

Appendix 1

ABERDEEN CITY COUNCIL

Protective Services

OCCUPATIONAL HEALTH AND SAFETY

Service Plan

2023-24

Introduction

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

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 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 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 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, 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 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,
 - b) Raising the awareness of employers, self-employed and employees about health and safety issues and the measures necessary or available to control them,
 - c) 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 5/10/23)

	Full Time Equivalent Staff involved in health & safety enforcement
Section Management	
Protective Services Manager	0.1
Principal EHO	0.6
Field Staff	
EHO	0.8
Total	1.5

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 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 programme 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. The latest version mirrors the priorities from the previous year, and which have been/are being addressed in year 2022/23- see Table 2.

- 4.5 There is currently a national shortage of qualified officers resulting in a significant reduction in service FTE available. The need to implement the Food Law inspection programme is the principal priority for the team and this significantly constrains the potential scope of any 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 significant issues that maybe discovered during other visits.
- 4.6 Proactive work will be restricted to visits being made to relevant establishments for other purposes, such as food law interventions, to minimise the impact on service demand.

Table 2

Activity	Why	How	Resource Demand
Raising awareness of the work-related stress and mental health campaign 'Working Minds' with businesses.	National Priority.	Provide support pack if complaints /concerns are received. Follow up investigation if necessary.	Unknown. No issues have arisen in 2022/23.
Electrical safety in hospitality settings.	National priority. Focus on provision of electrical supply to outdoor structures that have been installed during the pandemic	Checks carried out during programmed food law inspections and/licensing standard inspections or as a result of complaint.	As linked to programmed inspection activities, additional resource demand likely to be insignificant. No issues have arisen in 2022/23. Continue in 2023/24.
Construction.	National priority.	Action taken when standards of health and safety of construction work in LA enforced premises is a matter of concern.	During visits to commercial premises for other purposes or following complaint. No issues requiring action have arisen in 2022/23.
Prevent or control ill health arising from animal contact at visitor attractions.	National Priority.	There is one establishment in the authority area. A combined health and safety and animal health visit has been undertaken.	Visit undertaken in 2022/23, no further action required in 2023/24.
Trampoline parks.	National priority arising from the number of injuries.	Either visit to only park in area or contact by email.	Low. Visit undertaken in 2022/23, no need for further action in 2023/24.

Activity	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 raise matters during other visits to premises.	Low. Not considered to be a critical safety issue based on local intelligence. Continue in 2023/24.
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. Businesses emailed in 2022/23, no further action required in 2023/24.
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.	Low. No issues have arisen in 2022/23. Continue in 2023/24.
Welfare provision for delivery drivers.	National priority arising from intelligence that drivers are being denied use of toilet and rest facilities at delivery sites.	Respond to complaints.	Low. No issues have arisen in 2022/23. Continue in 2023/24.
Promoting worker involvement in safety management systems.	National priority arising from perception that workers' representatives are not being engaged during visits.	Contact workers representatives during visits to ensure the reason for the visit is fully known to them.	Low. No issues have arisen in 2022/23. Continue in 2023/24.

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 2022/23

Year 2022/23 is reviewed below.

Intervention type		Number of Inspection / intervention visits		Notes
Proactive Inspections	Proactive inspection	Targeted using National Intelligence	Targeted using Local Intelligence	
		2	0	
Non- inspection interventions	Other visits/face to face contacts	0	0	
	Other contact /interventions	0	0	
Reactive visits	Visit to investigate incidents	13		
	Visit to investigate complaints	23		
	Visits following requests for advice	1		
Revisits following earlier interventions		2		
Improvement Notices		3		
Immediate Prohibition Notices		1		
Deferred Prohibition Notices		0		

7.Areas for Continuous Improvement

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