

TORFAEN County Borough Council



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TORFAEN
COUNTY
BOROUGH

PLANNING AND PUBLIC PROTECTION

2013/14

HEALTH AND SAFETY SERVICE PLAN

FOREWARD



By Councillor Gwyneria Clark

Executive Member, Planning and Public Protection

This Service Plan has been prepared in accordance with Health and Safety Executive's Section 18 Standard.

What follows demonstrates Torfaen County Borough Council's commitment to improving health and safety outcomes to protect workers and the public from the health and safety risks posed by poor safety standards in any workplaces falling to the authority for enforcement. We also work in partnership with the Health and Safety Executive, other bodies and stakeholders, to ensure that those working in or visiting any premises in Torfaen are protected.

We are committed to building on the successful partnership we have with HSE and other partners. We will continue to raise the profile of health and safety, endeavour to minimise those work activities that cause real harm and suffering and ensure that workers have an appropriate standard of work facilities within their workplace.

The teams carrying out this area of enforcement have an excellent track record, working with businesses and local people to raise the standard of health and safety in workplaces across the County Borough, while at the same time taking timely and effective action against those that flout the law.

This is a service for which I am proud to be responsible.

SUMMARY

This Service Plan lays out how Torfaen County Borough Council will work over the coming year to ensure that work places falling to the authority for enforcement in Torfaen are safe and comply with the law.

The format of this Plan meets the requirements laid down by the Health and Safety Executive Board, and is designed to ensure that local people and residents can clearly see what we do, how our services are delivered and what resources we have available to do this. It also allows the Health and Safety Executive Board to assess the services that we offer, so that they can ensure that our services meet the standard required.

In brief, this Plan explains that

- 1 We carry out the full range of health and safety work as required by the Health and Safety Executive Board, including inspections, accident investigations and responding to complaints
- 2 We also carry out a range of advisory work, to help local businesses and residents ensure that work premises in the Torfaen area are safe

The overall cost of this service is around £135,000 which works out around £1.45 per Torfaen resident per year. For this, a range of workplace premises in Torfaen are inspected, and most workplaces in Torfaen come within the remit of other projects and work that we undertake to ensure that business premises, etc. in Torfaen are safe for those working or visiting the premises.

Achievements and targets

Torfaen County Borough Council has over recent years achieved the majority of its targeted health and safety enforcement work, and all of the high priority work. In 2012/13, we

1 Continued to deliver and improve our service through working closely with the HSE, internal departments and other Local authorities and stakeholders.

2 Raised awareness of health and safety in Torfaen by targeting topics such as Violence at Work, Manual Handling, LPG Liquid Petroleum installations, convenience stores and betting shops concentrating on areas of violence at work, tattooing and body piercing, play centres and play area safety, and other key health and safety issues



3 Ensured that local business premises were made aware of the new sunbed regulations and understood what they needed to do to comply



4 Continued our Firework Display Registration scheme, helping local organisations to avoid some of the dangers and problems seen elsewhere across the county.

5 Continued to improve our web-site and links to a range of leaflets. A number of advisory and educational work to help improve health and safety standards throughout Torfaen has been carried out, continuing our links with local colleges.

6 Continued to carry out a range of enforcement work to ensure that businesses achieving poor standards were dealt with effectively and were brought up to the required legal standards.

Targets for 2013/2014

The objectives of the authority are decided annually and are contained in the Service Improvement Plan for the Planning and Public Protection Service, and these objectives are explained more fully in the team work programmes and the All Wales strategy (the health and safety enforcement work programme is attached as Appendix 1, and this explains how many inspections and other activities we are planning to carry out in 2013/14)

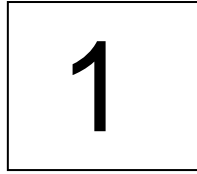
If we are unable to carry out all of the work that we have planned, we will prioritise our work to make sure that the highest risk work is completed and carry over lower risk work. If necessary we will bring in additional staffing from elsewhere to ensure public safety.

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HEALTH AND SAFETY WORK PROGRAMME 2011/12



1 SERVICE AIMS & OBJECTIVES

1.1 Aims and Objectives

The primary purpose of the Health and Safety at Work etc. Act and subsequent legislation is to control risks from work activities and ensure that there are adequate welfare facilities available to employees.

It is this Authority's aim to ensure that public health is protected through the efficient and effective enforcement of any health and safety laws falling to Torfaen County Borough Council for enforcement.

Key to the way in which we deliver this service is the five principles of good regulation:

- targeting (taking a risk-based approach);
- proportionality (such as only intervening where necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user-friendly).

The aims and objectives of the authority in respect of Health and Safety enforcement are determined annually and are contained in the Service Improvement Plan for the Planning and Public Protection Service. Specific responsibilities and workload targets for health and safety enforcement rest with the Food, Health and Safety Enforcement Team, and are outlined in the attached Work Programme (Appendix 1).

The achievement of the Team against workload targets is monitored monthly, in order that any shortfalls can be rectified. Any shortfalls in inspection levels that cannot be rectified will be included in the targets for the following year.

