

LAC 67-2 (Revision 9)

Title: Setting Local Authority Priorities and Targeting Interventions

Open Government status Fully Open

***Target audience Local Authority Health and Safety regulators
(Practitioners and Managers)***

Contents

Summary
Background
Introduction
Action

1. Setting Priorities
2. Targeting Interventions
3. Reporting Performance
4. Application to Petroleum Certification and Explosives Licensing Regimes
5. Further References

Annex A - Summary of national planning priorities 2020/2021

Annex B – List of sectors/activities suitable for proactive inspection

Annex C – Information sources to assist development of LA Intervention plans

Annex D – Examples of interventions

Annex E – Recording Local Authority activity and enforcement data (LAE1)

Summary

This Local Authority (LA) Circular (LAC 67/2 (rev 9)) is guidance under Section 18 of the Health and Safety at Work etc. Act 1974 (HSWA) and replaces LAC 67/2 (rev 8) and all earlier versions.

The LAC provides LAs with guidance and tools for priority planning and targeting their interventions, enabling them to meet the requirements of the National Local Authority Enforcement Code (the Code).

Background

In 2013 HSE published the National Local Authority Enforcement Code (the Code). The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk-based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

Introduction

The Code provides LAs with a principles-based framework that focuses regulatory resources on the basis of risk. It supports LAs to develop their health and safety priorities and target their interventions to consistently comply with the Code.

Section 18(4) of the Health and Safety at Work Act etc. 1974 places a duty on Local Authorities to make 'adequate arrangements for the enforcement' of health and safety and the Code sets out what is meant by 'adequate arrangements for enforcement'. LAs are responsible for regulating the health and safety of around half of the GB workforce and it is neither proportionate nor effective to deliver a regulatory function based on arbitrary fixed inspection cycles of individual workplaces – particularly since many of those workplaces will already be managing their risks effectively.

Any modern and effective regulatory regime must allow a regulator to deploy a range of proportionate regulatory interventions. This guidance outlines the wide range of regulatory interventions open to LAs, requiring them to consider which are the most effective to influence the management of risk in a particular business.

In addition to this guidance on targeting, which includes an annual list of LA regulatory priorities (see Annex A), to further support the Code, HSE also publishes a list of specific activities in defined sectors that are considered suitable for proactive inspection (see Annex B - the 'List').

As part of the Code HSE will monitor, report and direct the approach of LA regulatory intervention. This guidance supports HSE in this process by requiring LAs to carefully consider how they target their inspections and investigations in a manner that is:

- Reactive – typically investigative actions, undertaken in response to a specific incident or complaint or visits in response to requests for assistance, or
- Proactive – inspections that are not triggered in response to a single specific incident or concern, but result from a wider consideration of local intelligence or national trends that identify poor performers.

This is explained in greater detail in Annex E.

Implementing and complying with the Code and this guidance will ensure that LA regulatory resource is used consistently and to best effect. Using risk-based targeting should free up resources and facilitate the provision of targeted advisory visits and support to aid local business growth, particularly with new business start-ups.

Action

1. Setting Priorities

In delivering their priorities LAs should ensure their planned regulatory activity is focussed on outcomes. The Code provides flexibility for LAs to address local priorities alongside the national priorities set by HSE.

LAs should construct their work plan to deliver specific outcomes. The plan is likely to consist of work to deliver those national priorities set by HSE, work to deliver local priorities and be accompanied by an inspection programme that meets the requirements of the Code. LAs should also consider whether they can gain regulatory efficiencies by planning their workplans collectively with members of their local LA liaison groups.

Investigation of Incidents and Complaints (Reactive visits) - LAs should adopt HSE's risk-based approach to complaint handling and incident selection criteria, to select relevant incidents and complaints. This will target an LAs reactive interventions to make best use of regulatory resources.

Investigation of stress complaints – LAs are not expected to undertake any proactive interventions focussing on work-related stress. Incident selection criteria have now been published and can be found here <https://www.hse.gov.uk/stress/reporting-concern.htm>
Note: complaints from individuals do not meet the selection criteria.

Statement of Commitment (SoC)

HSE, with endorsement from the Local Government Association, Welsh Local Government Association and the Society of Chief Environmental Health Officers Scotland has refreshed the joint LA/HSE SoC which sets out the shared HSE/LA vision for an effective co- regulatory partnership.

Elected members, chief executives and heads of service should be encouraged to commit to the principles of the statement, and these principles should be embedded in LA workplan/service plan.

The SoC can be found here <http://www.hse.gov.uk/lau/statement.htm>

Annual National Planning Priorities

The national priorities in Annex A are drawn from the sector plans. HSE review the national priorities in Annex A on an annual basis to allow flexibility and the inclusion of any arising priorities which may result from new intelligence or in response to learning from major incidents.

Locally Identified Priorities

LAs also have access to a wealth of local information (see Annex C - Information sources to assist development of LA intervention plans). This local intelligence should be used by LAs to determine their specific local priorities and poor performers, by identifying the key risks of serious workplace accidents, injuries and ill-health in their community.

Matters of Evident Concern (MECs) are defined as those that create a risk of serious personal injury or ill-health and which are observed (i.e. self-evident) or brought to the inspector's attention. Matters of Potential Major Concern (MPMCs) are those which have

a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health.

LAs should monitor MECs or MPMCs dealt with during advisory or other regulatory visits as well as complaints and incidents to identify any matters that may present a potential significant local issue.

Where LAs, individually, or through their Liaison groups, become aware of an issue that may be novel or an emerging problem that could have national significance they should alert HSE (via HELEX or lau.enquiries@hse.gov.uk). This will allow the issue to be considered further and a decision taken as to need for some form of national intervention e.g. new guidance; issuing a safety bulletin/alert; centralised intervention, national campaign etc.

Priorities of a Primary Authority (PA)

The health and safety priorities of a PA must take account of this guidance, other relevant HSE guidance and information specific to that PA - See below.

