
HEALTH AND SAFETY ENFORCEMENT - UPDATE

1 SUMMARY

- 1.1 In June, Members considered a report which outlined the issues that had been identified by an external inspection of the Council's health and safety enforcement function.
- 1.2 This report deals with the improvement action plan which has been produced to address the findings of the report.

2 BACKGROUND

- 2.1 Earlier this year the Council was selected to undergo an external audit by the Health and Safety Commission (HSC) of its health and safety enforcement activities. All Councils are now required to undergo a full audit of their management of health and safety enforcement every five years either by inter-authority auditing or external audit. Councils not doing this are likely to be subject in future to an audit by HSC.
- 2.2 The health and safety audit report was complimentary about the competency of staff and the effective way in which the limited work which is carried out is conducted. However, it highlighted a number of areas where improvements are needed.

3 IMPROVEMENT ACTION PLAN

- 3.1 Since the audit and report, an action plan has been drafted and, in a number of areas, good progress is already being made.
- 3.2 The action plan is appended.

4 RESOURCE IMPLICATIONS

- 4.1 Members have previously recognised the difficulties of balancing the many competing demands for limited enforcement resources and that, over a number of years, priority has been given to food safety work particularly during periods when there have been posts vacant.
- 4.2 The work which has been carried out over recent months has identified that there are approximately 1100 businesses for which the Council currently has a health and safety enforcement responsibility and which need to be inspected on a risk-based inspection programme.

4.3 There is, currently, no defined frequency for inspections and the Council has, in earlier years, based its programme on broadly the same frequencies as for the different risk categories of food businesses. For example,

Health & Safety Risk Category		Frequency of Inspection	Estimated Number
A	High risk	Annual	94
B1	Intermediate risk	Every 2 years	31
B2		Every 3 years	135
B3		Every 4 years	73
B4		Every 5 years	569
C	Low risk	Not normally inspected	140

This is in line with practice in other local authorities.

4.4 On this basis and subject to full staffing, it is estimated that it will take approximately 5 years to complete the cycle of programmed inspections. This is considered acceptable.

4.5 In addition to programmed inspections, the Council will need to undertake a range of other activities:-

- some educational/promotional work targeted, for example, at national priority themes or towards those low risk premises that are not programmed to be inspected;
- dealing with complaints, investigation of accidents and dangerous occurrences etc, as at present;
- benchmarking of enforcement activities with other local authorities and peer review of officers' performance, both within the division and with other local authorities;
- production of written internal procedures.

4.6 Health and safety enforcement work is undertaken by staff within the Safety, Food and Regulation Unit which comprises a Manager, Principal Environmental Health Officer, 3.5 F.T.E Senior Environmental Health Officers and two Environmental Health Assistants.

The team is responsible for:-

- food safety
- health and safety enforcement
- public entertainment licensing
- communicable diseases (food/water borne)
- licensing of a range of animal related activities
- trading controls.

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- 4.7 Resources have already been redirected within the Unit to place greater emphasis on health and safety enforcement activities. The vacant Principal Environmental Health Officer post is to be re-advertised with increased emphasis on the health and safety work.
- 4.8 The Head of Service consider that the present establishment is adequate to develop an effective health and safety enforcement service providing there is full and stable staffing. Vacancies, or the replacement of experienced staff with those of lesser experience, will slow or prevent progress in achieving this goal.

5 RECOMMENDATION

- 5.1 It is Proposed that this Committee **RECOMMENDS**

That the appended Action Plan be submitted to the Health & Safety Executive for consideration. (HHHCC)

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Background Papers:

None.

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Rochford District Council

Action Plan for Health & Safety Enforcement

	REQUIREMENT/ RECOMMENDATION	IMPROVEMENTS PLANNED	BY (DATE)	PROGRESS
1	The authority should ensure that the revised policy is agreed by Members and published (paragraph 1.4 & 1.8, HSC's Section 18 guidance)	<ul style="list-style-type: none"> • Consult local Chambers of Trade/Federation of Businesses • Consult on draft policy with sample of business premises and via Internet site. • Report to Committee. • Publish and publicise. 	Dec 2002 Jan 2003 Feb 2003 April 2003	Completed
2	The authority may wish to consider the balance of regulatory approaches (inspection, educational/promotional, advisory, etc.) in order to achieve a risk-based programme of activity (paragraph 1.8, HSC's Section 18 guidance)	<ul style="list-style-type: none"> • Mailshot of information to all businesses. • Organise one seminar on HSC priority themes for local businesses. 	Dec 2002 July 2003	Completed
3	The local authority is recommended to undertake some peer review and benchmarking activity between officers and authorities to promote the consistency of enforcement (paragraph 1.8 and 4.3, HSC's Section 18 guidance)	<ul style="list-style-type: none"> • Undertake internal training using HSE training videos and peer discussion. • Undertake self-assessment using HSE Internet training facilities. • Internal peer audit of enforcement activity. • Benchmark enforcement activity levels with other Essex authorities (for 2002/3). 	Dec 2002 Dec 2002 April 2003 July 2003	Almost completed

