

Local Government Panel		Paper No: LGP/08/02	
Meeting Date:	July 2010	FOI Status:	Open
Type of paper:	Above the line	Exemptions:	None
Title			
<b>Delivery of the Health &amp; Safety Strategy: Local Authorities as Regulators</b>			

## Purpose of the paper

1. To:
  - a) provide feedback from HELA on issues around LAs delivery of the strategy through their regulatory function;
  - b) consider the role of the LGP in encouraging LAs to have adequate arrangements for enforcement in line with the Section 18 (S18) standard to ensure delivery of the strategy; and
  - c) provide an overview of how the local authorities' (LAs) planned work contributes to the delivery of the health and safety of Great Britain strategy – "Be Part of the Solution".

## Recommendations

2. The LGP are invited to consider:
  - a) what they and/or their respective organisations can do:
    - (i) to encourage individual LA compliance with the S18 standard and
    - (ii) help ensure delivery is coordinated & built into the national delivery plan;
  - b) whether a senior level LA representative (from the LGA, WLGA and COSLA) would attend the regional conferences to add the local government perspective on how health and safety can contribute the agenda of community well being and demonstrate their commitment to both the partnership and delivery of the strategy; and
  - c) what more can be done to encourage and support LA health and safety regulators to engage local businesses in delivery of the strategy.

## Background

3. "Be Part of the Solution" was published in June 2009 as the health and safety strategy for Great Britain. The direction of the strategy is set on the enduring principle established by the Health and Safety at Work etc Act - those who create risk are best placed to manage it. It recognises that to bring about improvement in health and safety performance the need is for everyone in the health and safety system to understand their role and become better at executing their responsibilities.
4. Proportionate enforcement and proactive work to deliver health and safety objectives are valuable tools for health and safety regulators to encourage businesses to protect employees and the public from serious work risks.

5. Health and safety regulators are required to make adequate arrangements for enforcement in line with a Standard issued under S18 of the Health and Safety at Work Act 1974. HSE have developed a range of toolkits describing how best to meet the Standard and a process of self assessment and peer review with action plans for improvement is being used to demonstrate compliance with the Standard. The toolkits have been thoroughly piloted with practitioners. HSE's partnership managers have a supporting and advisory role for LAs in the peer review process and will be a significant feedback route for evaluation.
6. The purpose of having adequate arrangements in place is:
  - to deliver high-quality investigations and enforcement work in line with the strategic goal of investigation and securing justice;
  - to effectively deliver a number of specific statutory duties and other obligations on behalf of the government;
  - to have the right people, in the right place, at the right time, possessing the right skills, knowledge and behaviours and performing the right roles;
  - to make efficient use of the available resources in the delivery of health and safety objectives in support of the strategy; and
  - to be recognised as an effective and proportionate regulator.
7. The main indicator on how an LA supports delivery of the strategy is for them to ensure they have competent and adequately resourced enforcement arrangements in compliance with the S18 standard. The objective is that by March 2011 LAs are able to demonstrate their compliance.
8. HELA have considered the matter of S18 compliance and anticipate that some LAs may need some encouragement to achieve this (please see a summary of the most recent HELA meeting at annex 1). The joint Chairs of HELA have written to all LA Chief Officers to emphasise the importance of compliance (annex 2) and measures are being identified to encourage and support LAs to comply. HELA have asked for an update on progress at their October 2010 and March 2011 meetings.

### **The LA contribution to delivering the strategy**

9. HSE's business plan for 2010/11 is an important element of the delivery of the Strategy. The plan reflects the work of the LA/HSE regulatory partnership to deliver national, regional and local priorities. The emphasis is on prevention, with over 60% of visits done annually by LA Inspectors providing advice, information and guidance together with conducting inspections and assessments. At the same time both HSE and LA Inspectors continue to investigate complaints and accidents and, where appropriate, pursue enforcement action against those who put themselves and others at risk, and where there is a serious breach of the law.
10. Through their regulatory function LAs have a direct influence on the achievement of the health and safety strategic goals. In order to ensure that we achieve the strategic goals outlined in the strategy the LA plans of proactive work are developed from the same evidence base as the HSE business plan.

