

Health and Safety Service Delivery Plan 2019/2020



INVESTOR IN PEOPLE

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INTRODUCTION

Responsibility for the enforcement of health and safety law is split between the Health and Safety Executive (HSE) and Local Authorities (Hackney) depending upon the activity undertaken by the duty holder. Within Hackney the responsibility for the enforcement of health and safety matters is delegated to Environmental Health Officers, within the Environmental Health team, who ensure that duty holders manage their workplaces with due regard to the health and safety of their workforce and those affected by their work activities in retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries.. To achieve this the Service provides advice and guidance on the management of risk and what the law requires, conduct inspections and investigations, and take enforcement action where appropriate. Health and safety protections, and the duties to protect the health and safety of people, will not change with Brexit. Only minor changes and amendment will need to be made which will impact on health and safety functions delegated to the local authorities, for example changes will be made to the Working Time Regulations 1998. The EU (Withdrawal) Act 2018 brings across the powers from EU Directives. This means that workers in the UK will continue to be entitled to the rights they have under UK law, covering those aspects which come from EU law. Domestic legislation already exceeds EU-required levels of employment protections in a number of ways. The government is only minded to make small amendments to the language of workplace legislation to ensure the existing regulations reflect the UK is no longer an EU country. These amendments will not change existing policy. After Brexit, businesses will continue to manage their business and employees in a proportionate way to reduce risk and to protect people and the environment. Businesses' obligations to protect people's health and safety will not change with Brexit.

HSE and Local Authority Representative Bodies have a 'Statement of Commitment' which sets out the joint commitment to ensure provision of adequate standards of working together as co-regulatory partners in order to prevent death, injury and ill health of those at work and those affected by work activities. Hackney is an enforcing authority in its own right and must make adequate provision for enforcement. The Local Authority National Enforcement Code introduced in May 2013 sets out the principles that each local authority should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.

This service uses a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including:

- provision of advice and guidance to individual businesses or groups;
- proactive interventions including inspection; and
- reactive interventions e.g. to investigate an accident or complaint.

Hackney inspectors may use enforcement powers, in accordance with the council's enforcement policy, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.

Proactive health and safety has diminished over the years in line with Government instruction and guidance. Hackney has traditionally focused on food safety whilst the health and safety service has been more reactive. However, with the introduction of the National Code, a clear set of priorities have been identified that allow a more strategic approach to tackling health and safety issues in Hackney. As such the Health and Safety Law Enforcement Service Plan is the Council's mandatory annual plan referring to the effective enforcement of health and safety legislation in Hackney. The plan has been drawn in accordance with the Local Authority Circular (LAC 67/2 (rev 7)). This is due to be replaced by (LAC 67/2 (rev 8)). This Local Authority Circular is guidance under Section 18 Health and Safety at Work etc. Act 1974 (HSWA). The new version will update and provide LAs with guidance and tools for priority planning and targeting their interventions, enabling them to meet the requirements of the National Local Authority Enforcement Code (the Code). This plan will be amended, if required, to implement the guidance provided by the (LAC 67/2 (rev 8)). To fulfil the Council's obligations under section 18 of the Health and Safety at Work etc. Act 1974 and with the Health and Safety Executive (HSE) National Authority Enforcement Code, and will be put before the appropriate member forum for approval. The format and content of the Plan provides the basis upon which the Council's Health and Safety Service will operate in order to ensure they are providing an effective

service to protect the safety of people employed to work in Hackney. The HSE collects data annually on the enforcement activities of all local authorities and publishes this data. This data collection is known as the LAE1 Returns.

The objective of this plan is to ensure that a programme of health and safety enforcement activity is carried out, in order to instil confidence that Hackney protects those employed in the borough.

The Health and Safety Law Enforcement Service Plan refers to the health and safety law enforcement functions undertaken by Hackney's Neighbourhoods and Housing Directorate under the provisions of the Health and Safety at Work etc. Act 1974 and regulations made there under.

As well as setting out the aims and objectives of the Council's Health and Safety Service, the plan also links the Service's priorities to the Council's core themes. The plan is a public document and will be published on Hackney Council's website.

