



London Borough of Hackney

Health and Safety Law Enforcement Service Plan 2021/2022



INVESTOR IN PEOPLE

CONTENTS

INTRODUCTION	4
HEALTH AND SAFETY AIMS AND OBJECTIVES	5
1.1. Links to Corporate Objectives and Plans	7
BACKGROUND	8
Scope of the Health and Safety	8
Demands on the Health and Safety Service	9
Enforcement Policy	10
3. SERVICE DELIVERY	11
Inspection Programme 2021/22	11
3.2 Primary Inspections	15
Health and Safety premises classification	16
Complaints and Service Requests	16
3.5 Home Authority Principle	17
3.7 Advice to Businesses	17
3.8 Additional Priorities and Partnership Working	18
3.9 Promotional Campaigns	18
RESOURCES	18
Staffing Allocation	18

4.2 Resources for 2020-21 - Staffing Allocations	19
Authorisation and Competencies and Staff Development Plan	19
QUALITY ASSESSMENT	20
5.1 Internal Arrangements	20
External Arrangements	20
6.0 Review against the 2019/20 Service Plan	21
7.0 Key areas for improvement/development	21

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 health and safety protections, and the duties to protect the health and safety of people. This will not change with the EU Exit. HSE and Local Authority Representative Bodies have a [Statement of commitment between: Local Authority and HSE Regulatory Services](#) 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 the enforcement of relevant legislation. 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 local intelligence based projects; 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 and action is usually taken to prevent injury if the 'matters of evident concerns' presenting a risk to health are noted whilst carrying out inspections of food premises. 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 9). This Local Authority Circular is guidance under Section 18 Health and Safety at Work etc. Act 1974 (HSWA). This new version of the Circular has updated previous versions and provided 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 10)). 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.

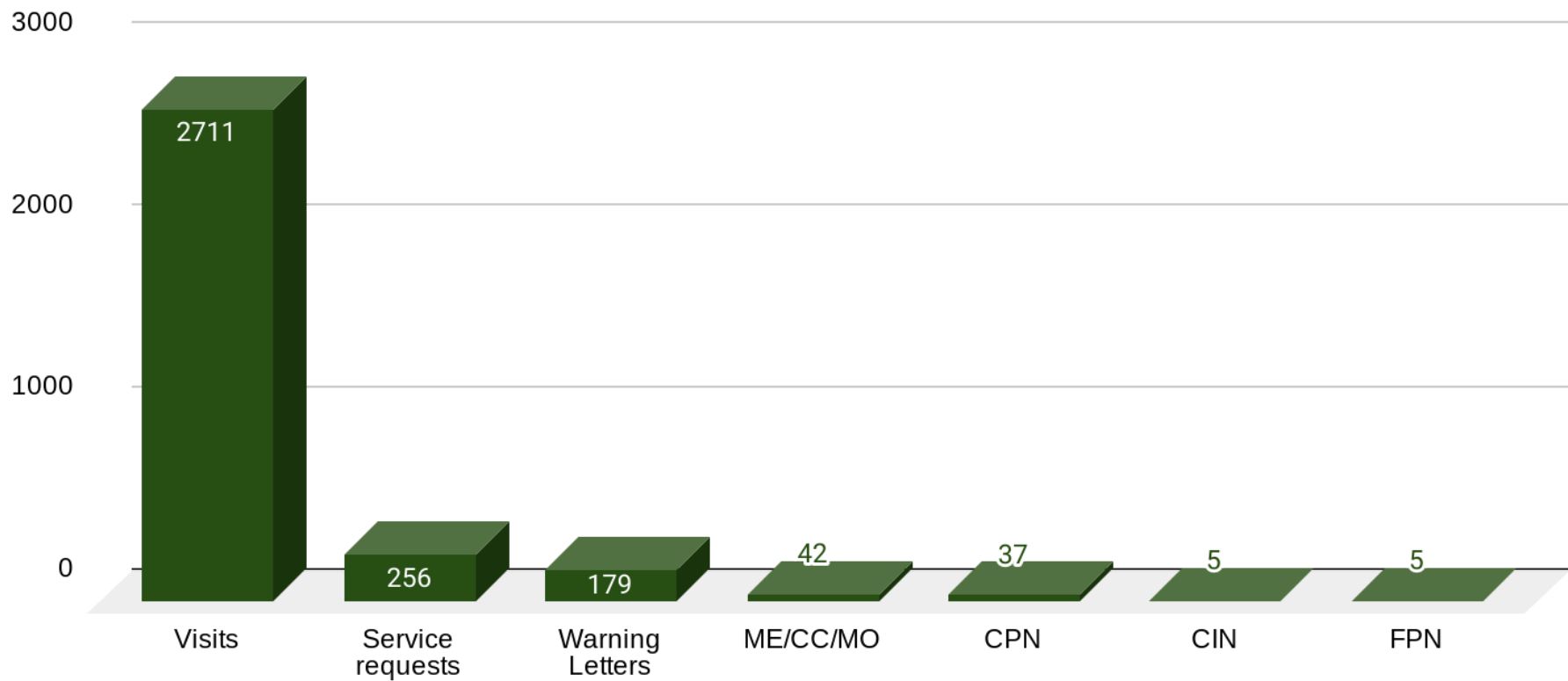
The objective of this plan is to ensure that a programme of health and safety enforcement activity is carried out, in order to instil confidence that Hackney protects those employed in the borough.