2. Targeting interventions

LAs should use the range of techniques (interventions) available to increase their impact, influence behaviours and improve the management of risk. LAs should decide, plan and target their health and safety interventions based on the outcomes and priorities that they are trying to address.

Focussing on priorities and outcomes

To assist LAs to target their resources HSE publishes a list of higher risk activities/sectors suitable for targeting for proactive inspection (the 'List'). Under the Code, proactive inspection should be used only for the activities on this list or where there is specific intelligence that risks are not being effectively managed.

Not all national priorities are on the 'List'. This is because some priorities are better suited to other interventions e.g. LAs should not specifically inspect premises for the presence of asbestos but can seek to raise awareness of the requirement to manage asbestos.

LAs should expect to explain to the business why they are being inspected. A business can complain to the Independent Regulatory Challenge Panel when they consider that they operate in a lower risk sector and have been unreasonably subject to a proactive health and safety inspection by an LA. Where the Panel upholds a complaint, HSE will work with the LA in question to assist the LA's implementation and compliance with the Code.

Primary Authority inspection plans

Primary Authority (PA) inspection plans should be focussed on outcomes related to specific priorities. The inspection plan should follow the principles of the Code and align with the national priorities (see below) and proactive inspection consistent with the 'List' or driven by evidence specific to that PA business (es). If an individual LA identifies issues with a PA business, that they feel the PA is not aware of (e.g. as a result of local intelligence from RIDDORs, adverse defect or insurance reports etc.) contact should be made with the PA to check and share each other's information. This will help determine a proportionate and consistent response and ensure that any wider implications can be considered.

PAs developing national inspection plans will obtain general advice and feedback on their inspection plan as part of the existing PA processes in which plans are sent to national regulators for comment. PAs that wish to have more detailed advice or engagement to help develop an inspection plan can approach HSE for Supporting Regulator input by submitting the proforma available on the Primary Authority website - <https://primary-authority.beis.gov.uk/>

Risk ratings

Since 2015/16 there is no longer a requirement for LAs to report to HSE (via the LAE1), details of the risk rating of the premises visited (Category A, B1, B2 or C). The Annex on risk ratings that used to be part of previous versions of this guidance has therefore been removed, but can still be found on HElEx:

<https://ourknowledge.hse.gov.uk/regulatory/intervention/Lists/LAC%20672%20rev%206/AllItems.aspx>

3. Reporting performance

Under the Code, LAs should ensure they have a means of monitoring, capturing and sharing health and safety intervention, enforcement and prosecution activity. LAs must make this information available and share it with HSE via the LAE1 return to allow the preparation of national data. This national data will be on the HSE website to assist LAs when benchmarking and peer reviewing their work against other LAs.

The LAE1 is limited to the capture of occupational health and safety regulatory activity required by HSE. LAs are however at liberty to report to their managers or elected members a greater set of activity or information than that required by HSE on the LAE1. (See Annex E - Recording Local Authority Activity and Enforcement Data (the LAE1)).

4. Application to Explosives and Petroleum

Application to the Petroleum Certification and Explosives Licensing Regimes

The Code applies to all LA enforcement under the Health & Safety at Work etc. Act. This includes the requirement to follow a risk-based approach to regulation for petroleum certification and petroleum and explosives licensing, and the enforcement of relevant health and safety legislation at petrol filling, non-workplaces in relation to petroleum storage and licenced explosives sites e.g. Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) and the explosives/petroleum regulations.

In practice, enforcing authorities for petroleum and explosives sites will need to ensure, by risk-based proactive inspection visits, that site operators are complying with the goal setting duties set out in the relevant health and safety legislation or for domestic and non-workplaces, petrol is stored in accordance with the petroleum storage regulations and any applicable licence/certificate conditions.

This guidance document and the LAE1 have been developed to address conventional health and safety issues and not the potential for high hazard/low frequency major incidents with the potential for substantial off-site effects that petroleum and explosives sites can pose.

Specific targeting advice is available for the explosives sector via the 'List'. This advice supports, but does not supersede, any risk based proactive inspection visits to licensed explosive sites based on local intelligence or relating to licensing matters.

In addition, further information to help regulators dealing with certificated petroleum sites or licenced explosive sites can be found at:

For certificated petroleum sites-

www.hse.gov.uk/fireandexplosion/petroleum.htm

For licensed explosives sites –

General Information: <http://www.hse.gov.uk/explosives/index.htm>

Explosives Regulations 2014 Guidance: Safety provisions –

www.hse.gov.uk/pubns/books/l150.htm

Explosives Regulations 2014 Guidance: Security provisions –

www.hse.gov.uk/pubns/books/l151.htm

Explosives Regulations 2014 sub sector guidance –

www.hse.gov.uk/explosives/new-regs-subsector.htm

5. Further References

The National Local Authority Enforcement Code -

www.hse.gov.uk/lau/national-la-code.pdf

Helping Britain Work Well – How we hope to influence and improve the national approach to workplace health and safety

www.hse.gov.uk/strategy/

Sector Strategies – Where the health and safety focus is in the different industry sectors

www.hse.gov.uk/aboutus/strategiesandplans/sector-plans/index.htm

Go Home Healthy – Cross cutting health priorities

www.hse.gov.uk/gohomehealthy/index.htm

Independent Regulatory Challenge Panel -

www.hse.gov.uk/contact/challenge-panel.htm

Annex A - Summary of national planning priorities 2020 - 2021

This Annex sets out the 2020-21 local authority national planning priorities. Not all national priorities have a proactive inspection component

NOTE: These priorities fit within the wider GB Health and Safety strategy, 'Helping Great Britain Work Well' (HGBWW), and the focussed health priority plans (HPP).

The Helping Great Britain Work Well strategy sets out the six themes for the whole of the GB health and safety system. LA workplace health and safety regulators are a key part of that system, and will be expected to play their role in:

- Encouraging and recognising improvements, being increasingly joined up to deliver improved outcomes and minimise unnecessary burdens on businesses;
- Continuing to promote the risk-based, goal-setting regulatory regime that has served health and safety in Great Britain so well;
- Working with partners in the system to make workplaces safer and healthier, providing a level playing field for responsible employers with regulators and co-regulators, by advising, promoting, and where necessary, enforcing good standards of risk control;
- Using proportionate, risk-based regulation to support better outcomes, innovation and the safe use of new technologies;
- Developing services and products that contribute to improved management and control of risks, sharing our knowledge, and;
- Continuing the dialogue and conversation with stakeholders to make the system better, always looking to provide simple, pragmatic advice and support.

