

Spelthorne Borough Council

Health and Safety at Work Service Plan

2017/18

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Executive Summary

The Health and Safety Service provided in 2015/16, and so far through 2016/17 have been successful for a number of reasons. These were as follows:

- (a) The Commercial team carried out a total of 73 health and safety visits/inspections in 2015/16.
- (b) The Commercial team served 6 health and safety improvement notices on businesses to secure compliance with health and safety at work legislation.
- (c) The service achieved a high level of satisfaction based on the customer care questionnaires returned by local businesses visited by our enforcement officers.
- (d) We participated in one national priority initiative relating to gas safety at catering establishments and mobile food traders.
- (e) We continued to target businesses where local or national intelligence indicate an intervention may be appropriate.
- (f) We continued to provide free advice to businesses within the borough.

In 2017/16 the Commercial team are committed to continue improving the health and safety service provided to the local communities. Our main aims are as follows:

- (a) To carry out all full health and safety inspections in accordance with the frequencies set out in the Health and Safety Executive's Local Authorities National Enforcement Code launched in April 2013.
- (b) To participate in two regional priority initiatives in 2015/16, as established by the Surrey Health and safety study group. They are gas safety in catering premises and mobile traders, and health and safety in swimming pools.
- (c) To continue participating in the Surrey authorities flexible warranting scheme across the seven boroughs in the county.
- (d) To respond to at least 90% of service requests within six working days.
- (e) To ensure that the remote working practices implemented within the service is a continued success in terms of improving the level of service provided to our customers.
- (f) To undertake a review of our procedures.

1.0 SERVICE AIMS AND OBJECTIVES

1.1 Service Aim

1.1.1 Our Health & Safety at Work enforcement objectives will be incorporated into the wider Environmental Health Service Plan. For 2017/18 the objectives which may be transferred into specific targets for the section are outlined as follows:

- To achieve 100% of programmed Category “A” health and safety inspections in accordance with frequencies set out in HSE’s Local Authorities National Enforcement Code.
- To participate in the flexible warranting scheme with other Surrey local authorities across the county and agree, where appropriate, joint projects to deliver under the scheme.
- To comply with all new legislative requirements imposed on the Borough regarding the enforcement of Health & Safety at Work. This includes any relevant guidance, codes of practice, etc., published by the HSE or the Better Regulation Delivery Office (BRDO).
- To ensure authorised officers within the Commercial team have completed the Regulators Development Needs Assessment (RDNA).
- To actively participate in selected national/regional priorities along with other Surrey LAs and HSE.
- To ensure that the service provided is that desired by the local community and other customers, including hard to reach groups.
- To ensure that the remote working practices implemented within the service are a continued success in terms of improving the level of service provided to our customers.
- To respond to at least 90% of service requests (e.g.: complaints, accident notifications) within six working days.
- To continue enforcing smoke free legislation, which bans smoking in most workplaces and public buildings and working with our partners on smoke free initiatives such as the ongoing Smoke free Playgrounds Project with Surrey County Council and other Surrey LAs.
- To undertake a review of our procedures.

1.2 Links to Corporate Objectives and Plans

1.2.1 This strategy is a detailed part of the Service Plan for the Environmental Health Service, which in turn forms part of the corporate Performance Plan.

1.2.2 Cross Linkage to other Plans developed by the Authority

We recognise that the work carried out by the food safety service interlinks with other strategic approaches and services. Some key areas where this is the case is:-

Regulator's Compliance Code - This Code replaced the previous voluntary "enforcement concordant" in April 2008. All local authorities' Environmental Health and Trading Standards departments have a legal obligation to have regard to the code in the provision of their services to the public and businesses.

Local Plan - We recognise the importance of food businesses to the local economy and work closely with Planning Officers to encourage businesses to 'design out' potential problems in commercial premises, for example safe means of access to mezzanine floor storage areas.

Licensing - We play an active role in the licensing of a variety of premises such as: - food establishments providing late night refreshments after 11.00pm, pet shops, riding establishments, boarding establishments, acupuncture, night-clubs, regulated entertainment venues, and outdoor events etc. Officers will ensure that any health and safety problems that come to light during licensing inspections are dealt with without delay.

Delivery of Public Health duties - Under the Social Care Act 2012 the public health role was transferred from the now abolished Primary Care Trusts to local authorities in April 2013. The newly created "Public Health England" will oversee these changes. Spelthorne, along with other Surrey District Councils will have to work closely with Surrey County Council to ensure the public health of its residents is improved. One of the targets particularly relating to health and safety is to reduce the prevalence of smoking in Surrey. Local authorities can indirectly contribute to this aim through their responsibility to enforce the smoke free legislation. All 11 Surrey authorities continue to work in partnership with Surrey County Council and Surrey Smoke free Alliance to tackle this issue.

Customer Care - In addition to informal systems for resolving complaints and dissatisfaction, the Council has an open, clear, formal system for dealing with complaints. Clear corporate targets have been established for the speed and quality of response to letters (7 to 10 working days) and telephone calls (respond within 5 rings).

Customer consultation and feedback carried out to support national indicators has been used to set specific customer care standards and response times for work areas across the organisation, these are contained in the Service Plan for Environmental Health and Building Control.

