



London Borough of Hackney

Health and Safety Law Enforcement Service Plan 2023/2024



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, under section 18 of the HASAW etc Act 1974 (responsibility of the authorities to make enforcement arrangements for statutory provisions), 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, hospitality settings, 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. 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 proactively 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 (rev12)). 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 local authority circular (LAC 67/2 (rev12)). 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 Officers in the Climate, Homes and Economy 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.

1. HEALTH AND SAFETY AIMS AND OBJECTIVES

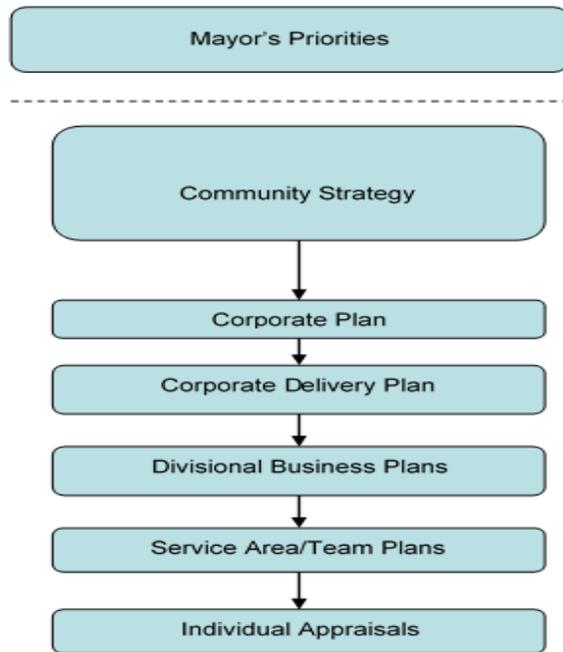
The Health and Safety Service is delivered by the Environmental Health Team, part of Business Regulations. The main objectives of the Service are to:

- 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 risks are controlled;
- inspect premises in the borough that present the highest risk to employees;
- ensure that all reportable accidents are investigated in line with HSE guidance [LAC 22/13 (rev 1)] ;
- ensure that the service delivery is planned in accordance with the HSE guidance (LAC 67/2 (rev12)) ;
- 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



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, incorporating the Mayoral and Council's priorities, can be found at the following link:

<https://hackney.gov.uk/strategic-plan>

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 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 (rev12) 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 (rev12) 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;

2.2. Demands on the Health and Safety Service

2.2.1. The Health Safety Service is integrated within the Environmental Health Service (EHS) and all of the Environmental Health Officers (EHOs) are also authorised as Health and Safety Inspectors to facilitate interchanging roles.

2.2.2. The Service will respond to the key health and safety enforcement directions issued through the publication of HSE guidance updating LAC 67/2 (rev12). 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.

2.2.3. 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. Some of the hospitality businesses visited as part of the programmed food safety inspections in addition to observing any 'matters of evident concerns' will specifically observe for any breaches falling under the Electricity at Work Regulations 1998. Gas safety defects and concerns identified, in catering premises, under the Gas Safety (Installation and Use) 1989 will be subject to risk based and proportionate enforcement actions.

2.2.4. This service receives a high number of accident notifications under Reporting of Injuries Disease, Dangerous Occurrences Regulations 2013 (RIDDOR). During 2022/23 there were 112 such notifications that were received. However, in line with the direction and guidance provided by the Health and Safety Executive, investigation is restricted to fatalities and major injuries. The Service aims to investigate 10% of all accident notifications received under RIDDOR.

2.2.5. 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.

2.3. Enforcement Policy

2.3.1 The Health and Safety Service recognises that whilst businesses look to maintain their reputation and wish to maximise 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.

2.3.2 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(rev12). 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 the use of proportionate and targeted regulatory provisions upon those businesses that present the greatest risk to health and safety.

2.3.4 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".

2.3.5 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 2023/24

3.1.1 The Health and Safety Service will employ a range of interventions to assist in raising 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 will be reflected in our service delivery plans and delivered to avoid HSE formally raising concerns about insufficient activities.

3.1.3 The Service may launch a local project based on local intelligence such as the adequacy of Welfare Provisions for Delivery Drivers, which are set as one of the many priorities set within the LAC 67/2 (rev12), depending on the availability of adequate resources.

