



Eastbourne Borough Council's Health and Safety Service Plan 2013-2014

www.eastbourne.gov.uk/safetyplan

Executive Summary

This Service Plan has been produced in order to give clear details of the Health and Safety enforcement services to be provided and how they will be carried out in the coming year. It also shows how this regulatory service contributes to and supports others in delivering Corporate Objectives to the Community as a whole.

These activities will focus on the areas of concern within work sectors including:

- premises with vulnerable working conditions, including; lone/night working e.g. care settings and cash handling e.g. betting shops/off licences, and
- commercial catering premises using solid fuel cooking equipment

The work of the function supports **Eastbourne Borough Council's (EBC's)** aim of creating healthier and safer communities. To achieve this we ensure businesses meet legal requirements and raise standards to provide safer workplaces. Improved standards also help businesses to become more prosperous, which can benefit the whole community.

We protect the community by using the full range of our regulatory powers, sensibly, proportionately and using risk based and intelligence led action. With expertise that is seen as an important resource to the council, the service is provided through a combination of interventions. These include proactive inspections, partnership working, education and enforcement.

We focus our resources on high-risk activities that may injure or kill people at work, and seek out sensible controls to protect vulnerable workers, minimising and preventing harm.

We are attuned to delivering what is important in our locality and to our community, but understand and have a capability to work with and address national regulatory and related priorities. There is an increasing recognition that we can and should play a key role in the community well-being agenda. We aim to contribute to this during the forthcoming year by building on our existing partnerships to bring about a reduction in the incidence rate and number of cases of work related ill health in the community.

Due to the recommendations derived from the Löfstedt report, programmed inspections are no longer a priority for **Local Authorities (LAs)**. Instead the Council are required to use the full range of regulatory interventions available to influence behaviours and improve the management of risk.

Regular monitoring of progress against the plan will be carried out. Checks will also be made on the consistency of action taken and the quality of work carried out within the borough.

The Council will also have to react to unforeseen events that occur throughout the year such as accidents, dangerous occurrences and service requests, which impact upon the resource available for programmed work. We are tasked with the additional duty of responding to and supporting other Sussex Local Authorities and the **Health and Safety Executive (HSE)** during catastrophes and other major incidence by carrying out investigations and effective enforcement.

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All appendices are enclosed in separate documents.

1.0 Background

This Health and Safety Service Plan is a statutory document required under Section 18 guidance issued by the HSE.

Section 18(4) of the **Health and Safety at Work etc Act 1974 (HSW Act)** requires that enforcing authorities perform their duties in accordance with guidance from the HSE. This guidance commonly known as Section 18 guidance is, therefore, mandatory.

One of the key elements of the guidance is a requirement to produce an annual service plan detailing the Authority's arrangements for discharging its duty whilst contributing to current HSE national priorities.

This document sets out our aims and objectives for 2013-2014 for the enforcement of health and safety at work. It also reviews the work undertaken in 2010-2013.

This service plan details how the Council, through the Health and Safety function, plans to undertake its duties and contribute to overall national targets relating to community safety and health and well-being.

2.0 The Regulatory Context of Health and Safety

The HSE is responsible for health and safety regulation in Great Britain, and Law's are the Enforcing Authorities who work in support of their aims and objectives.

LA's are responsible to the HSE for enforcement in offices, shops, warehouses and other parts of the services sector. The HSE look after health and safety in nuclear installations and mines, factories, farms, hospitals and schools, offshore gas and oil installations, the safety of the gas grid and the movement of dangerous goods and substances, and many other aspects of the protection both of workers and the public.

- Links to National Priorities

The following details the main national drivers of the function. In further detail is the National Local Authority Enforcement Code. You can find out more about these items at

www.eastbourne.gov.uk/safetyplan

This list details the guidance, strategies, documents and Government departments that influence and direct the function;

- HSE - HSE Strategy; The Health and Safety of Great Britain: Be Part of the Solution, Section 18 Guidance and HSE Enforcement Policy Statement
- HSE - National Local Authority Enforcement Code – Health and Safety at Work, England, Scotland and Wales
- Choosing Health: Making Choices Easier
- Department for Business, Enterprise and Regulatory Reform (BERR) – The Regulators Compliance Code and Enforcement Concordat
- The Hampton Report 2005
- Rogers Review 2007
- Löfstedt Report 2011
- Local Better Regulation Office (LBRO) – Primary Authority

This Code, currently under consultation, sets out proposals for a National Local Authority Enforcement Code (the Code). The Code has been developed in response to the Löfstedt report "Reclaiming health & safety for all: An independent review of health and safety legislation" which recommended that HSE be given a stronger role in directing LAs health & safety inspection and enforcement activity.