1.2 Links to Corporate Objectives

The aims and objectives of the Authority in respect of Health and Safety Law are drawn up annually by the Food, Health and Safety Enforcement Team and are integrated into the Departmental and Corporate Service Improvement Plan. This SIP plan is intended to:

- Integrate with the corporate objectives and values (which can be viewed in more detail via the Torfaen website at www.torfaen.gov.uk.)

- Ensure that key performance indicators are included and monitored, so that the efficiency and effectiveness of the service can be clearly demonstrated and performance compared to that of other local authorities.
- Link to the Wales Programme for Improvement Process, to ensure that reviews are carried out and any findings are implemented to continually improve the service.
- Link to the Community Strategy and other local health strategies, alliances and partnerships as appropriate, to ensure that work to ensure health and safety in Torfaen can be carried out at all levels and in conjunction with other work.
- Link to the All Wales Health and Safety Service Plan

The Service and Improvement Plan, the Health and Safety Service Plan and any associated policies are subject to Member approval.

Issues relating to health and safety activities and law in Council based premises, normally falls to the Authority's Health and Safety Advisor, who is based within the Chief Executive's Department. This role is carried out independently of the enforcement activities laid down in this Service Plan.

Issues relating to Health & Safety Law in Council owned premises will be enforced on the 'Main activity' principals. If the main activity falls to Local Authorities for enforcement, this will be enforced by the Food, Health and Safety Team in Torfaen..

1.3 Links to National the Enforcement Priorities for Wales

When drawing up the Service Improvement Plan, regard will be had to the National Enforcement Priorities for Wales, prepared by the Local Better Regulation Office for the Welsh Assembly Government.

In particular, the following priorities are addressed

Protecting individuals from harm and promoting health improvement	Improving health, safety and wellbeing in the workplace
Promoting a fair and just trading environment for citizens and business	Supporting business through advice



2 BACKGROUND

2.1 Profile of the Authority

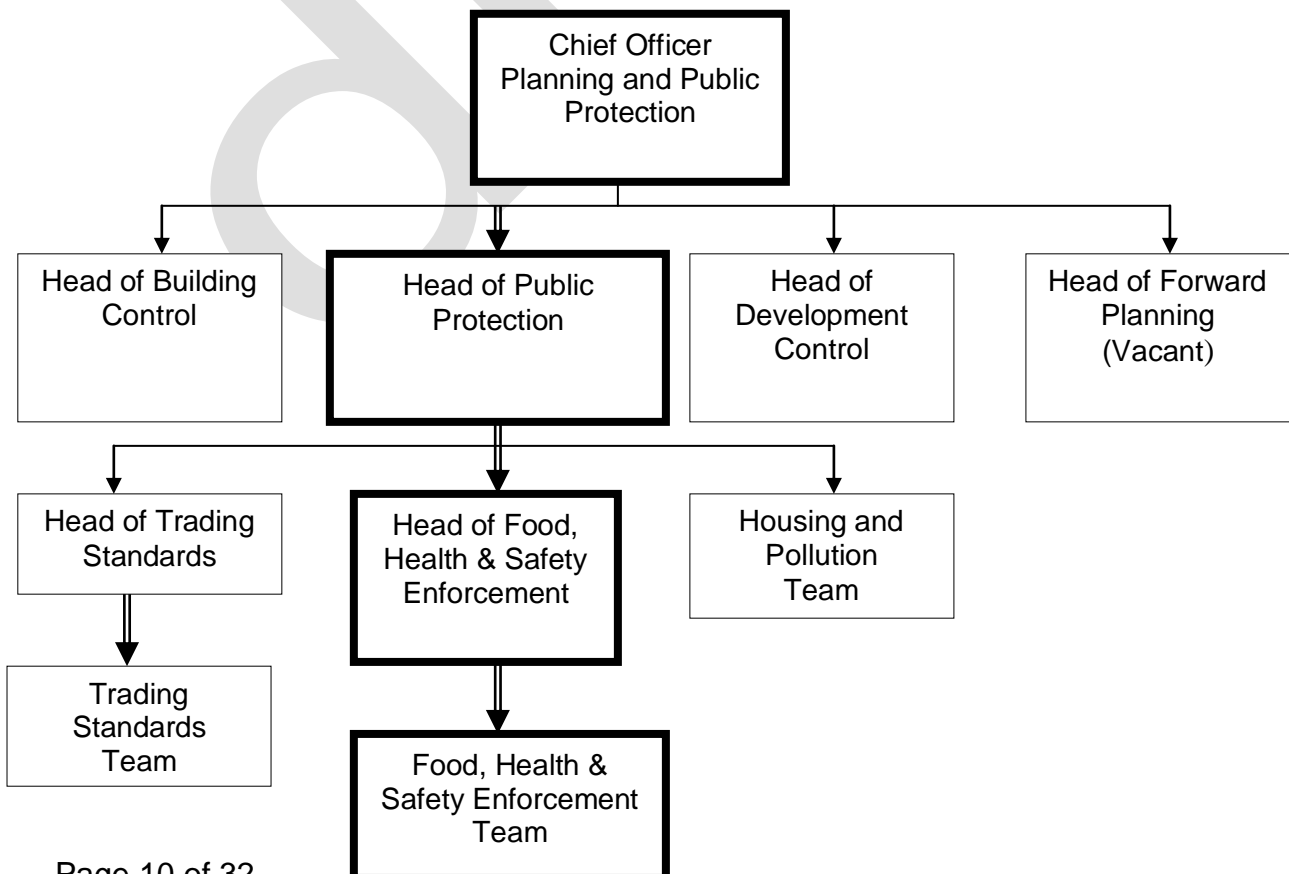
Torfaen County Borough has 3 major population centres with a total population of around 91,000 people. The area is dominated by the new town of Cwmbran, which has a mix of housing, light industry and retail areas. The towns of Pontypool & Blaenavon are older and some areas in these towns still have high levels of deprivation and ill-health.

