Your council’s role in health and safety regulation

Councillors’ Handbook
FACT In 2006/07 241 workers were killed at work
Introduction

Councils are responsible for regulating health and safety in over a million workplaces, employing around half the British workforce. The Health and Safety Executive (HSE) is responsible for the rest. Health and safety at work involves all of us whether as employers, employees or members of the public, visiting or working in shops, offices, pubs, cinemas or residential care homes. It should therefore feature prominently in councils’ corporate plans.

Every district and unitary council in Great Britain has a statutory duty under Section 18 of the Health and Safety at Work etc Act 1974 to ensure it makes adequate provision for health and safety regulation in its area. Councillors are directly involved in the governance arrangements for health and safety regulation in Great Britain through the Local Government Panel (LGP).

The LGP is made up of senior councillors nominated through the local government associations (LGA, WLGA and COSLA). It meets the HSE Board (who have overall responsibility for health and safety in Great Britain) regularly to discuss strategic issues for local and central government in relation to health and safety regulation.

Below is a snapshot of the sectors overseen by local councils and HSE.

<table>
<thead>
<tr>
<th>Local council health and safety regulatory officers</th>
<th>HSE inspectors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shops</td>
<td>Factories</td>
</tr>
<tr>
<td>Offices (except government offices)</td>
<td>Farms</td>
</tr>
<tr>
<td>Hotels</td>
<td>Building sites</td>
</tr>
<tr>
<td>Restaurants</td>
<td>Nuclear installations</td>
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<tr>
<td>Leisure activities</td>
<td>Mines</td>
</tr>
<tr>
<td>Nurseries</td>
<td>Schools/colleges</td>
</tr>
<tr>
<td>Club buildings</td>
<td>Fairgrounds</td>
</tr>
<tr>
<td>Museums</td>
<td>Gas/electricity/water systems</td>
</tr>
<tr>
<td>Places of worship</td>
<td>Hospitals</td>
</tr>
<tr>
<td>Sheltered accommodation/care homes</td>
<td>Nursing homes</td>
</tr>
<tr>
<td>Pubs and clubs</td>
<td>Government premises</td>
</tr>
<tr>
<td>Warehouses</td>
<td>Transport systems</td>
</tr>
</tbody>
</table>
Councillors’ checklist

Use the checklist to find out more about how health and safety regulation can help your council to meet national performance measures and improve people’s lives.

<table>
<thead>
<tr>
<th>Roles and responsibilities</th>
<th>Yes/No</th>
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<tbody>
<tr>
<td>Do you know which portfolio holder has responsibility for health and safety regulation?</td>
<td></td>
</tr>
<tr>
<td>Have you seen service plans and performance reports for health and safety regulation?</td>
<td></td>
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<tr>
<td>Do you know how many health and safety regulatory officers you employ?</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Premises and accidents</th>
<th>Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are you aware of how many premises your council regulates under health and safety legislation?</td>
<td></td>
</tr>
<tr>
<td>Do you know how many accidents at work your council investigated in the last year?</td>
<td></td>
</tr>
<tr>
<td>Are your local workplace accident/ill-health rates increasing?</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Priorities and targets</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Do you know how health and safety can contribute to meeting national performance indicators?</td>
<td></td>
</tr>
<tr>
<td>Have council resources committed to health and safety regulation increased over the last three years?</td>
<td></td>
</tr>
<tr>
<td>Are there any health and safety regulatory targets set by your council?</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Taking action</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Has the contribution of improved health and safety been recognised in your corporate plans?</td>
<td></td>
</tr>
<tr>
<td>Is your council making ‘adequate arrangements’ for health and safety regulation?</td>
<td></td>
</tr>
<tr>
<td>Does your health and safety regulatory team undertake partnership work with HSE or councils?</td>
<td></td>
</tr>
<tr>
<td>Has your council adopted the principles of sensible risk?</td>
<td></td>
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</tbody>
</table>
FACT In 2006/07 an estimated 36 million working days were lost due to workplace injuries and work-related ill health.
What is health and safety regulation?

