

CAMBRIDGE CITY COUNCIL
ENVIRONMENT DEPARTMENT
REFUSE AND ENVIRONMENT SERVICES

**STATUTORY ENFORCEMENT WORK PLAN FOR
HEALTH AND SAFETY
LAW ENFORCEMENT
2012/2013**

Drawn up in accordance with the
Health and Safety Executive's
Guidance to Local Authorities

CONTENTS

	Page
Introduction	3
Section 1: Health and Safety Service Aims and Objectives	4
1.1 Aims and Objectives	4
1.2 Links to Corporate Objectives and Plans	5
Section 2: Background	6
2.1 Authority Profile	6
2.2 Organisational Structure	6
2.3 Scope of the Health and Safety Enforcement Service	7
2.4 Demands on the Health and Safety Service	8
2.5 Enforcement Policy	10
Section 3: Service Delivery	11
3.1 Health and Safety Inspections	11
3.2 Health and Safety at Work Complaints	12
3.3 Injuries, Diseases and Dangerous Occurrences at Work	13
3.4 Liaison with other Organisations	13
3.5 Advice to Businesses	14
3.6 Promotion of Health and Safety at Work Issues	15
Section 4: Resources	16
4.1 Financial Allocation	16
4.2 Staff Allocation	16
4.3 Staff Development Plan	17
Section 5: Quality Assessment	18
5.1 Quality Assessment	18
Section 6: Review	19
6.1 Review against the Work Plan	19
6.2 Identification of any Variation from the Service Plan	19
6.3 Review of performance 2009/10	19
6.4 Areas of Improvement 2009/10	20
Section 7: Summary	22
 Appendices	
Appendix 1- Staffing Resources 2012/2013	23
Appendix 2- Officer Competency Profile	24
Appendix 3- FOS Service – Team Standards	25
Appendix 4- Glossary	33
 Tables	
Table 1	Inspection / Intervention Frequency 9
Table 2	Health and Safety Budget 2011/2012 and 2012/2013 15
 Figures	
Figure 1	Overall risk rating for all registered businesses 9
Figure 2	Risk rating profile for Inspections Due in 2012/2013 12

INTRODUCTION

This is the eleventh Enforcement Work Plan dedicated to the health and safety law enforcement functions carried out by Cambridge City Council under the provisions of the Health and Safety at Work etc. Act 1974 (HASWA) and associated Regulations. The scope of the health and safety enforcement work plan covers the following specific areas: -

- Health and Safety proactive work, including inspections, self-assessment, promotional and educational activities.
- Health and Safety reactive work, including accident investigations, ill health and complaints about business premises and work related activities.

The health and safety enforcement work plan is an expression of the authority's commitment to the development of the health and safety service and is required by the Health and Safety Executive (HSE), the body that monitors local authorities activities on health and safety enforcement.

The Food and Occupational Safety (FOS) service is also committed to working with local businesses to try to develop the supportive environment essential for businesses to flourish and develop in the City.

The HSE guidance to local authorities issued under Section 18 of the HASWA provides the details of what must be included within a service plan. It also promotes the importance of service planning in ensuring that national agenda priorities set out in the HSE's Strategic Plan, "*The Health and Safety of Great Britain \ Be part of the solution*" are addressed and delivered locally. The strategic plan aims to build on the successes of the previous initiatives and continue to improve the safety of everyone associated with work by building on the closer cooperation which has developed between the enforcement arm of the HSE and local authorities, and to work closer with everyone else associated with work. Even with the improvements in the safety of work, still too many people and families are adversely affected, and the HSE's main objective is "*to find ways of beginning again the process of improvement.*" Cambridge City Council's Food and Occupational Safety service is part of this process, and the adoption of a business-focused inspection programme demonstrates our commitment to improving both the effectiveness and efficiency of the service.

The HSE, in the Section 18 Mandatory Guidance, requires that the Health and Safety Enforcement Work Plan be submitted to the relevant elected member forum for agreement to ensure local transparency and accountability and make clear the arrangements for contributing to current HSE policies and priorities.

Jas Lally
Head of Refuse and Environment

February 2012

SECTION 1 : HEALTH AND SAFETY SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

1.1.1 The Refuse and Environment (R&E) Mission Statement is:

“To protect the health and environment of the local community.”

1.1.2 It seeks to pursue this through a number of key objectives, which include:

- Securing compliance with relevant health and safety legislation for those work activities allocated to the City Council for enforcement, in accordance with the official codes of practice and Local Government (LG) Regulation guidance;
- The maintenance of an accurate register of businesses in the City;
- Encouraging standards of health, safety and welfare higher than the minimum acceptable in law;
- Increasing the knowledge of managers, supervisors and employees about their legal responsibilities for the maintenance of clean, safe and healthy working environments and practices;
- Raising awareness in the workplace and amongst the general public about the principles and practices of occupational health and safety by providing information, advice and training particularly to assist small businesses;
- Inspecting workplaces under the HASWA and the Regulations made under the Act in accordance with relevant guidance;
- Following-up the notifications of serious accidents, by investigation in appropriate cases;
- Investigating all complaints about unsafe working conditions, and to take effective remedial action as required and keep complainants informed of the progress made;
- By enforcing legislation responsible for maintaining and promoting health, including;
 - Promoting, advising, and where necessary, enforcing the legislation relating to smoking in the workplace,
 - Working with the Licensing Service of Cambridge City Council to enforce the legislation relating to tattooing, cosmetic piercing, acupuncture and electrolysis.

1.2 Links to Corporate Objectives and Plans

1.2.1 The Council's vision, specifically for;

- *A City where people behave with consideration for others and where harm and nuisance are confronted wherever possible without constraining the lives of all, and*
- *A City with a thriving knowledge-based economy that benefits the whole community and builds on its reputation as a global hub of ideas and learning*

are at the core of the Food and Occupational Safety (FOS) service, and is at the heart of our health and safety enforcement objectives to improve the safety of everyone associated with work in the City.

1.2.2 The FOS service works to the standards and values laid down in the Council's Equalities Policy and Values Statement and Customer Service Standards as well as the Council's corporate values, which are:

- Putting public services first
- Showing active concern for the environment
- Being open and democratic
- Treating everyone fairly and with respect
- Basing services on need
- Involving people in seeking solutions
- Encouraging innovation, skills and training

1.2.3 The Council gives due consideration to performance criteria contained in the Councils Portfolio Plans and Refuse and Environment Operational Plan. In addition to those general performance indicators, the FOS service will strive to meet local performance indicators e.g. same day initial response to notifications of accidents of a serious nature.

