



LACORS

Annual Report 2005

LAs and HSE working together



LAs and HSE working together

Introduction

In 2004, the Health and Safety Commission (HSC) published a *Strategy for workplace health and safety in Great Britain to 2010 and beyond*. This strategy signalled the need for local authorities (LAs) and the Health and Safety Executive (HSE), as enforcing authorities, to work together to bring about substantial improvements to occupational health and safety. The response was the creation of the *Working together* Strategic Enabling Programme, set up to develop the partnership.

This work has been aided by close liaison between HSE and the Local Authority Co-ordinators of Regulatory Services (LACoRS), a body representing local authorities in Great Britain. In addition, a number of LA staff have been seconded to HSE offices around the country. These arrangements reflect the view that creating the partnership will only be achieved by close co-operation between HSE and LAs.

The vision for this new relationship is of 'LAs and HSE working jointly and in partnership, locally, regionally and nationally, to a common set of goals and standards, committed to focusing resources on agreed health and safety priorities and thereby minimising harm to those in the workplace or those affected by workplace activities'. The plan to implement this vision has been jointly developed with LACoRS, and options on the most effective way of deploying the combined LA and HSE resource will be reported to HSC in February 2006.

Partnership teams have been created within each of HSE's regions. These teams are actively developing local authority links and the joint planning arrangements that will ensure best use of resources to achieve the Government's health and safety targets.

Support, information and training for local authorities

A key part of the commitment to create an effective partnership that will have an impact on reducing workplace accidents and ill health is to ensure support, information and training is provided for local authorities.

Recent research has helped to identify the areas where additional support is required. The report entitled *Local authority health and safety enforcement officers' perceptions of their support, information and training needs* can be found on HSE's website at:

<http://www.hse.gov.uk/research/rrhtm/index.htm> and on the extranet. The research included a series of focus groups and workshops, as well as interviews with experienced LA staff, to identify LA needs and discuss how best they could be met. There are some key findings in the report, particularly about the dedication of LA professionals, differences between LAs and HSE, information gaps and areas where LAs need further support.

HSE, in conjunction with LACoRS, is working with the Chartered Institute of Environmental Health (CIEH) and the Royal Environmental Health Institute of Scotland (REHIS) in implementing the recommendations contained in the report.

Regional partnership managers and their teams have been identifying LA training needs, and arranging delivery of training in some topics to meet local needs.

In addition, work has started on improving access to and awareness of support available to LA officers from HSE and the Health and Safety Laboratory (HSL). Three pilot roadshows were held in November to allow LA officers to meet local HSE regulatory and specialist inspectors. Lessons learnt will be taken forward to create a better mutual understanding between LA and HSE officers. It will also be important to create a clearly understood mechanism for LAs to access support from HSE.



Guidance on health and safety enforcement is an important part of providing support for LA officers and a project has been established to review the type and content of guidance issued to enforcing authorities. The objective is to adopt a common approach to writing health and safety guidance so that it is applicable to both LAs and HSE. There is much guidance currently in circulation and although it will all be reviewed, this objective must be seen as a longer-term aim.

Science and technology

Science and technology can play an important role in ensuring a good regulatory outcome for LAs. A scheme launched in May 2005 has made £5 million available to LAs over four years, to be used for research projects to assist in investigating a range of issues across the spectrum of activities for which LAs are the enforcing authority. The resource will primarily be used by accessing the services of HSL in Buxton.

More than 70 applications for support for planned projects have been received so far, which include:

- work on violence around licensed retail premises and clubs;
- support for a safety awareness day for builders' merchants;
- improving fencing safety at stock car racing and motocross events;
- analysis of tattoo inks;
- investigating slips and trips in restaurants; and
- fork-lift truck overturns.

A fighting fund

One of HSC's concerns is the problem faced by some local authorities, especially small councils, when confronted with complicated prosecutions against well-resourced defendants. Consideration of an early proposal for a fighting fund has identified a number of complex issues relating to the legitimacy and practicability of such a scheme. However, alternative support mechanisms are under consideration to address this issue which might, for example, give local authorities easier access to HSE specialists and legal assistance. Work is ongoing on the practical and legal issues.

Extranet

Communication and communication systems are critical to sustaining a functioning partnership. As a consequence, a web-based extranet has been developed and launched, giving local authorities significantly better access to information previously only shared within HSE.