The Code aims to set out Government expectations for a risk based approach to targeting health and safety regulatory interventions, using a principle based framework that recognises the roles of business and the regulator in the management of risk. It sets out the risk based approach to be followed by LA regulators in order to provide business with a consistency of approach and ensuring LAs make the best use of their regulatory resource.

Meeting the requirements of the Code will deliver the central Governments expectation that business operating in comparatively lower risk premises should not be subject to proactive, unannounced inspections, unless there is reason to suspect poor performance.

If a business considers that they operate in a lower risk sector and have been unreasonably subject to a proactive health and safety inspection by an LA they can complain to the Independent Regulatory Challenge Panel whose members have the competence and experience to assess regulatory matters. They will look into the complaint and the outcome of their deliberations will be made publically available on the HSE website.

Where a complaint is upheld by the Panel HSE will work with the LA to provide advice and assistance to improve and enable their implementation and compliance with the Code.

While the code is currently under consultation, it is expected to be agreed and adopted by April 2013.

- Links to Local Priorities

This plan supports EBC's Corporate Plan 2010-15 (2012 refresh). All health and safety work is aimed at working with businesses to raise standards by reducing accidents, injuries and ill health at work.

3.0 Key Facts

The information detailed in this section highlights the national picture in Great Britain, the South East and Eastbourne.

Table 1: The key facts – National (2011/12)¹

Ill health

1.1 million people who worked during the last year were suffering from an illness (long standing as well as new cases) they believed was caused or made worse by their current or past work. **0.5 Million** of these were new conditions which started during the year.

Injuries

173 workers were killed at work.

111,164 other injuries to employees were reported under RIDDOR, a rate of 502.2 per 100,000 employees. (RIDDOR stands for Reportable Injuries, Diseases and Dangerous Occurrences Regulations) all employers have a legal duty to report certain types of accidents and incidents.

212,000 injuries leading to over 3-day absences occurred, according to the Labour Force Survey.

Working days lost

27 million days were lost overall, **22.7 million** due to work-related ill health and **4.3 million** due to workplace injury.

3.1 Health and Safety in the South East

Work-related ill health and injury statistics (2011/12). The latest information for the South East shows a downward trend in both work-related ill health and workplace injury.

Table 2: Work-related ill health and injury statistics (2011/12)

<p>Ill Health: 187 000 people suffered from work-related illness.</p> <p>Injuries: There were 13 286 reported injuries to employees, a 4.5% decrease from the previous year (RIDDOR).</p> <p>Injury rates: Total rate of reported injury fell to 383.3 per 100 000 employees, compared with a five year average of 427.6 (RIDDOR).</p> <p>Working days lost: 4.0 million working days were lost due to workplace injury and ill health.</p> <p>Enforcement: HSE inspectors issued 1 004 notices and prosecuted 51 cases, 50 of which led to a conviction</p>

3.2 Health and Safety in Eastbourne

Table 3: Eastbourne - Injuries to workers as reported, by main industrial sector, 2010/11²

Figure 5: Industry Type	Employees Fatal	Employees Major Injuries	Employees Over 3 days	Self employed Fatal	Self employed Major	Self employed Over 3 days
Agriculture	-	-	-	-	-	-
Other extractive and utilities	-	-	-	-	-	-
Manufacturing	-	1	4	-	-	-
Water supply; sewerage; waste management and remediation activities	-	1	2	-	-	-
Construction	-	2	5	-	-	1
Services	-	22	127	-	-	-
Total	0	26	138	-	-	1

In comparison to the data for Hastings Borough Council, Eastbourne is comparable apart from in the service industry where 64 employees suffered over 3 day injuries. In comparison to Lewes District Council and Rother District Council there were 77 and 54, respectively in the Services industry. The Eastbourne figures are

² HSE Health and Safety statistics <https://handson.hse.gov.uk/hse/public/tablesimple.aspx?RID5> [accessed on 15.02.2013]

likely to have been influenced by the large range of premises in the tourism sector.