Interventions and campaigns selected from the joint HSE/LA portfolio of proactive work enable LAs to target their resources to deliver the strategy. Set alongside this LAs are also able to address local priorities selected for political or community reasons, reflecting their wider responsibility for safety of local communities.

11. The joint HSE/LA portfolio of proactive work is wide ranging. It includes work topics instigated by both HSE and LAs because of their significance in reducing injury and ill health and local priorities/issues e.g. as part of the wider health and well being agenda. It enables LAs to target their health and safety plans.

### **Local Authority National Delivery Plan**

12. HSE and LG Regulation have worked together to develop a LA National Health & Safety Delivery Plan for 2010/11. The benefit of having such a plan is to allow:
  - a) LAs to see how they, as a body, plan to contribute to the delivery of public protection and the health and safety of Great Britain;
  - b) HSE to better target LAs for involvement, feedback and evaluation;
  - c) LAs to identify other groups' involvement in common work priorities; and
  - d) information gained through developing the plan to be fed into future plans.
13. HELA received and discussed an early iteration of the plan. A further update has been received from LA County Liaison Groups (or equivalent), annex 3 summarises the levels of LA planned activity from the joint HSE/LA portfolio of proactive work.

### National and regional priorities

14. Examples of some of the national and regional LA initiatives supporting delivery of the strategy include:
  - Workwell Dorset project– a joint HSE/LA project targeting resources to risk through a set of joint processes and structures.
  - Estates Excellence project – a pooling of HSE and LA resources and expertise, to help small and medium enterprises (SMEs) to identify and control their key health and safety risks.
  - Twin Peaks project – a 5 year pilot project which transfers enforcement responsibility to LAs. Requiring no additional LA resource but targeting it to higher risk premises
  - Dermatitis in catering and hairdressing - the aim is for workers to be able to recognise the risks and take simple steps to avoid dermatitis
15. More detail including links to the strategic goals and further examples can be seen in annex 4 with the strategic goals in the HSE business plan in annex 5.

## Local priorities

16. For some LAs local issues are higher on their agenda for valid political or community reasons e.g. specific initiatives for migrant and vulnerable workers; gas safety work; tattooing, body piercing and modification; and motor vehicle repair and/or tyre and exhaust centres.
17. In addition to the specific initiatives the portfolio of proactive work also includes issues to be “marbled through” activities and interventions. Several regional H&S liaison groups of LAs have decided to conduct activities/interventions as specific local priorities e.g. migrant and vulnerable workers; promoting leadership and sensible risk management; and worker involvement and employee awareness. In addition at least one liaison group is planning to work towards LAs and major companies signing up to the “The Pledge” showing their commitment to health and safety. (For more detail about the pledge see annex 6).

## Regional Partnership Conferences

18. HSE and LG Regulation will be holding a series of ten partnership conferences in November/December 2010. HELA suggested the focus of the conferences should be on ‘smarter delivery, safer community’. Each conference will be split into two halves; in the morning an HSE Board member is scheduled to deliver a keynote speech and a speaker from LG Regulation’s secretariat will represent the LAs. The second half in the afternoon will focus on planning where the strategic priorities for 2011/12 will be discussed and a commitment to delivery be requested from the LAs.

## **Action**

19. For the LGP to consider the questions posed at paragraph 2.

## **Contacts**

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## Summary of HELA meeting

HELA (Health and Safety Executive/Local Authority Enforcement Liaison Committee) is a forum for senior practitioners, providing oversight of the HSE/LA partnership with a view to maximising its effectiveness in improving health and safety outcomes. It meets twice a year.