1.2.4 Overall, the plans and initiatives to which the FOS team complies with or has regard to include:

- Cambridge City Council, Equalities Policy and Values Statement
- Investors in People Initiative
- Customer Service Standards
- Enforcement Concordat as amended by the Regulator's Compliance Code
- Feedback from consultation groups
- Approved Codes of Practice and relevant central guidance; and
- Guidance from external organisations such as the HSC

SECTION 2 : BACKGROUND

2.1 Authority Profile

- 2.1.1 Cambridge is a major employment centre with a pronounced emphasis on high technology, research and development, and education. The city hosts the famous Cambridge University that has in excess of 10,000 under graduates and its wealth of buildings of historic or architectural interest attracts in excess of 3 million tourists each year. Addenbrookes hospital is also located within the City boundary.
- 2.1.2 According to the 2001 Census, the city has a population of approximately 109,000 of which 7-11% are from minority ethnic backgrounds. With the Council boundary lying very close to the city itself, the surrounding villages fall within the local jurisdiction of South Cambridgeshire District Council which itself is mainly rural. Cambridgeshire County Council, which has its base in Cambridge, is responsible for a range of functions such as education, libraries, highways, trading standards and social services.
- 2.1.3 The majority of food businesses within the city fall within the catering and retail sectors.
- 2.1.4 There are extensive areas of urban development taking place within the Council's boundary, and whilst much of this will be residential, an increase in commercial development will also take place, with many of these new businesses falling to the FOS service to enforce.

2.2 Organisational Structure

- 2.2.1 The FOS service is one of four teams, and forms part of R&E that in turn is part of a larger Environment Department. Refuse and Environment is managed by the Head of Refuse and Environment (HRE), who reports to the Director of Environment
- 2.2.2 Through the Council's Standing Orders, the HRE has delegated responsibility for food safety enforcement and authority to instigate legal proceedings in consultation with the Head of Legal Services. The health and safety enforcement function falls within the remit of the Environment and Waste Services Scrutiny Committee.
- 2.2.3 The FOS Team Leader (FOSTL) is responsible for the day-to-day management of the Service's health and safety enforcement service; the FOSTL reports to the Environmental Health Manager.
- 2.2.4 Where staff shortages or long term vacancies arise overtime (time off in lieu) or contractors may be used to meet the objectives of the work plan; at present the service is fully resourced.

2.2.5 The FOS team members currently involved in health and safety enforcement activities are as follows:

Frank Harrison	FOS Team Leader (FOSTL) (day-to-day management responsibility for the team,)
Suzanne Lane	Senior EHO (full range of duties p/t)
Rebecca Broadbelt	Senior EHO (full range of duties)
Anne Galliano	Senior EHO (full range of duties p/t)
Tracy Chabot	Senior EHO (full range of duties p/t)
Ross Goodfellow	Senior EHO (full range of duties)
John Leggett	Health & Safety Enforcement Officer (full range of health and safety enforcement duties)
Joanne Duncombe	Food Safety Officer (food safety enforcement and low-level health & safety enforcement duties)

2.3 Scope of the Health and Safety Service

2.3.1 The FOS team is responsible for the following work areas:

- Health and safety inspections, interventions and requests for service
- Investigation of reported accidents, dangerous occurrences and cases of occupational ill-health
- Investigation of complaints relating to premises, practices or procedures;
- Consultee for licence applications under the Licensing Act 2003
- Consult on planning applications in relation to relevant commercial premises
- The investigation and consideration of matters relating to cosmetic piercing registration legislation
- The investigation and consideration of matters relating to smoking legislation

Other work areas covered by the FOS team include:

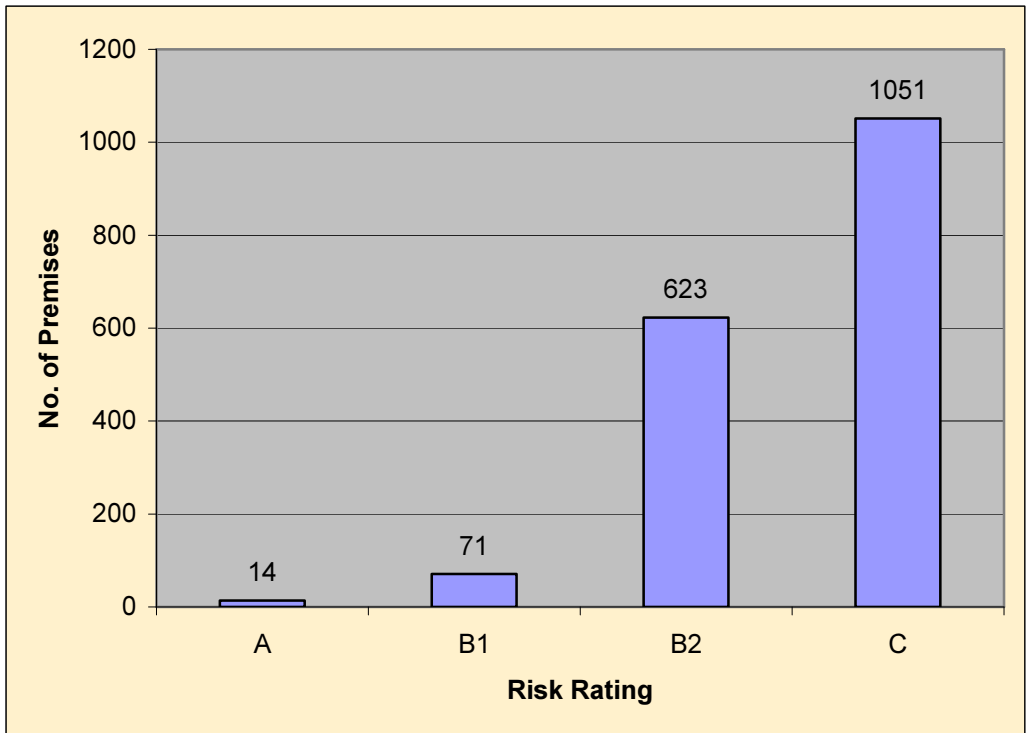
- Food safety enforcement (including sampling of food and water)
- Prevention and control of infectious disease
- General health education and promotion

- 2.3.2 Officers from the Environmental Protection team based within R&E have responsibility for investigating complaints relating to refuse, noise and odour from business premises and where appropriate they will liaise with officers in the FOS team. In instances where contraventions of health and safety legislation exist, the FOS team would take enforcement action appropriate to the circumstance, and in accordance with the Council's Enforcement Policy to secure compliance.
- 2.3.3 Where health and safety matters relating to premises or activities enforced by the HSE are received by the service, they are referred to the HSE as soon as possible. However where the matters are of imminent concern, and under the terms of the Flexible Warrant Scheme jointly agreed by the HSE and all of Cambridgeshire's Local Authorities, authorised officers will attend and initiate the necessary remedial action before referring the matters to the HSE. Liaison and joint visits will take place between officers of both enforcement organisations as the need arises to address specific problems and issues or to take part in joint activities.
- 2.3.4 The service will frequently liaise, seek advice from, and give advice to a number of agencies including the HSE, The Health Protection Agency (HPA), The Care Quality Commission, and Cambridge Fire and Rescue Services.

