



OCCUPATIONAL SAFETY & **HEALTH ENFORCEMENT** **SERVICE PLAN**

2007/2008

Introduction

The Health and Safety Executive (HSE) and Local Authorities (LAs) are the principal Enforcing Authorities (Warwick District Council) for the Health and Safety at Work etc Act 1974 (HSWA) in Great Britain.

The primary purpose of the HSWA is to control risks from work activities. The role of the Warwick District Council is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public

Section 18 of HSWA requires that LAs make 'adequate arrangements' for the enforcement of HSWA (and the regulations made under the Act) and to perform its duties in accordance with guidance from HSC. Similarly, Section 11 of HSWA requires HSE to give effect to any directions issued by the Commission.

This document sets out the standard that the Health and Safety Commission (HSC) expects Warwick District Council to meet in order to comply with its duties under Sections 11 & 18. The standard constitutes guidance and direction from the HSC and is therefore mandatory for Warwick District Council. In complying with its duties, HSC expects Warwick District Council to follow the guidance set out in its Enforcement Policy Statement on the purpose and principles of enforcement.

The standard 'Making a Difference' recognises the vital importance of partnership working between HSE and LAs since HSC requested the establishment of a Strategic Programme with the following vision:

'LAs and HSE, working jointly and in partnership locally, regionally and nationally, to a common set of goals and standards, committed to focusing resources on agreed health and safety priorities. The aim is to minimise harm to those in the workplace or those affected by workplace activities, and contribute to the health and safety and well-being of the local community'

The links shown within this document form essential support to the standard and are intended to provide up to date guidance and information to Warwick District Council on its legal duties.

Warwick District Council shall actively contribute to liaison, policy and governance arrangements at a local, regional and national level. [MD2]

<i>This means:</i>	<i>Targets:</i>	<i>Further Links</i>
<p>Governance ^{MD2.1} Warwick District Council shall have arrangements in place to ensure:</p> <ul style="list-style-type: none"> • its views are represented within liaison, policy and governance groups at local, regional and national levels. • they provide information to politicians, senior managers and practitioners on the decisions of such groups and on its work as regulators 	<p>Active engagement in the initiatives of County, Regional & National Authorities</p> <p>Attendance at the Warwickshire Health & Safety Liaison Group meetings</p> <p>Publication of minutes of the meetings on the Council's website</p>	<p>http://www.hse.gov.uk/lau/hela/index.htm HELA homepage</p> <p>http://www.hse.gov.uk/lau/lgp/index.htm HSC/LGP homepage</p> <p>http://www.lacors.gov.uk/lacors/home.aspx LACORS homepage</p> <p>http://www.hse.gov.uk/lau/contact.htm LAU contacts</p> <p>https://extranet.hse.gov.uk/index.aspx Helix homepage</p>

work together

partnership

Warwick District Council shall work within its own organisation, in partnership with other EAs and with other regulators and stakeholders, to make best use of joint resources and to maximise its impact on local, regional and national priorities. [WT1]

This means:

Targets:

Further Links

Work in partnership ^{WT1.1}

Warwick District Council shall seek opportunities for formal and informal working within its own organisation and with other regulators and stakeholders for:

- joint planning and programmes, training and use of resources and funding and development of intervention risk methodologies
- working across administrative boundaries
- provision of advice and guidance
- publicity, campaigns and communications
- sharing best practice
- coordinating regulatory and enforcement activity
- sharing intelligence, data and information
- developing consistency and effectiveness
- developing new services
- responding to reactive demands

LA/HSE Partnership ^{WT1.2}

Warwick District Council shall work in partnership with other health and safety regulators to secure the best use of resources and the best outcomes.

Attendance at, and engagement with, the meetings and projects of the Warwickshire and Midland Health & Safety Liaison and Partnership Groups.