Economic Development - The policies set out in the local plan seek to achieve a balance between community health and development. We aim to take a balanced approach to enforcing health and safety legislation in businesses we visit. We will safeguard the health, safety and welfare of their employees and visitors. However, we will not intentionally act in ways that lead to disincentive in businesses.

Social Inclusion and Diversity - The Health and Safety Service provided by the Council is committed to social inclusion and diversity within its communities. This is achieved in the following ways:

- (a) Customer Care Questionnaires are sent out to all businesses who have received an inspection to ascertain levels of satisfaction with the Commercial Section's services.
- (b) We periodically send out a newsletter to our businesses to provide them with Health & Safety information and advice and inviting them to contact us for further advice.
- (c) We will make use of the Council's translation services, where necessary.
- (d) We must have regard to the Regulator's Code, which requires us to deal with all businesses with fairness and consistency.

1.3 **Links to the HSE's Strategy – National Local authorities' Enforcement Code**

The HSE's National Local authorities' (LAs) Enforcement Code was launched in April 2013. This followed the Government commissioned review of health and safety legislation led by Professor Lofstedt. One of his recommendations was to give the HSE a stronger role in directing LA health and safety inspection and enforcement activities. One of the main changes this new Code brought in was to limit proactive health and safety inspections that local authority officers carried out to work places risk rated "A" only. Previously, local authorities were required to inspect those workplaces risk rated "A" and "B1". The Code also outlines the list of high risk work activities which should inform local authorities where to focus their limited resources.

Spelthorne Council (Environmental Health (Commercial Section)) is responsible for the enforcement of Health and Safety legislation, have an important role as a stakeholder in the delivery of this new National Code.

Spelthorne Borough Council will need to contribute to these new targets through: -

- Raising the profile of occupational health;
- Improving health and safety performance in key risk areas;
- Increasing the engagement of others and promoting full participation in improving health and safety;
- Improving openness and accountability.
- Contribute towards the development and implementation of a partnership approach to health & safety enforcement work with HSE, both locally and within Surrey and BDRO.

1.4 **Links to Local Authorities and HSE Working Together**

1.4.1 **Operational Objectives**

In order to meet national/regional priority objectives, Spelthorne Borough Council intend to participate in a number of agreed Surrey-wide projects in 2017/18. These projects are as follows:-

- **Consider joint initiatives under the "flexible warranting" scheme for Surrey** – We will work with other participating Surrey local authorities in this scheme in determining any joint project work, where appropriate.

- **Gas safety in catering premises and mobile traders** – Continued targeted inspection throughout 2017/18 of catering businesses and mobile traders to assess risks from cooking appliances and boilers to employees and/or customers. This project is now well established and continues to result in the identification of poor equipment and installation and unqualified gas engineers.
- **Swimming Pool & Plant Safety** – we will run a targeted information campaign followed by visits where appropriate to our local swimming pools. This project follows a number of incidents around Surrey including accidental releases of chlorine gas, in one instance resulting in the near-drowning of a swimmer, injuries from poor maintenance, infection control problems from inadequate cleaning and disinfection, and concerns about pool supervision. This will be finalised during the early part of 2017.
- In 2017/2018 we will be looking at unregistered tattooists and how best to regulate these.

1.4.2 **Priority programmes within HSE's National Enforcement Code for local authorities**

The HSE Local Authority Circular (LAC 67/2 (rev 5) specifies how local authorities should prioritise interventions to comply with the National Local authority Enforcement Code. The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

Taking into account the special characteristics of the LA enforced sector, the HSE has decided that it will be necessary for Local Authorities to develop prioritise the following hazards:-

- Explosion caused by leaking LPG – premises with buried metal LPG pipework. These are notified to us by the HSE as they become aware of potentially problematic sites within our area. While other Surrey LAs have received such notifications, to date we have not.
- Workplace transport
- Legionella infection from premises with cooling towers/evaporative condensers. We currently do not have any such cooling towers on our register.
- Violence at work.
- Falls from height.

Where local authorities have such above mentioned risks/work activities then these should receive proactive inspection visits if these hazards are inappropriately managed. Furthermore, where reported work related accidents involve any of the above activities local authorities will be expected to fully investigate them.

The priority areas of potentially most relevance to Spelthorne include workplace transport and falls from height.

1.5 Links to the HSE Section 18 – Guidance to Local Authorities

LA's are responsible for the enforcement of the Health and Safety at Work etc. Act 1974 (HSW Act), to the extent as defined and prescribed in the Health and Safety (Enforcing Authority) Regulations 1998.

Section 18 (4) of the HSW Act requires LA's to perform their duties in accordance with guidance from the Health and Safety Executive (HSE). The "Section 18 Guidance" is therefore mandatory.

Section 18 (4) of the HSW Act states 'it shall be the duty of every local authority to:-

- I. Make adequate arrangements for the enforcement within their area of the relevant statutory provisions; and
- II. To perform the duty imposed on them by (a) above and any other functions confirmed on them by any of the relevant statutory provisions in accordance with such guidance as the commission may give them.