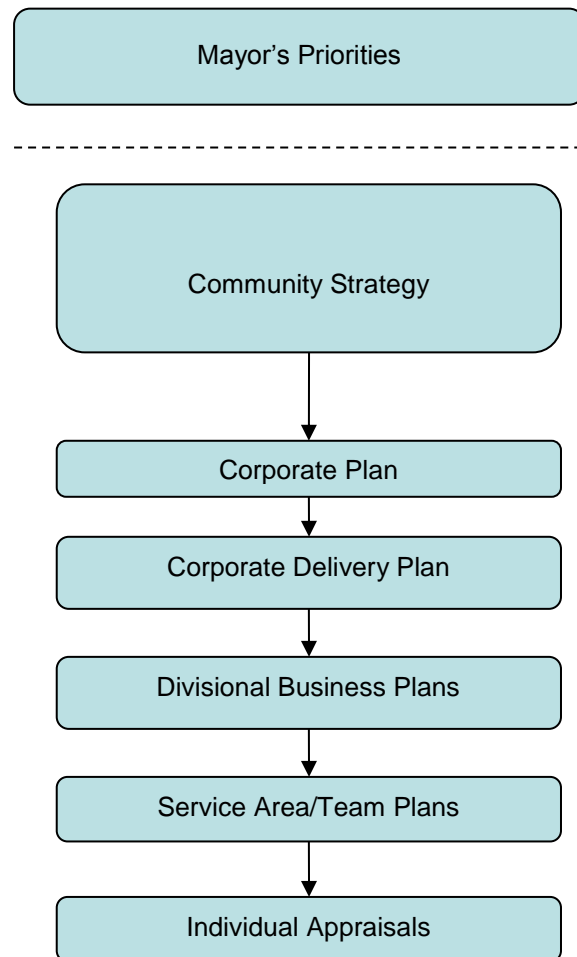
1. HEALTH AND SAEFTY AIMS AND OBJECTIVES

1.1.1 The Health and Safety Service is delivered by the Environmental Health Team, part of Business Regulations. The main objectives of the Service are to:

- to assist businesses to meet legal requirements and to raise standards to provide safer workplaces. Improved standards are proven to help businesses to become more prosperous, which can benefit the whole community;
- to use regulatory powers, sensibly and proportionately, and using risk based and intelligence led action.;
- ensure that the environment in which people work is safe and foreseeable risk are controlled;
- inspect premises in the borough that present the highest risk to employees;
- ensure that all reportable accidents are investigated in line with current HSE guidance (LAC 22/13 (rev1));
- ensure that the service delivery is planned in accordance with the HSE guidance (LAC 67/2(8));
- to undertake a number of projects in line with the National Code;
- to increase joint working with other services in the directorate, the council and other external agencies and partners to raise the profile of the health and safety service.

1.1. Links to Corporate Objectives and Plans

How the Service Links to Corporate Priorities



Hackney's Vision: A place for everyone

- Mayor's Priority 1:** Working and campaigning to keep Hackney a place for everyone with genuinely affordable homes, job opportunities and excellent schools; where everyone can play a part and where tackling inequality is at the heart of what we do.
- Mayor's Priority 2:** Making Hackney a place where everyone can feel healthy and safe, at home, at work, and on streets, parks and estates.
- Mayor's Priority 3:** Making Hackney an economically and environmentally sustainable place, with strong, cohesive and diverse communities.

The **2018-2028 Community Strategy** has five cross-cutting themes:

1. A Borough where everyone can enjoy a good quality of life and the whole community can benefit from growth.
2. A Borough where residents and local businesses fulfil their potential and everyone enjoys the benefits of increased local prosperity and contributes to community life.
3. A greener and environmentally sustainable community which is prepared for the future.
4. An open, cohesive, safer and supportive community.
5. A Borough with healthy, active and independent residents.