Torfaen has a number of local and national manufacturers based in the area. Excellent road links mean that Torfaen is an ideal place to start a business, and there are a number of light industrial sites offering a diverse range of businesses throughout the Borough. Some sites nestle within residential areas and this can impact on establishing the types and numbers of business.

2.2 Organisational Structure

The Council has adopted a Cabinet style structure under the modernisation agenda.

The Health and Safety Service sits under the Executive Member for Housing, Planning and Community Safety, within the Housing, Planning and Community Safety Scrutiny and Overview Committee. Responsibility for the delivery of the Health and Safety Service Plan rest in the Planning and Public Protection Service, as follows:



Officers who work in the Health and Safety team have a range of other regulatory responsibilities' and commitments

2.3 Scope of the Health and Safety Service

The Health and Safety service provides two broad areas of work, pro-active and reactive.

2.3.1 Pro-active

- Planned visits to premises subject to Local Authority enforcement, normally based on the individual premises health and safety risk rating or forming part of a wider intervention programme, where the primary aim is to inspect an individual premise to check compliance with health and safety law.

2.3.2 Reactive

- Education of proprietors and employees through guidance, information and training, on request and as part of the inspection programme.
- Undertaking and participating in health promotion campaigns
- Undertaking specific targeted initiatives
- Maintaining an accurate Health & Safety Database
- Liaising with other Council departments and external organisations including:- Planning, Building Control, Licensing and Trading Standards, Well Being Team, Corporate Health and Safety Team, HSE, South East Wales Health and Safety Task Group(SEWHST), Local Authority Partnership Planning, All Wales Technical Panel , CSIW and OFSTED
- Assessing ASB5 notifications (Asbestos removal works)
- Devising material to help businesses comply with the Law and good practice
- Website maintenance and design
- Investigating reported accidents, diseases and dangerous occurrences
- Responding to complaints and requests for service
- Enforcement of legislation
- Assessment of Operational Schedules of licensed premises (liquor)
- Planning/ building control applications

The health and safety responsibilities of the authority are broken down as follows.

RESPONSIBILITY	TEAM	ASSOCIATED TASKS
Health and Safety Inspections Complaints Requests for service Education Accident investigations Asbestos removal Petroleum licensing Licensing Inspections	Food, Health and Safety Enforcement Team	Food Hygiene Infectious Disease Control Animal and Pest Control Animal Welfare Licensing : Petroleum
Explosives/Fireworks	Trading Standards	

Competencies of officers carrying out the health and safety functions are based on qualifications, training and experience. These are reviewed annually as part of a staff review process and whenever new legislation is introduced. Authorisations of officers follow a departmental documented procedure.

The officer taking the lead in the enforcement of this legislation is as follows:

Health and Safety Lead Officer for Health and Safety Enforcement, answering to the Head of Food, Health and Safety Enforcement

Officers are appointed on the basis of their qualifications, training and experience, and are expected to maintain an expertise in these areas. Other officers also have training and expertise in these areas, to allow for cover to be maintained in respect of the services.

The following analysts and examiners have been appointed, and have been authorised in accordance with the Authority's procedures.

Public Analyst - Cardiff Scientific Services Ltd
Croft Street
Cardiff

2.4 Inspection Rating System (Risk Rating)

The team undertakes a Health and Safety Inspection Programme where premises are prioritised for planned inspection in accordance with their risk rating. This complied with the relevant **Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA)** Guidance, LAC 67/3.

The profile of workplaces in the Torfaen area is dynamic. A breakdown of the total premises in risk categories using LAC 67/3 are as follows:

Risk category	A	B1	B2	C	Non risk rated	Total
Number of Premises	5	108	248	428	705	1386

The rating process evaluates and gives a value to four different elements of a business's health and safety performance, based on:

- Confidence in management
- Safety performance
- Health performance
- Welfare compliance gap

The guidance is fundamental to the way the team operates and directly affects our work activities.

2.5 Delivering the Health And Safety Service

The service is delivered from Ty Blaen Torfaen, New Inn. These offices are open from 7am to 7pm Monday to Friday, with public access available between 8.30 - 5.00 Monday to Thursday and 8.30 – 4.30 on Friday. Access is available either by person or telephone (including Mini-com), and by e-mail to the team and individual officers.

Officers “agile work” from a range of local authority premises or from home. However, there will always be officers who can be contacted immediately to deal with emergencies, and specialist administrative support are available between 8.30a.m. and 5.00p.m. (4.30p.m on Friday) to take and pass on messages and requests for service and to contact officers where needed.