2.4 Demands on the Health and Safety Service

2.4.1 Enforcement Profile

- 2.4.1.1 The authority has approximately 1750 premises on its database that are subject to health and safety enforcement by Cambridge City Council. The service is currently reviewing its database to ensure it is as accurate as practicable; this work is expected to be completed, subject to the expected turnover of businesses, by the end of March 2013.
- 2.4.1.2. The profile of risk categories, as defined by the HASWA and Local Authority Circular 67/2 (revision 3), is as shown in Figure 1, overleaf. (Table 1, also overleaf, gives the frequency of inspection for each of the categories)



Total = 1759

Figure 1: Overall risk rating for all registered businesses in the City

2.4.2 Frequency of Inspections

All premises identified on the database are classified in accordance with HELA Guidance LAC 67/1 (rev 3) and programmed for inspection as per Table 1, below;

Description	New Category	Intervention Frequency
Highest Risk	A	Inspection within 1 year
	B1	Intervention based upon local priorities, but contact within 18months
	B2	Intervention based upon local priorities within 5 years
Lowest Risk	C	Use of non-inspection interventions with contact within 5 years

Non-inspection intervention strategies include use of questionnaires, monitoring incident reports, seminars/business forums, etc.

Table 1: Inspection / Intervention Frequency

2.4.3 Service Delivery

2.4.3.1 In delivering the health and safety enforcement function, the following factors have a significant impact its delivery:

- We investigate approximately 170 infectious disease notifications each year, with the vast majority being food poisoning; a significant number relate to University students returning to the city following travel abroad;
- Officers are responsible for a full range of duties in the FOS team including food safety enforcement. They may, therefore, be called upon to respond to unforeseen emergencies within that work area e.g. to deal infectious disease notifications;
- Being a tourist and university city, there are a number of outdoor events that take place during the summer involving catering e.g. College May Balls, Cambridge Folk Festival, The Big Weekend, Midsummer Fair, Pink Picnic, Mill Road Street Fayre, which create an additional workload for officers;
- There are increasing demands being placed on the service by other Council departments involving corporate initiatives including service reorganisation, health promotion, and smoking cessation. All these have a knock-on effect and reduce the availability of staff to target their primary enforcement and monitoring roles;
- EHO's have a growing role in the emergency planning field by providing support in the event of significant emergencies, for example include avian or swine flu.

2.5 **Enforcement policy**

2.5.1 Cambridge City Council has signed up to the Enforcement Concordat, as updated by the Regulator's Compliance Code. R&E endorses the principles laid down in the Concordat and has regard to the Code for Crown Prosecutors' guidelines when making enforcement decisions. The Councils Health Safety Enforcement Policy outlines the various enforcement options ranging from advice/education to formal action including the service of notices and prosecution for non-compliance with legislation. In addition to these policies, Local Authorities are now required to apply the HSE's Enforcement Management Model (EMM) when considering enforcement action to ensure consistency in approach in respect to enforcement decisions.

SECTION 3 : SERVICE DELIVERY

3.1 Health and Safety Inspections

3.1.1 It is the Council's policy that routine health and safety inspections are:

- Focused on higher-risk premises as a top priority; and
- Carried out in accordance with the HELA Strategic Plan, relevant HELA circulars, HSC section 18 guidance and other relevant guidance.

3.1.2 The topic areas upon which inspections should be focused remain those identified under HELA document LAC 67/1 (rev 3) as these are still the main causes of accidents, injury and ill health in the workplace. Using a risk-based inspection approach allows officers to concentrate on the main risk areas associated with the business found during proactive inspections and reactive investigation rather than necessarily completing an all-encompassing inspection. If any of the topic areas fail to meet the required standard, officers should consider carrying out an all-encompassing inspection.

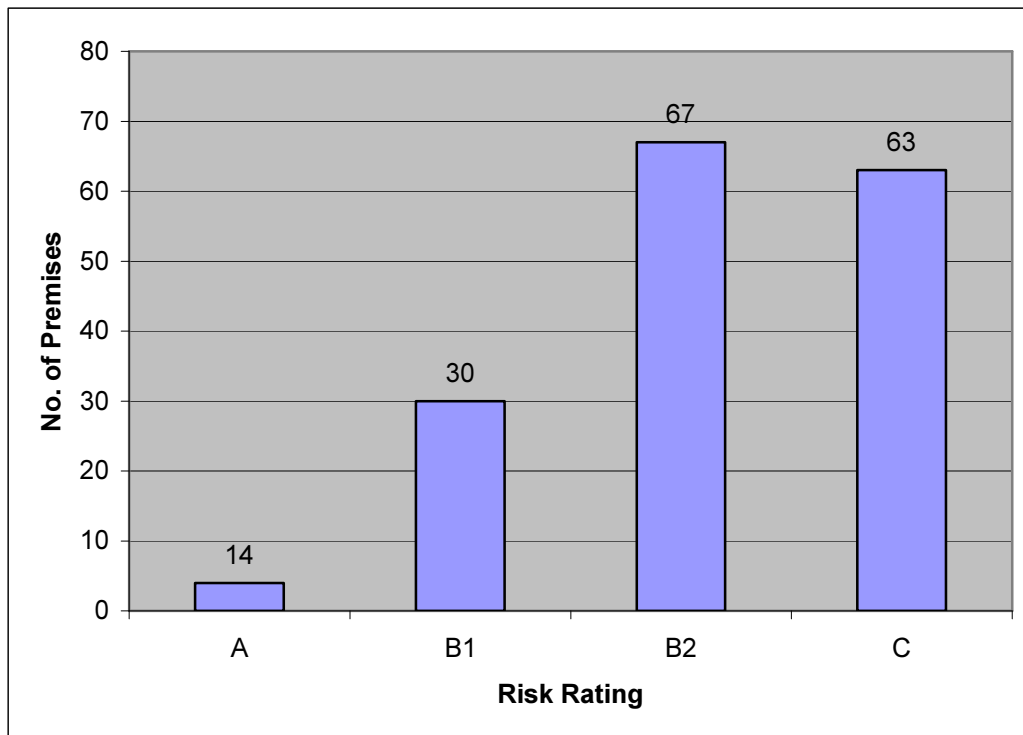
3.1.3 In addition to assessing the main foreseeable risk areas, officers are required to look in detail at any imminent risks associated with the particular business identified during the inspection.