1.1.1. This plan supports the Mayor's Priority 2, and Community Strategy priorities 2, 4 & 5

The Health and Safety Service will aim to meet these priorities by:

- promoting and participating in initiatives that provide business support;
- by distributing updated information, and by providing advice and guidance;
- by reducing incidences of reportable accidents;
- providing an efficient, effective and quality service to both businesses and consumers;
- to ensure the provision of safe working environments within the community;
- to utilise new ways of working and available technology to increase efficiency;
- by assisting the business community to comply with legislation;
- by tackling those businesses that do not comply to the same degree as those businesses that are responsible, diligent and compliant.
- by listening to feedback from businesses and making reasonable adjustments where possible to provide a well-respected service.

2. BACKGROUND

2.1. Scope of the Health and Safety

2.1.1 Hackney aims to provide a comprehensive service to all businesses that the service has responsibility for.

2.1.2 The Health and Safety Service is delivered by competent Officers equipped with the required knowledge, skills and experience, but if necessary consultants can also be utilised to provide additional expertise.

2.1.3. The Health and Safety Service is responsible for inspections and audits of businesses in the borough, which involves both planned and reactive work.

2.1.4. The Health and Safety Service aims to provide a "one stop" service as officers hold dual warrants for health and safety and food safety.

2.1.5. The Health and Safety Service provides the following services:

- carrying out planned inspections of businesses at a frequency determined by HSE LAC 67/2(8) and the National Code to ensure that businesses comply with health and safety laws, and taking appropriate enforcement action as necessary;
- working with local food businesses to help them comply with their legal responsibilities by using a range of interventions as set out in LAC 67/2(8) and by providing information, advice and guidance;
- investigating complaints about businesses in Hackney that present a health and safety risk;
- initiating and responding to notifications of reportable accidents as defined by the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013 (RIDDOR) and guidance provided by LAC 22/13 (1) and taking appropriate action as necessary;
- carrying out activities with regard to an enforcement policy in line with the central government issued guidance;

2.2. Demands on the Health and Safety Service

2.2.1 A key challenge, given the limited resources being allocated for the health and safety service for 2019/20 will be to respond to changes to health and safety enforcement following the publication of HSE guidance LAC 67/2(8). This will entail changes in the way the service plans, targets and interventions with duty holders' activities and together with the Regulators' Code, the National Code necessitates the development of a different relationship and engagement with businesses to influence compliance.

The focus of the Service will remain to proactively inspect the highest risk premises and to plan/react to other service demands in accordance with the emerging needs.

2.2.2 This service receives a high number of accident notifications. During 2018/19 there were 90 such notifications; [over 110 projected for 2019/20]. However, in line with the direction and guidance provided by the Health and Safety Executive investigation is restricted to fatalities and major injuries.

2.2.3 This service works in partnership with a number of internal and external partner on health and safety related inspections such as Health and Safety Executive and Fire Brigade. Out of the total staffing resource of 9.15 FTE the work completed by the team

which focuses on health and safety is carried out approximately 1.2 FTE staff with the remaining 7.95 FTE is dedicated to food safety and other functions.

2.3. Enforcement Policy

- 2.3.1. The Health and Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximize profits, they also seek in most instances to be 'on the right side' of legal requirements without incurring excessive expenditure and administrative burdens. So, in considering enforcement action, the service will assist food businesses to meet their legal obligations without unnecessary expense, whilst taking firm action. This may include prosecution or other formal action where appropriate against those who disregard the law or act irresponsibly.
- 2.3.2. The Health and Safety Service will make full use of the interventions set out within the HSE guidance document that provides LAs with guidance and tools for priority planning and targeting their interventions known as LAC 67/2(8). This will ensure that those businesses that are compliant with health and safety law are subject to interventions which reflect the level of compliance that they have achieved and maintained in order to allow proportionate and targeted regulation of those businesses that present the greatest risk to health and safety.
- 2.3.3. The Service is involved in a number of enforcement initiatives which involves working in partnership across service areas and with external agencies and organisations to tackle issues and concerns about health and safety, identified by all London H&S Group. The Service will continue to participate in enforcement operations and activities where misdemeanours and infringements occur.
- 2.3.4. A revised Enforcement Policy was approved by Cabinet on 21st January 2019 and Officers also take account of the principles of the Enforcement concordat and have regard to the Enforcement Concordat and Crown Prosecution Service guidelines and Equality Impact issues when undertaking any enforcement action.