The guidance notes issued by the HSE under section 18 (4) contain the broad principles which they wish LAs' to adopt in enforcing health and safety legislation. They provide a framework with which LAs' should operate so that the HSE can be confident that the LA are making adequate arrangements for enforcement.

Spelthorne Borough Council will refer to this relevant guidance and subsequent revisions when considering compliance with their duties under section 18 of the HSW Act.

The HSE considers the following elements are essential for a LA to adequately discharge its duty as an Enforcing Authority:-

- A clear published statement of enforcement policy and practice;
- A system for prioritised planned inspection activity according to hazard and risk, and consistent with any advice given by the HSE and HELA;
- A Service Plan detailing the LA's priorities and its aims and objectives for the enforcement of health and safety;
- The capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures;
- Arrangements for benchmarking performance with peer LAs;
- Provision of a trained and competent inspectorate; and
- Arrangements for liaison and co-operation in respect of the Primary Authority Partnership Schemes.

LAs need to ensure that they devote sufficient resources to the health and safety enforcement to comply with their duties under section 18 (4) of the HSW Act. HSE will take a view on the performance of LA enforcement and promotional activities, in accordance with its strategy using information supplied by Authorities as requested (e.g. Annual LAE1 returns) and by reviewing the reports of inter-authority audits carried out using the HELA protocol.

If a LA fails to meet its legal obligation under Section 18 of the HSW Act, the Secretary of State may, after considering a report submitted by the HSE, cause a local enquiry to be held. If the Secretary of State is satisfied by such an enquiry that a LA has failed to perform any of its enforcement function, he may make an order declaring the Authority to be in default. The order may direct the LA to perform their enforcement functions in a specified manner within a specified period of time.

If the defaulting LA fails to comply with such an order, under Section 45 of the HSW Act, the Secretary of State may enforce the order, or make an order transferring the enforcement functions of the defaulting LA to the HSE, in which case the HSE's expenses are paid by the defaulting authority.

2.0 BACKGROUND

2.1 Profile of Spelthorne

2.1.1 The Borough

Spelthorne lies 15 miles west of Central London and sits in the far North West corner of Surrey close to the boundary of Berkshire. The Borough is also bordered by the London Boroughs of Hillingdon, Hounslow and Richmond. The Borough is at the inner edge of the Metropolitan Green Belt, with 45% being urban and the remainder protected as Green Belt.

The main centres of population are the towns of Staines-upon-Thames, Ashford, Sunbury-on-Thames, Shepperton and Stanwell.

2.1.2 The People

Spelthorne's resident population is some 95,600, based on the 2011 census, an increase of over 5,000 compared to the previous census in 2001 (90,390).

The population is predominantly white with other ethnic groups making up 12.8% of the population compared with the national average (15.5 %), based on the 2011 census, showing an increase of 7.1% compared to the of 2001 census (5.7%).

2.1.3 The Local Economy

The local economy includes manufacturing and service industries, research, agriculture, the professions and many administration sites. A number of large commercial organisations have their main UK offices in the Borough.

2.2 Organisational Structure

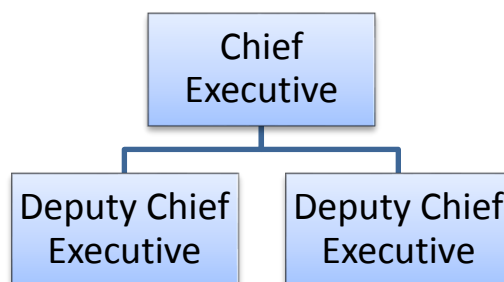
2.2.1 The Political Structure

The Council implements a 'cabinet' style committee structure.

The Cabinet is responsible for deciding matters relating to food and water safety, however the Overview and Scrutiny Committee examines the work we do in relation to food and water safety, monitors progress against targets and makes recommendations to the Cabinet.

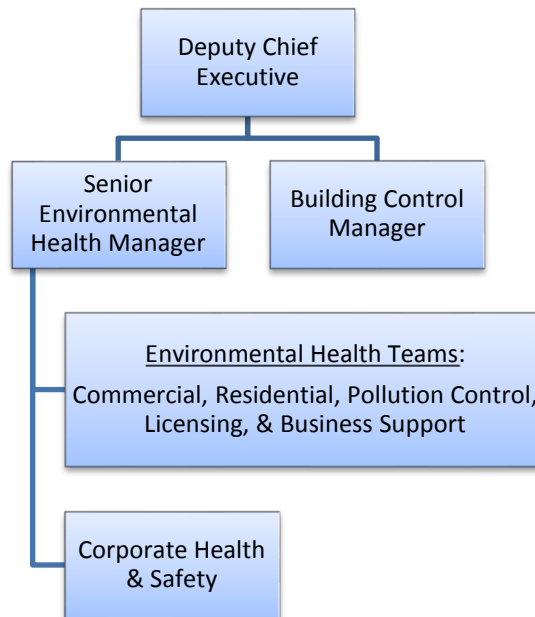
2.2.2 The Council's Management Team

The services provided to achieve the Council's strategic objectives are delivered under the direction of the Council's Management Team led by the Chief Executive. The Management Team comprises the following three Senior Officers:



2.2.3 The Environmental Health & Building Control Service

The Department structure is as follows:



The Principal Environmental Health Officer (Commercial) oversees the day-to-day activities of the Commercial Team and works closely with the Senior Environmental Health Manager to ensure that the aims and objectives of this service plan are met.