3.1.4 After the inspection, Officers will determine the inspection frequency using the inspection rating system identified in HELA LAC 67/1 (rev 3) and rate the business on the service's M3 database.

3.1.5 All officers undertaking inspections, investigating accidents or complaints, or giving advice are appointed in accordance with Section 19 of the HASWA and are authorised in accordance with the Service's policy on competency which implements the requirements of the HSE guidance to local authorities issued in October 2002.

3.1.6 Where an initial inspection identifies significant contraventions, where there is a history of non-compliance or where a formal notice has been served, then a revisit will be carried out to ensure that any remedial works or controls have been affected.

3.1.7 The risk rating profile of premises due an inspection during 2012/2013 and the numbers of inspections due is shown in Figure 2, below.



Total = 174

Figure 2: Risk Rating Profile of the Inspections due in 2012/2013

3.1.8 In addition to the number of rated due an inspection during 2012/2013, new businesses opening in the City are also inspected. Those that are food businesses are inspected for food and health and safety as part of the food safety enforcement work, and an estimated 200 were received during 2011/2012. In addition to these, non-food businesses also need to be inspected for health and safety, and approximately 320 notifications will have been received during 2011/2012. It is estimated that approximately similar number will be expected for the year 2012/2013.

3.2 Health and Safety at Work Complaints

3.2.1 Complaints received under the HASWA are dealt with in accordance with the departmental procedure and investigated in accordance with HELA guidance. Investigations are undertaken in order to determine whether an offence has been committed, whether action has been taken to prevent any potential recurrence, to secure compliance with the law, and to decide on an appropriate response. During 2011/2012, approximately 50 complaints were received and it is anticipated that a similar number will be received during 2012/2013.

3.2.2 The initial response to complaints will be within one working day if the complaint is of a serious nature, e.g. an allegation of a potentially serious risk to health and safety, otherwise the maximum response time is three working days. In the event of extreme demands on the service such as a major food poisoning incident, or multiple fatality accident this target may need to be temporarily revised.

3.3 Injuries, Diseases and Dangerous Occurrences at Work

3.3.1 Investigations are carried out in accordance with the HELA guidance and the departmental operating procedure. In deciding which accidents to investigate, regard will be had to the severity and scale of the potential or actual harm, the seriousness of any potential breach of the law, previous history of the duty holder, level of public concern and the practicality of achieving results. Where appropriate, enforcement action proportionate to the circumstances shall be instigated.

3.3.2 During 2011, the process by which businesses are able to report, injuries, diseases or dangerous occurrences changed, with the removal of the Incident Control Centre. As a result of this, businesses now self-report directly to the authority they believe enforces their business. This has resulted in the FOS service receiving a number of incorrectly directed notifications; upon receipt of these, the FOS service re-directs them to the appropriate enforcement service.

3.3.3 During 2011/2012, approximately 135 accident notifications were received, but due to significant changes in the legal definition of an accident and the requirements for reporting, it is anticipated that the number of reportable incidents will be significantly lower during 2012/2013.

3.4 Liaison with Other Organisations

3.4.1 Health and safety at work legislation has an impact on a large number of businesses and their employees, and the Service liaises with a wide range of organisations in varying degrees of formality.

3.4.2 The Council recognises the importance of ensuring the enforcement approach it takes is consistent with other local authorities. Accordingly, regular dialogue on health and safety enforcement and related matters takes place through the following forums

- Cambridgeshire Health and Safety Managers' Liaison Group
- CIEH Eastern Centre Health and Safety Group
- Cambridgeshire and Eastern Region Chief Officers' Group
- Eastern Region Health and Safety Liaison Group

3.4.3 The Cambridgeshire Public Protection Strategic Group has established Cambridgeshire Health and Safety Managers' Liaison Group, which sets out a yearly work plan. The Group collaborates on health and safety issues to produce common policies and procedures and promote consistency between both officers and authorities. The Group has regular meetings with the HSE to discuss current issues.

3.4.4 There is regular liaison and consultation with officers from other departments within the Council on issues relating to health and safety including planning and building control applications, leisure activities and outdoor events, public entertainment licensing, street trading, markets and Legal Services, where appropriate.

3.5 Advice to Businesses

3.5.1 The FOS team will work with businesses to help them to comply with the law and to encourage the use of best practice. This is achieved through a range of activities including:

- The development and maintenance of the FOS website;
- Advice given during the course of inspections, audits or other visits;
- The provision of free advice leaflets (including leaflets in other languages where available);
- Responding directly to enquiries;
- Provision of the Chartered Institute of Environmental Health (CIEH), Level 2 health and safety training (including courses in languages other than English) (subject to demand);
- Proactively commenting on plans at building regulation application stages;
- Awareness seminars and targeted mail shots arising from legislative and policy change where appropriate;
- The use of consultation mechanisms to seek comments on proposals and policies;
- To develop a relationship with Local Enterprise Partnerships to develop the supportive environment essential for businesses to flourish and develop in the City.

3.5.2 The offering of business advice is integrated as part of the general inspection process and as part of the Service's health and safety promotion function.

3.5.3 Approximately 50 enquiries were received from businesses and the public during 2011/2012 where specific advice or assistance on health and safety issues is sought. Whilst it is anticipated that a similar number will be received during 2012/2013, the service will actively attempt to liaise with business groups and organisations to try to develop greater partnership working with this sector of the community.

3.6 Promotion of Health and Safety at Work Issues

3.6.1 The proposed promotional work for 2012/2013 by officers will include (subject to resources being available):

- The update of current information on the health and safety web pages
- Provision of the CIEH Level 2 Health and Safety courses, subject to demand
- The distribution of free advisory leaflets for businesses and employees, as requested
- Provision of topic specific and targeted seminars where appropriate and subject to demand.

3.6.2 Promotional work undertaken may include project work on key HELA strategic issues such as slips and trips, stress, transport related accidents and manual handling or other health and safety matters as they arise.