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 work of the team, in relation to health and safety enforcement, have been severely disrupted due to two major events in 2020. The first is the global pandemic. Due to the volume of work created by the increased number of enquires and the reliance on other council services on the expertise of the environmental health staff a Covid Response Team (CRT) was formed in July 2020. This team was staffed with three environmental health officers, one trading standards officer, one environmental protection officer and one senior enforcement officer. This team has enjoyed a great deal of success with members of the team representing a wide range of internal and external meetings and taking the lead on educational and enforcement matters. The service has also forged an excellent partnership with the Metropolitan Police Service, working together on numerous joint actions days. Some of the highlights are represented in the graph below.

CRT activity July 2020 - April 2021



The second major factor has been the cyber attack which deleted the premises database and all historical information. This has had a detrimental effect on the service as proactive inspections have not been carried out in a timely manner. Moves are underway to implement a new database system and there is still hope that some of the data from CIVICA APP can be recovered.

The HSE has recognised the impact of COVID-19 on local activities and will not require a submission of any statutory return (LAE1) for 2020/21.

1. HEALTH AND SAFETY AIMS AND OBJECTIVES

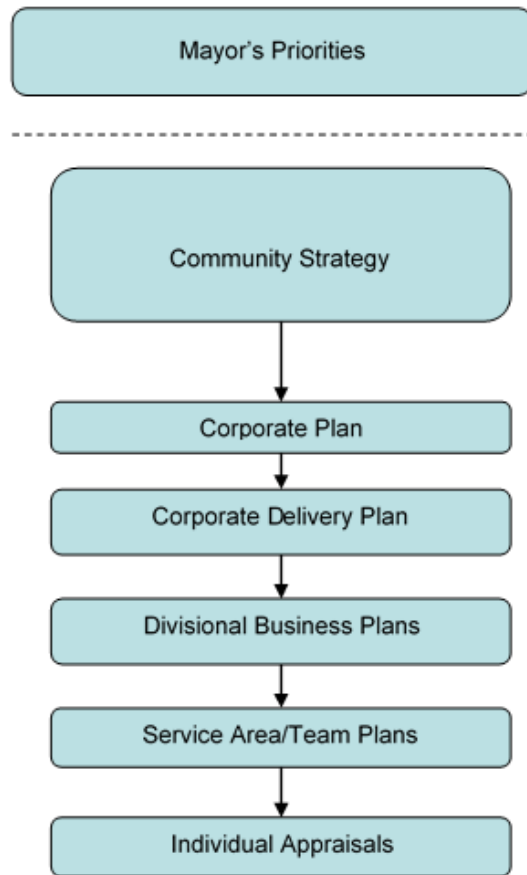
The Health and Safety Service is delivered by the Environmental Health Team, part of Business Regulations. The main objectives of the Service are to:

- 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 (rev 9)];
- ensure that the service delivery is planned in accordance with the HSE guidance (LAC 67/2(rev 9));
- 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.

REVISED CORPORATE PLAN PRIORITIES

As a result of the Covid-19 Pandemic, priorities from the 2018 corporate plan have been simplified and consolidated into the following 7 priorities:

FAIRER

1. Poverty reduction
2. Rebuilding an inclusive economy
3. Lasting solutions to London's housing crisis and homelessness
4. Supporting children and families to thrive
5. Community wellbeing and tackling health inequalities

SAFER

6. Reducing harm

GREENER

7. Responding to the climate emergency

The corporate plan refresh document can be found at the following link: <https://hackney.gov.uk/corporate-plan>.

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

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 in accordance with Health and Safety (Enforcing Authority) Regulations 1998 and the associated Operational Guidance.
- 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(rev9) and the current priorities contained within 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(rev9) 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 (rev1) and taking appropriate action as necessary;
- carrying out activities with regard to an enforcement policy in line with the central government issued guidance;

2.1. Demands on the Health and Safety Service

2.1.1. A key challenge, given the limited resources being allocated for the health and safety service for 2021/22 will be to respond to changes to health and safety enforcement following the publication of HSE guidance LAC 67/2(rev 9). This will entail changes in the way the service plans, targets 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 (category A) and to plan/react to other service demands in accordance with the emerging needs.

2.1.2. This service receives a large number of accident notifications. However, in line with the direction and guidance provided by the Health and Safety Executive investigation is restricted to fatalities and major injuries.

- 2.1.3. This service works in partnership with a number of internal and external partners on health and safety related inspections such as the Health & Safety Executive and London Fire Brigade. Out of the total staffing resource for the Environmental Health Service, the work completed by the team, which focuses on health and safety is carried out approximately 2.2 FTE staff with the remaining FTE dedicated to food safety and other functions.
- 2.1.4. The impact of EU Exit may provide some additional challenges depending on the legislative and policy changes made at the central government level. However, it is envisaged that only minor changes and amendments will need to be made which will impact on health and safety functions delegated to the local authorities, for example changes may 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. Post EU Exit, businesses will continue to manage their business and employees in a proportionate way to reduce risk and to protect people and the environment.
- 2.1.5 As set out in section 1.0, the impact of Covid-19 and the cyber attack will continue to play a major factor in the direction of travel for this service. Whilst items are listed below for completion, these may turn out to be aspirational and all resources will be directed to Covid-19 workstreams.

2.2. Enforcement Policy

- 2.2.1. 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 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.
- 2.2.2. 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(rev 9). 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.

- 2.2.3. The Service will continue to participate in enforcement operations and activities where misdemeanours and infringements occur such as poor workmanship of gas installations resulting in risk to injury, or focussed project work, based on the priorities enlisted within Annex (A) of the National Code, as identified and prioritised by “All London H&S Group”.
- 2.2.4. 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

Inspection Programme 2021/22

- 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 Regulators 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.

In considering the National and local priorities, the programme for 2021/22 is listed in table 1 below:

Table 1– Health & Safety Programme for 2021/22

What are the priorities?	Why intervene?	Where to intervene?	How to intervene?	When to intervene?
1. COVID-19	Global pandemic	All notifiable cases, those derived from intelligence gathering or at the instruction of the DoPH	Engage, explain, encourage, enforce	On-going 2021/22
2. Inspection of cat A high risk premises identified using LAC 67(2)(rev 9)	High risk	All high risk premises which have been identified for inspection (currently zero).	All high risk premises and any emerging high risk premises will be inspected in accordance with the established procedures.	By the end of March 2022
3. 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	Development by the end of April 2021, delivery by the end of Q4 2022
4. Investigations of incidents and complaints using LAC 22/13(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 2021/22
5. To take appropriate formal enforcement actions of H&S matters, when warranted.	Undertake appropriate interventions consistent with Health and safety enforcement Policy.	Premises found to be unsafe will be faced with a graduated approach to enforcement. This could be a warning letter, an	Inspection or other appropriate interventions	On-going in 2021/22

<p>6.Responsible Authority role/Event safety</p> <p>7. Review the Authorisation of Inspectors through completion of Competency Framework involving assessments of skills, knowledge and competencies.</p>	<p>To ensure public safety issues arising from licensed events and premises in the Hackney are minimised.</p> <p>To ensure that currently appointed Inspectors are equipped with relevant skills and knowledge to carry out statutory function and can discharge responsibilities efficiently.</p>	<p>enforcement Notice or prosecution, in line with the enforcement policy.</p> <p>Beneficial to employers, workers and the wider economy.</p> <p>Development of appropriate competency framework and discussions with team members</p>	<p>Advice, guidance and inspections</p> <p>Objective assessments</p>	<p>On-going 2021/22</p> <p>By Q2 2021/22</p>
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3.2 Primary Inspections

- 3.2.1 Over the years 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 2021/22, no premises have been identified as category A.
- 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 findings during an intervention and a 'category' will then be assigned.