Summary from meeting on 15<sup>th</sup> April 2010

- A report was provided to HELA from the LACORS policy forum where issues such as Section 18, revision of guidance on health and safety management, the RDNA tool (Regulators Development Needs Assessment on-line resource) used for assessing training needs and views on the LACORS workplan had been discussed.
- An update was provided on the role of the 'Strategy Action Teams' established in HSE to co-ordinate activities and stimulate innovation in respect of delivering the Strategic Goals. LAs felt it was crucial that they were involved in the development of the work to deliver the strategy.
- HELA discussed the issue of Section 18 compliance and agreed that there is a need to identify the risk and evidence base for health and safety and link that in with LA agendas to demonstrate to those less willing LAs why health and safety is important. LAs expressed concern that a small number of LAs were not engaging in the partnership or the Section 18 process. It was agreed that the cross checking of data and intelligence, discussions with Partnership Managers and engagement by LAU/LACORS was the right approach to help ensure compliance with the new Section 18 Standard by March 2011.
- HELA received an early iteration of the Local Authority National Delivery Plan and asked for the content to be linked to the HSE strategic themes.
- HSE's new press team is looking to reengage with local government to:
  - maximize press opportunities and;
  - quash any misuse of health and safety that arise as there are occasions when health and safety is used to justify unpopular decisions by both business and the public sector.
 and recognised there was a need to work better together using the partnership to improve the reputation of health and safety. HELA was asked about opportunities to work more effectively on: campaigning, using prosecutions to get messages across, and tackling the myths.
- The suggestion was made that for each of the HELA papers there should be short briefing note for councilors in relation to each topic.
- HELA agreed that regional partnership events should take place annually instead of the national conference.
- An outline of the evidence provided by HSE and LACORS to the independent expert Griffin Investigation Committee set up by the Board of the Health Protection Agency to investigate the outbreak of *E. coli* IO157 at Godstone Farm and Playbarn in the summer of 2009 was presented. At that stage HSE and LACORS were awaiting the publication of the Griffin Report.
- HELA endorsed the need for research to review the independence of LAs as health and safety regulators in premises where they may also have an ownership or management interest. This is seen as important given the resourcing issues facing LAs and potential for contracting out or an increase in diversification of service providers.

- HELA were informed about the work CIEH and IOSH are doing in relation to running a feasibility study into an accreditation scheme for health and safety consultants. The study is in two phases:
  - Phase 1 consists of (a) IOSH to conduct market research to gauge the appetite amongst the professionals and small businesses for such a scheme and (b) CIEH to review of other accreditation models.
  - Phase 2 consists of the development of a potential model - CIEH are developing the model based upon the findings from Phase 1 and IOSH will arrange for the model to be tested by a sample of consultants.

**To: Directors of Environmental Health/Chief Environmental Health Officers  
responsible for health and safety regulatory activities in Local Authorities**

**July 2010**

Dear Colleague

**You can contribute to improving health and public protection by helping businesses in your area through your council's role in the delivery of Health and Safety regulation**

A sensible and proportionate approach towards health and safety regulation can encourage businesses to adequately manage risks to protect employees and the public from serious work risks.

Councils' health and safety regulators are required by law to make adequate arrangements for enforcement in line with the S18 Standard issued under the Health and Safety at Work Act 1974.<sup>1</sup>

The purpose of having adequate arrangements in place is:

- to deliver high-quality investigations and enforcement work
- to effectively deliver a number of specific statutory duties and other obligations on behalf of the government
- to have the right people, in the right place, at the right time, possessing the right skills, knowledge and behaviours and performing the right roles
- to make efficient use of the available resources in support of delivering health and safety objectives and wider community targets
- to be recognised as an effective and proportionate regulator.

**What must your council have done by March 2011?**

Compliance with the Standard is required by March 2011 and the expectation is that by then every council:

- will have gone through the self-assessment,
- have completed their action plan and started to deliver any necessary improvements and;
- have undertaken or planned for a peer review within their sub region.

The self-assessment and peer review process will help share the best of local and national enforcement practice and support and encourage the delivery of health and safety outcomes in your area. It should not be a paper chasing exercise and you will only need to share appropriate evidence of good or best practice. Areas of suspected non-compliance may be scrutinised further by the peer review process if not supported by an effective action plan. It is hoped that County and Regional Groups will be actively engaging in mutual support to enable these plans to be produced. Good practice should be shared widely for all councils to see on the HELEX<sup>2</sup> site.

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<sup>1</sup> A range of toolkits describing what adequate arrangements are and a system for self-assessing and peer reviewing compliance with the Standard, are available on the Section 18 web site. (<http://www.hse.gov.uk/section18/index.htm>.)

<sup>2</sup> HELEX – is a password protected website for health and safety regulators to share information and good practice.

## What are we doing to support you?

HSE and LACORS (part of the LGA Group) recognise that some councils may find the process challenging and some may initially struggle to comply with the standard. HSE and LACORS will be monitoring progress and stand ready to help those councils who may be experiencing difficulties.