Engagement with joint HSE/LA projects negotiated with the HSE Enforcement Liaison Officer (ELO) and the HSE Partnership Manager through the Warwickshire and Midland Health & Safety Liaison and Partnership Groups.

link: Toolkit - partnership opportunities

link: Toolkit - partnership examples

<http://www.hse.gov.uk/lau/strategic.htm>

LA/HSE working together strategy

<http://www.hse.gov.uk/lau/pdfs/lacors06.pdf>

Working together Annual report

<http://www.hse.gov.uk/lau/laps/index.htm>

Lead authority partnership

<http://www.hse.gov.uk/enforcementguide/wrdeaths/investigation.htm>

Work related deaths

<https://extranet.hse.gov.uk/HELA08/default.aspx>

Helix partnership pages

<http://www.hse.gov.uk/aboutus/plans/hscplans/0506/fitfor.htm>

Fit 3 programme

Warwick District Council shall put into place the management arrangements, information systems and capacity required to deliver an effective service and to comply with its statutory duties. [MIH2]

This means:	Targets:	<i>Further links</i>
<p>Management Arrangements^{MIH2.1} Warwick District Council shall have an effective management infrastructure in place for developing, delivering, monitoring and reviewing its interventions.</p> <p>This will include:-</p> <ul style="list-style-type: none"> • management reporting arrangements • systems of control from management to operational and administrative staff • routes for communication throughout the organisation and between operational & administrative staff and with policy & decision makers • definitions of work roles and responsibilities for delivering effective services • arrangements to support, supervise and coach staff to retain and develop its experience & competence <p>Information Systems^{MIH2.2} Warwick District Council shall have systems that enable them to:</p> <ul style="list-style-type: none"> • monitor and review progress towards local, regional and national policies, priorities, targets and plans • monitor its activity including type of interventions, complaints, enforcement and other performance indicators • inform policy and direct operational activity • collate and analyse current data • secure the benefits from the compatibility of data collection and data management systems • manage and record information for regular statistical returns • interface and upload information with the HELA Extranet • share data with other organisations and within its own organisation to minimise information requests to businesses • involve businesses in vetting data requirements and form design • record accurate information about premises including assessments of the hazard and risk of the activities taking place in order to support the prioritisation of interventions 	<p>Monthly and ad hoc minuted Occupational Safety & Health Team Meetings</p> <p>Review of Job Descriptions</p> <p>Review of Departmental Training & Development Policy</p> <p>Regular Consultation of the HSE Extranet, Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) LACORS websites and direct email updates</p> <p>Commissioning, training in the APP Civica Request for Service and Database Systems</p> <p>Active engagement in cross-boundary ‘Better Regulation’ projects such as the Retail Enforcement Pilot (REP)</p> <p>Set up a Business Forum to actively involve duty holders in design and development of new initiatives</p> <p>Maintenance of the APP Civica Request for Service and Database Systems</p>	<p><i>link: Toolkit - essential elements of infrastructure</i></p> <p>http://www.hse.gov.uk/lau/training.htm <i>Hexel training for LAs</i></p> <p><i>link: Competence framework (in progress)</i></p> <p><i>link: Toolkit - national & regional priorities</i></p> <p>http://www.hse.gov.uk/lau/auditmon.htm <i>Auditing & monitoring</i></p> <p><i>link: Monitoring and performance</i> <i>link: Toolkit - elements of information systems</i> Returns/default.aspx">https://extranet.hse.gov.uk/C16/Local Authority>Returns/default.aspx <i>Statistical returns</i> <i>link: Toolkit - data sharing</i></p>

Capacity^{MIH2.3}

Warwick District Council shall have the managerial, operational, administrative and political resources required, both staff and infrastructure, to deliver improved health and safety outcomes. The capacity required is dependent on a variety of factors that includes industry type, staff competence and the range of interventions.

Warwick District Council shall have sufficient capacity to:-

- enable it to demonstrate adequate arrangements for enforcement in accordance with its enforcement policy
- develop, deliver and monitor the planned interventions
- enable effective partnership working between HSE and LAs and between Warwick District Council and other regulators.
- deliver the outcomes set out in the Warwick District Council work plan

Benchmarking^{MIH2.4}

Warwick District Council shall gather information to assess whether there is sufficient resource within the EA to undertake its statutory duties by reference to resources benchmarks.

Warwick District Council shall seek opportunities to enhance its capacity including :

- working across geographical areas (e.g. delivering County wide services)
- delivery of common services (e.g. accident investigations)
- utilisation of resources, systems and expertise from other organisations to provide services (e.g. delivery of publicity material or use of another regulator's inspectorate)
- adopting best practice

Annual Review and adjustment of capacity through the Council's Service Planning process.

Assess sufficiency of resource against meaningful resources benchmarks when they become available.

Active promotion of the 'Team Warwickshire' approach to flexible resourcing in emergency situations where resources might be lacking in one particular authority, but shared across the County.

Investigation of the feasibility of Flexible Warranting across the County/between participating authorities/between the Council and the HSE.