- Category A, are inspected annually;
- Premises 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 no premises, presenting a high health and safety risk, (category A) requiring a statutorily required proactive inspection for 2021/22, 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 (currently not available). Officers participating in the health and safety inspection programme also undertake all reactive work on a ward basis.

3.3.3 The inspection programme will be monitored on a monthly and quarterly basis.

3.4 Complaints and Service Requests

3.4.1 The Health and Safety Service aims to investigate all complaints within the timescales set out below in table 2 below.

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

*due to the cyber attack and the unavailability of the CIVICA database, it has not been possible to run the reports to generate these figures.

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.

3.6 Primary Authority Principle

3.6.1 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.

3.6.1 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.

3.7 Advice to Businesses

3.7.1 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;
- In view of the resource constraints this aspect of the discretionary functions may have to be limited

- 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.

3.8 Additional Priorities and Partnership Working

3.8.1 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.

3.9 Promotional Campaigns

3.9.1 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 Annex A of the National Code, will also be participated.

4. RESOURCES

4.1 Staffing Allocation per Activity

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 2020/21 - Staffing Allocations

Activity	Anticipated Numbers based on 2019/20 Plan	Estimated hours required	FTE
Programmed Inspections / COVID-19	No high risk premises have been identified for 2020/21	Emerging risk will be inspected as a priority when necessary	1.0
Primary Inspections	Approximately 25 inspections @ 6 hours per inspection (including paperwork and travel time)	150	0.10
RIDDOR Notifications	Approximately 80 notifications @ 1 hour each will need to be assessed and 10% will be investigated @ 3 hours per investigation	104	0.07
Complaints and Service Requests	Approximately 50 complaints and service requests will need to be responded, on average @ 1 hour each.	50	0.03

Number of Health & Safety Visits related licensing activity	Approximately 30 visits@ (including paperwork and travel time)3 hours per visits (including paperwork and travel time	90	0.06
Number of reactive visits	Approximately 15 visits @3 hours per visit	45	0.03
Number of Health & Safety re-visits	Approximately 20 re-visits @ 3 hours per visits (including paperwork and travel time)	60	0.04
Number of Project Visits (related to shop signage, and gas safety in commercial kitchens)	It is anticipated that approximately 750 visits will be made to complete the project (combined visits with food inspections and visits) and of that about 20% will require formal action @ 3 hours each on average.	900	0.60

Participation in the themed multi agency/ department projects/ action days	It is anticipated that the service will participate in 6 such events @ 5 hours x 5 officers plus 3 hours preparation time each	115	0.08
Responsible Authority visits at outdoor events	It is anticipated that 5 such events will be attended @ 4 hours each by 2 officers and 2 hours preparation time for each event.	50	0.03
Development and implementation of Competency Framework	It is anticipated that this work will require at least 108 hours	108	0.07

Formal Enforcement Activities	It is estimated that based on the previous year and possible enforcement action linked to the project: 25 Improvement Notices (@4 hours each), 10 Prohibition Notices (@5 hours each), 5 Enforcement letters (@2 hours each) and one prosecution (@36 hours) may be required. Total of 196 hours.	196	0.13
Administration, Procedural and Legislative Reviews, and submission of LAE1 returns	This part of the Plan will be undertaken by the TLs	N/A	N/A
			Total: 2.2 FTE

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 targets based on the objectives and their own development plan. In addition, all staff will receive regular (every 4-6 weeks) 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 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 as part of the check-in process and completion of competency framework
- Cascade training and team briefings;
- Accompanied/validation inspections;
- 4-6 weekly Check-In meetings.
- Completion of individual competence framework questionnaires

5.2 External Arrangements

5.2.1 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.

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

6.0 Review against the 2020/21 Service Plan

6.1.1 Performance is reviewed through a variety of mechanisms which include regular check-in meetings, and 6 weekly team meetings. Monthly and six monthly performance reports are produced for review by the Head of Service, Corporate Director and portfolio holder.

7.0 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.
- Review of officer competency and authorisation