Over-arching principles

LAs should use the full range of interventions available to influence behaviours and the proportionate management of risk (see Annex D).

Targeted / Planned inspections (Proactive inspections)

Proactive inspection should only be used for:

- a) Specific projects/programmes of inspections identified by HSE for LA attention. These may be contained within Annex A of this guidance or may be directly communicated to LAs for urgent attention as a result of new intelligence arising from an incident/investigation.
- b) High risk premises/ activities within the specific LA enforced sectors published by HSE (See the 'List' Annex B);
- c) Locally identified potential poor performers. This is where specific local intelligence indicates that a business is failing to effectively manage risk.

In all circumstances, LAs have the discretion as to whether or not proactive inspection is the most appropriate intervention using their local knowledge/intelligence of the dutyholder.

Further information describing when an LA should consider undertaking 'proactive inspection' can be found in Annex E.

National Priorities – These are collated from HSE Sector Strategies and the most recent intelligence from HSE's Sector teams, and address work strands supporting both HGBWW and HPPs.

Construction - Although most construction work is regulated by HSE, LA health and safety regulators can make a significant contribution to addressing construction health and safety risks. Where the owners/occupiers of commercial premises at general visits appear likely to be clients for construction work, LAs should draw their attention to the Construction (Design and Management) Regulations (CDM) 2015 and the duties they have as CDM clients, referring them to advice available -

www.citb.co.uk/documents/cdm%20regs/industry-guidance-clients.pdf

In addition, there are a number of specific topic areas LAs should address during the course of their visits, as outlined below:

www.hse.gov.uk/foi/internalops/og/og-00017.htm

- **Duty to manage asbestos** - In premises likely to contain asbestos (i.e. built before 2000) LA health and safety regulators should draw dutyholders' attention to their duty to manage and the relevant HSE guidance/webpages - www.hse.gov.uk/asbestos

On occasions, failure to manage the risks from asbestos (e.g. failure to maintain in a safe condition or minor construction work that breaches the fabric of the building without proper surveys, controls or planning) may need to be dealt with immediately as a MEC. Where management of asbestos risks arises as a MEC and standards are particularly poor, LAs should take appropriate enforcement action, in accordance with the EA Regulations 1998, collaborating with HSE where necessary via normal channels.

See operational guidance on asbestos used by HSE Inspectors

<http://www.hse.gov.uk/foi/internalops/ocs/200-299/oc265-50.pdf>

- **Falls from height – work on/adjacent to fragile roofs/materials** - Fragile roofs/skylights etc., can be found at many premises that fall to LAs for enforcement. Where they are identified during visits, LAs should discuss the associated risks, to ensure that prospective clients for repair and maintenance work (owner or building user) are aware of their duties under CDM 2015 and the precautions needed, referring them to the appropriate guidance - www.hse.gov.uk/pubns/geis5.htm

On occasions, LA health and safety regulators may come across work on a fragile roof that is underway at the premises being visited (typically, small-scale repairs/maintenance such as gutter cleaning). The risks may give rise to a matter of evident concern (MEC), in which case, poor standards should be addressed with all duty holders – client, designers and contractors, and any enforcement action taken in accordance with the Enforcing Authority (EA) Regulations 1998 (for advice see –

<http://www.hse.gov.uk/foi/internalops/og/og-00073.htm>)

and in collaboration with HSE where appropriate and using normal channels.

- **Health risks - respirable silica dust** - Dust, containing harmful respirable crystalline silica (RCS), can be generated during common operations such as block cutting, chasing brickwork and cutting concrete floors. The standards for controlling this dust are detailed in HSE guidance - www.hse.gov.uk/construction/healthrisks/hazardous-substances/construction-dust.htm
www.hse.gov.uk/pubns/cis36.pdf

During visits, LAs may come across minor construction work that is generating significant quantities of silica dust that give rise to a MEC. Poor standards should be addressed with dutyholders, and any enforcement action taken in accordance with the EA Regulations 1998, collaborating with HSE where appropriate, using normal channels. See operational guidance on silica used by HSE Inspectors -

Visitor attractions to prevent or control ill health arising from animal contact –

Please select the most appropriate intervention (Some Open Farms/Animal Visitor Attractions may require proactive inspections – See the ‘List’), other situations may be usefully addressed via awareness raising or education. For information regarding the prevention or control of ill-health from animal contact at visitor attractions see:

www.hse.gov.uk/agriculture/topics/visitor-attractions.htm

Inflatable amusement devices – There has been a number of serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions. Inflatables can be found at many premises that fall to LAs for enforcement, and LAs should raise awareness of the risks associated with the operation of such devices. In particular, that devices are correctly anchored to the ground, there are suitable arrangements for measuring wind conditions at regular intervals, there is written documentation from a competent inspection body to show it complies with British Standard BS EN 14960 and it is subject to an annual inspection by a competent person.

Useful guidance <http://www.hse.gov.uk/entertainment/fairgrounds/inflatables.htm>.
[British Standard BS EN 14960: 2013 Inflatable play equipment. Safety requirements and test methods](#)

Failure of Shop Signage in the Retail Industry - The Health and Safety at Work

Act.1974 places duties on an employer to maintain any place of work under their control in a condition that is safe and without risks to health. It also places similar duties on any other person who has, to any extent, control of premises e.g. landlord or managing agent. This duty extends to all external signage.

