



HEALTH & SAFETY SERVICE DELIVERY PLAN 2010 – 2011

Service Obligations

The Council has a statutory duty to enforce the provisions of the Health and Safety at Work etc Act 1974, and associated regulations in all premises for which it has enforcement duties under the Health and Safety (Enforcing Authority) Regulations 1998. It also has a duty to adequately discharge its function in accordance with mandatory guidance from the Health and Safety Executive – section 18 standard.

This Service Plan sets out how Cheltenham Borough Council will fulfil its statutory duty within the financial year 2010/2011 and details the priorities, aims and objectives for the enforcement of health and safety along with the mechanisms and arrangements for ensuring the effective delivery of the service.

This service plan relates to the regulatory function of the Council which is not to be confused with and is unrelated to the health and safety obligations of the Council as an employer.

Section 18 Standard

Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) puts a duty on the Health and Safety Executive (HSE) and Local Authorities (LAs) to make adequate arrangements for enforcement. The Standard sets out the arrangements that LAs should put in place to meet this duty.

In complying with their duties under Section 18, Enforcing Authorities (EAs) are required to follow the HSE Enforcement Policy Statement (EPS) on the purpose, method and principles of enforcement.

The Section 18 Standard adds to the EPS, setting out the broader requirements for EAs when complying with their duty to make 'adequate arrangements for enforcement'.

Full compliance with the standard is mandatory and must be achieved by 31st March 2011. This will be achieved by working in partnership with all other EAs within the county in the delivery of the Work Well Gloucestershire project.

Service Aims and Priorities

Overall Aim of the Service

“To work with others to protect people's health and safety by ensuring risks in the changing workplace are managed properly.”

Our key delivery **priorities** are:

- To manage the risk in high risk, poor performing and/or rogue trader businesses - a targeted approach to risk in line with Better Regulation agenda
- Investigating major injury incidents and fatalities - national justice agenda and used to assess and target poor management in line with Better Regulation
- To ensure enforcement decisions are consistent with our Enforcement Policy, the HSE's Enforcement Policy Statement and the Enforcement Management Model - ensures proportionate, consistent, transparent and accountable enforcement - part of the Better Regulation agenda
- Train and develop our staff to ensure competence - encourages staff retention/recruitment and ensures credibility with local business

Links to Council Strategy

The Council's overarching message is to

“Work together to create a great future for Cheltenham”

Our Health and Safety service links to the community objectives of the Council Strategy and in particular in the enhancement and protection of our environment by providing a value for money service that effectively meets the needs of our customers.

Scope of the Service

The Health and Safety (Enforcing Authority) Regulations 1998 determine which businesses are enforced by the Council and which are enforced by the Health and Safety Executive (HSE). The Council aims to provide a full range of services offering a balanced approach between education and enforcement for all work places within our enforcement remit. This Service does not cover Health and Safety for the Council itself which is enforced by HSE and does not form part of this plan.

The majority of commercial premises in the Borough are small or medium sized enterprises (SMEs) employing less than 50 staff with retail and office premises accounting for a high percentage. These businesses have fewer resources to carry out in-house monitoring and do not have access to the support and training provided by multi-national companies. Health and Safety Officers may, therefore, find themselves spending a disproportionate amount of time working with smaller businesses than they would with much larger companies.

National, regional and local statistics provide evidence that the topics identified as priorities are those that cause injury and ill health at work and the aim is to concentrate time and effort on these areas where an impact on the reduction of work related accidents and ill health can be shown. The national aim is to deliver a 3% reduction in the incidence of work-related fatal and major injuries, a 6% reduction in the incidence rate of cases of work related ill health and a 9% reduction in the incidence rate of days lost due to work related injuries and ill health nationally.

The estimated economic cost of health and safety ill health incidents (accidents and ill health) in Cheltenham is between £24.7 million and £37.8 million. The estimated cost for accidents in Cheltenham is between £7.6 million and £13.8 million.