Councils and their regulatory officers have a range of effective interventions available to reduce accidents and ill health in the community. In particular, their work with small businesses is an effective route for tackling local issues. Regulatory officers and individual councils also play a key part in influencing national business through interventions delivered in partnership with HSE and councils.

Using the following tools, health and safety officers work with businesses to improve health and safety for employers, employees and members of the public:

- Advising business on legal requirements
- Project initiatives with local stakeholders
- Sector/industry-wide initiatives
- Provision of training
- Partnership approach with business, other councils and HSE
- Education and awareness
- Working with those at risk
- Inspection and enforcement
- Identification and communication of best business practice

Delivering sensible health and safety management
eg concentrating on practical actions to protect people from real harm

Contributing to local council strategies
eg crime prevention, health, social care and well-being and economic vitality
What’s the impact?

For employees...

Local council health and safety regulation can have an important impact on reducing workplace injuries and ill health in every community. The annual number of major injuries to employees remains unacceptable.

FACT Over 28 000 major injuries were reported in 2006/07, with another 100 000 injuries leading to employees taking over three days off work.
What’s the impact?

For local businesses...

Many businesses underestimate the cost of injury and illness at work. If an employee is off work because of this, the employer:

- could lose production;
- may have to pay wages for replacement staff;
- could suffer an increase in employers’ liability insurance premiums; and
- could suffer reputational damage.

The total cost to society of workplace accidents is much higher, for example:

- the cost to health services for treatment;
- the cost to government for any benefits paid; and
- the extra burden placed on families and work colleagues.

Here is a typical example of the result of an accident at work.

A worker using an unguarded machine in a small firm caught the sleeve of his jumper in the machine, crushing his arm. After major surgery he was off work for three months. On returning to work he was unable to operate machinery so he was placed on administrative duties for five months. The managing director of the company was prosecuted following the incident. Two employees were made redundant. The cost to the business was over £45 000, which could have been avoided by providing a machine guard costing a few pounds.
FACT Accidents and ill health at work cost British employers an estimated £3.3 to 6.5 billion each year.
What’s the impact?

For the public…

Health and safety law requires that the public are properly protected while recognising that it’s not possible to eliminate risk altogether. Risk can and should be sensibly and responsibly managed.

Local council health and safety regulatory services need to focus resources where they can be most effective in protecting people from real harm and suffering. For example, there were 28 fatalities to members of the public in 2006/07 in workplaces enforced by local councils.
FACT In 2006/07, 4581 members of the public were injured visiting local council regulated workplaces and were taken directly to hospital.
Improving health and safety in your community

Improvements in health and safety can lead to significant benefits for individuals, families, businesses and the wider community.

Partnership working between HSE and councils continues to develop and is becoming the way we do business. Successes in the following case studies not only show improved health and safety outcomes but clearly demonstrate the importance of partnership working between HSE and councils, and across councils.

By developing regional work plans and using expertise from county groups and regions, councils and HSE have been able to deliver a health and safety programme aimed at those areas most likely to lead to a reduction in injuries and ill health at work.

Children and young people

- A 14-year-old boy who had been working at a local butcher’s for a year was using the meat-mincing machine. The plaster on his thumb got caught and the barrel of the machine was so strong it dragged his hand into the machine. He lost all the fingers on his right hand, including his knuckles. Council health and safety regulatory officers secured a conviction of his employer, resulting in a fine of £7500 for health and safety breaches and £500 for illegally employing him.

- In Yorkshire and the North East, Calderdale Metropolitan Borough Council instigated research into body piercing and semi-permanent tattooing as there is a lack of information on accepted practices, including ensuring infection control. The council used HSE’s Science and Technology funding to develop practical, up-to-date guidelines to ensure that the health of young people who are subject to these procedures is protected. The guidelines will be available to all health and safety regulatory officers who are concerned about the use of these procedures.
Safer and stronger communities

- An innovative idea saw one council’s health and safety regulatory officers working with police crime prevention staff to use health and safety powers to reduce crime at retail premises where staff had been violently assaulted during the course of a robbery. Modifying the counter and repositioning door signs have improved the safety of the workplace and brought about a reduction in crime.