2.3 Scope of the Health and Safety at Work Enforcement Service

2.3.1 The Council provides a comprehensive service to both employers and employees of commercial premises, and the general public who may be affected by work activity within Spelthorne Borough Council. The responsibility for health and safety enforcement within commercial premises in the Borough, is shared between the Health and Safety Executive and the Local Authority. This responsibility is determined by statutory legislation (The Health and Safety (Enforcing Authority) Regulations 1998) and is established on the basis of the “main activity” carried out at the premises (HELA LAC 23/15 provides guidance on the allocation of premises).

Spelthorne Borough Council has the responsibility for enforcing the provisions of the Health and Safety at Work etc. Act 1974, and health and safety regulations made under the Act in approximately 1198 (at December 2016) commercial premises located within the Borough. Example of such premises which we are responsible for health and safety enforcement are as follows:

- Sale or storage of goods for retail or wholesale distribution (retail shops, warehouses)
- Offices
- Residential accommodation in Non-Domestic premises (residential care homes)
- Consumer services provided in a shop (tool hire, hairdressers)
- Care, treatment, accommodation of animals (pet shops, boarding establishments)

- Pre-school childcare, playschool or nurseries (excludes educational establishments)
- Cosmetic services and therapeutic services (sauna, massage, skin piercing).

The main elements of the service are:-

- Programmed Health and Safety Inspections** - Regular inspection of all our commercial premises, rated in the "A" category to check on health and safety standards to promote safe practices and secure compliance with the law, whilst having regard to the national/regional priority programmes. Commercial premises rated "B1", "B2" or "C" categories, will not form part of the planned inspection programme. However, these category premises will be subject to other "Intervention strategies" such as planned, local or national campaigns/initiatives on topic based issues (e.g. gas safety initiative and swimming pool safety). The inspections are carried out in accordance with the adopted Health and Safety Inspection Procedure. Enforcement is focused on particular hazards or sectors where the greatest action will be necessary, to contribute to the HSE's overall strategy.
- Special/Other Health and Safety Inspections** – To undertake visits as necessary having regard to the priority programmes within HSE's Strategy, focusing our enforcement on particular hazards or sectors where the greatest action will be necessary. This may come to light having analysed trends in official accident notifications.
- Health and Safety Investigations** - Investigation of complaints relating to health and safety received from employers, employees and the general public. In 2015/16, 45 such investigations were carried out.
- Accident Investigation** - Investigation of accident notifications received via the RIDDOR notification online system. This system is managed by the HSE and the PEHO (Commercial) or, in her absence the SEHO, checks the database on a daily basis.

Accidents are investigated in accordance with the adopted Accident Investigation Procedure. The table below shows the numbers of notifiable accidents reported to this Council over the last four years:

Year	No. of notifiable accidents
2015/16	48
2014/15	47
2013/14	61
2012/13	63

- Health and Safety Initiatives** - To develop initiatives to focus on issues within the national/regional Priority Programmes outlined in paragraph 1.4.1 in this service plan.
- Non-Food Premises Database** - we will maintain the database of non-food premises allocated to us under the Health & Safety (Enforcing Authority) Regulations 1998, in the Borough and take steps to ensure that the information is accurate and up-to-date. Ad hoc special surveys and monitoring of monthly releases of new businesses registered with the Council's Business Rents Team are examples of how this will be achieved.

2.3.2 The health and safety at work enforcement service is provided by the Commercial Team who also provide a food safety enforcement service, and animal licensing in relevant premises.

2.4 Demands on the Health and Safety at Work Enforcement Service

As of January 2016 there were approximately 1238 commercial premises within Spelthorne Borough Council.

2.5 Accessing the Service

The service can be accessed by: -

- Calling in person to Spelthorne Council Offices at Knowle Green, Staines upon-Thames, TW18 1XB. The Offices are open from 9am to 5pm Mondays to Thursdays and 9am to 4.45pm on Fridays
- Telephoning the Environmental Health Business Support team - telephone numbers available via the Council's website and the telephone directory
- Email to eh.commercial@spelthorne.gov.uk
- Emergencies can be dealt with by telephoning our 24-hour out-of-hours emergency service where the on-call officer will contact a senior officer from Environmental Health.
- Information and advice can be accessed via the Council's website (www.spelthorne.gov.uk)

2.6 Enforcement Policy

2.6.1 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the Regulator's Code and the Environmental Health & Building Control Services Enforcement Policy.

2.6.2 The policy was last updated in October 2014 to take account of the Regulator's Code and minor changes, such as change to staff personnel. It is published and made available to businesses and customers in printed format if requested, and is available on the Council's website. Officers shall provide proprietors and managers of commercial premises with the new Spelthorne leaflet entitled "Enforcement Policy – Advice to Businesses" during health and safety inspections.

