



**CENTRAL BEDFORDSHIRE COUNCIL
PUBLIC PROTECTION**

**HEALTH AND SAFETY (AS A REGULATOR) SERVICE PLAN
2011-2012**

*In accordance with the Health and Safety Executive's
section 18 standard 1st April 2008*

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Foreword

Central Bedfordshire Council, a Unitary Authority, has a clear and influential role in safeguarding the health and safety of the workforce within Central Bedfordshire and is committed to comprehensively discharging its duty as an enforcing authority under health and safety legislation.

To help achieve this role, the Council has fully embraced three significant strategies which are published by the Health and Safety Executive (HSE). These are as follows:

- Securing health together;
- A strategy for workplace health and safety in Great Britain to 2010 and beyond.
- “Common Sense – Common Safety” – The recent report by Lord Young on his review of health and safety, which included aspects of health and safety enforcement.

In summary, the aims of these strategies are to improve health and safety within the workplace, and educate businesses on how to make their activities safer and healthier, whilst adopting a sensible and proportionate approach to risk. A consistently important strategy for Local Authorities (LAs), working in partnership with the Health and Safety Executive (HSE), is to annually develop and deliver work plans. These are delivered through projects based on identified local and national priorities for health and safety. This is a sustained strategic programme developed to concentrate LA and HSE resources in areas that will most effectively bring about a reduction in work related injuries and ill health.

This annually published plan provides a clear statement of enforcement policy and practice as well as detailing the Council's aims and objectives for the enforcement and improvement of health and safety at work. It also sets out arrangements for ensuring consistent good practice, and for benchmarking performance against other LAs.

Better Regulation

Central Bedfordshire Council is fully committed to ensuring that regulations are fair and effective for everyone. Regulations are needed to protect people at work: but to avoid unnecessary burdens on business, it is important to strike the right balance.

The recent review of health and safety by Lord Young is still being analysed and its recommendations are in the process of being implemented. Some of the recommendations, such as reducing the inspection burden for low risk premises and combining food hygiene and health and safety inspections are already being implemented by the Public Protection Service, through its alternative enforcement strategy and inspection approach for food businesses. Others, such as the proposed changes to the RIDDOR reporting system are likely to assist in the targeting of enforcement resources towards the more significant health and safety incidents.

Better Regulation in conjunction with HSE initiatives, new Public Protection Service Managers, and improvements in both work efficiency and officer competency, should result in significant improvements in the way that officers carry out health and safety inspections thereby benefiting businesses whilst at the same time safe-guarding the health and safety of businesses customers and employees.

Portfolio Holder for Safer and Stronger Communities

INTRODUCTION

Service or business plans are a cornerstone of effective performance management. An effective plan provides a solid foundation for achievement and forms a vital part of the golden thread, so each person understands how they contribute to achieving the council's improvement objectives.

This Health and Safety (as a Regulator) Service Plan 2011–2012 (the Service Plan) deals exclusively with the health and safety enforcement functions carried out by the Council as a regulator under the Health and Safety at Work etc. Act 1974 (HSWA) and associated regulations. It addresses the following specific areas: -

- Health and safety proactive work, including inspections, self-assessment, partnership working and promotional and educational activities.
- Health and safety reactive work, including accidents, ill-health and complaints (including flexi-warranted partnership work with the HSE).

The Service Plan is an expression of the authority's commitment to the development of the health and safety service and is legally required by the HSE, the body that monitors LA's health and safety enforcement activity.

In April 2008 the HSE published a new section 18 standard prescribing mandatory elements, which must be included within this type of plan. A key change in the new standard was for Enforcing Authorities to promote sensible risk management and work in partnership with other enforcing authorities, regulators and stakeholders. Central Bedfordshire Council is fully committed to partnership working. Other section 18 key matters are:

- Commitment, priorities and planned interventions;
- Capacity and management
- Maintaining and improving officer competency
- Enforcement taking into account proportionality, accountability, consistency transparency and targeting

The HSE require that the Service Plan is submitted to the relevant member forum for agreement to ensure local transparency and accountability and to make clear the arrangements for contributing to current HSE priorities.

During team meetings this service plan will be reviewed by the relevant officers responsible for enforcing health and safety at work.

The Service Plan will be under continuous review over the next few years to ensure that the services the health and safety team offer continue to be efficient and effective, targeting resources towards priority groups such as children, and those suffering injury or ill health from work or visiting a place of work. Where possible, resources will also be targeted at national targets (i.e. working at height, musculoskeletal and slips, trips and falls) and other areas as a result of statistical analysis of accidents.

To further improve the health and safety service, a better understanding of the needs of local businesses is required so that incentives and initiatives can be devised that engage businesses, and which enable them to see the real financial benefits of improved health and safety within the workplace. An example of this is the recent Duty to Manage Asbestos Project that was carried out in conjunction with the HSE and other local authorities. The project combined information and education for businesses together with enforcement action where appropriate, but also included an element of evaluation by business of the overall intervention delivery and how future projects could be improved as a result.

The above changes can be achieved through improved customer insight and intelligence led interventions, with the ultimate aim of reducing accidents and ill health within the Central Bedfordshire. The interventions themselves can include:

- Risk-based inspections
- Topic or industry sector based initiatives e.g. Asbestos Duty to Manage Project, LPG Programme
- Increased education and awareness through the promotion of appropriate information and topic-based training delivery to businesses
- Self-assessment by businesses for key risk areas, with assessments reviewed by trained and competent officers.

These improvements will be led by the Assistant Director, Community Safety, Public Protection, Waste and Leisure and the Head of Service.

1.0 SERVICE AIMS AND OBJECTIVES

1.1 Service Objectives

The Public Protection Team, part of the Sustainable Communities Directorate, actively seeks to achieve the Council's vision to improve the quality of life in Central Bedfordshire by the delivery of a range of high quality and cost effective statutory services.