8.4

	REQUIREMENT/ RECOMMENDATION	IMPROVEMENTS PLANNED	BY (DATE)	PROGRESS
4	The authority should develop a health and safety Service Plan in accordance with guidance note 3 of the HSC's Section 18 HSWA and any further guidance from HELA. This should be approved by Elected Members and developed in consultation with key stakeholders	<ul style="list-style-type: none"> • Draft H & S Plan. • Consult with Chambers of Trade/Federation of Businesses and via Website. • Report to Community Services Committee. 	Dec 2002 Dec 2002 Jan 2003	
5	The authority should ensure that it has a managed inspection programme to achieve planned inspections that are due according to their level of risk and that this programme focuses on the HSC's priority programmes (paragraph 2.1, HSC's Section 18 guidance)	<ul style="list-style-type: none"> • Survey of industrial estates. • Update premises records. • Desktop risk rating. • Analysis of results and generation of work programme. 	Aug 2002 Oct 2002 Oct 2002 Nov 2002	Completed Database updated. Ongoing maintenance will be required Completed Almost completed
6	The authority should ensure that it has sufficient resources to deliver a risk-based programme of activity (inspections, promotional activity, etc) (paragraph 9, HSC's Section 18 guidance)	<ul style="list-style-type: none"> • Report to Committee to consider resource issues 	Dec 2002	
8	The authority should ensure that it has an accurate database of the premises where it enforces health and safety (paragraph 2.6, HSC's Section 18 guidance)	<ul style="list-style-type: none"> • Survey of industrial estates • Update premises records (See 5) 	Oct 2002	Database updated. Ongoing maintenance will be required

	REQUIREMENT/ RECOMMENDATION	IMPROVEMENTS PLANNED	BY (DATE)	PROGRESS
9	<p>The authority should</p> <ul style="list-style-type: none"> carry out closer measuring and monitoring of officers' performance to promote the consistency of enforcement (paragraphs 1.8 and 4.3, HSC's Section 18 guidance); ensure the continuing competency of officers in accordance with Guidance Note 5 and Annex 1 of HSC's Section 18 guidance 	<ul style="list-style-type: none"> Carry out Desktop risk rating and enforcement allocation as a team exercise Implement joint inspections by Officers and internal peer audit and review Two specialist enforcement Officers to undertake post-graduate training. Internal training - see (3) above. Attendance at ad-hoc training courses. 	<p>Oct 2002</p> <p>April 2003</p> <p>Sept 2002</p> <p>Dec 2002 Ongoing</p>	<p>Completed</p> <p>Specialist postgraduate training courses started</p> <p>Almost completed</p>
10	<p>The Local Authority should develop an action plan to implement the recommendations outlined in the audit report to ensure that it complies with its statutory duties and achieves continuous improvement</p>	<ul style="list-style-type: none"> Action plan developed and approved by Committee 	<p>Dec 2002</p>	
11	<p>Performance against the action plan should be monitored and sufficient resources and commitment should be made available to achieve it and sustain the improvements</p>	<ul style="list-style-type: none"> 6-monthly progress report to Committee. Report to Committee to consider resource issues 	<p>April 2003 and Dec 2003</p>	

	REQUIREMENT/ RECOMMENDATION	IMPROVEMENTS PLANNED	BY (DATE)	PROGRESS
12	The Action Plan should be agreed with, and sent to HELA	<ul style="list-style-type: none"> • Plan approved by Committee • Plan sent to HELA for consideration 	Dec 2002 Dec 2002	
13	A Progress Report describing action to implement the recommendation should be sent to HELA after 6, 12 and 18 months	<ul style="list-style-type: none"> • Reports submitted to HELA 	Jan 2002 July 2003 Jan 2004	