Over the past couple of years there have been a number of serious and fatal injuries to employees and members of the public from the failure of external signage. LA health and safety regulators are asked to highlight, with their local duty holders, the importance of inspection and maintenance of signs in line with sign maker/installer recommendations. In the absence of these recommendations, dutyholders should be encouraged to include all external signage in planned inspection/maintenance schedules. This is particularly important where original signage has undergone additions/modification as the sign integrity can be undermined over a period of time. All signage will be exposed to adverse weather conditions at some point and a good maintenance routine should help reduce the likelihood of them failing.

Useful guidance: [BS 559:2009 - Specification for the design and construction of signs for publicity, decorative and general purposes](#)

Gas safety in commercial catering premises - The proper installation, maintenance and inspection by a competent Gas Safe registered engineer is essential to ensuring that staff and customers at commercial catering premises are protected from exposure to carbon monoxide gas. HSE has obtained information from Gas Safe Register which

suggests that commercial caterers are not fully aware of their duties under the Gas Safety (Installation and Use) Regulations 1998 and this can lead to appliances being deemed unsafe. These appliances include boilers, cooking ranges and more specialised equipment such as tandoori ovens and chapatti flammers.

LA health and safety regulators should raise awareness, with their local duty holders, of the risks of exposure to carbon monoxide in commercial kitchens from badly installed or faulty appliances; poor ventilation resulting in lack of make-up air to support combustion; and/or inadequate extraction systems. LA regulators should consider a range of interventions to raise awareness of this issue.

HSE requests feedback on any interventions by LAs to determine if a national programme of further work may be required to ensure effective control of this risk in this sector.

Where there is local intelligence suggesting that the risk of CO poisoning is not effectively managed, site specific contact with a dutyholder may be necessary to influence the management of risk.

Useful resources:

- [Catering Information Sheet \(CAIS23\) - Gas safety in catering and hospitality](#)
- [Catering Information Sheet Catering Information Sheet \(CAIS10\) – Ventilation in catering kitchens](#)
- <http://www.hse.gov.uk/toolbox/gas.htm>

Pesticides – LA's can play an important role in maintaining public confidence in the regulation of pesticide application, where the aim is to protect both people and the environment. Where the LA is the enforcing authority for health and safety legislation they will enforce pesticides legislation and consider investigating complaints concerning the following:

Storage and use of plant protection products and biocidal products on LA enforced premises;

Sale, supply and advertisement of pesticides;

Placing on the market through a retail outlet; and

The use of pesticides in a non-work-related activity (e.g. in domestic premises).

Further information on the role of LA's and demarcations with HSE & CRD can be found in the [Operational Guidance](#) which covers the main roles and responsibilities around the enforcement of the Control of Pesticides Regulations 1986 (as amended), the Food and Environment Protection Act 1985 (FEPA), the Plant Protection Products Regulations 2011 (PPPR 2011) and Plant Protection Products (Sustainable Use) Regulations 2012. Under a recent agency agreement, the HSE now also enforces in Scotland (where applicable).

Spa pools and hot tubs on display – There has been a number of cases and outbreaks of Legionnaires' disease associated with display or demonstration spa pools and hot tubs. Most spa pools and hot tubs in a retail, exhibition or trade show setting will not be filled with water (and will not therefore present any risk), however, when filled with water and in operation, these systems present an under-appreciated infection risk. LAs should raise awareness of the risks of display spa pools and hot tubs and promote

Careful management to ensure that water quality does not encourage microbial growth and pose risks to people in the vicinity or passing near the spa pool or hot tub. Systems should be managed in accordance with L8 Approved Code of Practice <http://www.hse.gov.uk/pubns/books/l8.htm> and HSG282 <http://www.hse.gov.uk/pubns/books/hsg282.htm>.

Welfare provision for delivery drivers - Raise awareness at LA enforced premises such as warehouses that receive regular deliveries that HSE guidance states that where it is practicable and appropriate, any onsite toilet and rest facilities should be made available to visiting workers if requested. Appropriateness may depend on consideration of length of vehicle turnaround times, unloading times, frequency of deliveries, premises location and or distance travelled, etc. (<http://www.hse.gov.uk/pubns/priced/l24.pdf>)

Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins - There have been numerous cases where members of the public have gained access to commercial bins for shelter and then been injured or killed when those bins were emptied into collection and compaction vehicles.

HSE's Waste & Recycling [Sector Plan](#) supports the strategic industry initiative to prevent people being injured or killed after entering large commercial bins (typically 660 litres capacity and above). When engaging with businesses that use commercial waste bins e.g. retail or licensed premises; LA health and safety regulators should raise duty holder awareness of the need to manage the risks of unsecured access to bins.

Where the risks arise as a MEC i.e. there are signs of people getting or trying to get into bins and/or other risk factors suggest it is reasonably foreseeable, then LAs should take appropriate enforcement action, in accordance with the EA Regulations 1998, collaborating with HSE where necessary via normal channels.

Guidance to advise dutyholders and provide benchmark standards can be found in the Waste Industry Safety & Health (WISH) guidance - <https://wishforum.org.uk/wp-content/uploads/2017/02/WASTE-25-.pdf>

Promoting worker involvement in safety management systems - Employers have a duty to consult employees either directly or through appointed or elected representatives, on health and safety matters. Also, businesses can gain real benefits from effectively consulting with their employees over health and safety, including: increased productivity; better efficiency and quality; higher levels of workforce motivation, and a healthier and safer workplace. This all happens when a business safety management system is able to take better decisions about health and safety; in a more informed, co-operative and trusting atmosphere.

To promote health and safety you should seek to encourage and support worker involvement by trying to make contact with at least one employee or safety representative (you may find there is a trade union-appointed health and safety representative). If they are available, ask for them early on in your visit, so you can:

- explain the purpose of the intervention and the reasons for the visit;

- describe briefly how the intervention will be conducted;
- find out how they and the workforce are involved in health and safety;
- provide them with the opportunity to raise health and safety concerns, in private if they wish, and
- discuss how they will be provided with relevant information at the end of the intervention.

