

EAST AYRSHIRE COUNCIL

COMMUNITY SERVICES COMMITTEE – 2ND FEBRUARY 2005

HEALTH AND SAFETY ENFORCEMENT STRATEGY PARTNERSHIP WORKING AND TOPIC INSPECTIONS

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To inform Members of the changes in the Health & Safety enforcement regime which have taken place and others which are proposed over the next 18 months.

2. BACKGROUND

- 2.1 The Health and Safety Commission (HSC) are the policy body set up by the Westminster government to oversee the enforcement of the Health and Safety legislation.
- 2.2 The Health and Safety Executive (HSE) and local authorities have the responsibility to carry out the enforcement in accord with HSC policy.
- 2.3 The split of responsibilities between the HSE and local authorities is laid out in the Health and Safety (Enforcement Authority) Regulations 1998. As a rough guide this allocates the manufacturing industries to the HSE and the service industries to the local authorities.
- 2.4 The liaison between the HSC, HSE and local authorities is the Health and Safety Executive and Local Authorities Liaison Committee (HELA). Representatives from Local Government organisations sit on this committee.

3. DISCUSSION

3.1 The Problem

- 3.1.1 Many of the local authority enforced premises are categorised as “low risk” e.g. offices and small shops. On the other hand the HSE have many “medium to high risk” premises for which they are responsible and which they don't have the staff resources to inspect. These would include small engineering works, motor vehicle repairs, nursing homes etc.
- 3.1.2 The result is that some premises, which should be inspected, are falling between the two enforcement authorities. This is an unacceptable situation which is one of the issues which the HSC's new strategy is designed to tackle.

3.2 **Topic Inspection**

- 3.2.1 In October 2003 HELA endorsed the adoption of a topic inspection approach by local authorities to meet the HSC's 'Revitalising Health and Safety' priority programme targets.
- 3.2.2 The approach is a means of proactive intervention, which encourages enforcement officers to concentrate on five topic areas during proactive inspections and reactive investigation, rather than complete all-encompassing inspections.
- 3.2.3 The five key topic areas which have been identified by the Commission as contributing nationally the highest rates of accidents/ incidents and ill health at work are workplace transport, falls from height, slips and trips, musculoskeletal disorders and work induced stress.
- 3.2.4 East Ayrshire has been involved in the pilot of the Topic Inspection project which has now been evaluated and HELA has agreed to this approach being rolled out to and implemented by all local authorities no later than 2005/06.

3.3 **Priority Planning**

- 3.3.1 In addition to topic inspection changes have also recently been agreed by HELA to the priority-planning framework as set out in LAC 67/1 'Advice to Local Authorities on Intervention Programmes and an Inspection rating System'. [This LAC is a key document in support of the HSC's mandatory guidance to local authorities, issued under section 18 of the Health and Safety at Work etc Act 1974].
- 3.3.2 Two key statements within the LAC are: -
- a) "Planned general inspections should not necessarily take up the largest proportion of resources."
 - b) "Planned Special Interventions, Surveys or Enforcement Initiatives - These visits should make up the largest part of a LAs enforcement activity."
- 3.3.3 These changes are designed to enable local authorities to both incorporate the topic inspection approach within their existing inspection planning frameworks and create 'headroom' within their service plans to enable local authorities to contribute to partnership working with HSE and other local authority colleagues.
- 3.3.4 This is in line with the new HSC strategy for ["Workplace Health and Safety in Great Britain to 2010 and beyond"](#) and the associated ["Local Authorities and HSE Working Together" Strategic Programme](#).
- 3.3.5 Although the process directs health and safety enforcement resources to specific topic areas, LAC 67/1 rev 3 contains scope for flexibility to meet the individual service needs of the local area, and industry or local business needs.

4. FINANCIAL IMPLICATIONS

4.1 Nil.

5. LEGAL AUTHORITY/IMPLICATIONS

5.1 Nil.

6. POLICY IMPLICATIONS

6.1 A new Health and Safety Enforcement Policy will require to be drafted when we have more of the details worked out with our partners.

6.2 These changes will greatly alter the way the Council's Health and Safety Enforcement role is undertaken and delivered. At the same time it is intended to contain the resources allocated to the Enforcement of Health and Safety at the current level.

6.3 Inspection Programme

6.3.1 The first and most striking example of this is the probable effect on the existing inspection programme, which is the basis for the current National Performance Indicator. Currently some 1300 businesses fall within the 5-year inspection programme giving an average annual requirement of approximately 300 programmed inspections. Under the new regime this is likely to reduce considerably. Alternative strategies however require to be implemented to maintain contact with the businesses no longer due programmed visits.

6.4 Joint Working

6.4.1 One of the main aims of the strategy is to allow for an increase in joint working between the HSE and local authorities also inter-authority working between local authorities. Likely outcomes include joint inspections and project work and the transfer of inspection duties for specific premises e.g. nursing homes and small manufacturing units. This joint working is expanding on current work undertaken by the West of Scotland Health & Safety Liaison Group.

6.5 Project Work

6.5.1 The West of Scotland Health and Safety Liaison Group are already in discussion with the HSE Enforcement Liaison Officer and the Partnership Manager about projects which all the local authorities in the group can be involved with.

7. CONCLUSIONS

- 7.1 There is little doubt that in implementing the suggested changes, resources will be released to allow new ways of working and of raising the awareness and importance of Health and Safety at Work to be introduced in the local area.

8. RECOMMENDATIONS

- 8.1 The Committee are recommended to:-

- (i) agree to the approach suggested by the Executive Director of Neighbourhood Services to achieve the implementation of the HSC and Department for Work and Pensions new strategy to improve future standards of workplace health and safety;
- (ii) agree that this should be implemented as a rolling programme during the year 2004/2005; and
- (iii) otherwise note the contents of the report.

William Stafford
Executive Director of Neighbourhood Services

WS/AMM

10th December 2004

LIST OF BACKGROUND PAPERS

1. Local Authorities and HSE Working Together
2. A Strategy for Workplace Health and Safety in Great Britain to 2010 and Beyond

Any person wishing to inspect the background papers listed above should telephone 01563 576111 and speak to John Crawford, Head of Protective Services.

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