In seeking to achieve these goals there are a number of detailed objectives, which are outlined below:

- To carry out intelligence led and risk based interventions of a range of businesses to secure health and safety at work;
- To ensure effective and timely action to remove significant risks to health and safety at work;
- To develop, simple and helpful information for small businesses, including research currently being undertaken by the Herts & Beds Health & Safety group into the feasibility of a single point advisory web-site for business;
- To improve communication to small businesses on health and safety issues via the Councils website, and letters and other relevant information following an intervention;
- To work in partnership with the HSE, the Herts and Beds Occupational Safety Group, fire authority, local businesses and others to reduce the burdens on businesses whilst at the same time improving health and safety within the workplace;
- To work in partnership with the Emergency Services and other relevant Council Services to promote best practice in event and public safety management for public events within Central Bedfordshire;
- To develop positive incentive schemes;
- To improve the way accidents are investigated with a view to self regulation, where appropriate;
- To consider new initiatives in line with the Better Regulation Agenda.
- To work with Economic Development at Central Bedfordshire Council including attending business engagement workshops and contributing to Local Enterprise Partnerships to enhance our relationships with local businesses;

1.2 Cross- linkages with other Corporate Plans and Policies

The Health and Safety work of the Public Protection team reflects the vision for Central Bedfordshire Council of creating an economic powerhouse that is globally connected, delivering sustainable growth to ensure a green, prosperous and ambitious place for the benefit of all through its support for businesses and interventions to reduce accidents and physical and mental ill health in the work place.

More specifically the Council priorities given below-

1. Supporting and caring for an ageing population
2. Educating, Protecting and Providing Opportunities for children and young people;
3. Managing Growth Effectively;
4. Creating Safer Communities;
5. Promoting healthier lifestyles

are cross-linked with the Service Plan priorities as follows:

1. The Council is the enforcing body for health and safety in care homes where Council interventions improves the health and safety of both staff and elderly residents
2. The Council, as part of its inspection programme, educates and where necessary, takes enforcement action, to secure the health, safety and welfare of children at work, children attending nurseries, and children visiting businesses with parents (Garden Centres, Supermarkets etc)
3. Implementing the Better Regulation Agenda will reduce administrative and regulatory burdens on local business thereby helping economic growth, use of alternative interventions and training packages help businesses comply
4. The Councils health and safety programme which includes intelligence led inspections, accident investigations, and providing advice and education to businesses helps create safer communities. This approach is also reflected in the multi-agency Safety Advisory Group which promotes best practice in public safety at larger public events held within Central Bedfordshire.
5. The health and safety programme also contributes to developing healthier lifestyles for those working in Central Bedfordshire by seeking to reduce the instances and root causes of physical and mental ill health arising in the work place.

2.0 BACKGROUND

2.1 Central Bedfordshire Profile

Central Bedfordshire lies in the heart of the county, covering some 716 square km from Leighton Linlade and Dunstable in the west to Sandy and Arlesey in the east, and from Woburn to Whipsnade. The area is diverse with picturesque villages and towns. There are numerous industrial estates with offices and large warehouses. It is home to a number of industries including leisure, aircraft and defence-related engineering. The district is traversed by a number of major trunk roads including the M1, A1 and A6. It is one of the most rapidly growing areas in England and is planning for substantial additional development and as part of the Milton Keynes and South Midlands growth areas. The largest communities within Central Bedfordshire are Ampthill, Biggleswade, Dunstable, Flitwick, Houghton Regis, Leighton Linlade, Sandy and Shefford.

2.2 Demographics

Central Bedfordshire has a population of around 252,900 (2009 mid year estimate, Office for National Statistics) and this is expected to rise to some 292,100 by 2021. Of the estimated current total population figure, some 157,200 (62%) are considered to fall within the “working age” category. This compares with estimated figures of 97,900 (62% of total district population) for neighbouring Bedford Borough and 122,900 (63%) for Luton Borough.

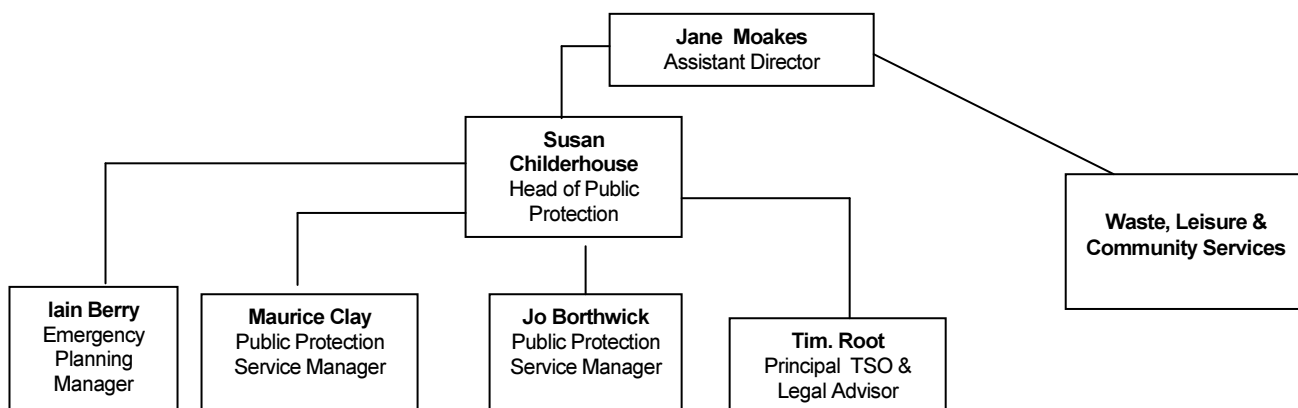
The largest centres of population are the towns of Leighton Linlade (37,000), Dunstable (35,120), Houghton Regis (16,670), Biggleswade (16,420), Flitwick (13,370) and Sandy (11,620).