3. SERVICE DELIVERY

3.1. Inspection Programme 2019/20

- 3.1.1 The health and Safety Service will employ a range of interventions to assist in raising the compliance with businesses in the borough. Interventions include inspection, monitoring, surveillance, education or verification visits and should enable a lighter touch for compliant premises, and also enable additional resources to be targeted on non-compliant premises in line with the Regulator's Compliance Code.
- 3.1.2 Alongside the National Code, the HSE publishes a list of higher risk activities as National Priorities to inform local authority planning, based on sector specific HSE strategies. These priorities need to be reflected in our service delivery plans and delivered to avoid HSE formally raising concerns about insufficient activities.
- 3.1.3 In considering the National and local priorities, the programme for 2019/20 is listed in table 1 below:

Table 1– Health & Safety Programme for 2019/20

What are the priorities?	Why intervene?	Where to intervene?	How to intervene?	When to intervene?
1. Inspection of cat A high risk premises.	High risk	All high risk premises which have been tagged for inspection. Total numbers of premises required to be inspected will be known after the tagging exercise at the end of the reporting year.	All high risk premises and any emerging high risk premises will be inspected in accordance with the established procedures.	On-going 2019/20 By the end of March 2020
2. Develop and deliver the health and safety delivery plan.	A comprehensive service plan detailing the activities of the team is essential to provide focus and direction to the team.	This Plan sets out the H&S service's priorities and resources identified.	Other interventions	By the end of April 2019
3. Inspection and risk assessment of work based transport (such as forklift trucks	This is an All London Health and Safety Group's considered priority. To	This will be dependent on the campaign material yet to be issued by the Group	Inspection, education & awareness	By the end Q3 2019/20 (depending on the HSE and

as a specific project.	raise the awareness surrounding risks associated with work based transport.			Regional time frames)
4. Investigations of incidents and complaints using LAC22/13(1)	To ensure that reports are made within the prescriptive timescales and the details of the events have been accurately represented.	10% of all RIDDOR notifications will be investigated.	Incident & ill health investigation	On-going in 2019/20
5. Proactive work in accordance with the beauty sector strategy including the monitoring of reports and complaints to identify reports of ill health, accidents, incidents, poor performance, trends and local issues which may require further interventions or issues which may need to be taken forward nationally.	Environmental Health Team carries out health and safety inspections of Massage and Special Treatment (MST) premises to assist the Licensing Team determine initial applications. Subsequently all premises deemed to be carrying out high risk activities are inspected annually, upon receipt of renewal application. All H&S related complaints related to MST premises are also investigated. Statutory return – performance information will be submitted Health and Safety Executive	The environmental health team will inspect all premises that apply for a new license to provide UV light treatment, IPL, sauna, steam, spa, tattooing and body piercing) not ear and nose piercing)	Inspections and other appropriate interventions.	On-going in 2019/20
6. To take appropriate formal	Undertake appropriate	Premises found to be	Inspection or other	On-going 2019/20

enforcement actions of H&S matters, when warranted.	interventions consistent with Health and safety enforcement Policy.	unsafe will be faced with a graduated approach to enforcement. This could be a warning letter, an enforcement Notice or prosecution, in line with the enforcement policy.	appropriate interventions	
7.Development of standard operating procedures (SOP)	Up to date and accurate standard operating procedures are essential to the team.	A programme of review of H&S SOPs. Revised/new procedures will be integrated in the teams work stream.	Development and review of procedures	By end of Q2 2019/20
8.Submission of LAE1 report	Statutory requirement	Annual and 6-month submissions		By end of May 2019
9.Matters of Evident Concern (MEC) arising from multi-agency projects	Joint agency projects allow entry in to premises that we would not normally inspect. This facilitates intelligence gathering on those business activities and their compliance with H&S regulations.	Projects with internal and external partners on, for example, illegal sale of tobacco, licenced premises and enforcement of illegal shisha premises.	Other intervention Inspection, joint operations	On-going 2019/20
10.Responsible Authority role/Event safety	To ensure public safety issues arising from licensed events and premises in the Hackney are minimised.	Beneficial to employers, workers and the wider economy.	Advice, guidance and inspections	On-going 2019/20