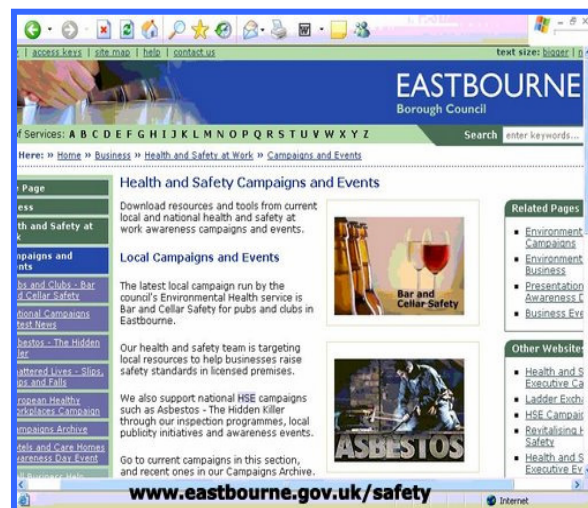
4.0 Service Delivery

Our Overall aim is:
To improve community health and safety in Eastbourne through partnership, education and enforcement.

Our Objective is:
To ensure that risks to person's health, safety and welfare in the changing workplace are properly controlled.

The key tasks that lead towards fulfilling this objective are;

- Provide advice, assistance and guidance on occupational health and safety at work during interventions, on the Council website, via leaflets and mail shots and by working with partners, such as the HSE and the **East Sussex Fire and Rescue Service (ESFRS)**.



- Proactively inspect the highest-risk workplaces and activities in accordance with national and local intervention strategies.
- Investigate the most serious accidents and incidents, particularly those affecting the very young or old and investigating cases of occupational disease.
- Investigate complaints and respond to service requests regarding workplace conditions.
- Deal with statutory notifications, for example adverse lift reports and licensed asbestos removal.
- Respond to major incidents and emergencies across Sussex as part of the Flexible Warrant



Scheme and the Major incident Team arrangements.

- Comment on planning applications and licensing applications as the responsible authority.
- Advise elected members individually and via an internal Members Newsletter.
- Work with our colleagues in Sussex and the HSE to promote consistency and share best practice, making the best use of our resources.
- Raise the profile of occupational health and safety through local media and the Council Website.

Aspects of the health and safety service are on occasion delivered jointly with other services such as food hygiene inspections carried out by competent Specialist Advisors. However, such food hygiene inspections are limited to one or two key health and safety areas, including carbon monoxide poisoning and gas explosion. This approach makes the best use of our resources and ensures that Officers develop and maintain competence in health and safety topics. It is also less bureaucratic for the business as they may only receive one inspection, not two when the inspection is combined.

The reactive aspects of the service, for example accident investigations, are responded to along with other complaints and requests for service.

4.1 Interventions

Health and safety law applies to all businesses however small. Accidents and ill health caused by work cost time and money. Preventing these can help local business save money. The smaller the business the bigger the impact will be if a member of the workforce has a serious accident, or is off sick for an extended period of time. It could even put a firm out of business.

We understand that we have to meet the changing needs of businesses and help them to come up with simple, cheap and effective measures to protect their employees and customers. We can do this by other means, including offering customised support for **Small Medium Enterprises (SMEs)**, not just by inspections.

We have a unique position in the Council and use our resources effectively in order to help local businesses succeed. We offer

Advisory Visits to local businesses and we aim to use our time with these businesses to the best effect. During these visits we advise business owners about recent changes in their legal responsibilities regarding health and safety. We also take action to deal with any deficiencies in business operations, where they may be putting the well being of employees or customers at risk.

Good businesses have nothing to fear and they expect and should receive fair, proportionate, sensible and consistent enforcement. They want a level playing field and regard highly the expertise and support with compliance they get from our staff who focus on risk.

4.2 Flexible Warrants

The Sussex Flexible Warranting Scheme allows all participating organisations to authorise suitably qualified and competent staff from each others organisation to enter into premises under their area of responsibility. This allows for better partnership working and enforcement for all workplaces within agreed parameters.

A **Memorandum of Understanding (MoU)** has been developed to lay out clearly the obligations and limitations of the flexible warranting arrangements and also to cover such matters as officer competencies and indemnities. This allows HSE and local authority staff to work across boundaries, as detailed in a mutually acceptable MoU.

Some of the uses of the scheme include:

- Proactive and educative type enforcement projects, which are mutually agreed by all organisations.
- Dealing with complaints or accidents where the enforcing authority is unclear.
- Dealing with matters of concern within or outside the boundary of premises, which would normally be the responsibility of another enforcement organisation.
- Sharing technical expertise and undertaking of appropriate joint inspections.

Some of the main benefits are:

- The ability to respond to local health and safety issues in a coordinated manner.
- To share the resource of inspectors with specialist skills as need arises.
- To reduce the burdens on businesses and target enforcement to high-risk activities.

- Improved communication and co-operation between health and safety regulators.
- Increased opportunities for shared officer training and development.
- Increased flexibility and responsiveness of health and safety regulators to situations of significant risk.

The Council currently has two officers signed up to the scheme.