Much of the service is delivered at business premises, and officers also visit residents to collect witness statements etc. Although work is carried out between 8.30am and 5.00pm, inspections and calls are routinely between 7am and 7pm, and inspections are also carried out at other times, including weekends or as appropriate.

An emergency call out system operates outside these hours accessed via the Council's Central Control Room with access to advice in the event of an emergency.

2.6 Enforcement Policy

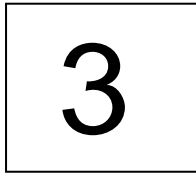
The authority has signed up to the Enforcement Concordat, and issues relating to Health and Safety Enforcement are outlined in the Enforcement Policy for the Food, Health and Safety Team. The monitoring of the health and safety enforcement function is covered in separate Competency and Monitoring Procedures.

The purpose of the Food, Health and Safety Team Enforcement Policy is to

- Give information on the types of enforcement carried out and the circumstances under which each type of enforcement may be considered
- Ensure that enforcement carried out by the authority is appropriate, by considering the risks presented to health, previous history of the business and a range of other factors.
- Ensure that a full range of enforcement options are considered, starting with help and advice for businesses and only considering more formal action in the most serious cases.

The authority takes a graduated approach to enforcement, and seeks to ensure that information and advice is provided to businesses wherever possible.

Enforcement action is taken in accordance with the appropriate guidance from the Local Better Regulation Office and HSE, and takes into account issues such as the seriousness of any offence, the history of the premises and the willingness of the proprietor to put things right. This means that enforcement action is effectively targeted at those premises that seriously contravene the law and/or are unwilling to put things right.



3 SERVICE DELIVERY

3.1 Legal status of the Standard

The S18 Standard sets out the requirements which HSE and LA's are obliged to comply with in making 'adequate arrangements for enforcement'. This standard has legal status, and requires LAs to perform their duties as enforcing authorities in accordance with the Section 18 Standard. The Standard was implemented in 2011/12 when an internal audit was made with positive outcomes. It is anticipated that there will be a peer review exercise carried out in 2014. The Standard is set out into four sections for compliance by the LA:

- Make It Happen
- Do it Right
- Work Together
- Sell the story

To "make it happen" every EA shall...

- set out their commitment, priorities and planned interventions.
- put into place the capacity, management infrastructure, performance management and information systems required to deliver an effective service and to comply with their statutory duties.
- operate systems to train, appoint, authorise, monitor, and maintain a competent inspectorate.

To "do it right" every EA shall...

- use interventions, including enforcement action, in accordance with their enforcement policy and within the principles of proportionality, accountability, consistency, transparency and targeting.

To "work together" every EA shall...

- work within their own organisation, in partnership with other EAs and with other regulators and stakeholders to make best use of joint resources and to maximise their impact on local, regional and national priorities.
- actively contribute to liaison, policy and governance arrangements at a local, regional and national level.

To "sell the story" every EA shall...

- promote sensible risk management

The authority was audited against the Section 18 Standards by internal audit relating to this matter in 2010. The outcome was positive with minor considerations for action. Although we meet many of these standards, as part of a pilot on the Section 18 Standard self-audit process, an Action Plan has been drafted to work toward compliance and improvement.

3.2 A strategy for workplace health and safety in Great Britain to 2010 and beyond

This HSE strategy was designed to promote the vision of health and safety as a cornerstone of a civilised society and, with that, to achieve a record of workplace health and safety that leads the world. Working in partnership with Local Authorities, this strategy also informs our local service delivery process.

The enforcement concept continues to give less emphasis to the traditional risk rating system and numbers of inspections (with the exception of the highest risk premises – Category A) to focus proactive interventions on those premises that nationally have been identified as causing the greatest number of incidents and accidents to employees and members of the public – and to use a wide range of intervention methods to achieve increased outcomes. This is also reflected in the LAC 67/2.

The basis of enforcement action by the Authority is:

- Intervention – to assess, promote and enforce compliance.
- Investigation – to identify underlying causes and lessons to learn.
- Permissioning – as appropriate to ensure high risk activities are controlled.

3.3 The Health and Safety of Great Britain\\ Be part of the solution

This is a continuing strategy from HSE for the future of workplace health and safety - it follows the 2010 Strategy outlined above.

The strategy identifies goals in the following key areas:

- the need for strong leadership;

- building competence;
- involving the workforce;
- creating healthier, safer workplaces;
- customising support for Small / Medium Size Enterprises (SME'S)
- avoiding catastrophe; and
- taking a wider perspective.

The strategy also identifies a goal for HSE and Local Authorities in an area of work unique to them – investigating and securing justice.

As Local Authorities tend to enforce mainly in the Small Medium Enterprises business sector, this may have a direct impact on the inspection programme in the future with more initiatives being undertaken to assist these types of businesses.

3.4 Workplace Premises Inspections

3.4.1 The Inspection Programme

Premises will be risk rated in accordance with HELA guidance (LAC 67/3), and the highest risk premises (Category A) will be subject to routine inspections on a risk based programme basis. However, Torfaen has very few “A” rated premises.