3.2 Primary Inspections

- 3.2.1 Over the year high risk premises have been managed down to lower risk through interventions implemented by the team. Businesses are categorised into four risk types, category A – high risk; B1 and B2 - medium risk and C – low risk. However, current HSE advice states that no proactive inspection, other than category A, shall be undertaken. For 2019/20, no premises have been identified as category A. Businesses that are in category B1-C will be visited if a complaint is made or form part of a project identified in table 1 above.
- 3.2.2 Businesses are evaluated on four different elements of a business' health and safety performance (i.e. how effective is the business at managing any risks it creates) - confidence in management, safety performance, health performance and welfare compliance gap.
- 3.2.3 Ratings are based on finding during an intervention and a 'category' will then be assigned.
- Category A, are inspected annually;
 - Premises that are not rated category A are not subject to proactive inspections at any determined interval but can form part of a project or other interventions.

3.3 Health and Safety premises classification

- 3.3.1 There are a no premises, presenting a high health and safety risk, (category A) requiring a statutorily required proactive inspection for 2019/20, but the situation may change as result of investigating accident notification and complaints.
- 3.3.2 Premises due for inspection are allocated based on a ward and risk priority basis via Civica APP database. Officers participating in the health and safety inspection programme also undertake for all reactive work on a ward basis.
- 3.3.3 The inspection programme will be monitored on a monthly and quarterly basis as required.

3.4 Complaints and Service Requests

- 3.4.1 The Health and Safety Service aim to investigate all complaints within the timescales set out below in table 2.
- 3.4.2 Table 3 below sets out the main activates of the team in 2018/19

Table 2: Service Response Target Times

	Response target
1 st response	Within 10 working days
Urgent (i.e. existence of imminent risk to health)	Within 24 hours
Non-Urgent	Within 5 working days
Letters	Within 10 calendar days
Service Requests and Complaints	Within 10 working days
Members' Enquiries	Within 10 working days

Table 3 below sets out the Key Service activity in 2018/19

Type of Service Activity	No.
Number of primary inspections	16
Number of Improvement Notices served	2
Number of Prohibition Notices served	2
Number of RIDDOR notifications	90
Number of enforcement letters	27
Number of H&S revisits	7
Number of H&S reactive revisits	6
Numbers of complaints and enquiries dealt with	22
Number of H&S project visits	27

3.5 Home Authority Principle

- 3.5.1 The Service is committed to the Home Authority Principle, i.e. the relationship between a business and local authority where the decision making base (i.e. head office) of the company is located. The Service will continue to provide an informal Home Authority Service as it recognises the importance of using this approach and its value in securing health and safety practices.

Primary Authority Principle

- 3.5.2 The principles of the Primary Authority Scheme are set out in the Regulatory Enforcement and Sanctions Act 2008, and are part of the Government's regulatory reform strategy led by the Hampton Report, and McCrory Review that emphasised reducing burdens on businesses, and a focus on outcomes respectively.
- 3.5.3 The Environmental Health Service will seek to establish one Primary Authority Partnership agreement with a business for health and safety discipline too, in line with recent partnership arrangements secured for food standards.

3.6 Advice to Businesses

- 3.6.1 The Health and Safety Service recognises that the majority of businesses seek to comply with the law. The Service will give assistance to businesses when requested to help them to comply with the law and to encourage the use of best practice. The Service will continue to:
- Provide advice during inspections and other visits to premises;
 - Provide and distribute advice documents produced by the HSE, other Government bodies, advisory groups, and in-house, as necessary.
 - Regularly update the department's web page to ensure the most up-to-date information is available and where possible links to the relevant documents.