2.3 Organisational structure

The health and safety function is part of the Community Safety and Public Protection Service, which also deals with Emergency Planning, Food Safety and Food Standards, Animal Welfare & Licensing, Pollution Reduction, Licensing, Community Safety, and Trading Standards. It operates under the direction of the Assistant Director Community Safety, Public Protection, Waste and Leisure Jane Moakes who is accountable to the Director of Sustainable Communities, Gary Alderson.

This new organisational structure allows for a more improved service delivery of health and safety by integrating once separated divisions into one team, thereby facilitating inter-discipline working, reducing inspection burdens on businesses and enabling the service to become more cost effective and efficient

Figure 1. Management structure for delivery of the Health and Safety (as a regulator) Service Plan.



2.4 Committee Structure

The Constitution and Committee Structure for the unitary authority was adopted by the Central Bedfordshire Shadow Council on 26 February 2009. Further details of the Council's constitution, Executive and committee structure can be found at:

<http://www.centralbedfordshire.gov.uk/modgov/mgListCommittees.aspx?bcr=1>

The Executive consists of the Leader of the Council together with nine other councillors including a Deputy Leader. Members of the Executive are appointed by the Leader. The Executive is responsible for making most operational decisions. However the Council is responsible for approving or adopting the Policy Framework and the budget.

The Executive Portfolio Holder Safer Communities and Healthier Lifestyles (formerly the Portfolio Holder for Safer and Stronger Communities), represents the Public Protection Service.

Overview and Scrutiny Committees assist the Council and the Executive in the development and review of its Budget and Policy Framework and reviews and scrutinises the decisions made by and performance of the Executive. The Sustainable Communities Overview and Scrutiny Committee will be responsible for matters relating to environment and public protection. Further details on the Sustainable Communities Overview and Scrutiny Committee can be found at:

<http://www.centralbedfordshire.gov.uk/modgov/mgCommitteeDetails.aspx?ID=648>

The Health and Safety Plan is approved by the Regulation Committee, details as at link above, where with effect from April 2011 quarterly reports will be made to ensure that members are fully aware of the work being carried out by the team under this plan.

2.5 Scope of Health and Safety Regulation

The health and safety service covers the following specific areas: -

- Health and safety proactive work, including inspections, self-assessment interventions, partnership working and promotional and educational activities.
- Health and safety reactive work, investigation of accidents, ill health, complaints and queries, and including flexi-warranted partnership work with the HSE.

Nationally the enforcement of health and safety is divided between LAs and the HSE, depending upon the type of premises and activity undertaken. In general, LAs are responsible for offices, warehouses, catering, residential accommodation, shops, hotels, sports and leisure and tyre and exhaust premises. There is no duplication of inspection in relation to any individual business.

However, the recent introduction of flexi-warranting for both LA and HSE inspectors should allow greater flexibility to respond to urgent matters of evident concern within Central Bedfordshire, irrespective of who the responsible enforcing authority for the premises is. This in turn will further enable the service to deliver effective and timely action to remove significant risks to health and safety at work within Central Bedfordshire.

There are a total of **xxxx** workplaces for which Central Bedfordshire Council is the enforcing authority for health and safety. The majority of these premises fall into retail, warehouse and office categories. However, an audit of the district is due to be carried out and it is anticipated that the actual number of premises under the enforcement remit of the Council may be significantly higher. The first stage of the audit, the acquisition of a business list for Central Bedfordshire, has now been completed.

2.6 Use of Contractors

It was the policy of the legacy Councils to engage the services of outside contractors to assist in programmed health and safety inspections. Contractors are no longer engaged by the Council for the delivery of the regulatory health and safety service.

2.7 Programmed Health and Safety Service Interventions

The commercial premises in Central Bedfordshire are currently split between risk categories, as defined by Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) in LAC 67/2, with effect from April 2010. There are a total of **xxxx** premises for enforcement within Central Bedfordshire; the current breakdown is shown in Table 1.

Table 1. Risk categories of health and safety premises in Central Bedfordshire.

Risk category	A	B1	B2	C
Intervention Type	Full or Targeted Inspection	Full or Targeted Inspection	Inspection or other suitable Intervention Technique	Non-Inspection Interventions
Intervention frequency	Yearly	2 yearly	3 - 5 yearly	7-10 yearly
Number of premises (old)				

In addition to the above table a further **801** additional premises have been identified which have currently not been assigned a risk category. During the course of 2010 Officers have been inspecting some of these premises, where service demands permit, enabling them to be given an appropriate risk rating and brought within the main health and safety intervention strategy. To date **32** premises have been inspected, with **769** outstanding.

It is anticipated that this work will continue through 2011, subject to existing resource demands. The unrated premises number is therefore expected to reduce further during 2011 – 2012, but conversely this will result in an increased number of premises within the overall intervention strategy. Any such increase in premises numbers could have a resource impact on staffing levels. However the service will look into suitable alternative initiatives to improve health and safety in these premises wherever possible.

Working on the current target of 20% of these premises inspected per annum, and allowing for a reduced inspection time, it is estimated that the resource required to cover these unrated premises inspections is **0.23 FTE**.

2.8 Registrations

A total of **26** installations are registered under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992. There are **xx** premises registered for skin piercing activities, specifically ear piercing, acupuncture, electrolysis and tattooing, under the Local Government (Miscellaneous Provisions) Act 1982.

2.9 Access to the Health and Safety Service

The Public Protection Teams are currently located at Priory House, Monks Walk, Chicksands, Shefford; and Watling House, High Street North Dunstable.