The extranet has been jointly developed by HSE with LACoRS and LA partners and was launched in September 2005. The aim is to make it a one-stop shop for information and ultimately the primary mechanism for exchanging live data between enforcing authorities.

The extranet provides a secure 'virtual' environment, where HSE and LAs can communicate with one another by uploading, downloading and exchanging relevant information and it retains all of the functions and valuable content of the existing web-based information systems. Further information to be published on the extranet includes LA submissions on good practice (normally included in the Annual Report) and the HELA Supplementary Report, which includes health and safety offences and penalties in LA-enforced sectors.

The duty to make adequate arrangements to deliver health and safety enforcement

LAs have enforcing authority responsibility, as defined in the Health and Safety at Work etc Act 1974. The 'management arrangements' that give effect to this are also being reviewed.

There are four elements currently being developed:

Flexible warrants

This potential approach to dealing with areas where responsibility is unclear involves HSE appointing LA inspectors and LAs appointing HSE inspectors, so allowing both to work in premises enforced by the other. A pilot is currently running in Hampshire and the Isle of Wight to trial this approach to deal with matters of evident concern, complaints, accidents and activities outside of premises, including peripatetic activities. Further pilots exploring variations of this theme are planned in Humberside, Yorkshire, the North East, South West and Scotland. Flexible warrants have also been used for *ad hoc* investigations in Wales.

Enforcing Authority Regulations review

This is a review of the allocation of responsibility under these Regulations. A discussion document has been produced on issues and options for the future. Many of the other strands of the programme, eg competence, governance, and the extranet, will help resolve some of the difficulties created by the current Enforcing Authority Regulations, as will the development of flexible warranting.

Review of the Health and Safety at Work etc Act 1974, Section 18

Section 18 guidance is issued by HSC directing LAs about the arrangements they should make to deliver health and safety. A draft document setting the standard for health and safety regulators has been produced. This complements the partnership theme and applies to both LAs and HSE. A model description of a complying regulator is being developed.

Common performance framework

A number of methods for measuring performance are being investigated including compliance with Section 18 guidance, regulatory decision-making assessments, benchmarking, contribution to partnership and other developing regulatory frameworks. The preferred performance framework options would apply to both HSE and LAs.

What's happening in the field?

The regional partnership teams have been getting on with partnership working and there are many examples of improved co-operation and joint planning and working between LAs and their regional HSE colleagues. LA training needs have been identified and regional newsletters have been regularly produced to improve communications between LAs and HSE. Set out below is a 'flavour' of some of the developing work.

North West

There are five health and safety liaison groups in the North West. A regional forum representing each LA liaison group and HSE has been formed to address joint planning and discuss training and competency. LAs that have adopted new ways of working are being supported by seminars designed to develop a consistent approach between LAs and between LAs and HSE.

- A DTI-funded project involving representatives of TUC, call centres, LAs and HSE in improving health, safety and productivity through local initiatives. Two sub-projects are proposed on developing accurate sickness absence data recording and targeting musculoskeletal disorders and stress in call centres.
- The North West is targeting higher risk manual handling activities at airports in partnership with Manchester City Council, the Civil Aviation Authority and the Manchester Airport Group. Other LAs in the region have been involved in joint working and joint educational visits.

- Cheshire LAs are undertaking a project on falls from height in warehousing/storage facilities and falls from vehicles. A project plan has been jointly developed, a leaflet produced for local businesses and an inspection programme planned.

The regional partnership arrangements include reviewing ways to engage with elected members and chief officers. Two successful 'Partnership in action' events have taken place in the region, with 90% of local authorities agreeing to sign a statement of intent.

East and South East

In the East and South East, over half of the 115 LAs have signed a local statement of intent with HSE. HSE's senior managers met with nominated representatives from each LA chief officers' group and focused on developing strategies for health and safety across the region.

Planning arrangements for 2006/07 have been developed, enabling all enforcing authorities to work within a common framework, ensuring that the plans take account of strategic matters relevant to both HSC and local priorities.

The flexible warrants pilot in Hampshire has established a new way for HSE and LAs to work in partnership. The aim is to:

- increase the flexibility and responsiveness of health and safety regulators to situations of significant risk;
- remove inefficiencies in administration that result from the prescription regulations that allocate responsibility;
- improve communication and co-operation between health and safety regulators.