3.7 Additional Priorities and Partnership Working

- 3.7.1 The Health and Safety Service will continue to undertake joint working initiatives with Community Safety, Licensing, Events and Public Realm teams, Public Health (Hackney) and other internal and external organisations including the Metropolitan Police, HMRC and the Home Office to tackle emerging, arising issues and regulatory non-compliances.

3.8 Promotional Campaigns

- 3.8.1 The service will take part in campaigns that add value to the work of the service. The team are already committed to undertake work based transport checks, and any other initiated by the HSE or All London Group will also be supported. Projects initiated in line with the national planning priorities , as contained in Annexe A of the National Code, will also be participated.

4. RESOURCES

4.1. Staffing Allocation

The table below is the estimation of a full time equivalent

1 year	52 weeks (260 days)
Annual Leave / Bank holidays	7 weeks (35 days)
Training / briefings etc.	2 weeks (10 days)
Sick leave / dependency / special leave etc.	1 week (5 days)
Number of working weeks	42
Number of working days	210 days
1 FTE	210 days (1512 hours)

4.2 Resources for 2019-20 - Staffing Allocations

The staffing for food safety & health & safety function for 2019-20 is as follows:

Total staffing resources = 9.15 FTE

Approximate resource time is spent on Health & Safety (= 1.2 FTE) – equating to approximately 13% of the total resource available apportioned by activity type

4.3 Authorisation and Competencies and Staff Development Plan

- 4.3.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.
- 4.3.2 All staff will have their own personal plan which comprises their main objective with targets and their own development plan. In addition, all staff will receive regular Check-In/supervision meetings whereby competencies and development needs are discussed and assessed, with adjustments made to the training plan where appropriate.
- 4.3.3 All staff are appraised in accordance with the scheme, and their development needs assessed. Records of all identified training needs are recorded and incorporated into a training plan.
- 4.3.4 All training records are maintained in accordance with the Authorisation, Induction and Training procedure.

5. QUALITY ASSESSMENT

5.1 Internal Arrangements

Arrangements include:

- Monitoring arrangements to assess the quality of health and safety enforcement work and compliance with the guidance from the Health and Safety Executive;
- Minuted 6 weekly team meetings;
- Development needs assessments and training plan
- Cascade training and team briefings;
- Accompanied/validation inspections;
- 4-6 weekly Check-In meetings.

5.2 External Arrangements

5.2.1 The service will submit the annual LAE1 health and safety activity report to the Health and Safety Executive

5.2.2 Periodic review of practices and procedures will be discussed at the regional London and quadrant health and safety meetings held three to four times a year respectively.

5.2.1 Periodic paired up Peer Reviews as part of the North East Quadrant group, such as the one recently completed on enforcement policy

6 REVIEW

6.1 Review against the 2018/19 Service Plan

6.1.1 Performance is reviewed through a variety of mechanisms which include performance appraisals, monthly one-to-one meetings and monthly team meetings. Monthly and quarterly performance reports are produced for review by the Corporate Director and portfolio holder.

6.2 Highlights

- Completion of all high risk category A inspections (4)
- All complaints and service requests dealt with as appropriate (22)

- 21 premises were visited as part of a multi-disciplinary teams' action day (Operation Festive) in December 2018 to highlight the duty of businesses under the Control of Noise at Work Regulation 2005 and to advise on other identified H&S related issues during unannounced visits.
- 90 accident notifications (RIDDOR) were received and of those at least 9 (10%) were investigated and appropriate actions were taken
- All Massage and Special Treatment (MST) premises were inspected as part of the new licence applications determinations; high risk MST premises were also visited upon receiving licence renewal applications (27)
- Three multi-agency action days are planned to take place in February /March 2019 (Ridley Road Market and Gillet Square).

All of the above tasks/actions were completed within the time scale stipulated in the table 2 above.

6.3 Key areas for improvement/development

These include:

- To ensure delivery of a targeted risk-based approach for all health and safety interventions and project based work to deliver national and local priorities and the requirements of the National Code.
- Continued improvements on use of database and to identify efficiencies in processes.
- Quality monitoring of the Service activities against standard operating procedures.
- Continued development and review of procedures, and process maps.
- Responsible Authority role
- To support business development and compliance in the borough.