For more information about worker involvement and health and safety representatives go to: www.hse.gov.uk/involvement/index.htm

Annex B – List of activities/sectors considered suitable for proactive inspection

| No | Hazards | Potential Poor Performers within an Industry Sector | High Risk Activities |
|----|---|--|--|
| 1 | Explosion caused by leaking LPG | Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework | Caravan/camping parks with poor infrastructure risk control/management of maintenance |
| 2 | E.coli/ Cryptosporidium infection esp. in children | Open Farms/Animal Visitor Attractions ² | Lack of suitable micro-organism control measures |
| 3 | Fatalities/injuries resulting from being struck by vehicles | High volume Warehousing/Distribution ³ | Poorly managed workplace transport |
| 4 | Fatalities/injuries resulting from falls from height/ amputation and crushing injuries | Industrial retail/wholesale premises ⁴ | Poorly managed workplace transport/ work at height/cutting machinery /lifting equipment |
| 5 | Industrial diseases (occupational deafness/ occupational lung disease - silicosis) | Industrial retail/wholesale premises ⁴ | Exposure to excessive noise (steel stockholders). Exposure to respirable crystalline silica (Retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops) |

| | | | |
|----|--|--|--|
| 6 | Occupational lung disease (asthma) | In-store bakeries ⁵ and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur i.e. not baking pre-made products. | Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning. |
| 7 | Musculoskeletal Disorders (MSDs) | Residential care homes | Lack of effective management of MSD risks arising from moving and handling of persons |
| 8 | Falls from height | High volume Warehousing/Distribution ³ | Work at height |
| 9 | Manual Handling | High volume Warehousing/Distribution ³ | Lack of effective management of manual handling risks |
| 10 | Crowd management & injuries/fatalities to the public | Large scale public gatherings e.g. cultural events, sports, festivals & live music | Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue |
| 11 | Carbon monoxide poisoning | Commercial catering premises using solid fuel cooking equipment | Lack of suitable ventilation and/or unsafe appliances |
| 12 | Violence at work | Premises with vulnerable working conditions (lone/night working/cash handling e.g. betting shops/off-licences/hospitality ⁶) and where intelligence indicates that risks are not being effectively managed | Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g. located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign |
| 13 | Fires and explosions caused by the initiation of explosives, including fireworks | Professional Firework Display Operators ⁷ | Poorly managed fusing of fireworks |

2 Animal visitor attractions may include situations where it is the animal that visits e.g. animal demonstrations at a nursery.

3 Typically larger warehousing/distribution centres with frequent transport movements/work at height activity.

4 Includes businesses such as: steel stockholders; builder's and timber merchants.

⁵ For supermarket and other chain bakeries etc check to see if there is a Primary Authority inspection plan with more specific guidance.

⁶ Pubs, clubs, nightclubs and similar elements of the night time economy.

⁷ Specific guidance on the application of the Explosives Regulations 2014 to the activities of professional firework display operators is available on the HSE website - www.hse.gov.uk/explosives/er2014-professional-firework-display.pdf

Annex C – Information sources to assist development of LA intervention plans

Although not exhaustive the following summarises the potential information sources that may be available to assist LAs when developing intervention plans - data protection issues may need addressing when sharing information of this type.

Sources within your Local Authority:

- Adverse Defect Reports (also known as Adverse Insurance Reports (AIRs)) - may indicate poor management or maintenance systems suggesting a failure to manage safety appropriately.
- Building control - changes in business activity, consider if this should be a MEC for workplace health and safety.
- Business rates - new businesses, consider if they identified in the Annex A priorities or the 'List'.
- Community protection teams - issues identified by multi-regulatory working
- Food Safety Officer observations – confidence in management as a possible health and safety MEC. Based on a number of LA reports and some limited statistical analysis by HSE, it's seen that there can be a strong correlation between a lack of confidence rating in food safety management and poor health and safety management. Using recent food hygiene assessments as a proxy for a recent assessment in the management of health and safety at a site can be useful to assist in targeting likely poor performers of H&S management.
- LA inspection/complaints database - risk ratings, past performance, local trends and MECs can provide useful background intelligence on the health and safety performance by a duty holder or provide evidence for local projects using education/awareness raising or targeted risk based inspections e.g. use of targeted information campaigns to raise awareness which could be followed up with targeted risk based inspections to assess standards, and the effect of awareness raising campaign and any need for further action.
- Local knowledge - local sector changes, poor performers.
- Registration/Licensing schemes - new businesses, changes in business activity, confidence in management.
- Trading standards - confidence in management, consider if this should be a MEC for workplace health and safety.

Sources within your local community and region:

- Clinical Commissioning Groups - anonymised local work-related ill health statistics, issues that span the health and safety/ public health boundary.

- CQC and County Councils - identification of establishments with poor or failing management systems, issues that span the health and safety/ public health boundary.
- Fire services - information regarding poor on-site conditions, identified in response to attendance at incidents or as part of their wider business engagement.
- GPs - reportable cases of work-related ill health, reports disclosed by patients Local Enterprise Partnerships and their associated structures.
- Information within the Joint Strategic Needs Assessment (JSNA)
- Local health and safety Liaison Groups - Local trends, sharing good regulatory practice, methods of effective engagement, poor performing companies that operate in more than one LA.
- Local Media/Press - reported near misses, complaints and incidents.
- Local Trade Association contacts - issues of poor practice, requests for advice.
- Local training establishments - requests for advice, joint activity, changes in local business profiles.
- Police - information regarding violence in workplace or issues from the local community safety scheme.
- Safety representatives/local Trade Union contacts - worker complaints.
- Social media – e.g. Facebook and twitter can provide anecdotal evidence of poor performing local businesses.
- Utility suppliers – Gas, Electricity, Water companies – as part of their work to address fraud and utility theft they may bring to the attention of regulators information on businesses that are disregarding health and safety management e.g. untrained staff making gas connections, doing electrical work etc
- Devolved Government initiatives (e.g. Wales Health at Work Project)

HSE sources:

- Asbestos (ASB5) Database - Priority Visit Status (PVC) and requests for asbestos license deferments - if unjustified they may indicate deficiencies in competence or poor practice.
- HSE's insight research reports <http://www.hse.gov.uk/research/insight.htm>
- HSE's social media feeds
- Latest news page on the HSE website

- Industry sector updates via HSE email bulletins
- Information provided to all LA Health and safety regulatory staff via HELEX system.
- Labour Force Survey - societal trends may include otherwise unreported trends.
- Local HSE office contacts - shared local knowledge, issues crossing the HSE/LA regulatory boundaries.
- National planning priorities - issues identified and analysed by HSE policy teams as having a national priority. RIDDOR data - reported ill health and accidents, statistical comparisons and trends.