A pilot with Peterborough City Council began in October to establish how the generic transfer of premises between enforcing authorities can be used to better target the most serious hazards associated with work activities in motor vehicle repair, dry cleaning (with the exception of industrial cleaning), and Employer's Liability (Compulsory Insurance) Act 1969 enforcement.

Yorkshire and the North East

In this region, a partnership group formed from LACoRS representatives, LA health and safety liaison group secretaries and HSE representatives has taken the development of partnership working forward.

Two successful major events involving elected members and LA managers to promote the partnership were held followed by an event examining the theory and practice of partnership working, which was attended by over 180 delegates from across the country, culminating in the launch of a *Best practice guide*.

Over 150 delegates attended a series of workshops leading to closer relationships and much greater interaction between the inspectorates.

After a comprehensive consultation and planning exercise, three proposals for joint working in the region have been developed in relation to care homes, retail delivery and safer working towns.

Scotland

Representatives of all 32 Scottish LAs, including chief executives, elected members and chief officers of environmental health, as well as HSE representatives, attended the programme roll-out event for Scotland.

Scotland has four health and safety liaison groups and a national Health and Safety Co-ordinating Group (HASCOG) and partnership work in Scotland has been undertaken through these groups. Governance arrangements for future working will be in place for 2006/07.

A number of regional events within Scotland have been jointly organised, and have included safety and health awareness days aimed at:

- construction workers;
- care home providers; and
- outdoor leisure venue maintenance workers.

Other joint work has targeted a number of risk areas, such as musculoskeletal disorders, workplace transport and manual handling.

A number of projects have been jointly undertaken this year to look at companies and industries that cross the boundaries of the current enforcement regulations. This has included:

- supermarket home shopping deliveries;
- care homes;
- transport; and
- warehousing.

All of these were supported by joint training and mutual support.

Midlands

Each of the 10 Midlands counties have a health and safety liaison group and during this first year of work a further regional liaison group has been formed, along with a regional strategy group consisting of LA chief officers and HSE heads of operations. These all provide forums for LA's to respond to the programme.

There has been a strong focus on engaging elected members and over 120 elected members have now been contacted. A key element of all these contacts has been about raising awareness of the links between health and safety enforcement activities and the wider strategic objectives of LAs.

A project involving builders' merchants, a group where enforcement is shared by both LAs and HSE, across the Midlands is underway. This project aims to provide consistent information on priority topics to the trade and to achieve greater alignment of inspection standards and approaches between HSE and LAs.

South West

A regional forum (FRESH), has met several times, at which HSE and LA representatives have agreed approaches to operational issues, policies, training and joint working. There has been a general commitment from LAs, directly and through the health and safety liaison groups and HSE in the region, at a senior level, to support joint work planning for 2006/07.

Representatives from 30 of the 45 local authorities in the South West attended a planning workshop in October. The workshop was successful in engaging all the delegates in considering the issues to be faced if partnership working is to be effective.

A 'buddy' system has been set up in the region, between HSE and LA officers to facilitate joint visits. This work supports, and runs in parallel with, existing partnership working in the region which has included:

- jointly run seminars for local small and medium-sized enterprises;
- joint, targeted visits;
- training for LA officers; and
- continuing liaison and support to LAs from HSE specialists.

Local statements of intent have been signed by 20 LAs, and a series of joint working pilots are planned for 2006/07.

Wales

HSE and LAs continue to work together undertaking inter-authority audits of their health and safety enforcement services. This audit uses an agreed protocol designed to assess LAs' health and safety enforcement activity. HSE's Field Operations Division Wales was also audited using the same protocol. Agreed reports are being produced.

In north Wales, six LAs and HSE have together delivered an innovative partnership project – a training seminar for a wide range of transport undertakings (including both hauliers and distributors) and producing a guide to inspection and enforcement guidelines.

Three months after the seminar, 50% of attendees and 50% of non-attendees will be inspected. Comparisons will be made between standards in businesses that attended the training day and those that did not.

In south-west Wales, an awareness campaign was organised, involving the Welsh Assembly, and aimed at reaching and informing outdoor workers on occupational health matters and personal health issues. A joint LA/HSE team, involving environmental health officers, HSE inspectors (including an occupational health inspector), and a health and safety awareness officer, put a series of scenarios together. These included:

- manual handling;
- emergency first aid;
- COSHH; and
- sun protection.