3.6.3 The Council is committed to ensuring equal access to promotional literature and training courses and will consider the needs of those businesses or employees whose first language is not English, or when the spoken language is not the main means of communication. Where a need has been identified and it is appropriate to do so, the FOS team will facilitate the Level 2 health and safety courses in minority ethnic languages or through other means of communication, subject to resources being available. Alternatively businesses or employees may be referred to other Authorities or organisations in Cambridgeshire currently running the appropriate courses in minority ethnic languages or with the communication skills.

3.6.4 The FOS service has also initiated the provision of on-line CIEH Level 2 training, and as one of only a handful of providers for this service, the service shall be able to offer greater opportunities for the business community.

SECTION 4 : RESOURCES

4.1 Financial Allocation

4.1.1 The budgets for the 2011/2012 financial years are shown in Table 3 below:

	2011/2012	2012/2013
Expenditure: Staffing (including travel costs) Supplies and Services	£146,180	Budget for this year has not been set
Income: CIEH Level 2 Health & Safety Courses	£300	
Total (Expenditure less Income)	£145,880	

Table 2: Health and Safety Enforcement Budget 2011/2012 and 2012/2013

- 4.1.2 All enforcement officers have access to a desktop computer (PC) containing database, e-mail, word processing and spreadsheet packages. All PC's in the FOS teamwork area have Internet access and capability for receiving EHC net messages by which food hazard warnings from the FSA are communicated.
- 4.1.3 In the event of legal proceedings having to be taken on health and safety issues, then costs are met from within the overall approved budget. Requests for funds to pay for Counsel's opinion or case presentation in court are considered on their merits using the Service's enforcement policy as a guide.

4.2 Staffing Allocation

- 4.2.1 The majority of health and safety law enforcement activities are undertaken by the FOS team with very little administrative support after the reorganisation following the service moving to Customer Service Centre. It should be noted that the Environmental Protection team deals with complaints alleging nuisance emanating from business premises. Officers in both teams will liaise and where necessary, carry out joint visits.
- 4.2.2 All EHO's carrying out health and safety enforcement duties are Environmental Health Officers' Registration Board (EHORB) registered.
- 4.2.3 All enforcement Officers carrying out health and safety enforcement shall be authorised in accordance with the Council's policies.

4.3 Staff Development Plan

4.3.1 All officers involved in delivery of the health and safety enforcement service are appropriately qualified, whether upon appointment or through training and development whilst in a previous post. They will have their competency reviewed annually by means of completing the Regulator Developmental Needs Assessment (RDNA) and a periodical consistency assessment by the FOSTL. The findings of these will form part of the Officer's annual review assessment. Training needs identified under these schemes will be addressed to ensure the competency of the officers. During the year, every effort possible will be taken to ensure each officer will have access to the equivalent of at least 10 hours update training on health and safety related topics. This will become part of the 20 hours 'continuing professional development' as required by the CIEH for membership (30 hours for officers with 'practitioner' status).

4.3.2 The staff development includes:

- The employment of competent enforcement officers capable of health and safety law enforcement;
- Evidence of formal qualification (sight of original qualification certificates prior to commencement of work);
- In-house and external competency-based training;
- Identification of training needs during ongoing performance monitoring and the annual performance appraisal interviews.

4.3.3 The training requirement for the FOS team has been budgeted for. Where possible free and low cost training from providers such as the HSE or other similarly recognised training provider will be utilised as much as is practicable.

SECTION 5 : QUALITY ASSESSMENT

5.1 Quality Assessment

5.1.1 The following monitoring arrangements are in place, or under review, to assist in the quality assessment of the work carried out:

- Review by the FOSTL of 10% of all post-inspection paperwork including the Hazard Analysis assessment sheets in accordance with the departmental standard operating procedure (SOP).
- All inspection records, assessment sheets, letters and reports of new officers will be reviewed for the first 3 months and until the FOSTL is satisfied that written paperwork is consistently satisfactory. This is in accordance with the departmental SOP.
- Inspection performance (peer review)
- Monthly team meetings
- Periodic 'one-to-one' meetings with officers to assess personal performance
- Annual performance appraisal and development interviews
- RDNA interview
- Mid-term appraisals of performance and development
- Countywide working groups addressing specific issues
- The FOSTL will have regular reviews of work performance with the EHM
- The EHM will have regular reviews of work performance with the HRE.

SECTION 6: REVIEW

6.1 Review against the Service Plan

- 6.1.1 Performance indicators covering response times to complaints and the level of programmed inspections form part of the Council's Local Performance Plan which is subject to both monthly and quarterly review by the EHM and HRE.
- 6.1.2 Performance against the Health and Safety Service Plan will be reviewed by the EHM in consultation with the HRE in line with the corporate planning timetable.

6.2 Identification of any Variation from the Service Plan

- 6.2.1 Key performance indicators are reviewed on monthly. Results are formally reported by the EHM to the HRE along with reasons for any significant variation and an action plan setting out remedial action. The Executive Councillor for Environment and Waste Services is kept informed of progress against the service plan through regular meetings with the EHM and HRE.
- 6.2.2 If it can be shown that any additional activities other than direct enforcement action have taken place achieving the same objective as enforcement action, these will be identified and taken into account during the review.

6.3 Review of Performance 2011/2012

- 6.3.1 This authority reviews its previous year's performance against its published service plan. At the time of preparation of this plan, it should be acknowledged that we are still within the year 2011/2012(the current year) and therefore it has been necessary in some instances (where indicated) to enter the projected performance.
- 6.3.2 Health and Safety Premises inspections
 - 6.3.2.1 The Work Plan for 2011/2012 identified 188 premises inspections that were to be undertaken; to February 2012, 22 remain to be inspected.
 - 6.3.2.2 In addition to this, a further 272 businesses (by February 2012) received a Low Risk Questionnaire requiring the recipients to provide sufficient information to allow the service to risk rate the responding business. This group consisted of businesses included in targeted interventions and those identified during a review of our historical database.
 - 6.3.2.3 A further 297 (by February 2012) notifications of new businesses were received, of which 210 had been inspected or assessed by February 2012.
 - 6.3.2.4 The service also served 10 Health and Safety notices up to the end of December 2011, including 5 Improvement and 5 Prohibition Notices (up to the end of December 2011).

6.3.3 Health and safety complaints

All health and safety complaints were investigated promptly and efficiently. Up to the end of December 2011, the service had received 39 complaints and requests for service.

6.3.4 Advice to businesses

Officers have continued to give free advice and assistance to the public and businesses throughout the year on safety matters. As officers do this at various points during their intervention with businesses and members of the public, the number of times advice is given is not recorded.

6.3.5 Accidents

Up to the end of December 2011, 102 accident notifications were received, and all had been reviewed within the target time of 3 days, with most being assessed on the day of notification.