2.6.3 We recognise that most businesses want to comply with the law. We will therefore endeavour to help businesses and others meet their legal obligations without unnecessary expense, whilst taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. Enforcement action will always be proportional to the risk to public health.

2.6.4 In considering enforcement action we work with our Legal Team to consider the Home Office Circular 30/2005, The Code for Crown Prosecutors, and the HSE Enforcement Policy. We will also seek advice offered in relation to the current Primary Authority Partnership scheme that will replace it in the near future. We must also have regard to any relevant guidance produced by BRDO.

- 2.6.5 All authorised officers will follow the policy when making enforcement decisions. Any departure from the policy must be exceptional, capable of justification and approved by the Senior Environmental Health Manager.
- 2.6.6 The Environmental Health & Building Control Services Enforcement Policy will be regularly reviewed and amended.

3.0 SERVICE DELIVERY

- 3.1.1 **Health and Safety Inspections/Visits** - Whilst the primary responsibility for identifying hazards and controlling risks rests with proprietors and managers of businesses, there are several categories of health and safety visits undertaken by Spelthorne Borough Council's team of Environmental Health professionals:

Programmed Health and Safety Inspections - Inspections of premises involving a full health and safety inspection, where all aspects of the work throughout the premises are looked at, or a general overall assessment of health and safety is carried out, in accordance with frequencies set out in HSE's National Enforcement Code for Local authorities.

Special Surveys/Other Visits for Enforcement Initiatives - To undertake visits as necessary having regard to regional/national priority programmes, focusing our enforcement on particular hazards or sectors where the greatest action may be necessary to contribute to the HSE's Strategy

Other Visits - Health and Safety Investigations - Investigation of all complaints relating to health and safety received from employers, employees and the general public, including advice and/or complaint visits.

Other Visits - Accident Investigation - Investigation of accident notifications received via the online RIDDOR notification system, including visits to premises to investigate the scene/cause of the accident

Revisits - Revisits are carried out to premises to check if specific action has been taken to remedy faults found at a previous inspection/visit. In 2015/16, 15 revisits were undertaken.

- 3.1.2 The main objectives of a health and safety inspection are:
- a) determination of the scope of the business activities and of the relevant health and safety legislation that applies to the operations taking place at the premises thorough and systematic gathering and recording of information, from observations and discussions with employees, managers and proprietors;
 - b) identification of potential hazards and associated risks to employee/public health, safety and welfare;
 - c) assessment of the effectiveness of controls to achieve safe;
 - d) identification of specific contraventions of health and safety legislation;
 - e) consideration of appropriate enforcement action, (proportionate to risk), to secure compliance with health and safety legalisation;

- f) provision of advice and information to employees, employers, managers and proprietors of commercial premises;
- g) recommendation of practical, good health and safety practices, in accordance with subject specific codes of practice where appropriate;
- h) the promotion of continued improvements in health & safety standards through the adoption of good practice.

3.1.3 We aim to undertake 100% of our programmed health and safety inspections (i.e. those risk rated “A”) of premises within the Borough at a frequency which is in accordance with the inspection rating system set out within HSE’s National Enforcement Code for Local authorities.

3.1.4 All commercial premises in the Borough are categorised according to potential risk and the frequency that they are inspected depends on this category. In 2015/16 we inspected 100% of our programmed inspections for this year (i.e. businesses risk rated “A”). The rating system takes account of management practices and past compliance with legislation in determining likely future risk.

Premises are inspected within the following minimum frequencies:

Category	Minimum Frequency of Inspection
A	At least every year
B1 & B2	Use non-intervention methods, e.g. reactive intervention following accidents, complaints or other reason for visit (inspect new food business)
C	As above

3.1.5 The Council recognises that some commercial businesses present a higher risk than others. We plan to visit all Category “A” premises within their due date. Additional resources will also be targeted at specific premises to focus our attention on issues within the priority programmes contained within HSE’s National Enforcement Code for local authorities.

3.1.6 Prior notice of a programmed inspection will not normally be given to proprietors and managers unless they are not normally available at the premises to discuss health and safety issues, and ensure that relevant personnel and documentation will be made available.

3.1.7 Commercial premises will be inspected during normal trading hours. We recognise that certain businesses operate in the early hours of the morning, late at night and at weekends and indeed that some businesses are busiest at these times and would therefore benefit from a visit at these times, so the inspections programme will include health and safety inspections outside of normal working hours where appropriate.

3.1.8 Health and Safety inspections of all new catering premises and inherently “high risk” new non-food premises will be undertaken at the same time as the initial food hygiene inspection, and generally within three months of opening.