In considering the National and local priorities, the programme for 2023/24 is listed in table 1 below:

Table 1– Health & Safety Programme for 2023/24

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.	All high risk premises and any emerging high risk premises will be inspected in accordance with the established procedures.	On-going 2023/24 By the end of March 2024
2. Develop and deliver the health and safety delivery plan.	A comprehensive service plan detailing the activities	This Plan sets out the H&S service's priorities	Other interventions	Development by the end of April 2023, and

What are the priorities?	Why intervene?	Where to intervene?	How to intervene?	When to intervene?
3. Investigations of incidents and complaints using LAC 22/13(rev1)	<p>of the team is essential to provide focus and direction to the team.</p> <p>To ensure that reports are made within the prescriptive timescales and the details of the events have been accurately represented.</p>	<p>and resources identified.</p> <p>10% of all RIDDOR notifications will be investigated.</p>	<p>Incident & ill health investigation</p>	<p>delivery by the end of Q4 2024</p> <p>On-going in 2023/24</p>
4. 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.	<p>The 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 applications. All H&S related complaints related to MST premises are also investigated. Statutory return – performance information will be submitted to the Health and Safety Executive</p>	<p>The environmental health team will inspect all premises that apply for a new licence to provide UV light treatment, IPL, sauna, steam, spa, tattooing and body piercing (not ear and nose piercing)</p>	<p>Inspections and other appropriate interventions.</p>	<p>On-going in 2023/24 All renewal applications to be processed in Q1</p>
5. To take appropriate enforcement actions in respect of electricity safety issues under the Electricity at Work	<p>To assess the adequacy of the electricity safety and maintenance</p>	<p>Carry out targeted interventions in hospitality setting</p>	<p>Through inspection, examination of safety procedures, and certification.</p>	<p>On-going 2023/24 (collated activity figures to be submitted to HSE as</p>

What are the priorities?	Why intervene?	Where to intervene?	How to intervene?	When to intervene?
Regulation 1989				part of the LAE1 submission in May 2024)
6.To take appropriate enforcement actions in respect of gas safety under the Gas Safety (Installation and Use) Regulations 1998- as amended	To assess the electricity safety and maintenance procedures	Carry out targeted interventions in catering premises	Through inspection, examination of safety procedures, and certification	On-going 2023/24 figures to be submitted to HSE as part of the LAE1 submission in May 2024)
7. Assess the adequacy of Welfare Provisions for the work related road safety delivery drivers under Workplace (Health, Safety and Welfare) Regulations 1992	To make an objective assessment	Where necessary, based on the local knowledge intelligence or as part of the complaints investigation	Through inspection and questioning of riders and drivers etc	On-going 2023/24 (Limited to reactive responses)
8. 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 enforcement Notice or prosecution, in line with the enforcement policy.	Inspection or other appropriate interventions	On-going 2023/24
9.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 team's work stream.	Development and review of procedures in the light of EUExit changes	By the end of Q1 2023/24
10.Submission of LAE1 report	Statutory requirement	Annual submissions	Statutory returns of performance information will be submitted to HSE in	By 30th May 2023

What are the priorities?	Why intervene?	Where to intervene?	How to intervene?	When to intervene?
11. Matters of Evident Concern (MEC) arising from multi-agency projects	Joint agency projects allow entry into 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.	the prescribed format Other intervention Inspection, joint operations	On-going 2023/24 (depending on the initiation of the projects - Business Regulation Teams plan to launch one in December (Q3))
12. Responsible Authority Role/Event Safety.	To ensure public safety issues arising from licensed events and premises in Hackney are minimised.	Beneficial to employers, workers and the wider economy.	Advice, guidance and inspections	On-going 2023/24

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 2023/24, 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 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 statutory required proactive inspection for 2023/24, but the situation may change as a result of investigating accident notification, complaints or Covid -19 related legislation requiring health and safety measures to be implemented.

3.3.2 Premises due for inspection are allocated based on a ward and risk priority basis. 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. Review of Service Delivery 2022/23

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

4.4.2 Table 3 below sets out the main activities of the team in 2023/24*

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 working days
Service Requests and Complaints	Within 10 working days
Members' Enquiries	Within 10 working days

Table 3: Key Service activity in 2022/23

Type of Service Activity	No.
Number of high risk (Cat. A) programmed inspections	0**
Number of Proactive inspections	25*
Number of proactive visits	6*
Number of RIDDOR notifications	96
Number of enforcement letters	25*
Number of H&S revisits	12*
Number of H&S reactive revisits	20*
Numbers of complaints and enquiries dealt with	24*
Number of H&S project visits	40*
Number of Improvement Notices served	2*
Number of Prohibition Notices served	0

***Due to the cyber attack and the resultant unavailability of the database, it has not been possible to run the reports for generating these figures accurately and these figures should be construed as a good estimate**

**** No high risk category (A) premises were established in the reporting period.**

There were no high risk premises identified for inspection and thus the team continued to monitor and action the submission of accident notification, asbestos applications, applications for MST etc to spot any high risk activities.