- Safer Working Community activity received positive support from local council colleagues in Yorkshire and the North East with events taking place in many areas including Blyth, Sunderland, Washington, York, Tyndale, Alnwick and Wansbeck. These events were particularly popular with local councils because of the local flavour:
  - using larger local businesses to draw in delegates and spread the health and safety message; and
  - the opportunity for smaller, neighbouring councils to pool resources using the flexible warrant system.

This work continued with a ‘Healthier Working Community’ event in Wakefield. The work involves a sign-up event during which local business are invited to become engaged in the initiative by providing resources, offering venues and the opportunity to work with neighbouring companies. There then follows an intensive programme of joint HSE/council inspections during which flexible warrants are used. These are followed by a week of events which include presentations, workshops and talks involving local councils, HSE and other stakeholders, such as the Health Protection Agency, fire service and police, and Chambers of Commerce etc.

New streamlined events, which are likely to involve fewer presentations and more inspections, are planned in Tyne and Wear, Hull, Harrogate, Bradford and Rotherham. Where possible, flexible warrants will be used during the inspection stage.
Economic development and the environment

- The UK’s analogue TV signal will gradually be switched off and replaced by a digital signal in the digital switch over. In anticipation of the increased activity this will bring to the industry, the six North Wales local councils and HSE decided to target aerial installers in North Wales prior to switch over. In order to ensure that both HSE inspectors and council regulatory officers had appropriate knowledge of the safe systems of work for work at height during domestic aerial installations, they attended the industry training course on work at height and became familiar with the industry developed code of practice.

Council officers were given flexible warrants so that they could take enforcement action across the board on behalf of HSE. This meant that council officers were not limited to dealing with issues at retail shops but could also challenge and inspect installers during installation of aerials and satellite dishes in domestic premises.

The initiative has led to a significant number of improvement notices requiring installers to undergo training in safe work at heights.

- In the Midlands, a Chesterfield builders’ merchant saved £20 000 following advice from the local council health and safety regulation team. He was advised to change the way the warehouse operated rather than install a new racking system. The owner said: ‘Whilst many businesses look on health and safety as something that only costs money … working together with the local health and safety regulation team … has saved us the cost of new warehouse racking and at the same time made a big impact on our efficiency and ultimately our profits.’

- Following a successful joint HSE/council pilot in Blaenau Gwent and Cardiff, all 22 local authorities in Wales participated in a project to improve manual handling practices in pubs and other licensed premises. During the pilot, a training DVD was developed to assist landlords in providing suitable manual handling training for what is sometimes a transient workforce. Approximately 600 premises were visited by council regulatory officers using an inspection toolkit including benchmark standards, ensuring a consistent enforcement approach across Wales. Initial evaluation indicates substantial improvement within both the drinks delivery sector and the licensed trade and further visits are planned.

- Health and safety regulatory officers from five Scottish councils worked with HSE to inform and advise employers who work at leisure venues ranging from golf courses to sports grounds and hotels undertaking outside maintenance jobs such as grass cutting, hedge trimming and weed control. Safety awareness
days gave employers and employees the opportunity to see a number of health and safety scenarios relevant to their industry and learn how to control the risks to themselves and others. At the end, delegates were asked to identify areas where they could improve.

**Healthier communities**

- A campaign to highlight the ‘Asbestos: Duty to Manage’ requirements took place in Suffolk. All seven councils within the county participated, together with HSE inspectors, targeting premises across a range of sectors. The project was organised by councils and delivered by 35 regulatory officers and HSE inspectors. Over 1000 dutyholders were contacted by mail. Press notices resulted in three radio interviews and two press articles, which helped to increase awareness and impact.

This project enabled council regulatory officers and HSE inspectors to work together on a proactive campaign across sectors and geographical boundaries, testing the use of their flexible warrants – breaking down barriers to enforcement. Over 450 visits took place in seven days, 24 enforcement notices were served and action resulted in significant improvements in over 200 premises.