Customers may contact us in the following ways:

- 1) By telephone between 8:30am – 5:00pm (4:00pm Friday) on **0300 300 8302**
- 2) Or by email using an individual officer email addresses or health&safety@centralbedfordshire.gov.uk or customer.services@centralbedfordshire.gov.uk
- 3) By Fax on 0300 300 8231
- 4) By email on individual officer email addresses or by email to health&safety@centralbedfordshire.gov.uk or customer.services@centralbedfordshire.gov.uk
- 5) Out of regular office hours there is an officer on call for emergency situations. The number to access this service is 07850 032360 or 01582 665698
- 6) In person by calling into our reception area at Priory House, Monks Walk, Chicksands, Shefford, Beds or High Street North Dunstable, or Borough Hall Bedford.
- 7) As the service is dealing with a number of customers whose first spoken or written language is not English then the authority is able to offer through Language Line the following:
 - a 24 hour telephone interpreting service,
 - a written translation service
 - a face-to-face interpreting service.

In addition to the main offices at Priory House, the Council operates several one stop shop advice points branded as Customer Service Centres in Ampthill, Biggleswade, Leighton Linlade or Leighton Buzzard. The Customer Services team deals with enquiries face to face, via telephone and by email.

The link below provides more contact information-

<http://www.centralbedfordshire.gov.uk/council-and-democracy/csrvs/contact.aspx>

2.10 Enforcement Policy

The Public Protection Team is guided by the Council's Enforcement Policy. It also operates in accordance with the Food Safety and Health and Safety Enforcement Policies. All of these policies comply with the principles of the Central and Local government Concordat on Good Enforcement Practice and the Regulators' Compliance Code. Further details on the enforcement policy can be found at: <http://www.centralbedfordshire.gov.uk/modgov/ieDecisionDetails.aspx?Id=820>

3.0 SERVICE DELIVERY

3.1 Health and Safety Inspections

The Service is committed to increasing and improving compliance with nationally driven outcomes. In particular it will seek to ensure that issues highlighted in the HSE/Local Authority Enforcement Liaison Committee (HELA) Strategy are prioritised in inspections, and embedded in divisional procedures. The HELA Strategy priority areas are summarised at Appendix 2.

The frequency of interventions has undergone a major review in the past year, culminating with the issue of advice from HELA in Circular 67/2. This allows LAs more flexibility in designing their inspection programme. Other interventions are suggested for a number of the risk categories including mail shot / questionnaires, accident report monitoring, seminars, telephone advice and self-inspection/assessment packs. When self assessment questionnaires are returned they are assessed for compliance against Health and Safety legislation and 5% of the returned questionnaire are randomly inspected to ascertain that the information provided by businesses are a true reflection of their declaration. Any non-returns are also inspected, although all reasonable efforts are made to encourage participation in the self-assessment regime wherever possible.

The level and range of enforcement activity undertaken for 2010-2011 (to date) in relation to Health and Safety is summarised in Table 2 below:

Activity type	Number of actions
Inspections	
Other visits (Project work)	51
Alternative Enforcement	28 (north)
Formal notices	39
Informal notices	
Advice letters	
Simple cautions	0
Prosecutions completed	0
Prosecution started	0
Being considered for prosecution	2

Appendix 5 details the breakdown of formal enforcement action taken for 2010-2011 (to date)

The inspection programme for 2010-2011 to 31st March 2011 is shown in Table 3 below. The inspections due for 2011-2012 from 1st April 2011 are also shown at Table 3 below.

Completion of the intelligence-led programme will require an estimated staff resource of **XXXX**

Table 3 Health and safety inspection details for 2010-2011

Risk category	A	B1	B2	C	TOTAL
Number of inspections to 31st March 2011					
2010-2011					
Inspections Due					
2011-2012					

Historically, it had been usual to monitor service inputs through the recording the number of premises inspected. In order to better evaluate the value for money provided by health and safety inspections, it is considered more appropriate to measure intervention outputs and hence their effectiveness. It is difficult however to identify satisfactory indicators to measure the effectiveness of inspections.

The previous service plan identified one possible approach: that, following a revisit to premises it would be possible to measure if there has been a reduction in health risk, safety risk and an increase in confidence in management. The feasibility of this has been considered further but a significant concern is the additional time required to carry out revisits following every inspection, rather than in the most serious of circumstances as happens at present.

Whilst this approach would provide measurable outcomes for all health and safety inspections, it would also add significant time demands to the inspecting officers. In view of current resources, revisits to establish the success of interventions will take place in a time scale determined by risk and these figures will be extrapolated to measure performance.

Performance Indicators

The current service performance indicators that are relevant to the health and safety service are:

- Businesses brought into compliance after an intervention
- Health & Safety - total number of interventions
- Number of businesses moving from a higher to a lower risk category (this is for all areas where risk rating is part of the visit)
- Business Satisfaction levels

The use of these indicators is currently being considered by the Public Protection Management Team.

It is estimated that the resource required to cover inspections is **xxxx FTE**. This does not include identified premises that have not been assigned a risk category (unrated premises – see section 2.7 above).

3.2 Health and Safety Complaints

Health and safety complaints received by this service are listed in the following broad categories: -

- Complaints concerning businesses, from employees, trade unions, contractors or members of the public about work conditions or safety concerns.
- Notification of defective lifting equipment reports received from insurance companies and notification of asbestos stripping operations.

Investigations of complaints are carried out in accordance with section 18 guidance issued by the HSE and service procedures. It is the policy of Public Protection to prioritise complaints on a risk basis. In relation to complaints concerning commercial businesses, priority is focused upon those posing a significant risk to health and relating to a high-risk activity rather than those which are considered to present a low risk.

