officers are primed to raise this during other visits.to premises.	Ongoing
Spa pools and hot tubs on display	National priority arising from intelligence of legionella transmission from filled spa pools /hot tubs on display	Contact by telephone/ email to confirm that this practice is not happening,	Low
Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins	National priority arising from intelligence of deaths/injuries to those sheltering in large waste bins	Discuss with duty holder when visiting premises for other reasons.	Ongoing
Welfare provision for delivery drivers	National priority arising from intelligence that drivers are being denied use of toilet and rest facilities at delivery sites	Responding to complaints.	Low
Promoting worker involvement in safety management systems	National priority arising from perception that workers' representatives are not being engaged during visits.	Attempt to contact workers representatives during visits to ensure the reason for the visit is fully known to them.	Low

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 conducted throughout the year. These should ensure adherence to the Service's Health and Safety Enforcement Policy, internal enforcement procedures the HSE guidance and the Enforcement Management Model.

6 Performance Review 2021/22

Year 2021/22 is reviewed below.

Intervention type		Number of Inspection / intervention visits		Notes
Proactive Inspections	Proactive inspection	Targeted using National Intelligence	Targeted using Local Intelligence	.
		0	0	Planned interventions were not carried out due to the Coronavirus pandemic lockdown restrictions
Non- inspection interventions	Other visits/face to face contacts	0	0	
	Other contact /interventions			
Reactive visits	Visit to investigate incidents			
	Visit to investigate complaints			
	Visits following requests for advice	0		
Revisits following earlier interventions				
Improvement Notices		Immediate Notices	Prohibition	Deferred Prohibition Notices

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.