Contract with the Primary Care Trust for the delivery of Smoke Freedom publicity

link: Toolkit - capacity

link: Toolkit - partnership working

link: Toolkit - model work plan

link: Toolkit - -resources benchmark for EAs
link: Benchmarking data

link: Toolkit - joint use of resources
<https://extranet.hse.gov.uk/C12/Good Practice Examples/default.aspx>
Good practice examples

Warwick District Council shall operate systems to train, appoint, authorise, monitor, and maintain a competent inspectorate. [MIH3]

This means:	Targets:	<i>Further links</i>
<p>Competent Inspectorate^{MIH3.1} Competence is the ability to undertake responsibilities and perform activities to a recognised standard.</p> <p>Warwick District Council shall have written policy and procedures that state:-</p> <ul style="list-style-type: none"> • the system for the appointment and authorisation of staff engaged in health and safety enforcement duties (including staff from other regulators) • the standards of competence required for staff who carry out and staff who support, health and safety enforcement (including the staff of other regulators) • the arrangements to ensure that health and safety enforcement staff (including the staff of other regulators) attain and maintain its competence 	<p>Review of Job Descriptions</p> <p>Development of Quality Assurance systems to the ISO 9001 standard - ongoing</p>	<p><i>link: Competence framework(in progress)</i></p> <p>http://www.hse.gov.uk/aboutus/framework/f-2001.htm <i>Framework of accountabilities</i></p> <p><i>link: Toolkit -Qualifications & competence matrix</i></p>

Warwick District Council shall monitor, evaluate and report its performance. [MIH4]

This means:	Targets:	Further links:
<p>Performance Management^{MIH4.1}</p> <p>Warwick District Council shall have documented systems in place to measure, evaluate and report its performance in achieving its planned interventions, policies, targets and outcomes..</p> <p>These systems shall include:-</p> <ul style="list-style-type: none"> • regular review of activity by managers and policy makers on progress and performance against work plans, performance indicators, milestones and targets. • use of external review and scrutiny by others (e.g. peer review by another enforcing authority or regulator) • published standards for service and performance • regular reporting of the Warwick District Council performance 	<p>Development of Quality Assurance systems to the ISO 9001 standard - ongoing</p>	<p>http://www.hse.gov.uk/aboutus/reports/0506/index.htm HSC/E Annual reports and accounts</p> <p>http://www.hse.gov.uk/LAU/lacs/23-20.htm LAE1 / ESE indicators</p> <p>http://www.hse.gov.uk/lau/auditmon.htm Auditing & monitoring of EAs</p> <p>link: Peer review</p> <p>link KPIs for LAs and HSE</p>

do it right
targeting interventions

Warwick District Council shall target its interventions, including enforcement action, to secure reductions in accidents, in ill health and in sickness absence. [DIR1]

This means:

Targets:

Further links:

Targeting^{DIR1.1}

Warwick District Council shall target its interventions:

- to maximise its impact in improving health and safety outcomes
- in accordance with local, regional and national programmes
- on activities that give rise to serious risks or where the hazards are least well controlled
- to stop those that seek economic advantage from non-compliance (e.g. rogue traders)
- on the duty holders who are best placed to control the risks whether they be employers, manufacturers, suppliers or others
- on other organisations and stakeholders that can influence risk reduction
- in accordance with the priorities and targets stated in MIH 1.1
- in accordance with national guidance on interventions and priority programmes, (e.g. priority planning, programme directed inspections, risk assessment methodologies and incident selection criteria.)

See current [Occupational Safety & Health Work Programme](#)

<http://www.hse.gov.uk/lau/priorityprogrammes.htm>

Priority programmes

<http://www.hse.gov.uk/involvement/index.htm>

Worker involvement

<http://www.hse.gov.uk/lau/laps/index.htm>

LAPS scheme

Warwick District Council shall use interventions, including enforcement action, in accordance with its policy and within the principles of proportionality, accountability, consistency, transparency and targeting. [DIR2]