Annex D – Examples of Intervention approaches

| Intervention | Description | Examples |
|--|--|---|
| <p><i>Partnerships (Non inspection intervention)</i></p> | <p>Strategic relationships between organisations or groups who are convinced that improving health and safety will help them achieve their own objectives. This may involve duty holders or trade unions, regulators, other Government departments, trade bodies, investors.</p> | <p>Developing new relationships between businesses and regulatory services to reduce the regulatory burden on businesses; promote two-way communication between businesses and regulatory services; supporting regulators to find the right balance between encouragement, education and enforcement and offering support from regulatory services for businesses e.g. Local Enterprise Partnerships.</p> <p>Working with a range of agencies e.g. work experience co-ordinators, secondary school students and other regulators/enforcement organisations from the coast guard to school wardens to raise awareness on sensible health and safety Estates Excellence type projects involve a range of organisations (e.g. LAs, Fire and Rescue Service, the Federation of Small Businesses, EEF, service providers, trade unions and local business groups) to set up/fulfil the need for advice and training for businesses and workers. Targeting SME on selected industrial estates to offer advice to managers and workers -providing free workshops, training, advice and guidance specifically targeted to a business' individual needs.</p> |

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| <p><i>Motivating Senior Managers</i> (<i>Non inspection intervention</i>)</p> | <p>Encouraging the most senior managers to enlist their commitment to achieving continuous improvement in health and safety performance as part of good corporate governance, and to ensure that lessons learnt in one part of the organisation are applied throughout it (and beyond).</p> | <p>Business engagement partnerships (e.g. Local Enterprise Partnerships) can link a range of local partners including representatives from the Federation of Small business and Chamber of Commerce to influence the controlling minds of business to get wider commitment and prioritisation of resources to address H&S and understanding and commitment to the 'Helping Great Britain Work Well' strategy.</p> |
| <p><i>Supply Chain</i> (<i>Non-inspection intervention</i>)</p> | <p>Encouraging those at the top of the supply chain (who are usually large organisations, often with relatively high standards) to use their influence to raise standards further down the chain, e.g. by inclusion of suitable conditions in purchasing contracts.</p> | <p>Given an LA's local focus, national supply chain activity is often outside of their remit (although large Primary Authority Schemes may help develop this). However, there can be opportunities for LAs to get local supply chains to improve health and safety e.g. office cleaning suppliers, builders merchants. LAs can also be involved in helping to collect intelligence that feeds into supply chain monitoring e.g. linking in with trading standards or public health work on sunbeds, tattoo inks.</p> |
| <p><i>Design and Supply</i> (<i>Non-inspection intervention</i>)</p> | <p>"Gearing" achieved by stimulating a whole sector or an industry to sign up to an initiative to combat key risks, preferably taking ownership of improvement targets.</p> | <p>Initiative to reduce workplace violence in takeaways – the LA working with the Police and local takeaways to pledge and commit to certain activities e.g. takeaways prohibiting customers possessing alcohol from entering the premises; the Police and the LA providing specific guidance, training, promotion and publicity.</p> |

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| <i>Intermediaries</i> | Enhancing the work done with people and organisations that can influence duty holders. These may be trade bodies, their insurance companies, their investors or other parts of government who perhaps are providing money or training to duty holders. | Using local HABIA and training college contacts to influence hair dressers and managers to take up published materials and working practices. Using insurance companies to explain the benefits of LOLER examinations for businesses operating forklift trucks. |
| <i>Working with other regulators and Government departments</i> | Where appropriate work with other regulators (including HSE, DVSA other LA regulators, the Police etc.) to clarify and set demarcation arrangements; promote cooperation; coordinate and undertake joint activities where proportionate and appropriate; share information and intelligence. | Working with relevant signatories of the Work-Related Death Protocol. Working with DVSA to raise awareness amongst hauliers and delivery drivers about load safety. |
| <i>Encouraging and recognising compliance</i> | Encouraging the development of examples with those organisations that are committed to performance and then using these examples to show others the practicality and value of improving their own standards. | Promoting and sharing compliant practice through campaigns, local business forums, large business mentoring small businesses etc. to improve the management of health and safety risks. Business Awards to give public recognition to workplaces that have taken positive action to improve employee's health and wellbeing. |

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| Proactive Inspection | Alongside the Code), HSE publishes a list of higher risk activities falling into specific LA enforced sectors. Under the Code, proactive inspection should only be used for the activities on this list and within the sectors or types of organisations listed, or where there is intelligence showing that risks are not being effectively managed. The list is not a list of national priorities but rather a list of specific activities in defined sectors to govern when proactive inspection can be used. However, if a business carries out an activity on this higher risk list, it does not mean that it must be proactively inspected: LAs still have discretion as to whether or not proactive inspection is the right intervention for businesses in these higher risk categories. | Proactive inspection of retail/wholesale warehouse to ensure adequate control of work at height, work place transport and loading and unloading of vehicles. |
| <i>Incident and Ill Health Investigation (Reactive)</i> | Making sure that the immediate and underlying causes are identified, taking the necessary enforcement action, learning and applying the lessons. | Using HSE Incident selection criteria .When there is only limited information regarding the potential need for a more involved intervention it may be prudent to maintain an active ‘watching brief’ to see if there is cumulative evidence that identifies poor performance. |
| <i>Dealing with Concern and Complaints(Reactive)</i> | Encouraging duty holders to be active and making sure that significant concerns and complaints from stakeholders are dealt with appropriately. | Adoption of the HSE complaints handling procedures to ensure that resources are targeted on complaints that indicate the poor management of risk. |