From 1st April 2010 up to the 31st December 2010, **xx** complaints were received. However, with the introduction of the Flexible Warrant Scheme (see 3.3 below); it is likely that reactive complaint work will increase as Officers are able to respond to matters on district that would previously have been outside their enforcement jurisdiction. It is estimated that for 2011-2012, **xx** complaints will be received requiring a staff resource of **xx** officers (this excludes those arising from the Flexible Warrant Scheme which are included in section 3.3 below).

3.3 Flexible Warrant Scheme

As part of the Scheme, Central Bedfordshire Council have signed up to the Memorandum of Understanding (MoU) along with 12 other LAs within Hertfordshire and Bedfordshire.

Purpose of the Memorandum of Understanding (MoU)

1. This MoU establishes a framework for a Flexible Warranting Scheme (FWS) between the HSE and the LAs listed below.
2. The purpose of the MoU is to allow:-
 - a. LAs to appoint and indemnify suitably qualified HSE Inspectors to undertake work within the LAs field of responsibility; and/or
 - b. LAs to appoint and indemnify suitably qualified LA Inspectors from other LAs, to undertake work within the LAs field of responsibility; and/or
 - c. HSE to appoint and indemnify suitably qualified LA inspectors to undertake work within the HSE's field of responsibility.

It is anticipated that the partnership along with the FWS will have an impact on our resources where joint working will be required to undertake mandatory special projects which reflect on local and national health and safety issues. Currently 2 inspectors from Central Bedfordshire Council are authorised to hold the Flexible Warrant, and a third inspector is expected to be authorised later this year. It is likely that the resources

required for such work will be **0.05 Full Time Equivalent (FTE)**. This figure does not include proactive partnership work (see section 3.8 and 3.9 below).

3.4 Primary Authority Partnership Scheme

The Regulatory Enforcement and Sanctions Act 2008 establishes a statutory scheme for businesses trading across local authority boundaries called the Primary Authority Scheme. Under this scheme a business can enter into a formal partnership with a local authority. Having entered into a Primary Authority partnership, the advice provided by the local authority has to be taken into account by other councils before enforcement action can be taken against the business concerned.

Central Bedfordshire Council and Moto Hospitality Ltd have formed a Primary Authority Partnership to deal with health and safety issues arising from the enforcement actions of Local Authorities in relation to Moto services of which there are 55 locations in the UK. It is anticipated that scheme will require a resource of **0.02 FTE**.

3.5 Specialist Consultancy and Examination

The need for examination and sampling of materials articles and substances will be determined according to the following criteria:

- Requirements in respect of accident investigations or other reportable incidents.
- Value in enabling an appropriate course of action to be identified.
- Degree of public or employee involvement in a case.

Samples will be examined by the appropriate Specialist Laboratories, or by Health and Safety Laboratory (HSL). Further details of these services are listed in Appendix 1.

3.6 Advice to Businesses

In line with the principles of the Compliance Code for Regulators, Public Protection is committed to working with businesses; in particular small to medium enterprises to help them comply with the law and to encourage the use of good practice. This is to be achieved through a range of mechanisms: -

- Advice given during the course of inspections and other visits, in particular on risk assessment and risk management is available;
- Provision of advisory leaflets and guidance notes, including those in other languages, where required;
- Response to business requests for advice and assistance;
- Information posted on the Council's website;
- Information via press releases;
- Targeted/topic based interventions to local businesses;
- Other initiatives as outlined in the Service Objectives (1.1)

From the 1st April 2010 to 31st December 2010, **xx** requests for advice were received by the service. This does not include advice given during the course of inspections and other visits, plus more educational approaches to businesses, educational establishments and others. It is estimated that **xx** requests for advise will be received for 2011- 2012. This will require a staffing resource of **xx FTE**. In addition to the above, the service deals with Planning and Premises Licence consultations in relation to applications made by businesses. This area of work will require a resource of **xx FTE**.

3.7 Investigation of Accidents, Diseases and Dangerous Occurrences

The Service will investigate cases of accidents, disease and dangerous occurrences notifications under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 in accordance with adopted procedures. The recent review of health and safety carried out by Lord Young has recommended a change to the RIDDOR accident notification system. It is proposed to extend the time period where any employee is unable to carry out their normal work duties due to an accident at work from the current 3 days to 7 days (in line with current sickness certification arrangements) before an incident becomes notifiable to the enforcing authority.

These cases are investigated on the basis of risk assessment and priority will be given to fatalities, serious injuries, ill health and dangerous occurrences. Also those potentially involving a serious breach of the law or affecting vulnerable groups will take precedence. The criteria to be used in determining which incidents will be investigated are set out in the accident investigation procedure.

From 1st April 2010 to 31st December 2010, there were **xx** accident notifications. Based on these statistics, it is estimated that **xx** notifications will be received in 2011-2012. Investigations will be undertaken in accordance with LAC 22/13 by the Division on the basis of carrying out an initial assessment of each report with the aim of investigating 100% of all accidents. Such investigations will, as a minimum, involve contacting the injured person and ascertaining their version of events. In view of the proposed changes to the RIDDOR system outlined above, it is considered likely that the number of “over 3 day” incidents reported will reduce in time and enable officers to focus further on the more serious reportable incidents. In 2010, **xxx** over 3 day injuries were reported, accounting for **xxx** of the overall number of reported accidents. However, the revised regulations are not envisaged to come into effect until October 2011 at the earliest, which is outside the scope of this service plan. Resource calculations are therefore still based on the existing reporting system.

Investigation time will require a staff resource of **xx FTE**. It should be noted that in the event that there is a work-related fatality, staff resources will need to be significantly increased due to the intensive nature of such an investigation.

3.8 Liaison with other Organisations & Services

The service is committed to the principle of consistency as set out in the Enforcement Concordat. This is to ensure that all enforcement actions, be they verbal warnings, statutory notices or prosecution, are consistent with national guidance and other LAs. In pursuance of this commitment, liaison currently takes place with the following organisations:

- Chartered Institute of Environmental Health (CIEH)
- Herts & Beds Occupational Health and Safety Group
- HSE
- Health and Safety Laboratory
- Other LAs.