- 3.1.9 During special survey initiatives we will send a self-assessment checklist designed to enable both the business and the officers to identify whether or not the business complies with the law. We receive information regarding change of occupation from business rates on a regular basis to assist this process.
- 3.1.10 When special survey initiatives are carried out the targeted employers shall be required to return the self-assessment checklist; failure to do so may result in a visit by an officer. A sample of 5% of all premises returning the self-assessment checklists shall be visited in order to validate responses, however this percentage may alter depending on the survey being undertaken. In addition, officers shall assess the Risk Category of the business based on the information provided. Businesses shall receive feedback as may be necessary on our conclusions as a result of assessing the form and would be sent any relevant information, which they required. In addition they shall be visited where it was obvious that this was necessary. If new businesses do not reply, we will inspect the premises as soon as possible, subject to other priorities.
- 3.1.11 Wherever it is practicable and appropriate to do so, we will combine a health and safety inspection with another visit (e.g. complaint, or a request for advice, or if the premises is due a food/licensing inspection etc.) to help make effective use of resources and to minimise disruption to business.
- 3.1.12 We will reschedule our programmed health and safety inspection programme in exceptional circumstances and if requested to do so by HSE. We will co-operate with the HSE and will provide them with any information and assistance as may be necessary.
- 3.1.13 All health and safety inspections will be conducted by appropriately qualified officers who satisfy the requirements of the relevant legislation and HSE Section 18 Guidance to Local Authorities.
- 3.1.14 If we identify serious contraventions of health and safety legislation and/or poor practices during a programmed inspection and formal action is not appropriate as laid out in the enforcement policy, we will undertake a revisit to the premises after an appropriate time period to check that matters have been attended to satisfactorily. We will revisit to check compliance with all formal notices served.

3.2 Health and Safety Complaints

- 3.2.1 Our policy is to investigate health and safety complaints made within Spelthorne Borough Council, in accordance with our policies and procedure notes, whilst having regard to our Enforcement Policy. The investigation of some complaints can be a lengthy process, it is expected that officers will ensure a first response within 6 days of the complaint being received.
- 3.2.2 Our main aims in undertaking independent investigations of health and safety complaints on behalf of members of the public or employees are:
- The identification of potential hazards and associated risks to employee/public health, safety and welfare;
 - The assessment of the effectiveness of existing controls;

- The identification of specific contraventions of health and safety legislation;
- To prevent a recurrence of the complaint by securing improvements in health and safety standards, including practices and procedures;
- Provision of advice and information to employees, employers, managers and proprietors of commercial premises;
- Recommendation of practical, good health and safety practices, in accordance with subject specific codes of practice where appropriate
- Appropriate enforcement action, (proportionate to risk), to secure compliance with health and safety legislation where necessary.

3.2.3 We aim to respond to health and safety complaints within six days after receipt, or in accordance with our documented procedures and relevant HSE guidance.

3.2.4 The depth and scope of investigation required will depend on the nature of the complaint and whether the complaint arose within premises for which the Council has health and safety enforcement responsibility.

3.2.5 All complaints are thoroughly investigated and complainants advised of the outcome.

3.3 Accident Investigation

3.3.1 Our policy is to appropriately investigate accident notifications received via the online RIDDOR notification system within Spelthorne Borough Council, in accordance with the departmental policies and Accident Investigation procedure notes, whilst having regard to our Enforcement Policy and HSE's National Enforcement Code for local authorities.

3.3.2 Our main aims in undertaking independent investigations of accident notifications on behalf of members of the public or employees are:

- To prevent a recurrence of the accident by securing improvements in health and safety standards, including practices and procedures;
- The assessment of the effectiveness of existing controls;
- The identification of specific contraventions of health and safety legislation;
- The identification of potential hazards and associated risks to employee/public health, safety and welfare;
- Provision of advice and information to employees, employers, managers and proprietors of commercial premises;
- Recommendation of practical, good health and safety practices, in accordance with subject specific codes of practice where appropriate
- Appropriate enforcement action, (proportionate to risk), to secure compliance with health and safety legislation where necessary.

3.3.3 We aim to respond to accident notifications within six days after receipt, or in accordance with our documented procedures and relevant HSE guidance.

- 3.3.4 The depth and scope of investigation required will depend on factors such as the nature and seriousness of the accident and whether the accident arose within premises for which the Council has health and safety enforcement responsibility.
- 3.3.5 RIDDOR Accident notifications shall be investigated in accordance with the Accident Investigation procedure.

3.4 Asbestos Notifications

Asbestos notifications are received via a portal on the Health and Safety Executive's website. Contractors and others are required by law to notify the relevant enforcing authority of their intention to carry out both licensed and unlicensed work on asbestos. The PEHO (Commercial), or in her absence the SEHO, checks this portal three times a week.

In 2015/16 we received no notifications of works.

3.5 Advice to Business

We recognise that the majority of businesses seek to comply with the law and during 2015/16 we have endeavoured to provide such advice and assistance as may be necessary. This includes:

- providing businesses with details of our Enforcement Policy. This may be through a leaflet either left at premises during routine visits or sent with inspection reports.
- developing and providing business information sheets, leaflets, practical information and other guides as necessary to simplify legislation and aid compliance with specific health and safety legislation;
- providing on the spot advice during routine visits and inspections;
- provision of free telephone advice;
- the publication of a health and safety information pack/guide for new businesses;
- the provision of a health and safety newsletter once or twice yearly;
- Health and Safety initiatives.