6.3.6 Liaison with other organisations

Regular dialogue took place with all the other key organisations including;

- Cambridgeshire Health and Safety Liaison Groups,
- The Cambridgeshire Health and Safety Managers' Group
- HSE,
- Tobacco Control Alliance and
- The Health Protection Agency

The authority was represented at most of the above meetings, and at all the key meetings where decisions affecting the authority were made.

6.3.7 Safety promotion

The service published and distributed 1 edition of its Business Newsletter, but following a review of the effectiveness of the publication, it was decided to cease its production and focus instead on the service's web pages.

6.4 Areas of Improvement

- 6.4.1 Any service issues identified during the quarterly reviews or by routine performance monitoring will be recorded in writing and an appropriate action plan to address those service issues agreed with between the EHM, HES and where appropriate, the officer concerned.

6.4.2 During 2012/2013, the following areas of improvement are planned:

- To implement the HSE's new business inspection and intervention frequency guidance. This requires that only the highest risk rated businesses receive an inspection, with the remainder receiving an intervention only as part of an alternative reason to visit.
- To follow and participate in the HSC's Strategic Plan to build on the successes of the previous initiatives and continue to reduce the number of fatal and major work related accidents by developing a closer working relationship with the HSE, but subject to the limitations of the previously mentioned limitations
- To undertake a programme of business inspection of all high risk rated businesses to ensure they pose as little a risk as practicable to the residents, workforce and visitors to the City
- To ensure that all newly opened businesses receive an initial inspection to ensure they pose as little a risk as practicable to the residents, workforce and visitors to the City
- To undertake a programme of business intervention appropriate to the risks posed by all businesses not rated as high risk that are due an intervention during the year to ensure they pose as little a risk as practicable to the residents, workforce and visitors to the City
- To undertake a programme of business compliance checks in all food businesses due an intervention during the year
- To work with the HSE and the other Cambridgeshire Local Authorities to participate in any Flexible Warrant Scheme service requests
- To work with the HSE and the County Health and Safety Managers' Liaison Groups to develop and implement the County Health and Safety Work plan.
- To undertake a programme of work to identify and register businesses not currently on the health and safety database.
- To continue to implement the Health Act 2006 which bans smoking in all enclosed and substantially enclosed workplaces
- Engaging with businesses to obtain feedback and evidence to assist businesses to comply with legislative requirements

SECTION 7: SUMMARY

The workload proposed for the year 2012/2013 incorporates a full range of enforcement actions including a significant element of health promotion, proactive business compliant inspections and allows for reactive intervention as required. It also incorporates the current HSE Strategic Plan to further develop the working relationship between the HSE and Local Authorities, between ourselves and other Local Authorities, and to build upon the success of the topic led inspections and other intervention strategies for the lower risk premises originally introduced in previous HSC's strategies. Accidents, work related ill health and complaints about working conditions still form a significant proportion of the service's reactive work, and these will be used to assess the risks posed by the respective businesses, which will in turn influence the nature of an intervention strategy.

This targeted approach allows Local Authorities to focus their resources on the higher-risk areas where they may have the highest impact. Using a variety of targeted alternative intervention strategies it is hoped that the service will be able to improve the safety and level of compliance of as many small and medium size enterprises (SME's) as possible to ensure they pose as little a risk as practicable to the residents, workforce and visitors to the City.

STAFFING RESOURCES

FTE staffing resource for 2012/2013

Food & Occupational Safety Team Manager	0.25 FTE
Senior / Environmental Health Officers (Shared role including Food Safety Enforcement)	1.3 FTE
Health and Safety Technical Officer	0.6 FTE
Food Safety Technical Officer (Restricted enforcement)	0.1 FTE
Total (including shared Food Safety Responsibilities)	2.25 FTE

FTE = Full Time Equivalent officers – see Appendix 5

Actual FTE Resource Available for Health and Safety for 2012/2013

OFFICER COMPETENCY PROFILE

The following authorisations have been issued to the FOS team officers in accordance with the section 18 Guidance Note 5.

COMPETENCY	NO. OF OFFICERS*
General powers of entry etc. under Section 20 (HASWA)	7
Inspection of premises	7
Service of Improvement Notices	7
Service of Prohibition Notices	7
Seizure of articles and substances	7

(* These figures are based on full staffing levels. Officers joining the FOS team in will be required to undergo induction/ training in order to meet the required level of authorisation)

FOS Service – Team Standards

(Reviewed February 2012)

These are the minimum standards that can be expected of the Food and Occupational Safety (FOS) Service of Cambridge City Council. Where they are not met due to operational reasons, the reason will need to be made clear in the records of the particular action

Food Premises Inspections

- All programmed inspections (PI) are to be un-announced (unless the business is in a domestic property whereby 24hrs notice should be given)
 - If unable to gain access, inspections may be pre-arranged but evidence of previous failure to access must be stated on the worksheet
- PI will be carried out as part of an programmed intervention strategy based on a local initiative, although if businesses cannot be integrated into a strategy
 - If unable to meet this due to operational reasons, the reasons are to be stated in the record of inspection on the worksheet
- PI will be based upon the principle of a full business compliance assessment, unless they intervention strategy dictates otherwise
- Prior to the PI all previous food & H&S records (inspection history, accident details, complaints, food poisonings, etc.) are to be checked & considered
 - The Inspecting Officer should acknowledge the significant aspects of the history or any outstanding works required by a previous inspection and consider them during the inspection; a record of this is to be made as part of the inspection record
- PI of businesses that have been 0~2 star for at least the previous 2 inspections will have received an notification that, if at the time of this inspection legally enforceable items are found to be non-compliant, an enforcement notice will be served instead of the warning letter. This will legally require compliance, and should the business still be found to be low-rating at the next inspection, will allow FOS to prosecute for repeatedly running an unsafe food business; this action will be reviewed prior to the next inspection which will still be during 2012/2013

New Business Registration & Inspections

- New food businesses are required to Register with FOS at least 28 days before they start trading
- All new food businesses are to receive a full business compliance inspection no more than 28 days post after they start trading
- Upon receipt of the completed Registration form, Officers are to code the business & allow for the M3 database to be updated; the inspection date for the new businesses will be set for 28 days
- The inspection is to be carried out no more than 28 days after the business has started trading