It is estimated that during the year 2011-2012 this activity, along with other internal administration, will require a staffing resource of **0.02 FTE**.

3.9 Health and Safety Promotion

Promotional work will be undertaken in 2010 -2011 by officers within the Team and in partnership with other agencies and bodies. This work will be achieved through a number of activities, including: -

- Participation in health and safety initiatives via Herts and Beds Group;
- Dissemination of health and safety information via the Council's website;
- Talks at local schools, colleges and groups on health and safety.
- Additional advice and on-site training for small businesses on carrying out risk assessments;
- Participation in Health and Safety Week
- Activities identified to comply with the Better Regulation Agenda and agreed by the Public Protection Manager.

The service was involved in 2 major partnership projects in 2010:

- The national joint partnership with the HSE focussing on the risks associated with bulk Liquid Petroleum Gas (LPG) installations. 8 Inspections were carried out resulting in 6 improvement notices being served. This project is envisaged to continue until 2014.
- The Herts & Beds Asbestos Duty to Manage Project, to raise awareness of the need for individual businesses to identify and to manage asbestos within their buildings. The service carried out 80 initial information and education visits followed by a further 43 inspections, with 6 improvement notices being served. The service was also represented on the project steering committee.

This work has required a resource of **0.17 FTE** in 2010 (including professional trainer training). It is anticipated that following the completion of the necessary training qualifications, officers in the service will be delivering health and safety training to local businesses, as well as further focussed project work in 2011. It is estimated that these activities will require a staff resource of **0.12 FTE**.

3.10 Central Bedfordshire Safety Advisory Group

The Central Bedfordshire Safety Advisory Group (SAG) was established in 2010 to uphold standards of public safety at all sports grounds and public events within its area, and to encourage the health, safety and well being of the public, operatives and competitors at such venues and events. The SAG is a partnership which brings together relevant Services within the Council together with colleagues from the Emergency Services to review and advise on public safety arrangements at selected public events.

Although the remit of the SAG extends beyond health and safety at work, health and safety is a key player in the partnership and the role of the SAG Coordinator is fulfilled by an officer from the health and safety service. In 2010 this role required a resource of **0.12 FTE**. It is estimated that in 2011 this work will require a similar staff resource of **0.12 FTE**.

A summary of the staffing resources required for service delivery in totality for 2010-2011 is shown in Appendix 3.

4.0 RESOURCES

4.1 Financial Allocation

The budget allocation for health and safety enforcement in 2010-2011 and 2011-2012 (estimated) is set out in Table 4 below.

Table 4 Budget allocation for health and safety enforcement.

Budget (£)	2010-2011 (from previous service plan)	2010-2011 (actual to date)	2011-2012 (budget estimate)
Staffing	£249,424	£104,108	
Transport	£2,843	£1,835	
Central support	£15,273	£74,264	
Gross Expenditure	£267,540	£180,207	
Population	255,000	252,900	
Cost per head of population (including central support costs)	1.0	0.71	

The staffing costs cover the FTE's carrying out health and safety as well as a proportion of the Head of Service Public Protection, Service manager for Health, Safety and Licensing and Technical Administrators costs. It has been estimated that the administrative work will require **0.54 FTE** and the management input is **0.33 FTE**.

Costs incurred in pursuing court action are met from the overall service budget. Where, after consultation with Legal Services, Counsel Opinion or barrister representation is required, each case will be considered on its merits, with the enforcement policy as a guide. All costs arising from successful cases in the Magistrates' Court will be paid back into Legal Services. Consultants costs or, in rare cases, recovery of witnesses costs, will be recharged to the Public Protection budget.

4.2 Staffing Allocation

The qualifications for all officers having a direct health and safety enforcement role are outlined in Appendix 4. The table specifies what types of enforcement activity the officers are authorised to undertake given their qualifications and experience. Levels of competencies are expressed with reference to section 18 guidance on competency.

4.3 Staff development plan

Officers will be appropriately qualified and receive regular training to maintain and improve their level of competence. For 2011-2012 Officers will need access to at least 20 hours update training per year, which equates to **0.05 FTE** officers. The training structure comprises:

- Employment of officers competent in health and safety enforcement.
- Evidence of formal qualifications commencing appointment.
- Performance Development Reviews and formal identification of training need.

4.4 Regulator's Development needs Analysis (RDNA)

All Health and Safety qualified staff will have conducted their analysis by April 2011 as required with their line manager. Areas of development will be identified which will be addressed as part of the Personal Development Reviews conducted with each member of staff. Identified training and development needs will be met which will ensure a competent work force in line with S18 of the Health and Safety at Work etc Act 1974.

5.0 QUALITY ASSESSMENT

The measures and monitoring arrangements which will be taken to assess the quality of the service, including performance against HSE guidance, are outlined below:

- Inspection evaluation questionnaire sent out following a programmed inspection.
- Review samples of post inspection paperwork.
- Peer Group inspection performance.
- Measurement against National Performance Indicators
- Monthly Team Meetings.
- Joint visits with colleague officers for validation and consistency purposes.
- One-to-one meetings with individual staff and the relevant Public Protection Service Manager. Six monthly Personal Development Reviews of officers by the Service Manager
- Publication and monitoring of performance against the Customer Service Standard.
- Annual review of practice against enforcement policy.
- Section 18 completion will identify areas for improvement which will be actioned as part of this Plan

6.0 REVIEW

6.1 Review against the Service Plan

Service Performance Indicators are set as given below, although these are subject to review. The Council also sets response times for complaints and enquiries which will apply and identifies our values which will be reflected in the way we go about our work. It is anticipated that these will be monitored and reviewed by senior management, Portfolio Holders and the Executive.