3.6 Primary Authority Partnerships

- 3.6.1 The Primary Authority Principle (PAP) is a formal recognition of the importance of the relationship between a food business and a specific local authority.
- 3.6.2 It is a statutory scheme set up the BRDO. It means that all local authorities will have to have regard to it when considering enforcement action in relation to a food business which has a number of branches or units in other food authority areas and a decision making base in another area, the relevant "Primary Authority" must be consulted before taking formal action. The only exemption to this requirement is when a local authority needs to take urgent action to avoid a significant risk of serious harm to human health.
- 3.6.3 At present there are approximately 8,500 PA arrangements between businesses and local authorities (compared to 2,538 last year), Spelthorne do not have PA arrangements with any business at this time.

3.6.4 Prior to undertaking an intervention, an officer must take appropriate steps to find out if the business concerned participates in a PAP and if so the conditions of that partnership. Any inspection plan devised as part of the PAP arrangement must be adhered to.

3.7 Liaison with Other Organisations

3.7.1 The Council actively participates in liaison arrangements with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, to share good practice and to reduce duplicity of effort.

- Surrey Occupational Health and Safety Study Group
- Surrey Environmental Health Managers' Group
- Health and Safety Executive
- Local Government Regulation
- Liaison arrangements with Building Control, Planning, Solicitors
- Public Health England

4.0 RESOURCES

4.1 Financial

4.1.1 The gross cost of providing the health and safety service, i.e. staff and budgetary expenses, in the current financial year (2016/17) is £51,474. The budget for 2017/18 will be similar.

4.2 Staffing Allocation

Staffing Allocation for Health and Safety Enforcement

NAME/ JOB TITLE	FTE	QUALIFICATIONS	HEALTH & SAFETY ENFORCEMENT EXPERIENCE
Fidelma Harding Principal EHO (Commercial)	0.25	BSc (Hons) in Environmental Health,	10 years
Liz England Senior EHO	0.25	Diploma in Environmental Health Chartered Member of the CIEH Post Diploma Qualification in Health & Safety	34 years
Sally Lee Senior EHO	0.25	BSc (Hons) in Environmental Health; Higher Certificate in Food Premises Inspection.	21 years
Administrative Support	0.30		
Tracey Willmott- French; Senior Environmental Health Manager	0.08	BSc (Hons) in Environmental Health,	
Total:	1.13		

This total 1.13 FTE is spent on health & safety duties including dealing with complaints, giving advice to businesses, interventions and detailed investigations, checking notices, and preparation for prosecutions etc.

4.3 Staff Training and Development

- 4.3.1 We recognise the need for all officers engaged in the health and safety service to be trained, not only to the level required by law, but also to a level commensurate with the work they carry out. We also recognise the need to develop the personal skills needed in order to work effectively in the field, and for EHOs to meet the requirements of the CIEH Continuing Professional Development (CPD) scheme.
- 4.3.2 All staff are regularly appraised, development needs are identified and records of all training to be undertaken is formally recorded. Follow-up evaluation of the usefulness of the training is formally undertaken immediately following the course and three months later.
- 4.3.3. Each member of staff receives one appraisal and development meeting per year at which development needs are identified and a plan agreed to address these.
- 4.3.4 Training and development of staff is provided by a range of methods including:
- i) Post Entry Training - Nominations for formal training courses/qualifications are considered annually and in appropriate cases members of staff are sponsored on formal academic and practical courses.
 - ii) Short Course Training - Where appropriate, short courses, seminars and workshops can provide valuable updates for staff. We support attendance at such events through the Departments short courses training budget.
 - iii) In-house/cascade Training - We carry out in-house training sessions as this helps to develop an individual's presentation skills, as well as cascading information to other members of staff following attendance at seminars and short course. They also assist in maintaining consistency of enforcement and the competency of Officers.
 - iv) Peer Review - We use peer review, e.g.: joint visits, to monitor work performance; encourage exchange of expertise and skills between staff; achieve consistency in enforcement; to strive for continual improvement in service delivery.
 - v) Commercial Team Meetings - These monthly meetings provide a useful forum for exchange of information and experience amongst team members, and assist in achieving a uniformity of approach to health and safety enforcement. Health and Safety is a standing item on the agenda for these meetings.
 - vi) Attendance at the Surrey Health and Safety study group meetings.
 - Vii) Recently launched HSE webinars meaning officers do not have to leave the office but log on to a centrally hosted seminar via the internet. Dissemination of this information amongst colleagues, as above.
- 4.3.5 We will ensure that the Council's appraisal scheme and training plan is used effectively to identify general and personal training and development needs for all members of staff. These are addressed through each member of staff's agreed appraisal personal development plan.

5.0 QUALITY ASSESSMENT

5.1 Internal Monitoring

- 5.1.1 We have set up a number of documented internal monitoring procedures to monitor compliance with HSE strategies and guidance, and our own internal procedures and policies.
- a. Officers carry out joint visits with each other twice a year to ensure consistency between officers (Peer Review).
 - b. The Principal Environmental Health Officer (Commercial) checks a selection of post-inspection risk scores and correspondence that is sent out.
 - c. The Principal Environmental Health Officer (Commercial) shall carry out joint visits with each officer twice a year to ensure consistency between officers.
 - d. Customer questionnaires are sent out to all businesses, who have received a visit and the results are collated and discussed at team meetings every six months.
- 5.1.2 Between April 2015 to December 2015, 27 Customer Care questionnaire forms were returned from businesses who had received either a food hygiene or health & safety inspection. In terms of whether they were treated fairly by the EHO, 99.9% of respondents either strongly agreed or agreed. No additional comments were made.