Inspection Documentation

- Prior to the inspection, review in-house all relevant history & update the inspection form to ensure the necessary details are considered during the inspection; record the significant points on the inspection form before the visit
- During the inspection, gather all the necessary information including full contact details, including
 - Names (& address) of the Food Business Operator (FBO), owner & manager
 - Contact telephone, mobile & fax numbers
 - Business or preferred email address
 - Identify preferred means of contacting business
 - Ethnicity and languages spoken
 - The number of staff employed
 - All of the information is to be added to M3 database upon completion of the inspection
- All inspections of food business are to incorporate an assessment of H&S compliance, unless a H&S inspection is due, in which case a H&S inspection shall be carried out, unless the premises
 - Is enforced by HSE, or
 - A full H&S inspection has only recently occurred,
 in which case, a partial inspection or hazard spotting review should be performed
- H&S inspections can be carried out at same time as food inspection or re-arranged for a later date, but are to be completed within the calendar year, as is the requirement under H&S legislation
- All inspections of Licensed businesses shall also assess the degree of compliance with the requirement of the license; any contraventions observed shall be reported to the Licensing Service

At the start of the inspection, the Proprietor is to be told that the food hazard rating scoring will be performed on site and the appropriate Scores on the Doors (SotD) star rating sticker will be issued
- If appropriate, at the start of the inspection, remove the historical SotD star rating window sticker and where possible, the SotD star rating certificate
- The on-site record of inspection forms is to be used (CoP requirement) and a copy left on site
- The on-site form should always be kept tidy, concise and accurate.
 - The form should contain no more than 3~5 key legal points in brief details, or bullet-points identifying the topics where action is required. The list need not contain all of the points of concern, but enable the Proprietor to start the more urgent remedial works
- It is the business's manager's duty to notify the FBO of any issue. We need only make a reasonable & practicable attempt to provide him with the information; giving the duty manager the information is reasonable
- The hazard rating of the business shall be based upon the full 8 point inspection regime currently required by the Code of Practice; the SotD star rating is based on just three of these points
- The hazard scoring should be carried out on site, including notifying the business and if possible, the issuing of the SotD star rating stickers
- Guidance upon how the business can improve its hazard rating score may be given if the business wishes it, but the score or the star rating cannot be altered until the next PI, even if all of the necessary remedial work has been completed

Inspection of Non-food Premises

- Enforcement officers are also authorised to inspect non-food businesses
- In principle, these interventions will follow the same guidance as for the inspection and enforcement of a Food Premises, but with the different guidance associated with inspections under H&S legislation, the nature of the intervention may vary
- Programmed Inspections may be announced, in which case the officer should justify the prior notification on the worksheet
- Visiting the business on the scheduled inspection date is not critical under H&S guidance; visits should occur within the year the inspection is due

Partial or Targeted Inspections

These are inspections of a business, but do not assess every significant aspect of Food Safety or Health and Safety that may apply to the business. They will initially focus on one or more key aspect, and if this is found to be satisfactory, the inspection shall be considered complete. If, however, serious issues are found, a full inspection may be carried out. Partial or targeted inspections;

- May be carried out at lower risk (Not A rated) businesses in accordance with the guidance offered by the FSA or HSE
- May be stand-alone interventions or as part of a targeted project
- If upon completion, the Officer feels he has sufficient information, he may review the hazard rating scores and for a food premises, may issue a new SotD sticker and certificate

Updating the FOS database

- Following any inspection, the Property Index record on FOS's M3 database shall be updated with the correct information and contact details under the Summary tab, especially the:
 - Telephone number
 - Email address
- The Inspecting Officer should ensure that as much relevant information as possible is recorded
- The update should include adding supplementary food and food-premises type codes
- If the business has or uses high risk equipment, either potentially dangerous due to the use of the equipment or from a food safety perspective, they should be recorded under the equipment tab of the Property Index

Post Inspection Documentation

- Following the inspection, the post-inspection letter and report is to be sent out **in all cases**, even if it is only to say the business was satisfactory
 - FOS is attempting to develop its IT services to allow **all reports to be published for public access**. It is therefore essential the correct format be followed. In most cases, publication will meet the needs of the Freedom of Information Act as the report will already be in the public domain
 - The format of all reports shall be as follows:
 - The covering letter, which will not be published, will be on a separate page to include;
 - Personal details
 - Referral to attached report
 - Differentiation of legal requirements & recommendations
 - A clear warning that if mandatory items are not complied with, legal action will be considered
 - A point of contact should the recipient wish to clarify or discuss any aspect of the report, and
 - To state that the report will be published
 - On a separate page(s), the report will include;
 - The business name and address
 - Details of the prime legislation to require the inspection
 - A legal section stating
 - The specific legislation that has been breached and a time limit by when each item shall be addressed. If a food safety and health and safety inspection has been carried out, these shall be clearly differentiated in the report, or
 - If no breaches were identified, a statement that all was satisfactory during the inspection
 - A recommendation section listing points which if followed, could improve the safety or legal compliance of the business
 - **NB** Reports should not carry any personal details; if they do, the information shall be redacted prior to publication
 - The post-inspection report shall include, in complete detail (including the statute) the requirements of the items listed on the on-site report plus any additional relevant items which were not included
 - Each legal condition is to have a stated reasonable time for compliance
 - It is acceptable to include the clause
“All items in this report must be completed within 3 months of the date of this report unless otherwise specified”
 if appropriate
- The covering letter, the reports and the SotD certificate are to be sent to the business and any associated recipients within 10 working days of the inspection
 - If a H&S inspection is carried out at later date, 2 separate letters and reports may be sent

Revisits

- A revisit shall be made to every business where legal requirements have been identified in the report. If, at the time of the inspection, all was found to be satisfactory, the Officer shall record that no revisit is required
- The revisit is to assess the degree of compliance of the FBO with the legal requirements stated in the report following the inspection
- The revisit shall be made within a reasonable time of the expiration of the specified works in the report
 - If multiple completion dates are stipulated, each requires a separate & dedicated revisit
- If, at the time of the revisit, the FBO has not fully complied with the legal requirements, the Officer shall;
 - Serve a Formal Notice on the FBO for significant items which it would be reasonable to enforce without further warning, or
 - Serve an Informal Notice on the FBO stating that legally required minor works are still outstanding, and that if they have not been completed prior to the next inspection, a Formal Notice shall be served
- Only in exceptional cases will a variation from this process be considered as appropriate by the FOS Team Leader

Complaints & Accident Investigations

Complaints may be received from a number of sources but will relate to the premises or activities associated with a business that FOS is authorised to enforce. Where FOS is not the correct enforcing authority, every attempt shall be made to direct the complainant to the correct organisation

- Every complaint shall be recorded on FOS's M3 database where appropriate
- The initial response to fatal and serious accident notifications shall be by the next working day; in most circumstances it will be on the day of notification
- The initial response for all other complaints or accident notifications shall be within 3 working days
- After making the initial response, this must be recorded on M3 by activating the trigger function in the action tab
- The degree of intervention appropriate to the complaint or accident shall be determined by Investigating Officer
 - If justified, a full or partial inspection of the premises shall be carried out, with any subsequent action being carried out in accordance with these Team Standards and the Enforcement Policy
 - If intervention is not justified, the decision shall be recorded on worksheet
 - Where possible, every attempt shall be made to notify the complainant of the outcome in each case
- Every accident notification is reviewed, and if no immediate intervention is necessary, a report is to be written on the worksheet with a referral so that the details of the accident shall be considered during the next intervention at the business

Food Poisonings & Infectious Diseases

The notification of food poisonings may originate from the person suffering the symptoms, the Health Protection Agency or other medical organisations. Unconfirmed notifications shall be suspected cases and may recommend the sufferer to provide samples for analysis.