A review of the Public Protection Services Service Plan will be undertaken every year and the Head of Public Protection will integrate any changes into the Health and Safety (as a regulator) Service Plan.

From April 2011 the Health and Safety team will provide a report to the Regulation Committee on a quarterly basis to advise them of progress against this plan.

6.2 Health and Safety Performance

The Key Performance Indicators are monitored monthly and significant variations reported identifying remedial action when required.

- Inspections completed 100% (xxx) Currently (xxx/xxx) xx %

6.3 Areas for Improvement.

The Public Protection Service shall identify key areas for improvement as a result of the completed S18 analysis. These will be addressed on priority are outlined below-

Thus far it has been recognised that there needs to be a better flow of information and involvement from members in the Health and Safety work carried out by the Service. To this end it has been decided to produce quarterly reports detailing progress against the plan to the regulation committee.

In addition members will be invited to shadow officers in their work to gain an insight into the scope and demands of the work.

The service also recognises a requirement to improve engagement with businesses to develop a better understanding of their needs. Feedback gathered through Economic Development workshops on business engagement will support this as will work with Local Better Regulation Office researching interactions with local businesses looking at frequency, mode and nature, for a sample of different business types.

7.0 INTER AUTHORITY AUDITING – HSE expects all LAs to undergo an audit of their management of health and safety enforcement at least once every five years. The audit may form part of the Best Value review and a HELA inter authority audit protocol has been designed as a tool which LAs can use in their Best Value reviews. The HSE may review audit reports and any subsequent action plans, which will identify aspects of LAs' management of health and safety enforcement, which may need to be improved. The Herts and Beds health and safety enforcement liaison group have an agreement to undertake audits within their authorities. Mid Beds DC and South Beds DC were audited in 2005. An improvement plan was developed based upon the audit findings and fully implemented. An audit of the Central Bedfordshire Health & Safety Service may be due in

the near future, although no indications of when this will take place have been received at the present time.

Appendix 1

Provision of external health and safety and other consultant support

Consultancy

Health and Safety Executive Specialist Inspectors
Woodlands
Manton Lane
Manton Lane Industrial Estate
Bedford
Tel: 01234 220550
Fax: 01234 200633

www.hse.gov.uk

Health and Safety Laboratory
Broad Lane
Sheffield
S3 7HQ
0845 345 0055

<http://www.hsl.gov.uk/>

Appendix 2

HELA strategy: priority issues

Slips and trips

- Ensure that slips and trips are given an adequate focus and priority in inspections, accident and complaint investigations and other dealings with stakeholders

Work at height, workplace transport, musculoskeletal disorders, and stress

- prioritise inspection effort to tackle these issues;
- contribute to the workplace transport priority programme to segregate vehicles and pedestrians and eliminate reversing movements where reasonably practicable;
- consider the role of other LA enforcement functions and roles in improving health and safety;

Occupational ill health

- facilitate discussions within all departments of the Council to consider and document their potential contribution to 'Revitalising and Securing Health Together' as intermediaries;
- contribute to current data on occupational ill health by supplementing it with local surveys and enquiries;
- focus on key occupational ill health issues when developing enforcement regimes and service plans;
- develop good practice and share among other LAs;
- contribute to the key programme on stress;

Engagement of stakeholders

- follow good practice on contact with employer representatives;
- develop contacts with small firms to disseminate health and safety awareness and change health and safety management culture;
- develop and publish local service plans to publicise intended approach and to engage businesses, trade unions and other stakeholders;
- develop involvement in the Lead Authority Partnership Principle to develop sector type arrangements to engage business and consumer interests in a strategic dialogue;
- promote awareness of health and safety as a core principle of LA services and look to secure better working environments rather than just compliance with the law and
- play a role in developing a policy on the contribution of other initiatives to health and safety improvements.

Appendix 3

Estimated Staff Resources per Activity 2010-2011

HEALTH AND SAFETY AS A REGULATOR ACTIVITY EQUIVALENTS	FULL TIME
<i>Programmed inspections</i>	xx
<i>Unrated Premises Inspections</i>	0.23
<i>Complaints</i>	xx
<i>Enquiries and requests for advice</i>	xx
<i>Accident investigations</i>	xx
<i>Liaison</i>	0.02
<i>Work involving use of Flexible Warrants</i>	0.05
<i>Lead/Primary authority enquiries and maintenance</i>	0.02
<i>Officer training</i>	0.05
<i>Promotional work/advice</i>	0.12
<i>Planning & premises licence consultation</i>	0.04
<i>Administration</i>	0.54
<i>Management</i>	0.33
<i>Enforcement</i>	0.31
<i>Central Bedfordshire Safety Advisory Group</i>	0.12
Total estimated staffing resource required	xxx
Estimated staff resources available for the Health and Safety Service 2010-2011	Total xxx FTE

Appendix 4**Competency of inspectorate (*under review*)**

Competency	No. of Officers Achieving Standard FTE
<i>Inspection of risk management systems</i>	9
<i>Inspection of risk category A and B1 premises</i>	3
<i>Inspection of risk category B2 and C premises</i>	9
<i>Service of Improvement Notices</i>	9
<i>Service of Prohibition Notices</i>	3
<i>Seizure of equipment and substances</i>	9
<i>Dealing with complaints – advice given</i>	9
<i>Dealing with complaints - investigations</i>	9
<i>Accident investigations potentially leading to legal proceedings</i>	9
<i>Other Accident Investigations</i>	9

Competence

LAs are expected to ensure that they only appoint inspectors who possess the necessary competencies to carry out the tasks they are authorised to do. The HSE considers that competency is achieved by meeting the essential elements in the standards for Occupational Health and Safety Regulation published by the Employers' National Training Organisation. Inspectors should therefore be able to do the following;

Identify the objectives, plans and priorities of the regulatory authority for work-related health and safety, and personally contribute to them effectively.