Most of the inspection programme in Torfaen is based on an intervention programme and, in order to determine which premises should be included within an intervention programme, various parameters will be considered including those from the South East Wales Task Group and the All Wales Plans. Local interventions will be determined from our APP data-base. Work will be targeted as appropriate to ensure that ‘Be part of the Solution’ goals are considered and relevant HSE/HELA objectives are met wherever possible e.g. Matters of evident concern.

Lord Young, the Prime Minister’s adviser on health and safety law and practice, published his report *Common Sense, Common Safety*. One of the recommendations was for local authorities to participate in the FSA Scores on the Doors. Torfaen County Borough has actively participated in this initiative since its inception, and was the first authority in Wales to launch. Additionally, Lord Young recommended that health and safety and food hygiene inspections were to be combined, and Torfaen County Borough Council has undertaken this aspect of inspection for a number of years wherever it is appropriate to do so. A specialist Health and Safety Officer who is also an authorised and competent Food Officer regularly undertakes combined inspections in commercial premises. In addition, all our food officers will consider “matters of evident concern” as part of their inspection role and take enforcement action as appropriate.

Where new premises are identified, they are sent a questionnaire and a desk top assessment is carried out. Where questionnaires are not returned, an inspection is then carried out as soon as is practicable, having regard to the likely risk the premises present in terms of their size and the types of operation carried out there

and having regard current guidance. Premises presenting known high risks will be inspected by senior/experienced officers with specialist knowledge of the activity and appropriate legislation. Lower risk premises will be inspected and rated in accordance with LAC 67/2 and subject to alternative enforcement.

As well as inspections, other interventions are carried out as appropriate and particularly in respect of low risk premises. These may take the form of questionnaires or other actions. Inspections of low risk premises may still take place where this is considered the best use of resources and in accordance with policy.

Other interventions will be carried out as appropriate where

- Intelligence is received as a result of complaints or other information
- special project interventions and other actions are being carried out
- An intervention action such as a questionnaire is considered inappropriate, for example where the risk rating may no longer be accurate or as part of the low risk inspection regime.
- Where no response has been received to an intervention action such as a questionnaire attendance at a Safety Health Awareness Day (SHAD), or where the validity of such an intervention requires validation.

Where specialist knowledge is required but is not available in house, this will be sought from other authorities or organisations as appropriate. Any cost to the authority may be recoverable from the premises in certain circumstances.

The Authority will respond as appropriate to any additional work required by the Health and Safety Executive or other such bodies.

New legislation is responded to as necessary, through additional interventions and/or information for affected businesses. Where the legislation is planned in advance it will be included in the Service Improvement Plan.

3.4.2 Actions Following Interventions

Each premises visited will receive a written report of the visit, giving information on the contraventions found, if any, the action needed to remedy contraventions and an appropriate timescale, and any recommendations being made by the inspecting officer and having regard to LAC 67/3. Information and advice will be given as appropriate, including links to a range of leaflets, face to face advice and information on-line. The actions to be taken by the officer following a visit are outlined in the Food, Health and Safety Enforcement Policy.

Our experience is that each inspection will lead to a 20% revisit rate. However this may now increase due to the HELA guidance LAC 67/3, and more formal action may arise.

All premises inspections are recorded on the database of Health and Safety premises in the Torfaen area, which has a reporting mechanism for statistical reports

etc. This information is backed up and saved as appropriate to minimise the risk of corruption or the loss of data.

Records of premises, inspections, interventions and any contraventions found are maintained via our data-base and filing systems, along with details of any Accidents, Service Requests and other correspondence relating to that premises. Records are maintained for a minimum of 7 years, after which they are disposed of in accordance with Torfaen County Borough Council Policy.

3.4.3 Reducing the impact on businesses

Information relating to premises will generally only be sought from businesses as required by law, with other information being collected by officers as part of our enforcement role. Information will be shared with other enforcement bodies as appropriate to ensure that effective enforcement can be carried out, and to prevent the need for businesses to provide duplicate information wherever possible.

3.5 Health and Safety Service Requests and complaints

The service receives many requests for advice and general information including Accidents which are reported to the authority via the HELEX extranet website and health and safety complaints concerning premises or dangerous practices. Actual numbers of expected requests are outlined in Appendix 1, and these require differing levels of prioritisation and investigation based on:

- HELA Guidance
- The health and safety implications.
- Whether an infringement of the law is likely to have occurred.
- The level and standard of evidence available.

However, the authority will try to consider each on its merits and will respond to complaints and service requests within 5 working days.

Service Requests can include complaints about premises or working conditions etc. or requests for information and assistance, and all are recorded and prioritised according to current policy and procedures.

Investigation of complaints can take between an hour and several days to complete and rectify, depending on their nature, establishing whether they are justified, considering what can legally be required and the cooperativeness of the employer. Where complaints are of a serious nature, the relevant Primary or Lead Authorities are always contacted. It is rare for complaints to lead to legal proceedings although statutory notices may be considered a necessary step.

Service requests and accident notifications are investigated according to a separate Policy and procedure within the Food, Health and Safety Enforcement Policy.