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| Enforcement | <p>Inspection and investigation provide the basis for enforcement action to prevent harm, to secure sustained improvement in the management of health and safety risks and to hold those who fail to meet their health and safety obligations to account. Enforcement also provides a strong deterrent against those businesses who fail to meet these obligations and thereby derive an unfair competitive advantage.</p> | <p>Ensuring that adequate arrangements are made for enforcement. Taking proportionate enforcement action in line with HSE's <i>Enforcement Policy Statement</i> (EPS) (www.hse.gov.uk/pubns/hse41.pdf) and <i>Enforcement Management Model</i> (www.hse.gov.uk/enforce/emm.pdf). When taking enforcement action, making it clear to the dutyholder which matters are subject to enforcement, where compliance has not been achieved, what measures are needed to achieve compliance (including timescales) and their right to challenge/appeal.</p> <p>Following up on enforcement action taken to check that the necessary improvements have been made.</p> |
| Revisit | <p>To follow up on earlier interventions to check their impact and efficacy</p> | |

ANNEX E - Recording Local Authority Activity and Enforcement Data (the LAE1)

This annex is aimed at helping LAs, especially managers; ensure data is being reported accurately and correctly. The information from the LAE1 is shared with the Chartered Institute of Public Finance & Accountancy (CIPFA).

Before planning their activity and enforcement and attempting to complete the LAE1 LAs should ensure they are familiar with the contents of this LAC and the following guidance:

- National LA Enforcement Code <http://www.hse.gov.uk/lau/national-la-code.pdf>
- List of higher risk activities in specific sectors suitable for proactive inspection <http://www.hse.gov.uk/lau/activities.pdf>
- Guidance on Combining H&S and Food Inspections <https://www.hse.gov.uk/lau/pdfs/combining-health-safety-and-food-safety-inspections.pdf>
- Blank Version LAE1 Proforma <http://www.hse.gov.uk/lau/lae1-blank-proforma.pdf>

The purpose of the LAE1 is to collect details of LA health and safety regulatory **only**. HSE do not require LAs to provide details of visits made for other regulatory purposes (e.g. food safety, public health, licencing etc.).

Regulatory interventions - principles and recording practices

Completing the LAE1 – general principles

The only data which needs to be captured on the LAE1 is that which relates to an LA's health and safety regulatory activity.

Where the main purpose of a visit is for other regulatory purposes, do not record on the LAE1 (e.g. if in the course of a food safety inspection you mention gas safety, this should not be recorded since the primary reason for the visit is food safety).

Do not 'double-count' visits. Each visit can only be counted once (e.g. a follow up for a MEC where an inspection is undertaken should only be counted as a proactive inspection – not proactive inspection **and** a reactive visit).

For face to face non-inspection interventions, an event attended by numerous businesses should only be counted once. It is one intervention (with numerous attendees).

If in doubt what to record or which category to use – ask. A discussion with colleagues at your County Liaison group may be useful, or contact lau.enquiries@hse.gov.uk

Staff resources devoted to health and safety enforcement work

- This section is to capture the number of officers who hold warrants under HSWA and also how much of their time they are spending on HSWA activity.

Validation

LAE1s should be validated by heads of service or above and signed accordingly. The purpose of this is to ensure senior management have an understanding of the work undertaken in your LA to support businesses manage the health and safety risks they create.

Proactive Inspections

Principles

- Inspection can be very effective in the right circumstances – where individual face-to-face contact with a dutyholder is necessary to influence their management of risk. However, it is the most resource intensive form of intervention and should be limited to the highest risk premises. High risk activities/sectors considered suitable for proactive inspection can be found in the list (Annex B). Where there is local intelligence that suggest individual businesses, which fall within sectors/activities not on list are not effectively managing their risks, proactive inspection may be appropriate.

HSE has produced an inspection procedure for their own inspectors, and although it refers to specific HSE only activities (such as applying Fee For Intervention), the principles included may be useful when considering use of proactive inspection.

<http://www.hse.gov.uk/foi/internalops/og/ogprocedures/inspection/inspection-procedure.pdf>

- A proactive inspection is a visit to premises to examine and assess the business' management of occupational health and safety risk. The visit can either be one in which the business was:
 - unaware that the visit will take place, or
 - by appointment at a mutually agreed time, to maximise your intervention or reduce unnecessary burden on the business e.g. to ensure that key persons are available (site senior manager, or regional support staff); or when a key activity you wish to observe will be undertaken such as shelf stacking/delivery handling, cleaning, or avoiding the lunch time rush or when a stock take is underway.

Either way, the business has not been offered the opportunity to freely decline the inspection and if entry was denied the inspector is/was prepared to gain entry using their HSWA Section 20 "powers of entry".

- "No inspection without a reason" – reserve proactive inspections for higher risk activities in the sectors specified by HSE (Annex B), or where there is local intelligence showing that risks are not being effectively managed.
- Past historic risk ratings alone should not be used to determine interventions or intervention frequency.
- The list which accompanies the Code is freely available to businesses and you should always be prepared to explain to the business why this particular proactive inspection is appropriate. A business may refer to the Independent Regulatory Challenge Panel where they consider that they operate in a lower risk sector and have been unreasonably subject to a proactive health and safety inspection by an LA. If you feel you couldn't explain why, you should consider if an inspection is actually a good use of your resource, and if it is valid to potentially burden the business with an inspection.
- Proactive inspection should not be used simply as a means of gathering general intelligence [e.g. to maintain currency of a database].

Recording proactive inspections

- Only record proactive inspections where the primary reason the premises was targeted was for occupational health and safety. If the primary purpose was for another reason, (e.g. entertainment licensing purposes, food safety inspection etc.) **do not record as a proactive health and safety inspection on the LAE1** (you can detail such visits in the comments section of the LAE1 if you feel this helps give a better picture of your overall regulatory activity).
- If premises were targeted for more than one LA regulatory purposes (e.g. food premises identified as a priority for both health and safety and food safety) then combine the inspection visit where possible and record as a proactive inspection on the LAE1.
- Record whether the proactive inspection was undertaken as a result of local or national intelligence in either one of the two columns of the table, but not both.