London

Partnership working has developed on several fronts across London, with many events being held. This included an evening event at Shakespeare's Globe Theatre hosted by HSC's Chairman, Bill Callaghan, which was attended by elected members, environmental health managers and HSE senior managers who collectively signed local statements of intent.

HSE inspectors have worked with the London Health and Safety Liaison Group and the Association of London Environmental Health Managers to develop the *Moving goods safely* project. This is addressing the hazards, slips and trips, falls from height, workplace transport and musculoskeletal disorders associated with the delivery of goods across a variety of sectors. A strong focus has been in areas where responsibility for enforcement is shared between LAs and HSE across the retail trade. Partnership inspection teams have established a co-ordinated approach to apply consistent standards for inspection resulting in a final single report to the duty holder. This has been welcomed by the British Retail Consortium, a body representing retail interests in the UK.

Other joint LA/HSE partnership work is underway where enforcement responsibilities are shared, including a look at cross-pavement deliveries in central London, stone handling in Camden and Brent, and airport shop logistics at Heathrow airport. A safety and health awareness day for local firms in Bexley has led to a model being developed which can be repeated in other boroughs. External communications and the *Moving goods* website (www.hse.gov.uk/moving_goods) have attracted requests to participate from several major companies.

Progress on Revitalising Health and Safety targets

The statistics presented in *Health and safety statistics 2004/05* show that good progress is being made on reducing new cases of work-related ill health and the number of working days lost each year, but that the trend in the rate of fatal and major injury is flat.

- The rate of employee major injury (reported by employers) dropped by 2.2% in 2004/05 to 117.7 per 100 000, but is 1% higher than in 1999/2000. There is no clear trend since 1999/2000, the *Revitalising* base year. The rate of fatal injury to employees in 2004/05 is about 0.5% lower than in 1999/2000, though relative to major injuries their impact on the target is small.
- Since 2001/02 (the closest to the 1999/2000 baseline) self-reporting surveys show a statistically significant drop in the rate of new cases of ill health, to 1800 per 100 000 in 2004/05. The range of possibilities (95% confidence interval) for this drop is from 8% to 23%.

- Since 2000-02 the number of working days lost has shown a statistically significant reduction, to 1.5 days lost per worker in 2004/05. The range of possibilities (95% confidence interval) for this reduction is from 3% to 23%.

The rate of major injury has increased since 1999/2000 in some service industries, including transport, retail and wholesale, hotels and catering, and business and finance. These are areas where HSE and LAs work together on health and safety and their strengthening partnership will have a greater impact. However, some of these areas are primarily within the LA-enforced sector and consequently LA support becomes even more critical. There is also a rising trend in slips and trips, which dominate major injuries, and this extends beyond services.

Recent trends

Fatalities

In the LA-enforced area in 2004/05, 21 workers were killed compared to 26 in 2003/04. This follows increases in the previous two years.

The number of fatalities to members of the public was down from 38 in 2003/04 to 25 in 2004/05 – the first drop since 1996/97. A substantial number each year occur in residential care homes, where the number of fatalities has increased from an average of 5 per year between 1997/98-2000/01, to 18 per year between 2001/02-2004/05.

Non-fatal injuries

In LA-enforced areas, the rate of major injury to employees in 2004/05 was 69.2 per 100 000, down marginally on 2003/04 (69.9). However, the trend is upward since 1999/2000. The over-3-day rate was down by 5% in 2004/05, but is higher than in 1999/2000.

The number of non-fatal injuries to members of the public in LA-enforced areas increased in 2003/04 and 2004/05 to 5039, though this is lower now than in 1999/2000. Nearly half of these injuries were in retail.

Ill health

Across industry, 2.0 million people were suffering from work-related ill health in 2004/05 which they believe was caused or made worse by current or past work, lower than in 2001/02 (2.4 million). Musculoskeletal disorders (MSDs) and stress, depression or anxiety account for around three quarters of work-related ill health each year, both overall and in LA-enforced areas.

Stress and musculoskeletal disorders (MSDs)

Self reports, and reports from specialist doctors suggest the earlier rise in stress has levelled off, while the incidence of MSDs has fallen since 2001/02.

Working days lost

Across industry, 35 million working days were lost in 2004/05, 28 million due to work-related ill health and 7 million due to workplace injury.

Slips, trips and falls on the level

Slips and trips are the most common kind of major injury, both across industry and in LA-enforced areas, accounting for around 40% of cases each year. There has been a 40% increase in the LA-enforced areas, from 2227 in 1999/2000 to 3072 in 2004/05.

This is also the second most common kind of over-3-day injury (around 20% of cases each year) and the most common kind for members of the public (around 50% of non-fatal injuries each year). Across industry, there has been a small reduction in slip and trip over-3-day injuries since 1999/2000, down 1% to 27 359. However, numbers increased by 14% in LA-enforced areas, from 5691 in 1999/2000 to 6494 in 2004/05.

Falls from height

Falls from height are the most common kind of fatal injury to both employees and members of the public, both across industry and in LA-enforced areas. In the LA-enforced areas, major injuries dropped from 878 in 1999/2000 to 708 in 2004/05 (19%) and over-3-day injuries from 1522 to 917 (40%) over the same period.

Hotel and catering

The rate of major injury to employees in hotels and catering rose 30% to 69.4 in 2004/05 from 53.7 per 100 000 in 1999/2000. This continues an upward trend. The biggest increase is in public houses, bars and clubs, where there has been an 80% increase since 1999/2000.

The rate of over-3-day injury to employees in this sector rose by 5% in 2004/05 to 224.6 from 213.0 in 1999/2000, continuing an upward trend since 2001/02.

The hotel and catering sector had a lower than average prevalence rate of work-related illness in 2004/05. Data on new cases reported by specialist doctors shows dermatitis and infections as the main types of illness in this sector.

Retail and wholesale

The rate of major injury to employees rose by 15% in 2004/05 to 85.8 from 74.6 per 100 000 in 1999/2000. This continues an upward trend.

The overall rate of over-3-day injury to employees fell by approximately 8% in 2004/05 to 334.7 from 363.2 in 1999/2000, but shows no clear trend since 1999/2000.

The retail and wholesale sector had a lower than average prevalence rate of work-related illness in 2004/05. Data on new cases reported by specialist doctors shows stress, dermatitis and upper limb disorders as the main types of illness in this sector.

Local authorities and HSE will have to work together to reduce these trends in the coming years, which means considerable effort on both parts and a preparedness to remove the obstacles to partnership working. No longer can either enforcing authority jealously protect traditional areas of responsibility or traditional intervention methods, both will have to take some risks.

Local authority activity

The full-time equivalent number of health and safety inspectors increased for the second year running, to 1150 in 2003/04, following year-on-year reductions since 1996/97.

LAs are maintaining or increasing the relative priority of visits to wholesale premises and residential care homes, where risks of fatality and injury to workers and members of the public are high.

Hampton Review

The Better Regulation Executive has now been established and its sub-group, the Local Authority Better Regulation Group (LABReG). The Group is looking at how LAs undertake enforcement across all their regulatory functions and may have significant consequences for local authorities. This is work that all LA managers and elected members will need to keep pace with.



Annual Report 2005

LAs and HSE working together

Further information

Further information about HSC/E strategies and plans, examples of joint-working best practice between LAs and HSE, and health and safety statistics can be found at:

Strategy:

www.hse.gov.uk/aboutus/hsc/strategy2010.pdf
www.hse.gov.uk/aboutus/plans/index.htm

Best practice:

www.hse.gov.uk/lau/pdfs/worktog0305.pdf

Statistics:

www.hse.gov.uk/lau/pdfs/hela03.pdf
www.hse.gov.uk/statistics/overall/hssh0405.pdf
www.hse.gov.uk/statistics/industry/iebltn05.pdf
www.hse.gov.uk/statistics/pdf/natpic04.pdf
www.hse.gov.uk/statistics/regions

Partnership managers

Scotland

Peter Dodd
0131 2472132
peter.dodd@hse.gsi.gov.uk

Yorkshire and North East

David Cole
0191 202 6312
david.cole@hse.gsi.gov.uk

North West

Bernadette Cadman
0161 952 8245
bernadette.cadman@hse.gsi.gov.uk

Wales

Steve Coppell
02920 263029
steve.coppell@hse.gsi.gov.uk

South West

Bernard Dutton
01752 276318
bernard.dutton@hse.gsi.gov.uk

Midlands

Alan Craddock
0121 607 6270
alan.craddock@hse.gsi.gov.uk

East and South East

David Bryant
01233 653920
david.bryant@hse.gsi.gov.uk

London

Janet Francis
0207 556 2161
janet.francis@hse.gsi.gov.uk