- Lancashire councils and the Association of Greater Manchester Councils are developing local agreements with the Commission for Social Care Inspection and HSE for clearer enforcing arrangements in each area and collaborative working for the benefit of workers and clients in the care sector.

- In the South West, Penwith and Kerrier District Councils joined forces to tackle radon exposure in local workplaces. Located in high-risk radon areas, the local council’s health and safety regulation teams provided practical advice to businesses on how to reduce radon exposure to their employees. Actions included a letter drop, visits and an evening seminar for business managers, supported by an HSE specialist and the National Radiological Protection Board. The key message delivered to business was that doing a risk assessment and introducing control measures could minimise exposure to radon, and therefore reduce the risk of cancer incidents in local workers.
FACT Councils are responsible for regulating health and safety in 1.1 million workplaces.
National strategy and targets

The Department of Work and Pension’s Departmental Strategic Objective is to ‘Improve health and safety outcomes in Great Britain, through progressive improvement in the control of work-related risks’. Progress to 2010/11 will be measured on occupational health and safety outcomes by achieving sustained improvement in:

- the incidence rate of fatal and major injuries;
- the incidence rate of work-related ill health.

HSE will work to meet this objective and it’s important that every council also contributes locally, which will improve the health, safety and well-being of their communities.

The 2004 *Strategy for workplace health and safety in Great Britain to 2010 and beyond* set a new direction to improve future standards of workplace health and safety. Key to the strategy was an envisaged closer partnership between HSE and local councils – working together to be more effective in improving health and safety and reducing the incidence of injuries and ill health in the workplace.

HSE and local councils have helped deliver on this strategy through the Fit3 programme (*Fit for Work, Fit for Life, Fit for Tomorrow*). This programme was designed to reduce the incidence of injury, ill health and days lost. HSE and local councils targeted interventions at the hazards and employment sectors where incidence rates were the highest and regulatory officers had the greatest potential to make a real impact on the national health and safety targets.

HSE is working with local councils and other stakeholders in reviewing the health and safety strategy during 2008 so that we can all plan for the longer term. Development of a new strategy offers the opportunity to take stock of what has been achieved, and build on progress made.

**Health, work and well-being**

Improving the health and well-being of the working population is set out in the Government’s strategy, *Health, work and well-being: Caring for our future*. It aims to help reduce health inequalities and social exclusion by demonstrating clearly that work helps maintain and improve people’s overall health and well-being.
Local strategy and targets

Councils have a broad power to promote the economic, social and environmental well-being of their area. They also have a duty to prepare community strategies with their partners on behalf of their communities, setting out a long-term vision for their area.

In England, Local Area Agreements (LAAs) aim:

- to improve central/local relations;
- to improve service delivery;
- to improve efficiency;
- to improve partnership working; and
- to enable local councils to provide better leadership.

Improvements in health and safety contribute to a number of Government priorities highlighted in the Local Government National Indicators. The document *Improving the health, work and well-being of local communities* (www.lacors.gov.uk/lacors/upload/17362.pdf) sets out how health and safety contributes to LAAs.

In Scotland, health and safety can contribute to the council’s Single Outcome Agreement (SOA). The SOA will be part of an overall framework shared between Local and National Government. The component parts of the framework include those initially developed by the Scottish Executive (overarching purpose, purpose targets, strategic objectives, national outcomes, indicators and targets) and the local outcomes indicators and targets that are being developed by Local Government. This work will support five themes to be a wealthier and fairer, healthier, safer and stronger, smarter and greener Scotland.

In Wales, health and safety can contribute to the work of local strategic partnerships and local strategic boards. Councils have a central role on the developing Local Service Boards. These boards bring together key decision makers from the major public service providers, from all sectors, to tackle key service challenges, underpinned by Local Delivery Agreements to ensure joint activity across sectors.
Here are some examples of how health and safety can contribute to community strategies of local councils:

- Reducing the incidence of work-related violence, for example by designing out crime, could have an impact on crime rates, on people feeling safe in their neighbourhood and reducing antisocial behaviour.
- Reducing the incidence of work-related diseases, for example those caused by asbestos, could impact on mortality rates and hospital admissions.
- Introduction of the Stress Management Standards in workplaces could reduce the incidence of work-related stress and improve the work-life balance of employees. This can impact on their overall health and well-being and encourage more outside activities.
- Ensuring good health and safety standards can mean a reduction in the numbers of people on incapacity benefit.
- Improving the work of regulatory services including health and safety can help contribute to indicators on business satisfaction and better regulation.
FACT Last year, 2.2 million people suffered from work-related illnesses
What you and your council can do

- **Realise the potential of your health and safety service**
  By realising the potential of the health and safety service in your council and the effective contribution it can make to your council’s objectives, you can make a real difference to improving the health, safety and well-being of your community.

- **Know your health and safety service**
  By requesting information (through the checklist on page 4) you can check that your health and safety regulatory resources are sufficient and focused where the evidence base demonstrates there is greatest risk and where they will be of maximum health benefit.

- **Adopt the principles of sensible risk**
  Sensible health and safety principles are fundamental to setting out what health and safety is all about, saving lives not stopping them. By adopting these principles your council can demonstrate that the work done by your health and safety team, and others, meets those principles. Find out more at: www.hse.gov.uk/risk/principles.htm

- **Raise the profile of health and safety**
  As a representative of your community you can inform the decision-making process through the council’s executive or committee structure. You can also raise the profile of health and safety regulation by explaining the wide-ranging effective contribution health and safety can make to agendas such as crime prevention and healthier communities.

- **Refer your constituents**
  Should you receive a query from individual constituents these should be referred either to your council’s health and safety department or to HSE’s Infoline on 0845 345 0055.
FACT: Slips and trips cause 44% of major injuries in local council regulated workplaces.
## Current priorities in the local council enforced sector

<table>
<thead>
<tr>
<th>Project</th>
<th>What</th>
<th>Where</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slips and trips</td>
<td>To reduce the number of major-injury slip and trip accidents, provide advice on practical control measures, and enforce as appropriate.</td>
<td>Food retail, building and plant maintenance, catering and cleaning.</td>
</tr>
<tr>
<td>Falls from height</td>
<td>To raise awareness of falls from height risks, give advice on management and practicable control measures, and enforce as appropriate.</td>
<td>Retail, wholesale and warehousing, hotels, catering and hospitality, and offices.</td>
</tr>
<tr>
<td>Asbestos</td>
<td>To raise awareness of the duty to manage asbestos among building occupiers, and enforce where there is poor compliance.</td>
<td>All sectors.</td>
</tr>
<tr>
<td>Dermatitis</td>
<td>To raise awareness of dermatitis, provide advice and support to the industry, and enforce where appropriate.</td>
<td>Hairdressing and beauty, and also in sectors where catering or cleaning is involved.</td>
</tr>
<tr>
<td>Asthma</td>
<td>To reduce the incidence of occupational asthma, to raise the awareness of asthma, to promote control measures, and enforce as appropriate.</td>
<td>Baking industry and other workplaces where flour is used (eg supermarkets).</td>
</tr>
<tr>
<td>Musculoskeletal disorders (MSDs)</td>
<td>To raise awareness of MSDs, encourage reasonable practicable control measures, and enforce as appropriate.</td>
<td>All sectors, especially retail, cleaning, warehousing, care homes, and finance.</td>
</tr>
<tr>
<td>Noise</td>
<td>To raise awareness of the Control of Noise Regulations, and the availability of a simple, practical, industry-specific guide.</td>
<td>Music and entertainment sector.</td>
</tr>
<tr>
<td>Royal Mail</td>
<td>To achieve jointly established health and safety targets with an agreed timetable via local action plans.</td>
<td>Sorting and delivery offices.</td>
</tr>
<tr>
<td>Stress</td>
<td>To encourage financial services organisations to improve workers’ health and well-being.</td>
<td>Financial services sector – insurance, building societies, investment and high-street banks.</td>
</tr>
<tr>
<td>Violence</td>
<td>To reduce the number of work-related violence incidents.</td>
<td>Retail, restaurants, and bars, pubs and clubs.</td>
</tr>
</tbody>
</table>
Partnership managers

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