Non-inspection interventions

Non-inspection interventions fall into 2 categories: either 'face to face', or other contacts (i.e. 'non face to face'.

Principles

- Make the best use of resources by using the range of other available and permitted risk-based regulatory interventions (See Annex D - Examples of Interventions).
- Such interventions are an efficient and effective mechanism to reach a wider population than can be achieved by individual inspection contacts e.g. awareness and education via business seminars, training course etc. reach a much wider audience with the benefit of allowing business to share good practice.

Recording non-inspection interventions

Record other non-inspection interventions as either:

- "other visits/face-to-face contacts" include:
 - LA advisory visits, proactively offered by the LA (as opposed to reactively in response to a request from the business), and made at the convenience of the business, to provide helpful health and safety advice and support especially to new business start-ups and without recourse to section 20 powers of entry
 - Safety and health awareness events (e.g. talk to a gathering of retail businesses to discuss manual handling and violence prevention for employees.
 - Advice 'drop in' sessions where businesses can visit a designated office/desk for health and safety advice,
- "other contact/interventions" which includes:
 - Specifically, targeted emails or letters to businesses to raise awareness on particular risks (e.g. letters to licenced premises to raise awareness of cellar safety)
 - Telephone calls to individual businesses to offer health and safety advice

Do not record non-targeted general newsletters, service magazines, or the number of hits on your website as "other contact/interventions".

Reactive Visits

Principles

LAs undertake reactive visits for 3 main reasons:

1. To investigate RIDDOR reported accidents, cases of ill health, or dangerous occurrences.
 2. To investigate concerns raised, or complaints about the management of health and safety by specific businesses.
 3. In response to requests made for a visit by individual businesses.
- Intelligence gathered from reactive visits can be used to identify, poor performance, trends and local issues which may require further interventions or matter which may need to be taken forward nationally and should be flagged up to HSE.
 - The targeting of reactive visits should be proportionate and risk-based e.g. use incident selection criteria/complaint handling techniques/professional judgement.
 - HSE has developed a risk-based approach to complaint handling and incident selection criteria (<http://www.hse.gov.uk/enforce/incidselcrits.pdf>) which can help LA's target interventions effectively.
 - Matters of Evident Concern (MECs – those that create a risk of serious injury or ill-health and which are observed (i.e. self-evident or brought to the attention of LA staff)) during an inspection, non-inspection interventions or other regulatory visits should normally be addressed at that time using enforcement powers if necessary. If a MEC requires a follow-up visit those visits should be counted as reactive visits. Note: this does not include 'hazard spotting'. 'Hazard spotting' visits are not a recognised intervention approach, and such visits should be discouraged since they are unlikely to meet the requirements of the Code.

Recording reactive visits

- Record the reactive visit as directed by the incident, complaint or service request.
- **Do not record MECs dealt with during interventions or visits for other regulatory purposes.**
- Premises targeted for other regulatory purposes should be reported to the relevant regulatory agencies (e.g. Food Standards Agency in relation to food hygiene inspections) and should not be double counted.
- If a further visit is necessary to address a specific MEC, this should be recorded as a reactive visit to investigate health and safety complaints on the LAE1.

Peer Review

Section 4 of the National Code sets out how LAs will provide assurance that they are meeting the requirements of the Code. Together with submission of the LAE1, LAs should undertake inter-authority peer review. Peer review offers LAs the opportunity to discuss, refresh and share working practices, as well as allowing them to verify that key messages have been understood and necessary change has been properly embedded. Undertaken in an effective and open manner it should raise confidence and competence, by reinforcing and promoting good practice by sharing expertise across LA boundaries.

Comments

This section is voluntary and does not constitute a formal part of the LAE1 return. LA's can use it to share information regarding areas they think LAU and the wider LA community

would be interested in hearing about. Some examples of information provided in the past have included new and emerging issues and further information regarding local intelligence lead projects. Comments should only relate to health and safety matters.

EXAMPLES OF DIFFERENT INTERVENTIONS AND WHERE THEY SHOULD BE RECORDED ON THE LAE1

| INTERVENTION | EXAMPLE | WHERE AND HOW MANY TO RECORD |
|---|--|--|
| Health and safety awareness event | Seminar for invited craft bakeries to offer advice on occupational lung disease | Non-inspection intervention – other visits/face to face contact One recorded (its one intervention) |
| Participation in ‘local task force’ | Joint initiative with police, trading standards and home office, targeting modern slavery in nail bars. | Non-inspection – other visits/face to face contact One recorded for every premises where you discuss H&S. |
| Advice for SMEs | Stall set up in shopping centre where business can drop in for H&S advice | Non-inspection – other visits/face to face contact. One recorded for each business who drops in and discusses H&S |
| Presenting at local trade body meeting | As part of a wider meeting, encourage warehouse manager to let delivery drivers use their welfare facilities | Non-inspection – other visits/face to face contact One recorded for each event presented at. |
| Concern about business raised by LA colleague | Informed by building control officer of an office block they suspect of failing to manage asbestos | Reactive – visit to investigate whether business is managing risk. |
| Direct messaging businesses via social media | Using twitter or Facebook to direct individual businesses to web-based H&S advice suitable to their business | Non-inspection –other contact/intervention One recorded for each business contacted |
| Receipt of several reports of defective lifting equipment | A tyre and exhaust fitter with both a vehicle lift and vehicle hoist reported as defective by competent person | Proactive inspection – more than one report could indicate poor health and safety management. |
| Sector specific mail shots | Standard/generic information letter/leaflet sent to all retail premises to offer advice on reducing | Non-inspection - other contact/intervention One recorded for each mail shot campaign |

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| | risk of violence to staff | |
| Business tailored letters | Individual letter sent to tyre/exhaust fitter where there is a known potential issue with work equipment they have at their premises | Non-inspection – other contact/intervention One recorded for each business individually contacted |