- Manage time effectively to ensure the efficient use of resources.
- Inspect duty holders, worksites and activities for the purposes of work-related health and safety regulation.
- Prepare for inspections of workplace health and safety for the purposes of regulation.
- Conduct inspections of workplace health and safety for the purposes of regulation.
- Report on the conduct and findings from inspections of workplace health and safety for the purposes of regulation.

Investigate work-related accidents, incidents, ill-health reports and complaints for the purposes of health and safety regulation.

- Prepare for investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes.
- Determine immediate action needed to ensure effective investigation and manage any continuing risk.
- Carry out investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes.
- Evaluate the extent of intervention and enforcement needed for regulatory purposes.
- Manage and conclude investigations.

Plan and gather evidence for the purposes of work-related health and safety regulation.

- Plan the taking of evidence for the purpose of work-related health and safety regulation.
- Gather and preserve evidence for the purpose of work-related health and safety regulation.

Enforce statutory provisions and brief a prosecutor for the purposes of work related health and safety regulation.

- Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation.
- Initiate and report on prosecution proceedings.

Enforce statutory provisions and present guilty pleas in a magistrates' court for the purposes of work-related health and safety regulation.

- Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation.
- Initiate legal proceedings for alleged breaches of work-related health and safety legislation and present the prosecution case in a magistrates' court, when a guilty plea is entered by the defendant.
- Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation.

Influence health and safety duty holders and others for the purposes of work related health and safety regulation.

- Work with duty holders and others to establish work-related health, safety and welfare standards, procedures and management arrangements in force in the organisation.
- Influence duty holders and others to improve work-related health, safety and welfare standards, procedures and policies.
- Communicate externally, with duty holders, employee representatives and external parties.
- Communicate internally, with colleagues.

Improve work-related health and safety through promotional activities.

- Plan and contribute to local projects and initiatives to promote work-related health and safety.
- Promote work-related health and safety awareness through dissemination of appropriate information.

Appendix 5

Formal Enforcement Action Taken 2010-2011

Prosecutions: 0

Possible Prosecutions Pending: 2 (see table below)

ACTION TAKEN	PREMISES TYPE	CONTRAVENTION
Currently Under Investigation November 2010 onwards	Tyre & Exhaust Premises	A worker lost a finger when he fell from a ladder whilst putting away tyres. Matter currently under investigation.
Currently Under Investigation November 2010 onwards	Scout Group	18 members of the public were injured by a stray firework at a firework display run by a local Scout Leader. Matter currently under investigation.

Appendix 6

Glossary of Terms

EHO	Environmental Health Officer
EHP	Environmental Health Practitioner
FTE	Full time equivalent member of staff. This may comprise of more than one officer
HELA	Health and Safety Executive/Local Authority Enforcement Liaison Committee
HSE	Health and Safety Executive
LA	Local Authority
HSWA	Health and Safety at Work etc Act 1974
Fit 3 Campaign	<p>Fit for work, Fit for life, Fit for tomorrow. As part of the HSC business plan for 2005-2006 & 2007-2008 the 'Fit3' Strategic Delivery Programme was introduced. This campaign is based on analysis of injury and ill health generation across known hazard and sector hotspots in businesses, large and small. It aims to deliver a 6% reduction in the incidence rate of cases of work-related ill health. Major initiatives are planned, as a contribution to rising to the challenge of occupational health, include:</p> <ul style="list-style-type: none">• A major communication campaign on musculoskeletal disorders, which includes piloting the 'Backs Week' projects designed to reduce the incidence of manual handling injuries;• Rolling out the management standards for stress across key sectors, including the public sector ;• Launching the Workplace Health Direct advice line and selecting partners to pilot new occupational health support services, to provide accessible advice and support;• Targeted initiatives to reduce the incidence of skin disease in the hairdressing and beauty sectors;• Targeted initiatives to reduce the incidence of occupational asthma in the manufacture, woodworking, and health services;• Introducing new Vibration Regulations and Noise Regulations;• Raising awareness on duty to manage asbestos in the workplace.

The programmes of work will include a mix of interventions, ranging from the innovative and original to the well tried and proven. HSE and LA inspectors have worked closely in these proactive interventions (as well as maintaining reactive investigations) to reach target groups in more user-friendly ways.

Improvement Notices

Where the breach of health and safety law is more serious, the inspector may issue an improvement notice to tell the duty holder to do something to comply with the law. The inspector will discuss the improvement notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when. The time period within which to take the remedial action will be at least 21 days, to allow the duty holder time to appeal to an Industrial Tribunal if they so wish. The inspector can take further legal action if the notice is not complied with within the specified time period.

Prohibition Notices

Where an activity involves, or will involve, an imminent risk of serious personal injury, the inspector may serve a prohibition notice prohibiting the activity immediately or after a specified time period, and not allowing it to be resumed until remedial action has been taken. The notice will explain why the action is necessary. The duty holders are told in writing about the right of appeal to an Industrial Tribunal. Failure to comply with an Improvement or Prohibition notice carries a fine up to £20,000, or 6 months imprisonment.

Simple Caution

Simple cautions may be considered as an alternative to prosecution. They will not be used as an alternative where it is thought that insufficient evidence is available to prosecute.

The purpose of simple cautions is:

- To deal quickly and simply with less serious offences;
- To divert less serious offences away from the Courts;
- To reduce the chances of repeat offences.

The following conditions must be fulfilled before a caution is administered.

- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction.
- The suspected offender must admit the offence.

The suspected offender must understand the significance of a formal caution and give an informed consent to being cautioned.