Complaints, accident notifications and other requests for service are recorded on the database, so that activity reports can be obtained, individual service requests checked, achievements against performance indicators reported and workload trends calculated

To ensure consistency, the all Wales technical panel is considering an all Wales procedure for complaints which Torfaen County Borough Council will adopt. Torfaen County Borough Council has already applied the national strategy for accidents and this is reflected in current policies and procedures.

3.6 The Primary Authority scheme

Effective local regulation requires confidence and mutual trust. Businesses should be able to rely on the environmental health, licensing and trading standards advice received from local authorities, in the knowledge that it is expert opinion, applicable across the UK, and a secure basis for investment and operational decisions.

Companies have the right to form a statutory partnership with a single local authority, which then provides advice for other councils to take into account when carrying out inspections or dealing with non-compliance. The scheme builds on the foundation created by voluntary home and lead authority initiatives, but entails a fundamental shift in the nature of the relationship between the regulated and the regulator - bringing benefits to both parties.

The operation of the Primary Authority scheme is a statutory responsibility of LBRO.

3.7 Lead Authority Partnership Scheme (LAPS)

Torfaen County Borough Council will continue to have consideration to the Principles of Primary and Lead Authority.

Torfaen County Borough Council will consider all enquires relating to this and base its participation on the most appropriate option for them having consideration to cost, benefits and resources of the Council Business and Community at large.

3.8 Advice to Businesses

This Authority will seek to assist businesses wherever possible and where resources are available through:

- Help and advice as part of the intervention processes.
- Responding to service requests from businesses.
- A range of leaflets in various languages for new and existing businesses.
- Examination of plans etc. on request or as part of a planning application, having specific regard to Construction Design and Management Regulations and issues surrounding Asbestos.
- The provision of training courses and seminars as appropriate.
- The use of Torfaen County Borough Council web.

Whilst the provision of advice, particularly to small and medium sized businesses is important, the Authority recognises that this should not conflict with the enforcement role and the sole responsibility rests with the business to ensure compliance with the law. The issue of advice to businesses is addressed within the various Enforcement Policies as appropriate.

3.9 Liaison with Others

The Authority is committed to ensuring uniformity of enforcement and providing information and advice by:

- Complying with any advice and guidance from HSE.
- Working in partnership with HSE Wales.
- Complying with HELA and other guidance.
- Undergoing inter-authority auditing and other auditing processes as appropriate.
- Liaising with the South East Wales Health and Safety Task Group and the Health and Safety Technical Panel to discuss enforcement issues and joint policies and procedures.
- Working with other stakeholders and organisations to promote sensible health and safety.
- Working with other departments within Torfaen County Borough Council.

- Actively seeking partnerships with regard to the promotion of sensible risk management.

3.10 Health and Safety Promotion

The Authority is committed to promoting a positive health and safety culture wherever possible within existing resources and having regard to the statutory functions of the Authority.

The advisory role of the Authority will generally involve:

- Information and advice for businesses and members of the public, arising from visits, service requests and other interventions as appropriate
- Availability of a range of leaflets covering health and safety issues.
- Participation in national events where appropriate and where resources are available.
- Promotion of health and safety issues through Torfaen Talks and the Torfaen web-site and My Torfaen, with information and links to allow residents and businesses to obtain further information if they wish

Records are kept of any recommendations given to businesses, panel surveys etc., whilst more general campaigns are also recorded as appropriate.

3.11 Health and Safety Enforcement Actions

A range of enforcement actions are possible as a result of the proactive and reactive enforcement activities carried out by the authority, and these are outlined in the Food, Health and Safety Enforcement Policy and any relevant local authority procedures. Any actions we take will be based on the principals of:

- Proportionality
- Transparency
- Targeting of resources
- Accountability

This action will be targeted based on risk, with more serious actions being taken in respect of more serious risks, or where there is a history of non-compliance.

Prosecution is regarded as a serious step, which will only be considered where:

- (i) A breach of legislation caused or could have caused serious harm
and/or

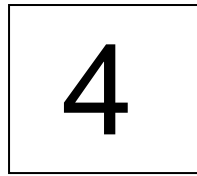
- (ii) The general approach of the defendant warrants it, due to persistent poor standards and non-compliance.

The Authority's Enforcement Concordat and Enforcement Management Model will be followed when deciding whether to use formal notices and/or prosecution.

Stakeholder involvement in the delivery of our services is currently being addressed on a corporate basis, and our web-site is being developed to allow stakeholders to comment on our services.

It is anticipated with the current financial situation which may affect many businesses a negative effect may occur and the changes incurred by LAC 67/3 could lead to more enforcement work for staff.

draft



4 RESOURCES

4.1 Financial Allocation

The estimated budget for the Food, Health and Safety Enforcement Team is around £330,000 for the financial year 2013/14, of which around 40%, £135,000 will be allocated to Health and Safety Enforcement activities.

The Supplies and Services budget represents the main discretionary spending for each team, and is spent on:

- The purchase and maintenance of information systems.
- The purchase and maintenance of equipment
- The purchase of protective clothing for safety purposes.
- Office equipment, furniture, stationary etc.

Some of these costs, such as IT and software provision, are shared across the Department, with spending decisions being made outside the teams. Most purchasing decisions, however, rests within the team.