This means:	Targets:	Further links:
<p>Enforcement policy^{DIR2.1}</p> <p>Warwick District Council shall:</p> <ul style="list-style-type: none"> • have an enforcement policy that follows the HSC Enforcement Policy Statement • review its enforcement policy from time to time in consultation with its stakeholders (including partners, other Warwick District Council, employers, employees and its representatives) • ensure that the enforcement policy is formally endorsed by the enforcing authority • publish its enforcement policy and make it available to the public and to duty holders <p>Warwick District Council shall follow the HSC Enforcement Policy Statement and include the following in its enforcement policy: :</p> <ul style="list-style-type: none"> • the purpose and method of enforcement • the principles of proportionality, targeting, , consistency, transparency and accountability • the management of investigations, prosecutions and work related deaths <p>Enforcement decisions^{DIR 2.2}</p> <p>Warwick District Council shall ensure that:</p> <ul style="list-style-type: none"> • enforcement decisions are taken in accordance with its enforcement policy • arrangements are in place to monitor and review decisions that have departed from normal procedure • the appropriate enforcement models (e.g. Enforcement Management Model) are applied consistently to enforcement decisions • they consult the appropriate Lead Authorities before taking enforcement action 	<p>See Enforcement Policy</p>	<p>http://www.hse.gov.uk/pubns/hsc15.pdf HSC EPS</p> <p>http://www.dti.gov.uk/consumers/enforcement/enforcement-concordat/index.html <i>Enforcement Concordat</i></p> <p>http://www.hse.gov.uk/enforcementguide/index.htm <i>Enforcement guide</i></p> <p>http://www.hse.gov.uk/enforcement/permissioning.pdf <i>HSC Permissioning policy statement</i></p> <p>http://www.hse.gov.uk/enforcement/index.htm Enforcement action - homepage</p> <p>http://www.cabinetoffice.gov.uk/REGULATION/reform/enforcement_concordat/compliance_code.asp <i>Compliance code</i></p> <p>http://www.cps.gov.uk/victims_witnesses/code.html <i>Code for prosecutors</i></p> <p>http://www.homeoffice.gov.uk/police/powers/cautioning/ <i>Cautioning</i></p>

Complaints^{DIR2.3}

Warwick District Council shall provide:

- procedures for dealing with complaints against the EA that are accessible to business, the public, employees and consumer groups.

See WDC Complaints Procedure

<http://www.hse.gov.uk/aboutus/hse/standards.htm>

Standards and performance

<http://www.hse.gov.uk/contact/complain.htm>

Making a complaint

sell the story
promoting health & safety

Warwick District Council shall promote sensible risk management and the role that sensible health and safety plays in enhancing our society and our communities. [STS1

This means:	Targets:	<i>Further links:</i>
<p>Sensible Risk Management^{STS1.1}</p> <p>Warwick District Council shall promote the principles of sensible risk management including:</p> <ul style="list-style-type: none"> ensuring that workers and citizens are properly protected providing overall benefit to society by balancing benefits and risks, with a focus on controlling real risks – both those which arise more often and those with serious consequences enabling innovation and learning not stifling them ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action enabling individuals to understand that as well as the right to protection, they also have to exercise personal responsibility <p>Society and Community Role^{STS1.2}</p> <p>Warwick District Council shall promote understanding of the role that health and safety plays in our society and its value to our communities. This will include:</p> <ul style="list-style-type: none"> the role as a cornerstone of a civilised society the role in creating healthier, safer and stronger communities the role of enforcement the value of health and safety awareness the value of health and safety to good business practice the provision of Warwick District Councilily accessible and authoritative advice 	<p>1. Sensible risk management is about:</p> <ul style="list-style-type: none"> Ensuring that workers and the public are properly protected Providing overall benefit to society by balancing benefits and risks, with a focus on reducing real risks – both those which arise more often and those with serious consequences Enabling innovation and learning not stifling them Ensuring that those who create risks manage them responsibly and understand that failure to manage real risks responsibly is likely to lead to robust action Enabling individuals to understand that as well as the right to protection, they also have to exercise responsibility <p>2. Sensible risk management is not about:</p> <ul style="list-style-type: none"> Creating a totally risk free society Generating useless paperwork mountains Scaring people by exaggerating or publicising trivial risks Stopping important recreational and learning activities for individuals where the risks are managed Reducing protection of people from risks that cause real harm and suffering 	<p>http://www.hse.gov.uk/risk/principles.htm Principles of sensible risk management</p> <p>http://www.hse.gov.uk/lau/pdfs/handbook.pdf <i>Elected members handbook</i></p> <p>http://www.hse.gov.uk/press/2005/e05011.htm <i>SME H&S performance tool</i></p> <p>http://www.hse.gov.uk/smallbusinesses/index.htm <i>H&S in small business</i></p>