If you are already experiencing difficulties please contact your HSE Partnership Manager, LACORS or HSE's Local Authority Unit so we can fully understand the issues and provide tailored advice and support to assist you to meet the standard. We are committed to helping all councils deliver effective health and safety regulation that supports local businesses alongside protecting workers and the wider public.

HSE and LACORS will be monitoring the results of the self-assessments and peer reviews throughout this financial year and will report back to HELA in October 2010 and March 2011.

Yours Sincerely



Kevin Myers



Paul Unsworth

## Planned LA Activity 2010/11 – Joint Delivery Portfolio - GB Summary

Note: there are a total of 46 County Liaison Groups (or equivalent) in England, Scotland and Wales (including the four London quadrants)	No of liaison groups with planned activity
<b>National Priorities - LAs (and FOD)</b>	
1. LPG Inspection Campaign	45
2. Construction (LAs with FOD CD)	21
4. Asbestos DTM	41
7. Respiratory Disease - LEV	20
<b>Local Authority only delivery</b>	
12. Asthma in bakeries	20
13. Dermatitis in catering	27
14. Dermatitis in hairdressing	24
15. Noise 'Sound Advice'	33
16. MSD	45
17. Sun Beds	35
18. Work-related violence and aggression	32
<b>Public Sector Work streams</b>	
21. Stress in finance and public sector organisations	14
25. Needle stick injuries	8
<b>Specific Inspection-based Industry Initiatives</b>	
30. Royal Mail ( <i>with potential for working with FOD</i> )	13
33. Procuring arboriculture & amenity contractors by LAs	6
<b>Manufacturing Industry (for inclusion in LA visit agenda where appropriate)</b>	
36. Workplace temperatures	17
37. Workplace Transport	21
38. MSD	11
39. Maintenance	5
<b>Specific Communications Activities</b>	
44. Slips and trips	28
45. Ladder exchange	17
<b>Pilot Activity (elective/voluntary)</b>	
47. Safe interventions at balers and compactors	17
49. Display screen equipment ( <i>volunteer LA</i> )	7
<b>Competence-related activity (including training and information for regulators)</b>	
53. Managing for health and safety	23
54. Respiratory protective equipment ( <i>elective</i> )	4

## Examples of LA work planned for 2010/11 to deliver strategic goals

### ***Creating healthier, safer workplaces***

Ensuring LA interventions are targeted using developed risk profiles which have identified the scale and incidence of injuries or ill-health and the groups of workers or members of the public most at risk.

### Reducing cancer burdens

There are an estimated 8000 work-related cancer deaths per year of which about half are due to past exposure of asbestos. Evidence shows that asbestos exposure is still a significant risk among tradesmen. LAs' plans include involvement in the campaign to raise awareness of the duty to manage asbestos.

In July 2009 the International Agency for Research on Cancer moved the use of sun beds into the highest risk category 'carcinogenic to humans'. LAs' plans include the promotion of management arrangements in premises with sun beds to discourage their use by under 18s and prepare operators for possible new legislation.

### ***The need for strong leadership; and Building competence***

Good management of health and safety is essential to reducing injuries and preventing work-related ill-health whatever the size of the business/organisation. Work planned under these goals includes:

#### Noise – 'Sound Advice'

Many staff in bars/clubs/pubs and similar venues are regularly exposed to high noise levels from amplified music. LAs are working with the entertainment industry to continue awareness raising of the steps that can be taken to reduce the risk from high noise levels enabling them to comply with the Control of Noise at Work Regulations.

#### Work-related violence and aggression

Employees in public-facing jobs are particularly at risk of work-related violence. LAs are working to increase awareness and improve management of work-related violence. The overall outcome is to reduce levels of crime and a reduction of anti-social behaviour meaning that people feel safer in their neighbourhood.

### ***Involving the workforce***

LA regulators can influence and support workers to get involved in H&S and to promote the benefits of joint problem solving. In particular, LAs raise awareness of risks via campaigns and communications activities.

#### Dermatitis in catering and hairdressing

Catering has twice the all-industry average incidence rate of dermatitis. 70% of hairdressers suffer some form of skin problem during their career. In their visits to these types of businesses LAs seek compliance with good standard through advice or formal enforcement. The aim is for workers to be able to recognise the risks and take simple steps to avoid dermatitis.