The work plan for the coming year can be found in appendix 1. It will be delivered in partnership with other EAs when required. The plan brings together the national criteria as given in the HSE strategy and details the deliver of this at a local level in Cheltenham.

Service Delivery

The Health and Safety function is delivered by one of three teams within Public Protection of the Operations Division. The team comprises of a Food & Occupational Safety Manager, four Environmental Health Officers and two Senior Technical Officers. Two EHOs are dedicated to H&S regulation with a further one FTE currently split between the remainder of the team who also deals with the Council's responsibilities in relation to food safety, infectious disease control, smoke free England and certain licensing and registration functions.

This year will see activities planned to ensure that at any one time at least three FTEs are available in the exclusive delivery of the health and safety function. The service is provided by authorised officers whose competencies meet the standards outlined by the Health and Safety Executive under Section 18 of the Health and Safety at Work etc Act 1974.

Competence is an essential aspect of service delivery and must comply with the Section 18 standard. All regulators undertake the RDNA (regulators development needs analysis tool) which is mirrored in the Council Learning Gateway which captures their development needs as part of the annual appraisal process.

Officers delivering the service are responsible for the following work areas:

- health and safety regulation, including inspections and requests for service
- investigation of reported accidents, dangerous occurrences and cases of occupational ill health
- advisory and promotional activities
- investigation of complaints relating to premises, practices and procedures
- the responsible authority in relation to public safety for licensing applications

Investigation of Complaints

Complaints received about workplace activities we regulate are dealt with in accordance of the criteria of Section 18 standard. Investigations are undertaken to determine the cause, secure compliance with the law and decide on an appropriate response. The initial response to complaints will be within 3 working days depending on the nature of the complaint. An immediate response will be instigated where there was a serious threat to life or serious personal injury.

Our main aim in undertaking investigations of complaints is:

- to identify the cause of the problem and assess the likely risk to health, safety and welfare of employees and non employees
- to prevent a recurrence of the complaint by securing improvements in health, safety and welfare conditions
- to take enforcement action where appropriate

Reports are received from other organisations including insurance companies and lift engineers for our consideration in particular where serious defects are identified as part of their routine inspections. Where a defect, which presents an immediate risk to health and safety, is identified the use of the equipment or work activity will be prohibited until work has been completed or new systems of work evolved to remove the immediate risk.

Investigation of Injuries, Diseases and Dangerous Occurrences at Work

Around 120 accidents, work related ill-health or dangerous occurrences at work are reported to the Council each year under the Reporting of Injuries and Dangerous Occurrences Regulations 1995 (RIDDOR). Reported accidents and incidents are investigated in accordance with HELA guidance LAC 22/13.

When deciding which incidents to investigate and the level of resource to be allocated to the investigation, account will be taken of the severity and scale of potential or actual harm; seriousness of any potential breach of the law; duty holder's known past health and safety performance; enforcement priorities; practicality of achieving results and the wider relevance of the event including serious public concern.

Liaison with other organisations

The Health and Safety Service actively participates in liaison arrangements with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, share good practice and reduce duplication of effort.

The service represents and actively participates in the Gloucestershire Health and Safety Group comprising of peer representatives from each of the six Districts and Borough Councils in the County and also a local representative from the Health and Safety Executive.

This authority also participates in inter-authority audits between the six District Councils in Gloucestershire.

The Food & Occupational Safety Manager is actively involved in representing the County Group on Partnership working with the Health and Safety Executive.

Service Performance Review

The following table summarises the interventions undertaken in 2009/2010:

TOPIC AREA	NUMBER OF BUSINESSES REACHED
DUTY TO MANAGE ASBESTOS	287
DERMATITIS	50
FALL FROM HEIGHTS	229
GAS SAFETY	202
MOVING GOODS SAFELY+WORKPLACE TRANSPORT	40
MUSCULO SKELETAL DISORDERS	280
NOISE AT WORK	40
SLIPS + TRIPS	297
WORK RELATED VIOLENCE	15
H+S MANAGEMENT	116