4.3 Enforcement Action

The range of responsibilities and legal powers affecting health and safety enforcement is very wide. Criminal enforcement of health and safety breaches has considerable impact on the duty holder involved, as well the enforcing authority. It can also directly affect those who are protected by the legislation. It is therefore important that all who are involved in enforcement work understand and work within the legal framework that gives rise to their powers.

Authorised officers have the right to enter any workplace without giving notice, though notice may be given where the officer thinks it is appropriate. On a normal proactive inspection an officer would expect to look at the highest risk work activity in the workplace and how the health and safety risks arising from that activity are managed³. Officers may offer guidance or advice to help the business. He/she may also talk to employees and their representatives, take photographs and samples, serve Improvement Notices and take action if there is a risk to health and safety which needs to be dealt with immediately, by issuing a Prohibition Notice.

On finding a breach of health and safety law, the officer will decide what action to take. The action will depend on the nature of the breach, and will be based on the principles set out in the HSE's Enforcement Policy Statement, the Government's Enforcement Concordat, the Regulators Compliance Code and EBC's Health and Safety Enforcement Policy. The officer should provide employees or their representatives with information about any action taken, or which is necessary for the purpose of keeping them informed about matters affecting their health, safety and welfare.

Written procedures and protocols are in place to ensure high and consistent levels of service provision. Staff members are required to follow these and this is monitored by the Senior Specialist Advisor.

³ The list of activities/sectors for proactive inspection will be provided by the HSE and is updated annually.

Procedures are reviewed on a regular basis to ensure they are in line with current legislation and guidance.

To view these regulatory documents visit www.eastbourne.gov.uk/safetyplan

4.4 Health and Safety Regulation

The Council undertakes **Programme Directed Inspection (PDI)** where premises are prioritised for planned inspection in accordance with the annual guidance set by the HSE. This complies with the relevant **Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) Guidance, LAC 67/2 (rev 3)**.

This is a new approach and moves away from using the health and safety risk rating of a premise to direct inspection work. The risk ratings are still applied to premises on our database either following inspection, analysis of a self-assessment survey or a desktop assessment. The information stored is used to direct other interventions and takes into account the existence of potential hazards at the premises, the number of people exposed to risk, the effectiveness of risk control measures, employee welfare provisions and our confidence in the business's management of health and safety at work.

LAC 67/2 (rev 3) forms part of the management arrangements under the Section 18 guidance on priorities, planning and targeting interventions. The risk based system has been modified nationally, as per Table 3.

Table 3: LAC 67/2 (rev 3) Rating System

LAC 67/2 Categorisation	Rating score	Description
A	Score of 5 or 6 on any risk	Highest Risk
B1	Score of 4 on any risk	Medium Risk -1
B2	Score of 3 on any risk	Medium Risk - 2

C	No score greater than 2	Lowest Risk
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Other intervention strategies can include monitoring of incidents reports, seminars, questionnaires and consideration of Planning, Licensing and other formal applications.

After an inspection and in some cases an accident investigation, premises will be re-rated using the rating system described in the guidance. To find out more about this guidance visit:

www.eastbourne.gov.uk/safetyplan

4.5 Resources

- Staffing Allocation

There are 1.5 **Full Time Equivalent (FTE)** Specialist Advisor's and Caseworker's dedicated to health and safety work. Currently the health and safety function consists of:

Senior Specialist Advisor 0.1 FTE	Caseworker 0.4 FTE	Specialist Advisor A 0.4 FTE	Specialist Advisor B 0.1 FTE	Specialist Advisor C 0.1
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- Interventions

Further information can be found in the Work Plan for 2013-2014, (Appendix 1).

There are a proportion of premises the Council have not yet applied a risk rating to. Some of these will be newly opened businesses, which is a constant aspect of the commercial sector. Therefore as part of the routine maintenance of the database such premises will be incorporated into the programme accordingly.

- Health and Safety Service Requests

The service has many customers, including the people who live and work within Eastbourne, visitors, tourists and businesses. People contact us to report issues concerning their workplace or to seek advice. Examples may include:

- Occupational health and safety matters
- Welfare issues

- Concerns regarding specific risks such as falls from height, slips and trips, musculoskeletal disorders, work place transport and stress, and
- Concerns regarding the management and control of asbestos

We investigate to:

- provide a service to employees and the public
- resolve problems which pose a risk to health and safety
- provide information to businesses to raise and maintain standards
- fulfil the duty to enforce the HSW Act and related regulations
- prevent further similar incidents

Service requests require varying levels of investigation. Officers take a practical and robust approach to investigating complaints, choosing sensible action appropriate to the risk and the need to protect those at risk. Priority is given to incidents that pose a serious or imminent risk, as the considerable resources required to undertake an in-depth investigation of every complaint received would divert resources from proactive work that results in more effective protection.