5.2 External Monitoring

- 5.2.1 Our health and safety enforcement at work service receives peer review as part of the local Surrey Districts inter-authority audit scheme. The health and safety at work enforcement service was first audited in 1994.

We participated in an Inter-Authority audit organised by the Surrey Health & Safety Study Group in accordance with both the HSC Section 18: Guidance to Local Authorities, which was issued in September 2001, and the revised HELA Audit Protocol (issued in January 2002). The audits were carried out in May/June 2004. Our Health & Safety Service was audited on 29 June 2004.

There are no confirmed plans in place for further inter-authority audits at present.

- 5.2.2 Health and Safety Executive - We currently submit annual statistical returns to the HSE in respect of our health and safety enforcement activity. We may need to develop additional reports in conjunction with our software suppliers IDOX solutions, to provide such information in a form that is acceptable to the HSE.

6.0 REVIEW

6.1 Performance review against the Service Plan

- 6.1.1 This Service Plan should be read in conjunction with the Environmental Health Service Plan.

6.1.2 Both documents are used in setting individual and team targets through the annual appraisal process. Performance is reviewed through a variety of mechanisms. These include:

- i) Periodic performance monitoring during Service management meetings.
- ii) Commercial Team Meetings.
- iii) Bimonthly case load review meetings with officers and “Cascade” training days
- iv) Monitoring of correspondence sent out by officers (e.g. letters, reports, notices etc).
- v) Peer Review (Accompanied inspections).

6.1.3 Four principal performance measures are used. These are:

- i) Performance against programmed health and safety inspection targets. Our target is to achieve 98% of inspection targets for commercial premises.
- iii) Performance against service response targets for health and safety service requests.
- iii) Performance against service response targets for accident notifications.
- iv) The Number of reports (e.g. letters/informal notices) sent out within the target time (no later than 7 days after the date of visits).

6.1.4 Commercial Team Performance in 2012/2016

Performance Measures	2012/13	2013/14	2014/15	2015/16
Target for Programme Inspection (achieved % in brackets)	98% (100%)	98% (100%)	98% (100%)	98% (100%)
Rating A number of planned inspections carried out	1	4	1	0
Rating B1 number of interventions carried out	2	2	10	3
Rating B2 and C number of interventions carried out	12	3	34	13
Number of non-inspection interventions carried out	20	46	74	47
Target to respond to within six working days	95%	95%	95%	95%
Number of health and safety related service requests	90	67	59	45
Percentage responded to within six working days target	98%	94%	93%	95%

6.1.5 Commercial Team Performance against Target – 2015/16

- The team achieved 100% of the planned inspection programme (risk rated categories “A”) and it carried out a total of 73 health and safety visits in 2015/16 (all types of health and safety related work).
- The team received a total of 45 health and safety service requests for 2015/16.
- The team produced a total of 17 reports following health and safety inspections.

6.1.6 Commercial Team Performance against Target – Update (April- Dec 2016)

- The team had completed 2 health and safety inspections, with two follow up health and safety/food hygiene reports being sent out after inspection visits.
- Three serious accident investigations are ongoing.
- The swimming pool project will be carried over into 2017.

6.1.7 **Comments on Commercial Team Performance**

During 2015/16, the Environmental Health Service underwent a departmental restructure and the Commercial Team was an integral part of that restructure. The Commercial team, along with the rest of the Environmental Health Service, has implemented new flexible working arrangements which included a temporary office re-locate and the introduction of new ICT hardware which has taken time to embed. During 2016/17, the team has also been short of officer resource as one EHO left and another is on 12-months maternity leave. Both posts have been temporarily backfilled by contract EHOs, and the vacant post has now been recruited too.

In spite of the above challenges, the Commercial team has performed well and managed to maintain a high level of service delivery.

6.2 **Identification of any variation in the Service Plan**

A report will be submitted to the Cabinet in 2018 following a review of performance against this service plan to identify any improvements or variations from the Plan.

6.3 **Areas of Improvement**

The National Local Authority Enforcement Code has resulted in a decrease to the number of proactive inspections carried out this year. This has a knock-on effect on the competency of officers as they undertake fewer inspections. To offset this risk, we ensure that officers routinely attend training events and cascade the crucial points of these events to their team.

We use the Regulators Development Needs Assessment as a tool for officers to self-assess their competency and to identify potential areas for improvement.

APPENDIX I - Glossary of Terms

CCDC	-	Consultant in Communicable Disease
CIEH	-	Chartered Institute of Environmental Health
TO	-	Technical Officer
EHO	-	Environmental Health Officer
FSA	-	Food Standards Agency
FHRS	-	Food Hygiene Ratings Scheme
LGA	-	Local Government Regulation
PHE	-	Public Health England
HSE	-	Health and Safety Executive
LAs	-	Local Authorities
BRDO	-	Better Regulation Delivery Office
SFBB	-	Safer Food Better Business
RIDDOR	-	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations