

# Health and Safety Executive / Local Authorities Enforcement Liaison Committee (HELA)

## Local Authority Circular

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**To:** Directors of Environmental Health/ Chief Environmental Health Officers of London, Metropolitan, District and Unitary Authorities and Chief Executives of County Councils.

**For the attention of:** Environmental Services/Trading Standards/Other

**This circular gives advice to local authority enforcement officers**

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## ADVICE TO LOCAL AUTHORITIES ON INTERVENTION PROGRAMMES AND AN INSPECTION RATING SYSTEM

### Introduction

1 This HELA circular, LAC 67/1(rev.4), updates and replaces the guidance previously contained in HELA LAC 67/3(revised). The LAC clarifies the shift of focus in recent years towards programme directed inspection (PDI) and reflects current strategy and new approaches developed to deliver more effective interventions and partnership working. The revised LAC also enables LAs to focus on '**improving health in the workplace**' which has recently been recognised in the Rogers Review report as a national regulatory priority for LA regulatory services due to the high risks posed to individuals, their families, business and the costs to the economy.

2 This interim LAC will be subject to a further review and revision by HELA if required following the end of the FIT3 programme. In due course, HSC guidance issued to HSE's field operations directorate and LAs under Section 18 HSWA will also be revised to reflect these changes.

## Background

3 Revised guidance on inspection programmes and an inspection rating system was issued to all LAs by HELA in 1997, LAC 67/1(revised). That guidance in a revised form (LAC 67/1 rev2) came into full effect from December 2000.

4 LAC 67/1 rev2 was superceded by LAC67/1 rev 3 in July 04. The system advocated in LAC 67/1 Rev 3 has however been recognised by HELA as needing some further adjustment in the light of operational experience, recent reviews such as the Hampton report and Rogers Review, the success of HSE/LA partnership working and the shift towards PDI.

LAC 67/1 Rev 4 therefore provides a revised, nationally consistent, framework for inspection and rating of all premises where local authorities regulate health and safety.

## Health and safety regulation and the components of an interventions programme

5 This latest revision of LAC 67/1 gives advice on arrangements for implementing an interventions programme which is justifiable in terms of risk and plays a key part in demonstrating that 'adequate arrangements' in accordance with the principles of the Hampton report have been made by a local authority (LA) for the regulation of health and safety legislation.

6 An interventions programme comprises a number of components and a description of each is set out at [Annex 1](#). The main components are: PDI (previously known as planned enforcement initiatives); planned risk based inspections; evidence based local priorities; investigation of accidents; investigation of complaints; advice; inspections of new premises; revisits to check and the allocation of resources to each component determining the amount of work that can be planned within any component.

7 Priority should be given to PDI especially through partnership projects and joint working with other Enforcing Authorities; contributions to local and national policy development; the planning and implementation of a programme of inspections of the highest risk premises and ensuring that a capacity exists to react to and investigate a sample of workplace accidents and complaints about health and safety standards. (See [LAC 22/13 INCIDENT INVESTIGATION SELECTION PROCEDURES](#))

## Inspection rating system

8 [Annex 2](#) gives details of a modified HELA inspection rating system, which enables LAs, both to prioritise and determine the frequency of their inspections and interventions in relation to risk. The LAC does this by introducing a new weighting factor to be added to priority rating scores for premises targeted via PDI. The PDI weighting factor enables LAs to target

nationally identified high risk activities in premises that might attract only low or intermediate risk ratings.

9 The inspection rating system including weighting factors enables LA enforcement officers to identify clearly the contributions made by hazard and risk to their overall health and safety assessment of a workplace; separates the consideration of safety hazard/risk from health hazard/risk; categorises premises into group A (the highest hazard/risk category), through B1-4, to C (the lowest hazard/risk category).

10 After applying the scoring system at Annex 2, HELA believes LAs should review at 3 and 5 year periods respectively the need for inspecting premises in categories' B3 and B4 whilst category C premises should not normally be a part of the planned inspection cycle (it should be noted however that categories B3, B4 and C premises may be temporarily raised to category A and inspected if a PDI weighting is applied).

11 Local authorities are not expected to keep these categories of premises under constant review to ensure their risk rating but should, review the appropriateness of the category rating at the intervals specified. LAs will use local knowledge, outcomes from any PDI work and triggers such as planning applications to inform their reviews. Where these premises are not inspected as part of PDI, other intervention strategies such as those outlined below can be effectively used for these groups of premises. The decision not to include a particular premise in the planned inspection cycle can be reviewed at any time, e.g. as a result of a Programme directed inspection, Partnership project, accident or complaint investigation. There should be no inspection without a reason.

12 [Annex 3](#) shows a worked example 'Calculating Inspection Ratings'.

13 [Annex 4](#) is a blank 'Inspection Rating Calculation Sheet'.

14 [Annex 5](#) is a listing of the nine National Accident Data (NAD) categories with examples of premises within each NAD category.

15 In summary, premises will be rated into three broad categories (A, B, or C) made up of 6 groups as follows:

Description	LAC Group	Score	Inspection Frequency
Highest hazard/risk and/or programme directed priority	A	>=186	Not less than once per year
Intermediate hazard/risk	B1	171-185	Not less than once per 18 months
	B2	156-170	Not less than once per two years
	B3	141-155	Use other intervention strategies but review rating

			after 3 years
	B4	126-140	Use other intervention strategies but review rating after 5 years
Lowest hazard/risk	C	<=125	Use other intervention strategies

**Note** 'Use other intervention strategies ' - the type of intervention is left to authorities to decide the most suitable method, however any selection should be evidence based and the intervention evaluated. Types of intervention include monitoring of incident reports, Safety and Health Awareness Days (SHADs), short topic based surveys and considering Planning, Licensing and other formal applications **NB: HELA recommends discussing the options for other intervention strategies with your Partnership Team.**

16 This rating system may not be appropriate for transient activities such as some entertainment events etc. HSE's LAU is working to create HELA extranet based databases to enable LAs to better regulate transient activities; the Circus Safety Database is likely to be the first such database to go live in Autumn 2007. Individual local authorities are encouraged to coordinate their efforts with those of other authorities to establish the general confidence level in the ability of these employers to maintain standards. This may negate the need to inspect every transient workplace at which peripatetic employers from time to time may locate.

### Effect of other Environmental Health Considerations

17 Health and safety at work inspections should normally only take place at intervals determined using the HELA inspection rating system. LAs should exclude consideration of other EH functions when rating premises for health and safety risks, the decision to inspect however may take account of other factors.

18 Enforcement officers should deal with significant health or safety at work matters that may become evident during a visit made for another purpose, such an approach can help reduce regulatory burdens on business without reducing employee protection.

### Unitisation

19 LAs may wish to "unitise" some of their larger premises. Unitisation enables sub-divisions (units) of larger premises to be separately rated and inspected. Units can be based on geographical considerations, (e.g. first floor being one unit) or on activities. The more hazardous activity could then form one (or more) unit(s) to be inspected on a more frequent basis than the remaining parts of the premises.

### Further Advice and Guidance

20 Further advice and guidance can be obtained from HSE's Local Authority Unit

## **Deletion of circulars**

21 This circular deletes and replaces LAC 67/1(rev3).

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# **Annex 1**

## **Components of an intervention programme**

### **National Programme Directed Inspection (PDI)**

1. These inspections should make up the largest part of a LAs regulatory activity. Premises to be inspected in support of initiatives arising from HSC strategy should be selected on the basis of priority from those on the planned inspection programme unless there is programme direction to do otherwise. Initiatives of this sort will normally be directed at Revitalising Health and Safety Strategy inspection areas. Premises should be selected where the risk/hazard is known or expected to be present. Partnership Projects and joint working between Local Authorities and HSE or between groups of Authorities feature under this heading.

2 Following an inspection within this category, premises should be re-rated using the HELA rating system based upon the information gathered from that inspection. In most cases this will simply be the removal of the PDI weighting score; in others the inspection may give rise to enforcement officers discovering sufficient cause to re-rate more thoroughly based upon intervention findings. **NB** "sufficient cause" means a significant change in hazard or risk or there is a significant change in the inspecting officer's opinion of the employer's ability to maintain acceptable standards in the future.

### **Planned Risk Based Inspection**

3 Planned risk based inspection should not necessarily take up the largest proportion of resources. When such inspections are undertaken they should involve an examination of an employer's activity in relation to the duties and requirements of the HSW Act and related legislation with particular focus where relevant on any HSC/E priority areas for inspection. Enforcement officers should use professional judgement to assess the employer's performance, in relation to the hazards and risk to both employees and the public. This should be based on the standards of safety, health and welfare observed during the inspection, and the capacity of management to maintain acceptable standards.

4 The HELA numerical rating system (see [Annex 2](#)) should be applied to allocate priority ratings to premises for which the LA is responsible; the risk based inspection programme is then based on this.

5 The hazards and risks to both safety and health present in a particular sector may vary considerably from one premises to another, as may standards of health and safety and management performance. A rating should be determined for each individual premises based on the following criteria:

- safety hazard
- health hazard
- safety risk
- health risk
- welfare
- public risk
- confidence in management

These terms, together with the HELA rating system, are fully explained in [Annex 2](#).

### **Planned interventions, surveys, other regulatory initiatives**

6 Planned interventions and all regulatory initiatives should be based on best practice and evaluated on completion.

7 Consultation exercises, questionnaires and surveys directed at businesses should be used with caution and only where the need for information can justify the potential burden on business.

8 Local authorities may consider that categories of premises or activities present a particularly high risk in their area or region and may wish to develop local or regional interventions to target these activities. Local authorities should identify any such local priorities utilising all available evidence including information from partner organisations to ensure resources are focused to address the highest risks.

9 Health and safety interventions can significantly contribute to local neighbourhood and community development. For example health and safety regulatory officers have worked successfully with police crime prevention staff, Unions and trade bodies to reduce violent attacks in a variety of retail premises such as convenience stores and off licences. Working in partnership with others adds value and increases the effectiveness of regulatory activity.

### **Investigation of Incidents**

10 It is not possible or appropriate to investigate all incidents and a systematic approach should be adopted to ensure that the more serious incidents are investigated. [LAC 22/13](#) (as revised) **INCIDENT INVESTIGATION**

**SELECTION PROCEDURES** gives more detailed advice on the selection and management of accident investigations. In summary, priority should be given to the investigation of accidents or incidents which demonstrate the following features: fatalities, serious injuries or cases of ill health or dangerous occurrences, potentially serious events; public concern investigations in support of initiatives within the HELA Strategy; incidents giving rise to a complaint; incidents where there appears to be a serious breach of the law; incidents which recur in a particular trade or premises; incidents involving young persons, children, or other vulnerable groups; incidents which indicate a general management failure; incidents involving a new process, technique, or item of plant.

### **Investigations of complaints by employees or others concerning existing health and safety standards in a place of work**

11 LAs should record all complaints made by employees or others about health and safety standards in a place of work and establish their background. This will enable them to distinguish between those which require an on site investigation and others which may be resolved by telephone or written advice.

#### **Advice**

12 Advice is a crucial element of any regulatory service. Many LAs have separate advisory initiatives outside of the normal inspection system e.g. Building Control Officers providing Asbestos - Duty to Manage information. In dealing with low hazard/low risk activities it will, in most cases, be sufficient to give telephone advice, send a leaflet or provide information etc via the LAs website, rather than inspect the premises.

### **Inspections to new or previously unregistered premises**

13 LAs should include a time allowance for initial inspection of new premises within the overall time allowance they allocate to planned risk based inspections.. Although initially such premises will be outside the numerical priority planning system, they should be included in the intervention programme initially based on a 'desktop' rating, and be given a definitive rating once an inspection has been made.

#### **Revisits to Check**

14 In general revisits should not be necessary, as any significant non-compliance should be dealt with at the time of the initial inspection. When an enforcement officer writes confirming minor regulatory breaches or offers good practice advice then, in the majority of cases, the subsequent planned inspection offers sufficient opportunity to see the effects of this action and there should not be the need to carry out reinspections to check an employer's compliance. Exceptions to the general rule however, include instances where the inspection has not been completed or where a visit is

necessary to gather evidence or to check compliance with an enforcement notice or other enforcement action.

15 If an enforcement officer serves an Improvement or Prohibition Notice, a revisit should normally be made to check that the notice has been complied with. In the case of an Improvement Notice this revisit should be paid as soon as practicable after the expiry of the notice.

## **Enforcement**

16 LAs must follow the Health and Safety Commission's Guidance on Enforcement Practice (See [LACS 22/18](#): ENFORCEMENT MANAGEMENT MODEL (EMM) and [22/20](#): NEW ENFORCEMENT GUIDE (ENGLAND AND WALES) AND ENFORCEMENT HANDBOOK SCOTLAND). Following an inspection, enforcement officers will have a clear view of what enforcement action, if any, they propose to take since they may be asked to confirm such action in writing.

17 Where a Formal Caution is being considered, additional guidance is provided in [LAC 22/19](#).

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## **Annex 2**

### **Overview of the Inspection Rating System**

1 This guidance emphasises the role of risk assessment in enabling resources to be targeted at those employers and activities which pose the greatest risk to health and safety. Key features of the system are: a clear distinction between hazard and risk; and guidance on making hazard and risk judgments about occupational health issues; the automatic calculation of overall rating using IT.

### **The Rating System**

2 Rating should be completed by regulatory officers at all planned inspections including Programme Directed Inspections (although see paragraph 1 of Annex 1 above) and partnership project visits (and related revisits to check that the necessary action has been taken). Exceptionally, ratings can be completed at other contacts where sufficient information has been obtained to make a judgement about overall health and safety standards, as indicated above.

3 The rating system contains seven elements each of which should be rated on a scale of 1-6 (where 6 represents the worst situation). The elements are: safety hazard; health hazard; safety risk; health risk; welfare; public risk (note: a zero score can be applied for this element); confidence in management.

## Weighting of the Ratings

4 Each element is weighted and Annex 3 provides a simple explanation of how the weighting process works.

5 The system applies weighting factors (multipliers) to each rating element which reflect their relative significance and Hampton principles. Greater weighting is applied to the health and safety risks to employees, public risk and confidence in management elements with less emphasis given to hazard and welfare. The current weighting factors are:

<b>Rating Element</b>	<b>Weighting</b>
Safety hazard	6
Health hazard	6
Safety risk	9
Health risk	9
Welfare	5
Public risk	10
Confidence in Management	10

## PDI weighting

6 PDI weighting is a new weighting factor to be added to priority rating scores for premises targeted via PDI. The aim is to ensure that where a premises or activity is to be targeted through PDI an Authority can legitimately prioritise interventions by applying a weighting factor sufficient to ensure the premises/activity falls (albeit temporarily within the operational year) into the highest risk categories. The weighting factor to be applied and added is 80. so that, for example a premises selected for PDI has a risk/hazard rating score of  $106 + 80$  (PDI weighting) = 186 meaning the premises falls into category A therefore inviting an intervention in-year. After the intervention the premises will be re-rated and the PDI weighting removed.

## Elapsed Years Factor

7 This need not now feature as a factor in calculating inspection risk ratings unless LAs find its use helpful

## National Accident Data Factor

8 The scoring system also includes an element, which takes into account national risks in each of the main sectors where LAs enforce health and safety. This is based on RIDDOR accident report information and Labour Force Survey data. The results will be reported annually in the Local Authorities Report on Health and Safety in the Service Industries using the broad premises categories from the annual LAE1 return. The main premises types in each of LAE1 premises categories are listed in [Annex 4](#). Since this

factor is determined by the annual accident/incident data the size of the increment will vary but it will normally be within a range 0 - 10.

## Revising the rating at revisit

9 Enforcement officers should review (and revise if appropriate – see also PDI weighting Paragraph 6 above) their rating at any check visit to follow up on significant matters identified as requiring attention. Re-rating of premises should not normally be undertaken at a reactive visit to the premises.

## Scoring

10 The sections that follow provide guidance for completing the inspection rating. They are intended as guidance only and enforcement officers will need to use their judgement in assessing each place of work.

## Safety Hazard

**Definition:** The potential of a machine, activity or method of work etc. to cause harm.

**Description:** A numerical rating to indicate the level of safety hazard at the workplace. It is an enforcing officer's opinion of the level of harm to persons at that workplace, including contractors but not including members of the public, if the most serious single incident was to occur there, whether those involved are employees or not.

## Additional considerations:

If one occurrence can lead to others, then the whole sequence of occurrences will be treated as one incident e.g. a group of flammable liquid storage vessels may be ignited from a single fire. No account is taken of the standard to which the hazard(s) are controlled nor of the number of people who may be exposed to the hazard. These factors are assessed under 'safety risk'. Only hazard(s) under the control of the occupying business within a particular location or unit are considered.

In assessing the safety hazard present in work premises enforcement officers should not automatically award the highest rating because of the mere presence of electricity, gas or any other safety hazards, which can be found in an average domestic premise. The rating requires the enforcement officers to make an objective judgement based on the actual circumstances they face. This should be based on specific workplace hazards such as the use of portable electrical equipment in adverse or hazardous environments.

## Safety Hazard Reference Table

<b>RATING SCORE</b>	<b>OUTPUT NAME</b>	<b>INDICATIVE EXAMPLES</b>
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1	NEGLIGIBLE	Minor injuries requiring only first aid treatment.
2	LOW	Other injuries unlikely to lead to permanent disability but likely to lead to time off work or hospital treatment.
3	MEDIUM TO LOW	Injuries unlikely to cause permanent disability which are likely to require more than 3 days off work and/or more than 24 hours in hospital.
4	MEDIUM TO HIGH	Fractures (other than fingers or toes), amputations, serious eye injuries, electric shocks/burns. Long term or permanent disability likely.
5	HIGH	Extremely serious injuries / single fatality.
6	MAJOR	Multiple fatalities.

### Health Hazard

**Definition:** The potential of a substance, noise, method of work etc to cause harm.

**Description:** A numerical rating to indicate the level of health hazard at the workplace. It is an enforcing officer's opinion of the level of harm to persons at that workplace, including employees, contractors but not including members of the public, if the most serious chronic or acute cases were to occur there.

### Additional considerations

Health hazards are not always cumulative (though they may be) and cover a wide range of causative agents. The rating value allocated should be representative of the single most serious hazard present. No account is taken of the standard to which the health hazard is controlled. This is assessed under 'health risk'. Equally no account is taken of the number of people who may be exposed to the different health hazards at a workplace.

Only the hazards under the control of the occupying business within a particular location or unit should be considered; hazards presented by other locations, units or business are ignored.

### Health Hazard Reference Table

RATING SCORE	OUTPUT NAME	INDICATIVE EXAMPLES
1	NEGLIGIBLE	Non hazardous substances; Noise levels <80 dbA.
2	LOW	Noise levels <85dbA. Use of irritant substances (e.g. bleach) Some types of simple/occasional manual handling work.

3	MEDIUM TO LOW	Noise levels >100 dbA for short duration, or 90 dbA usually. Use of harmful or corrosive substances (if not carcinogenic). (e.g. some cleaning chemicals such as types of oven cleaner) Potential for upper limb disorders.
4	MEDIUM TO HIGH	Use of toxic substances, use/prevalence of respiratory or skin sensitisers (e.g. some cleaning chemicals and some water treatment chemicals used in swimming pools; and some hairdressing products).
5	HIGH	Very toxic substances, (e.g. CO2 used in confined spaces or ammonia from refrigerants used on a large scale) Carcinogens (e.g. asbestos) Legionella
6	MAJOR	This category is reserved for premises which are not enforced by LAs, e.g. CIMAH sites

## Safety Risk

**Definition:** The likelihood that the harm from a single particular hazard will be realised. Whilst harm from the single most serious hazard should be the primary consideration, enforcement officers may wish to increase the risk rating certain cases to reflect any cumulative effect of a number of significant hazards.

**Description:** A numerical rating to indicate the level of risk at the workplace.

## Additional Considerations:

Risk reflects both the likelihood that harm will result and its severity in terms of the degree of harm and the number of people potentially affected. This depends on: the hazards present; the extent to which the hazards are controlled; and the number of people exposed to the hazards and frequency of the hazards.

Each of these factors is considered below:

### The Hazards Present

The hazard rating previously determined is an important factor in deciding on the risk rating. A low hazard would not justify a high risk rating irrespective of e.g. the standards of control or numbers exposed. However, a high hazard may warrant a low risk rating e.g. if it is very well controlled or if no-one is exposed to it. Therefore for hazard ratings 'negligible' or 'low' only risk ratings 'negligible' or 'low' should be applied.

### Standard of Control

Good standards of control may result in lower risks. Poor standards should be reflected in a correspondingly higher risk rating. Standard of control extends beyond solely physical standards but assessment should be limited to considering the adequacy of control of immediate risks i.e. it should reflect the conditions found at the inspection. Broader issues covering the management of health and safety risks are included under 'confidence' - see below.

## Exposure to the Hazard

This depends on the frequency of occurrence of the hazard and the number of people exposed. The risk rating should be based on the numbers exposed to the hazard and the period of the exposure. Thus large groups justify a higher risk rating than individuals. Risk also increases as the period of exposure to the hazard increases. A supermarket loading bay area involving many vehicle movements and the exposure of pedestrians such as other drivers or security staff presents a higher risk than a single fork lift truck used occasionally in a warehouse where few staff are present.

## Safety Risk Rating Reference Table

RATING SCORE	OUTPUT NAME	INDICATIVE EXAMPLES
1	NEGLIGIBLE	Effective, well documented safe systems of work. Good supervision/monitoring. Excellent housekeeping. Few people exposed to hazards. Infrequent use of hazardous article. Employees aware of risks and how to control them.
2	LOW	Adequate safe systems of work. Adequate supervision. Good standard of physical controls. Good standard of housekeeping. Some people exposed to hazards. Regular, but not continuous use of hazardous articles. Employees aware of significant risks and important control measures
3	MEDIUM TO LOW	Some adequate safe systems of work but evidence of unsafe systems too. Ad-hoc supervision. Adequate physical controls. Housekeeping acceptable. Several people exposed to hazards. Frequent use of hazardous articles. Limited awareness of risks/control measures by employees.
4	MEDIUM TO HIGH	Unsafe systems of work for dealing with serious hazards. Poor supervision. Evidence of inadequate physical controls. Poor housekeeping. Several people exposed to hazards. Frequent use of hazardous substances. Employees unaware of significant risks/controls.
5	HIGH	Unsafe systems of work for dealing with serious hazards. Lack of supervision. Poor physical controls; immediate improvements needed. Bad

		housekeeping e.g. in adequate working space around machinery. Several people exposed to hazards. Frequent use of hazardous articles. Deliberate non-compliance.
6	MAJOR	As for HIGH but dependent on scale. Many people exposed to hazards.

**Note: the safety risk score should not exceed the safety hazard score**

### Health Risk

**Definition:** The likelihood that the harm from the single most serious hazard will be realised. Whilst harm from the single most serious hazard should be the primary consideration, enforcement officers may wish to increase the risk rating certain cases to reflect any cumulative effect of a number of significant hazards.

**Description** A numerical rating to indicate the level of risk at the workplace.

### Additional Considerations

Risk reflects both the likelihood that harm will result and its severity in terms of the degree of harm and the number of people potentially affected. This depends on: the hazards present; the extent to which the hazards are controlled; and the number of people exposed to the hazards and frequency of the hazards.

Each of these factors is considered below:

#### The Hazards Present

The hazard rating previously determined is an important factor in deciding on the risk rating. As a rule, the hazard(s) that leads to the highest risk rating should be taken. This may not necessarily be the highest rating previously determined.

A low hazard would not justify a high risk rating irrespective of e.g. the standards of control or numbers exposed., A high hazard however may warrant a low risk rating e.g. if it is very well controlled or if no-one is exposed to it. Therefore for hazard ratings 'negligible' or 'low' only risk ratings 'negligible' or 'low' should be applied.

#### Standard of Control

Good standards of control may result in lower risks. Poor standards should be reflected in a correspondingly higher risk rating. Standard of control extends beyond solely physical standards but assessment should be limited to considering the adequacy of control of immediate risks i.e. It should reflect the

conditions found at the inspection. Broader issues covering the management of health and safety risks are included under 'confidence' - see below.

## Exposure to the Hazard

This depends on the frequency of occurrence of the hazard and the number of people exposed. The risk rating should be based on the numbers exposed to the hazard and the period of the exposure. Thus large groups justify a higher risk rating than individuals. Risk also increases as the period of exposure to the hazard increases. A large hairdressing salon, where staff frequently handle perming solutions, toners etc. is likely to present higher health risks than a small barbers shop where a self employed person occasionally uses perming lotion. Ultimately the risk rating relies on professional judgement but some further advice is set out below which enforcers officers may find helpful:

## Health Risk Rating Reference Table

RATING SCORE	OUTPUT NAME	INDICATIVE EXAMPLES
1	NEGLIGIBLE	Effective, well documented safe systems of work. Good supervision/monitoring. High standard of physical controls. Excellent housekeeping. Few people exposed to hazards. Infrequent use of hazardous substances. Employees aware of risks and how to control them.
2	LOW	Adequate safe systems of work. Adequate supervision. Good standard of physical controls. Good standard of housekeeping. Some people exposed to hazards. Regular, but not continuous use of hazardous substances. Employees aware of significant risks and important control measures.
3	MEDIUM LOW	Some adequate safe systems of work but evidence unsafe systems too. Ad-hoc supervision. Adequate physical controls. Housekeeping acceptable. Several people exposed to hazards. Frequent use of hazardous substances. Limited awareness of risks/control measures by employees.
4	MEDIUM HIGH	Unsafe systems of work for dealing with serious hazards. Poor supervision. Evidence of inadequate physical controls. Poor housekeeping. Several people exposed to hazards. Frequent use of hazardous substances. Employees unaware of significant risks/controls.
5	HIGH	Unsafe systems of work for dealing with serious hazards. Lack of supervision. Poor physical controls; immediate improvements needed. Bad housekeeping e.g. inadequate working space around machinery. Several people exposed to hazards. Frequent use of

6	MAJOR	hazardous substances. Deliberate non-compliance This category is not used by LAs as the highest health hazard rating score is 5 and the risk rating score should not exceed the hazard rating score.
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**Note: health risk score should not exceed the health hazard score.**

**Welfare Provision**

**Definition:** Quantifies the standard of welfare provision

**Description** It is a numerical rating to indicate the standard of welfare facilities provided by the occupying client at the workplace.

**Additional Considerations**

The facilities provided should be commensurate to the needs of people in the workplace i.e. suitable and sufficient sanitary conveniences, washing facilities (including showers if necessary), facilities for changing clothing and clothing accommodation, facilities for pregnant women/nursing mothers and provision for the prevention of discomfort caused by tobacco smoke. The rating should reflect the enforcing officer's opinion of the adequacy and standard of facilities provided.

**WELFARE PROVISION RATING REFERENCE TABLE**

RATING SCORE	OUTPUT NAME	INDICATIVE EXAMPLES
1	VERY GOOD	Excellent welfare provision, no deficiencies noted.
2	GOOD	Good standard of welfare provision, only minor deficiencies noted
3	FAIR TO GOOD	Reasonable standard of welfare provision, some deficiencies noted but none serious.
4	FAIR TO BAD	Reasonable standard of welfare provision, but some serious deficiencies noted.
5	BAD	Poor standard of welfare provision.
6	VERY BAD	Absence or very poor standard of welfare provision.

**Public Risk**

**Definition:** The likelihood that the public will be harmed by activities at a workplace.

**Description** A numerical rating to indicate the level of risk to the health and safety of members of the public from the workplace. Members of the public means people not employed in connection with the activities of the occupying business and includes, for example, customers in shops and residents of residential care homes as well as those who live, work or pass by such that they could be affected by workplace hazards, e.g. Legionella from water cooling towers. It would also include participants in commercially available leisure activities (but not private leisure clubs - see HSC (G)1). Contractors working on the client's site though are not classed as members of the public.

## **Additional Considerations**

As with safety and health risk public risk depends on:

1. The hazards present;
2. The extent to which the hazards are controlled;
3. The number of people exposed to the hazards and frequency of hazards; and
4. Enforcement officers should take account of any particularly vulnerable group, e.g. children and the elderly.

Common hazards such as electric shocks from static electrical discharge, and slips and falls that are widespread both in and out of workplaces should be ignored. Ultimately the public risk rating relies on professional judgement although the following guidance may help to inform that judgement.

## **Public Risk Rating Reference Table**

<b>RATING SCORE</b>	<b>OUTPUT NAME</b>	<b>INDICATIVE EXAMPLES</b>
1	NEGLIGIBLE	Effective, well documented safe systems of work. Good supervision/monitoring. High standard of physical controls. Excellent housekeeping. Few people exposed to hazards. Infrequent use of hazardous articles/substances. Employees aware of risks and how to control them.
2	LOW	Adequate safe systems of work. Adequate supervision. Good standard of physical controls. Good standard of housekeeping. Some people exposed to hazards. Regular, but not continuous use of hazardous articles/substances. Employees aware of significant risks and important control measures.
3	MEDIUM LOW	Some adequate safe systems of work but evidence of unsafe systems too. Ad-hoc supervision. Adequate physical controls. Housekeeping acceptable. Several people exposed to hazards. Frequent use of

		hazardous articles/substances. Limited employee awareness of risks/control measures.
4	MEDIUM HIGH	Unsafe systems of work for dealing with serious hazards. Poor supervision. Evidence of inadequate physical controls. Poor housekeeping. Several people exposed to hazards. Frequent use of hazardous articles/substances. Employees unaware of significant risks/controls.
5	HIGH	Unsafe systems of work for dealing with serious hazards. Lack of supervision. Poor physical controls; immediate improvements needed. Bad housekeeping e.g. inadequate working space around machinery. Several people exposed to hazards. Frequent use of hazardous articles/substances Deliberate non-compliance
6	MAJOR	As for HIGH but dependent on scale. Poorly controlled risks from Legionella or Asbestos removal where there is potential for the wider public to be affected.

## Confidence in Management

**Definition:** Quantifies the enforcement officer's confidence in management.

**Description** A numerical rating to indicate the enforcement officer's confidence in management's ability to maintain or attain a low level of health and safety risk, at the workplace, in the foreseeable future.

## Additional Considerations

In assessing an organisation's management systems enforcement officers should consider the factors set out below:

- the track record of the organisation, its willingness to carry out previous advice and regulatory requirements, together with the accident history of the company;
- the attitude of the present management towards health and safety;
- the likelihood of a management change taking place and the possible effects on health and safety, including, for example, the support given to the new incoming management by senior management off-site;
- the technical knowledge held within the organisation on health and safety matters and whether the hazards present require innovation or merely the application of standard answers to known problems; and
- the extent to which management carry out regular appraisals of their performance, and then modify their approach if they identify failings.

Enforcement officers will recognise that some of these factors may apply less easily to small or medium size companies where all or most management

functions may rest with one person. **In applying the scoring system to small firms enforcement officers should bear in mind that in many cases procedures may not be documented. In such cases enforcement officers will be looking to identify how far the spirit and practice of these examples is evident in the way company deals with health and safety issues.**

Assessment should be based on the following nine key issues:

- (1) An effective health and safety policy and an effective management system to make it work;
- (2) An adequate management structure, according to the size of the undertaking to implement the policy;
- (3) Adequate and appropriate arrangements to secure the trust, participation and involvement of all employees;
- (4) Adequate arrangements to secure information flows into, within and from the organisation;
- (5) Systems and arrangements to secure the competence of all working on the site;
- (6) Adequate processes to generate plans, risk assessments and performance standards to implement the policy;
- (7) Adequate and sufficient measurement of performance both before and after accidents and incidents;
- (8) Adequate and sufficient performance review to ensure that the lessons learned are effectively put into practice to improve performance throughout the organisation; and
- (9) Adequate auditing of the health and safety system.

Some indicative examples of each of the categories of confidence in management are given below. Not all systems will be equally effective and not all aspects of management will inspire the same degree of confidence. In lower risk establishments it may be the case that not all aspects of management need to be present. The factor chosen will be a compromise which most accurately summarises the inspector's opinion. The examples are intended to assist that professional judgement.

### **Confidence in Management Reference Table**

<b>RATING SCORE</b>	<b>OUTPUT NAME</b>	<b>INDICATIVE EXAMPLES</b>
1	EXTREMELY	<ul style="list-style-type: none"> <li>• A comprehensive policy and positive</li> </ul>

CONFIDENT

- drive for highest standards
- A clear management structure fully implementing the policy
- Full participation and involvement of all employees
- Comprehensive and precise information flows
- Excellence of competence is sought at all levels
- Rigorous plans, assessments and performance standards
- Comprehensive performance measurements
- Thorough performance reviews and prompt implementation of improvements
- Regular and thorough reviews and auditing

2

VERY  
CONFIDENT

- The organisation is determined to be better than average and has a reasonably complete health and safety policy
- The management structure is fairly well defined and policies usually successfully implemented
- Formal arrangements secure a high degree of involvement
- General regular adequate information flows
- Most staff are trained and competent
- Formal procedures to generate plans, and performance standard
- Wide ranging, if not comprehensive, performance measures and incident investigation procedures
- Generally good performance review and implementation procedures
- Regular auditing of the health and safety system

3

REASONABLY  
CONFIDENT

- The firm aims to comply with the law and their health & safety policy covers most major areas
- The management structure is mostly defined and achieves a just-adequate implementation of the policy
- Efforts are made to secure the participation etc. of all employees
- There are partial arrangements to secure

information flows but often not fully adhered to

- Appreciation of the needs of competence: staff are generally capable
- Some elements of planning, assessments and significant performance standards developed
- Incomplete systems of measuring performance by inspection and investigation
- Occasional performance review and partial implementation of lessons learned
- Some auditing of the health and safety system

4

A LITTLE  
CONFIDENT

- The health and safety policy is incomplete and unfocused, with limited commitment to make it work
- A recognisable management structure; often unsuccessful in implementing the policy
- A largely defensive approach in involving employees
- Information flows tend to be ad hoc, spasmodic and untimely
- Limited training and instruction programmes
- Inadequate understanding of how plans, assessments and performance standards should be used
- Some performance measures but partial and inadequate systems
- Occasional performance review but rarely properly carried forward throughout the organisation
- Any auditing of the health and safety system is largely reactive

5

ALMOST NO  
CONFIDENCE

- A health and safety policy with very limited application conveying a grudging compliance
- Disorganised management structure; reluctant implementation of improvements
- Little interest in the views of employees
- Information flows are disorganised and rarely on time
- Incompetence is accepted, minimal training provided

6

NO  
CONFIDENCE

- Mediocre attempts at planning; almost no assessments or performance standards
- Inspection/investigation systems are poor and superficial
- Little understanding of how to review performance or put lessons learned into practice
- Auditing of health and safety system is unlikely
  
- Health and safety policy is so limited as to be useless; deliberate non-compliance
- Unrecognised management structure; practices operated are without concern for policy or 'quality'
- No concern for employees' opinions
- Information flows are minimal
- Staff are untrained and ignorant of health and safety
- Plans, assessments and performance standards are non-existent
- Inspection/investigation not carried out
- Performance not reviewed and lessons never learned
- No auditing of the health and safety system

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## Annex 3

### Calculating Inspection Ratings

#### Example A – for Programme Directed Intervention

Inspector's Observation/Judgement	(1)Rating Score = 1=>6	(2)Weighting (given)	(3)[=(1)x(2)] Product
<b>Safety Hazard:</b> "Injuries unlikely to cause permanent disability ..."	Medium to Low = 3	6	18
<b>Health Hazard:</b> "Use of irritant substances..."	Low = 2	6	12
<b>Safety Risks:</b> "Adequate safe systems of work.."	Low = 2	9	18
<b>Health Risk:</b> "Some people exposed to hazards..."	Low = 2	9	18

<b>Welfare:</b> "Fair to bad"	= 4	5	20
<b>Public Risk</b> " Unsafe systems of work for dealing with serious hazards..."	Medium/High = 4	10	40
<b>Confidence in Management:</b> " the health and safety policy covers most major areas.."	Reasonably Confident = 3	10	30
TOTAL			156

**National Accident Data** [re-rated annually, see LAs Annual Report] **Examples only:** Offices +2Catering +5Retail +5(Based on 1998/99 injury data)

Assuming all 'Group A' premises are planned to be inspected annually i.e. score  $\geq 186$ , the premises in this example would not be due for a planned inspection for two years. The result of this example is a score of 156. Even if the premises were retail (+5 NAD) the score following inspection would be 161 (156+5) and so a reinspection would still not be due until year 2.

156(+NAD)(Category 'B')

PDI weighting 80

Total for this operational year (NB PDI weighting is removed after PDI activity is complete) 236 (Category A)

### Example B - For Planned Risk Based Inspection

Inspector's Observation/Judgement	(1)Rating Score = 1=>6	(2)Weighting (given)	(3)[=(1)x(2)] Product
<b>Safety Hazard:</b> "Injuries unlikely to cause permanent disability ..."	Medium to Low = 3	6	18
<b>Health Hazard:</b> "Use of irritant substances..."	Low = 2	6	12
<b>Safety Risks:</b> "Adequate safe systems of work..."	Low = 2	9	18
<b>Health Risk:</b> "Some people exposed to hazards..."	Low = 2	9	18
<b>Welfare:</b> "Fair to bad"	= 4	5	20
<b>Public Risk</b> " Unsafe systems of work for dealing with serious hazards..."	Medium/High = 4	10	40

<b>Confidence in Management:</b> "The health and safety policy covers most major areas."	Reasonably Confident = 3	10	30
		<b>TOTAL</b>	<b>156</b>

**National Accident Data** [re-rated annually, see LAs Annual Report] **Examples only:** Offices +2Catering +5Retail +5(Based on 1998/99 injury data)

Assuming all 'Group A' premises are planned to be inspected annually i.e. score  $\geq 186$ , the premises in this example would not be due for a planned inspection for two years. The result of this example is a score of 156. Even if the premises were retail (+5 NAD) the score following inspection would be 161 (156+5) and so a reinspection would still not be due until year 2.

156(+NAD)(Category 'B')

## Annex 4

### LAC 67/1(rev.4) Inspection Rating Calculation Sheet

Inspector's Observation/Judgement	(1)Rating Score = 1=>6	(2)Weighting (given)	(3)[=(1)x(2)] Product
<b>Safety Hazard:</b>		6	
<b>Health Hazard:</b>		6	
<b>Safety Risks:</b>		9	
<b>Health Risk:</b>		9	
<b>Welfare:</b>		5	
<b>Public Risk</b>		10	
<b>Confidence in Management:</b>		10	
		<b>TOTAL</b>	

**National Accident Data (NAD) addition**

**PDI weighting**

**Grand Total**

**Next Inspection Due**

## Annex 5

### Examples of premises in each of the nine National Accident/Incident Data Categories

1. Retail Shops      Food retailers, confectioners, tobacconists, newsagents

	and off-licenses Dispensing and other chemists Retailers of clothes, footwear and leather goods Retailers of furnishing fabrics and household textiles Retailers of household goods, hardware and ironmongery Retailers of motor vehicles & parts, tyre & exhaust fitters and filling stations Retailers of books, stationery and office supplies Pet shops, second-hand goods shops and market stalls Mixed retail businesses (e.g. department stores, mail order houses)Garden centres; repair of personal & household goods Warehouses and/or wholesale distributors of: timber and building materials machinery, industrial equipment, vehicles, fuels and petroleum products
2. Wholesale shops, warehouses and fuel storage depots	household goods, hardware and ironmongery, construction materials textiles, clothing, footwear and leather goods food, drink and tobacco; flowers and plants pharmaceutical, medical and other chemists' goods Dealers in scrap and waste material
3. Offices	Banks, building societies, finance houses and insurance & pension brokers (except benefit offices), security dealers/brokers, mortgage brokers Estate agents, lawyers, accountants, auditors, tax experts, market researchers, management consultants Architects, surveyors and consulting engineers, auctioneers, industrial cleaning (includes window cleaners), security services Advertising agencies, employment agencies, hardware/software consultants, data processing, technical testing and analysis
4. Catering, restaurants & bars	Restaurants, snack bars, cafes, take-aways, fast food outlets & other eating places (inc. mobile vendors); catering services, preparation of in-flight meals, Public houses & bars; Night clubs & licensed clubs (exc. sports clubs)
5. Hotels, camp sites and other short-stay accommodation	Hotels, motels, B&Bs and guest houses, Youth hostels, mountain refuges, Camping and caravan sites, holiday camps
6. Residential care homes	Residential care homes for the elderly, Children's homes
7. Leisure and cultural services	Theatres, libraries, museums & art galleries , concert halls, cinemas, dancing schools (if not attached to a school), ticket agencies Sporting establishments (e.g. health clubs, golf clubs, racecourses, riding schools etc.), bungee jumping Motor sports, quad biking & go- karting; pleasure boat hire Bookmakers, casinos, bingo halls & amusement arcades, Zoos and circuses; stately homes/grounds (National Trust or similar)
8. Consumer	Coin-operated laundries and dry cleaners, Hairdressers

services and membership organisations

and beauty parlours; therapeutic treatment Pre-school child care (if child care is the main activity at the premise) Undertakers, photographic studios, heel bars, opticians Churches and religious establishments; trade unions, political organisations, professional organisations, youth/student associations, community/social associations

9. Other premises

Car parks, vehicle hire, hire shops (to consumers not trade), Travel agents, postal sorting offices Animal boarding

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