The Maximum response times for dealing with requests for service are as follows:

Response time for emergency complaints	1 day
Response time for routine complaints	5 working days

- Accident Investigations

Accidents are investigated in accordance with our Accident Investigation Policy. This targets resources into the more serious incidents, including death, major injury; those involving activities in the national priorities, and those affecting vulnerable groups (children and the elderly).

5.0 Quality Assessment

The following mechanisms are in place for assessing and improving the quality of the Service and to ensure that officer activity is efficient and effective:

- The Senior Specialist Advisor will monitor the quality and consistency of health and safety enforcement work through

the checking of inspection correspondence and 100% statutory notices served.

- Allocation of premises requiring an intervention according to risk from EBC's software system.
- The Senior Specialist Advisor will examine the computer database on a routine basis to ensure all fields operate properly and are accurately populated. Effectiveness of the service delivery is checked by reviewing a sample of service requests and a sample of all inspections and recording this in the service's computer database.
- Selection and investigation of statutory accident notifications in accordance with defined criteria.
- Recommendations for legal proceedings to be examined by the Manager, Specialist Advisors Team.
- Use of standard forms and report formats.
- Use of standard phrases for Schedules of Contraventions, Recommendations or Advice.
- Accompanied interventions conducted for all authorised officers at least once a year.
- Performance targets reviewed at monthly 1-to-1 meetings, performance appraisals and Service Management Team Meetings.
- Group meetings to discuss matters of professional and technical interest.
- Continuation of staff professional training and development.
- Procedures are in place for investigating complaints against the Service. Customer Survey Feedback Scheme provides for a form to be sent to a proportion of customers we come into contact with on a monthly basis. The form requests comments on the quality of our services. Any dissatisfied business proprietors who identify themselves will receive a follow-up telephone discussion and, where necessary, a visit from the Senior Specialist Advisor. You can view the form here:
www.eastbourne.gov.uk/health/environmental/contact/customer-survey

Any formal complaints made against the service are investigated and monitored in accordance with Council's Complaints Policy. You can view EBC's Complaint Policy here

www.eastbourne.gov.uk/council/complaints

5.1 Competency

The health and safety function is delivered by suitably trained and experienced staff, in accordance with a competency and development scheme called the **Regulators Development of Needs Assessment Tool (RDNA)**. This scheme has been designed to meet the requirements of Section 18 guidance.

The RDNA Tool has been developed by the HSE and is an online self assessment mechanism for identifying development and training needs. The RDNA Tool ensures we maintain competence and develop our staff in line with business needs. RDNA allows us to deliver a process and set of tools to help us to do this effectively and efficiently - getting a better return on the investment we make in staff development.

Frontline officers have undertaken the RDNA Tool process and will continue to update their competence during 2013-2014. To find out more about this Tool visit: www.eastbourne.gov.uk/safetyplan

6.0 Work plan for 2013-2014

The work plan sets out the proposed work for the next financial year until 31st March 2014 and takes into account local need whilst clearly contributing to the HSE's national priorities. The plan details proactive and reactive work and details forthcoming planned interventions to contribute to the national campaigns. For more details see Appendix 1 'Health and Safety Service Plan 2013-2014 Work Plan'.

The Health and Safety function regulates the HSW Act in 1976 premises. The profile of premises is detailed below:

Table 4: Premises profile⁴

Category	Number of premises
Retail shops	494
Wholesale shops	92
Offices	284
Catering services	384
Hotels/short-stay	138
Residential care	58
Leisure etc.	93

⁴ Correct on 15th February 2013

Consumer services	345
Other premises	55
Total	1943
Additional premises not categorised (unrated)	33
Final total	1976

7.0 Annex of Terms

EBC Eastbourne Borough Council

LAs Local Authorities

HSE Health & Safety Executive

(HSW Act) Health and Safety at Work etc Act 1974

DOH Department of Health

LBRO Local Better Regulation Office

BERR Department for Business, Enterprise and Regulatory Reform

DTI Department of Trade and Industry

ESFRS East Sussex Fire and Rescue Service

MOU Memorandum of Understanding

SMEs Small/Medium Enterprises

PDI Programme Directed Inspection

HELA Health and Safety Executive/Local Authority Enforcement Liaison Committee

FTE Full Time Equivalent

RDNA Regulators Development of Needs Assessment Tool

Supporting documents for this plan include;

Appendix 1 Work plan for 2013-2014

Appendix 2 Review of 2010-2013

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