- All suspected food poisonings and confirmed Notifications of Infectious Diseases (NOID) shall receive an initial response by the next working day by the Investigating Officer
- The level of investigation shall be determined by Investigating Officer but be based upon guidance offered by the Health Protect Agency and Codes of Practice
 - If the food poisoning or Infectious Disease is associated to a particular food business, a full or partial investigation shall be considered, with any subsequent action following the guidance given
 - If an investigation is not justified, the decision shall be recorded on the worksheet

Enforcement Action

Where the Officer identifies serious breaches of legislation, enforcement action will be taken in accordance with the Enforcement Policy adopted by FOS.

- Informal Enforcement Notices shall be served where the Officer has witnessed a minor breach of the legislation and shall act as a final warning that unless the matter has been addressed, a Formal Notice shall be served. The Informal Enforcement Notice shall;
 - Be delivered or sent to the FBO or the person responsible for complying with the legislation within 5 working days the Officer identifying the issue
 - Be addressed to the respective person(s) and identify the premises to which it relates
 - State the legislation which is being breached and the nature of the issue
 - State the time by when the matters need to be addressed
 - Give a contact name and telephone number to allow the recipient to contact the Officer
 - **This option shall not be available to food businesses which have been rated as 0~2 star for at least the previous rating visit**
- Formal Notices shall be served where the Officer has witnessed a major breach of the legislation, where there is an imminent risk to health or where a previously served Informal Enforcement Notice has not been complied. Formal Notices shall:
 - Be served on the FBO or the person responsible for complying with the legislation
 - Improvement Notices shall be served within 2 working days of the Officer identifying the issue
 - If the Notice is not served on the day, prior to the actual service, the Officer shall confirm that the issues still exist
 - Prohibition Notices shall be served on the day identifying the issue
 - Any variation from this shall need to be approved by the FOS Team Leader

- Compliance visits shall be carried out for each Formal Notice served, and will take place on the Notice expiry day plus 1 working day
 - The Officer shall have due consideration for weekends or bank holidays when setting the expiry date
 - All non-compliance with Formal Notices shall be referred for prosecution following discussions with the FOS Team Manager
- Prosecution shall be considered in every case where a Formal Notice has not been complied with;
 - The Officer shall discuss the case history with FOS Team Leader to justify the consideration for prosecution; if appropriate the referral for prosecution procedure shall be started
 - Where a case is to be referred for prosecution, all of the necessary documentation and investigation shall be completed and referred to Disclosure Officer within 8 weeks of the identification of the failure to comply
 - Once the Disclosure Officer has completed his primary review, and as long as the primary case is complete, he shall refer the case to the Head of Refuse and Environment within 12 weeks for his consideration

Low Risk Questionnaires (LRQ's)

LRQ's are a recognised means of assessing the general standards of basic legal compliance of a business. They are targeted towards specific legislation and ask questions of the business, which will allow FOS to make a reasonable assessment of the risks posed by the business. LRQ's are only sent to businesses where previous inspections have considered them to pose very low food safety or health and safety risks.

- Officers from FOS will identify businesses felt to be suitable to receive LRQ's and, subject to resources, the questionnaires will be sent by the Admin Services
- The returned LRQ's shall be assessed by a competent Food Enforcement Officer
- Food Safety LRQ's
 - To be used for known D & E risk rated food premises or registered childminders; may be used in targeted alternative strategy projects. Where the returned LRQ identifies;
 - A new FBO or business, a new Food Registration form shall be sent and upon its return, the process for a New Business Registration shall be followed
 - That significant structural or organisational changes have occurred, a partial inspection of the business will follow
 - That no significant changes have occurred, the M3 records shall be updated and the existing food hazard rating score is maintained; the respective SotD star rating sticker and certificate is sent
 - If the LRQ is not returned, a chase letter is sent, and if that too is not returned, the premises will be inspected
- Health and Safety LRQ's
 - To be used for known Category B2 & C (low risk) businesses or as part of a targeted alternative intervention strategy
 - The responses mirror those for the Food Safety LRQ's
- If the last contact with a business was via an LRQ, the business shall be visited for the next intervention

Project Work

This may be carried out by the FOS service, and if done so, will be in accordance with the guidance offered by the Food Standards Agency or the Health and Safety Executive. All project work shall be confirmed by the FOS Team Leader, and will follow the guidance given in the Team Standards where they apply

Compliance Review

- **All of the standards here will be monitored on an on-going basis**
- **The work of all Officers is currently assessed on a monthly basis with reports being passed to service Managers**
- **The effectiveness of FOS is reviewed on a quarterly basis with reports passed to the Head of Refuse and Environment**
- **The Team Standards are to be reviewed by the FOS Team Leader at least annually**

GLOSSARY

ACOP	-	Approved Code of Practice: a code that has been approved by the HSC, as provided under Section 16, HASWA.
CIEH	-	Chartered Institute of Environmental Health: the professional body that represents the interests of environmental health professionals.
HASWA	-	Health and Safety at Work etc. Act 1974 (the Act): the primary piece of health and safety legislation currently in existence in this country.
HELA	-	Health and Safety Executive/Local Authority Enforcement Liaison Committee: responsible for giving national advice, information and guidance to local authorities and the development of local authority enforcement policy.
HSC	-	Health and Safety Commission: the supervisory and advisory body established by HASWA and responsible for seeing that the purposes of the Act are fulfilled i.e. securing the health and safety of people at work.
HSE	-	Health and Safety Executive: the operational enforcement arm of the HSC responsible for enforcing health and safety in businesses such as factories, educational establishments etc.
FTE		Full Time Equivalent