#### 'Shattered Lives'

Slips and trips account for over a third of all major injuries reported. LAs are key to the delivery of this campaign to reduce the number of slips and trips particularly in catering and hospitality.

## **Customising support for SMEs**

### Estates Excellence

The 'Estates Excellence' project started in 2009 the east south east region of England. The aim of the project is, through pooling HSE and LA resources and expertise, to help small and medium enterprises (SMEs) to identify and control their key health and safety risks, including supporting them by providing free tailored on site advice and training.

### Work Well Dorset Project

The Work Well Dorset project developed a new approach to HSE and LAs working together, through a joined-up work plan unconstrained by the barriers of enforcement boundaries and traditional ways of working. Planned proactive and reactive interventions sought to match HSE and LA resources to risk (for medium risk premises) through a set of joint processes and structures. The approach is currently being publicised across the country with a number of liaison groups interested in trialling similar approaches.

### Twin Peaks

Twin Peaks a 5 year pilot project which essentially transfers enforcement responsibility to LAs for certain business sectors where enforcement responsibilities were split between HSE and LAs (e.g. motor vehicle repairs, care homes, dry cleaning and warehousing). It offers better business support with timely and appropriate interventions and has required no additional LA resource to implement it.

Participating authorities get enhanced training, increased competency, capacity and confidence, and the valuable partnership between LAs and the HSE is further extended

**Avoiding catastrophe** - to ensure the effective regulation of duty holders in order to reduce the likelihood of catastrophic events.

As a national priority, LAs and HSE are conducting a targeted inspection campaign of industrial and commercial liquefied petroleum gas (LPG) users to support the programme of pipe work replacement agreed with the LPG supply industry.

## **Strategic Goals from HSE's Business Plan**

*(Those highlighted are particularly relevant to Local Authorities)*

### **Creating healthier, safer workplaces**

1. Identify and prioritise significant H&S problem areas for workers and those affected by work activities
- 2. Deliver effective and efficient interventions**

### **Avoiding Catastrophe**

- 3. To deliver effective regulation of duty holders to reduce the likelihood of catastrophic events**
4. To ensure there is a robust, consistent and credible regulatory framework and safety regime in place for major hazard industries.

### **Investigation and securing justice**

- 5. To deliver high-quality investigations and enforcement work**

### **The need for strong leadership**

6. To influence Leaders in taking ownership of H&S
- 7. To determine and routinely examine whether good H&S Leadership is demonstrated in practise**

### **Building Competence**

8. To support employers and employees in improving H&S knowledge
- 9. To determine and routinely examine the extent of H&S competence in the workplace**

### **Involving the workforce**

- 10. To influence and support workers to get involved in H&S and to promote the benefits of Joint problem solving**
- 11. To determine and routinely examine the extent of worker involvement**

### **Customising support for Small and Medium Enterprises (SMEs)**

- 12. To help SMEs understand H&S law and meet its requirements as simply as possible**

### **Taking a wider perspective**

13. To Contribute to the Governments international and domestic strategies by ensuring the safety of existing emerging technologies
14. To deliver improvements in safety standards through work with suppliers and other key stakeholders
- 15. To effectively deliver a number of specific statutory duties and other obligations on behalf of the government**
- 16. To be recognised as an effective and proportionate regulator**

### **Enabling Delivery**

- 17. To have the right people, in the right place, at the right time, possessing the right skills, knowledge and behaviours and performing the right roles**
18. To reduce our environmental footprint
- 19. To make efficient use of the available resources in support of delivering HSE's objectives**
20. To safeguard the confidentiality, integrity and availability of information we hold.

## **The Pledge**

We, the undersigned:

- Agree to play our part in reducing the numbers of work-related deaths, injuries and ill-health in Great Britain.
- Call on employers to put health and safety at the heart of what they do and to take a common sense approach to health and safety.
- Commit to debunking myths around health and safety that trivialise the impact of injuries, ill health and deaths on individuals and their families.
- Recognise the importance of health and safety in difficult economic times and the dangers of complacency.
- Pledge to work with the Health and Safety Executive and its partners to Be Part of the Solution.