Budgets have seen year on year decreases, particularly when inflation is taken into account, and any new expenditure will therefore have to be met out of existing funding.

Investment in IT is dealt with separately, although the maintenance of specialist software systems is allocated to teams. No separate provision is made for legal action, although an emergency fund exists for major cases.

Equipment is maintained by staff as appropriate, and any problems are reported so that repairs or replacements can be arranged. Where equipment may be used in the taking of formal procedures or for issues which have a bearing on health and safety, it is submitted for servicing and calibration as appropriate, and the records of this are kept on file.

The financial situation across the authority for 2013/14 is worrying, although it is hoped that non-voluntary redundancies will once again be avoided. Torfaen CBC, like every other Local Authority, is seeing ever increasing financial restraints which are likely to result in cuts in discretionary spending and on the training budget. Any inflationary or service increases in budget, other than salary increases, will have to be funded by savings elsewhere.

4.2 STAFFING ALLOCATION

The Food, Health and Safety Enforcement Team consists of 7 members of staff, 5 of whom are fully qualified and competent to carry out Health and Safety enforcement, plus administrative support.

The officers carrying out health and safety enforcement are as follows:

Head of Food, Health and Safety Enforcement	EHO (EHORB registered) 28 years experience
Lead Officer for Health and Safety	SEHO(EHORB registered) IOSH Graduate member 25 years experience
2 Senior EHO's	EHO (EHORB registered) 14 years and 8 years experience
1 Technical Officer	Diploma in Health & Safety 21 years experience

Two officers are predominantly involved in health and safety enforcement activities, with two other officers and a manager partially involved, giving an overall total of around 1.5 FTE officers. This work is carried out in a largely integrated way, and it is not therefore possible to determine how much time is specifically allocated to each of the various health and safety enforcement activities.

In addition to the above, the Trading Standards team are authorised under Health and Safety at Work etc. Act 1974 to enable them to enforce issues surrounding Fire work storage and sales. This service plan does not include them in their work activities.

The staffing levels of the Food, Health and Safety Enforcement Team are kept under review, and any shortfalls in staffing levels will be identified as part of the Service Improvement Plan process. Whilst the Authority is committed to providing services in-house, contractors may be used to cover short-term shortfalls.

The financial concerns across the authority are not thought likely to adversely impact the levels of staffing within the health and safety enforcement service, although the replacement of staff that leave could be delayed.

Note: The Staffing Allocation does not take into consideration those officers who have authorisation in Trading Standards Section.

4.3 Staff Development Plan

Staff Development Interviews include work based on the Regulatory Needs Analysis Development Tool for those staff enforcing health and safety, in order to ensure a fully competent team. These are carried out annually for each member of staff. Training needs are identified and programmed training is provided as appropriate.

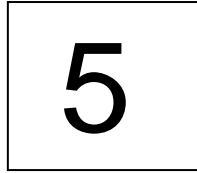
Staff training and development will include:

- Information on the Enforcement Policies and Work Instructions in place, including copies of any documentation needed on a day to day basis.
- Circulation of any new information from HSE, HELA, Local strategies etc.
- In-house or external training on any new legislation.
- Core CPD training on a range of Health and safety enforcement issues as appropriate and where available.

Training is carried through the Training and Development plan for the Department. Training needs are identified and recorded as part of the Staff Development Interviews and RDNA, and are included in the Departmental Training Plan for funding allocation. Financing for training remains available, although there is a focus on free and low cost training where available, and all officers are offered the opportunity to complete at least 10 hours H&S CPD. The level of training available to each officer remains one of the strengths of the authority.

Where formal training is carried out in-house, this is recorded and certificated. On the job training is recorded during the first six months for new staff or those re-joining the team, as part of the competency procedures.

Records of all staff qualifications and training are kept by staff as part of the Achievement and Development process, and evidence of academic qualifications are kept on staff personnel records.



5 QUALITY ASSESSMENT

5.1 Quality Assessment

The authority is committed to ensuring quality by

- Identifying responsibilities for the work carried out under the Policy and for the review of the Policy itself
- Establishing a procedure for ensuring the competency of officers carrying out enforcement work, based on qualifications, training and experience
- Laying out the procedures to be followed for proactive and reactive work
- Drawing up quality procedures, including the use of standard letters and follow up inspections, where necessary and in line with LAC 67/3
- Ensuring that officers have up to date documents, legislation and guidance as appropriate, and that these documents are controlled
- Ensuring that the needs of customers and stakeholders are identified and met as far as possible, and that their views on the services we offer are sought in order to identify issues and make improvements as appropriate.

The Food, Health and Safety Work policies ensure quality by:

- Identifying responsibilities for the work carried out under the Policy and for the review of the Policy itself.
- Establishing a procedure for ensuring the competency of officers carrying out enforcement work, based on qualifications, training and experience.
- Laying out the procedures to be followed for proactive and reactive work.
- Ensuring that officers have up to date documents, legislation and guidance as appropriate, and that these documents are controlled.
- Ensuring that changes to Policies, procedures and controlled documents are carried out in accordance with procedures, and that superseded documents are removed and destroyed.