3.5. Advice to Businesses

3.5.1 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.

However, in view of the resource constraints this aspect of the discretionary functions may have to be limited.

3.6. Additional Priorities and Partnership Working

3.6.1 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 issues and regulatory non-compliances.

3.7. Promotional Campaigns

3.7.1 Due to resource constraints, unless some pressing issues warrant it, it is not intended to launch any campaigns. However, should it be deemed necessary some other aspects of the service plans may have to be curtailed.

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 (36 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	209 days
1 FTE	209 days (1505 hours)

4.2. Resources for 2023/24 - Staffing Allocations

The staffing for food safety & health & safety functions are integrated within the Environmental Health Service (EHS). For 2023-24, collective staffing resources available, to carry out functions of EHS are: **6 FTE field officers** (including 0.5 FTE temporary Agency staff)

Out of those, staffing resource notionally allocated for the Health & Safety functions: 1.2 FTE

The following listed activities have been selected to fit within the available resources. However, these resources are not sufficient to discharge all aspects of the responsibilities and functions, and given that there is a deficit in carrying out the non H&S functions, (or details, please see food law enforcement service plan (FLESP) by clicking on the link below: <https://docs.google.com/document/d/1V5JdVo191ZkesxTpVQhC8sz0fOntvg5RoogTsJFFZLU/edit>, there is also a real risk that even this capacity may further be reduced if due to the shortfall in resources for FLESP, urgent statutory actions will necessitate diversion of some of the notional resources, in carrying out food safety related statutory functions. This will of course result in depletion of the resources allocated for the H&S service plan.

It is estimated that to initiate and complete specific Health and Safety Projects (not included in the table below) within the specified time frame, at least one more suitably qualified FTE be required.

Table 4 - Itemised Proposed Activities based on the Allocated Resources

Activity	Anticipated Numbers based on 2023/24 Plan	Estimated hours required	FTE
Programmed Inspections	No high risk premises have been identified for 2023/24	N/A*	0
Primary Inspections	Approximately 25 inspection@ 6 hours per inspection (including paperwork and travel time)	150	0.10
RIDDOR Notifications	Approximately 90 notifications @ 1 hour each will need to be assessed and 10% will be investigated @ 3 hours per investigation	105	0.08

Complaints and Service Requests	Approximately 50 complaints and service requests will need to be responded to, on average @1 hour each.	50	0.04
Number of Health & Safety Visits related to licensing activity	Approximately 30 visits@ (including paperwork and travel time)3 hours per visits (including paperwork and travel time	90	0.07
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 visit (including paperwork and travel time)	60	0.04
Number of Project Visits required: Electrical Safety in hospitality settings, Gas Safety in Catering premises and Welfare Provisions for Delivery Drivers.	It is anticipated that based on the previous HELEX directed projects approximately 750 visits will be made to complete any specific project, including related enforcement work Due to significant resource constraints, projects needing additional time for completion will not be initiated.	900	0.60
Participation in the themed multi agency/ department projects/ action days	It is anticipated that the service will participate in 1 such event @ 5 hours x 5 officers plus 3 hours preparation time each	112	0.02

Development and implementation of Competency Framework	It is anticipated that this work will require at least 108 hours	200	0.13
Formal Enforcement Activities	It is estimated that based on the pre - covid years, 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 Manager	N/A	N/A
			Total: 1.2 FTE

*Emerging high risk premises will be inspected as a priority when necessary

4.3. Authorisation and Competencies and Staff Development Plan

- 5.3.1 All officers are authorised in accordance with the Authorisation, Induction and Training Procedure and their competencies assessed against the framework contained therein.
- 5.3.2 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.
- 5.3.3 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 questionnaire

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 at the beginning of May 2023
- 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.
- 5.2.3 Periodic paired up Peer Reviews as part of the North East Quadrant Group.

5.3. Review against the 2023/24 Service Plan

- 5.3.1 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.

6.0 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 newly acquired databases 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
- To review and develop the SoP