All officers have access to:-

- Appropriate HELA guidance. (via HELA extranet)
- Appropriate ACOPS

These support their day to day working, with controlled copies of legislation, and ACOPS held within the department for reference purposes.

Quality is reviewed in a number of ways, including

- Monitoring procedures that allow an accurate assessment of the work being carried out against targeted work, with at least 2 inspections by each officer checked annually for accuracy and completeness.
- Reviewing the procedures annually or whenever new legislation is introduced to ensure compliance with that legislation
- Internal Audits via the Internal Audit programme
- Peer review audits by other local authorities in accordance with The Section 18 Standard
- Participation in the Wales Programme for Improvement review process as appropriate.
- Making amendments to the procedures as indicated by any auditing or review procedures.
- Participating in the All Wales Policy and Procedures programme.
- Attendance at the South East Wales Task Group and All Wales Technical Panel Group meetings.

5.2 Customer Consultation and Feedback

The authority has a number of mechanisms in place in respect of customer consultation and feedback, and these include

- Consultation via the web-site (which is available via libraries and other outlets across the authority free of charge) in respect of the Service Plans and other documents as appropriate.
- Questionnaires to a sample of businesses subject to inspection and to a sample of customers requesting a service
- Feedback facilities via the web-site

Facilities are currently being developed to allow the responses to any consultation and the results of any questionnaire to be reported via the web-site, along with our response showing what action has been taken.

Customer consultation and feedback mechanisms are in the developmental stage, and will continue to be reviewed and improved as appropriate with liaison with the Research and Information Officer GIS and Citizen Participation Team.

5.3 Formal Complaints

The Authority operates a formal complaints procedure and makes information on this available to the public. All complaints follow an investigation process, and records are kept of the complaints and any outcomes.

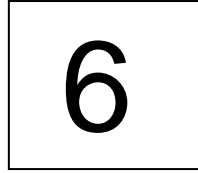
Informal complaints and concerns are considered by line managers in the first instance, and these are recorded along with any action taken.

The final stage of the complaints process allows referral of the complaint to a Local Government Ombudsman, in order that independent adjudication can be carried out.

Facilities are currently being developed to allow formal complaints about our service to be reported via the web-site, along with our response showing what action has been taken.

Consideration is being given to implement the proposed Challenge Panel procedures set up by HSE in line with the Lofsted review recommendations when appropriate and in line with partner authorities.

draft



6 REVIEWS

6.1 Review against the Service Plan

The performance of the Authority against the Service Improvement Plan is monitored at least and reported to committee as appropriate. The Chief Officer presents a report and answers questions on the service plan at least twice yearly.

The Health and Safety Service Plan and the Food, Health and Safety Work Instructions are reviewed annually.

The authority takes part in peer review processes as appropriate, in order that these can inform the review process and bring about improvements in service.

6.2 Identification of Variations from the Service Plan

Any shortfalls from targets noted during the year are reviewed to see:

- What factors have caused the variation to take place, and
- Whether additional resources are needed to rectify the variation and achieve the annual targets.

Significant shortfalls are reported to the Senior Management team and actions needed to resolve the problem are then agreed. This action can include:

- Prioritisation of work, with lower risk inspections and other low priority work delayed, carried out in some other way or dropped from the work plan for the year as appropriate
- Staff reallocated from other duties in the short term to resolve any shortfalls that are regarded as a priority.

Any shortfalls in interventions that have not been resolved by the end of each year are carried forward and included in the Service Improvement Plan for the following year.

6.3 Areas for Improvement

As part of the review process, areas for improvement will be identified, covering:

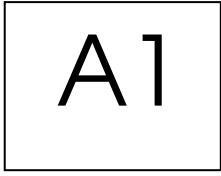
- Improvements in efficiency, effectiveness and economy.
- A commitment to working with other authorities and partners to reduce accidents and ill health statistics and to ensure a consistent approach of current guidance (including through the South East Wales task group and All Wales Technical Panel groups)
- Improvements in working practices, to improve efficiency and the quality of service, as a result of the South East Wales and All Wales Programme for Improvement Review.
- New projects or initiatives to improve the overall quality of safety in workplaces in the area or to raise the awareness of the general public.
- Ways in which the service can better support corporate initiatives such as the Health, Social Care and Well-being strategy
- Liaison with the Research & Information Officer, Research, GIS & Citizen Participation Team, Public Services Support Unit to improve customer consultation and Feedback and methods of collecting and using data for evidence based interventions and justification of work activities.
- Implement Section 18 Standard Action Plan to become fully compliant .
- Promotion of the principles of the Health and Safety of Great Britain\\ Be part of the solution.

These will be included in the Service Improvement Plan, either as one of the targets for the forthcoming year or as a special project.

6.4 Future considerations

Legislation and guidance for health and safety is fluid and continuously changing. The areas that may have an impact on the future service delivery of Health and Safety in Torfaen County Borough Council are as follows:

- The implementation of LAC 67/3
- Health and Safety of Great Britain\\ Be part of the solution.
- Health and Safety Executive 33% cuts
- Lofsted Review



APPENDIX 1

Service Improvement Plan for Health and Safety Attached