

Planning, Economic Development and
Regeneration
Environmental Health & Trading Standards
Health and Safety Service Plan 2024/2025



OVERVIEW

In order to meet the requirements of the National Local Authority Enforcement Code (national code), West Lothian Council is required to develop and approve an annual health and safety service plan. The national code is given legal effect under Section 18 of the Health and Safety at Work etc. Act 1974.

The plan outlines how health and safety will be monitored and enforced within West Lothian businesses. Whilst the main responsibility for ensuring health and safety remains with the businesses and individuals who create the risk, environmental health officers have a statutory duty in ensuring effective risk management, supporting businesses, protecting the West Lothian community, and contributing to the wider public health agenda.

The service plan covers:

- service aims and objectives;
- authority background;
- service delivery;
- partnership and working with others;
- staff development and performance management;
- quality assessment; and
- service plan review.

A safe working environment is something many would take for granted. There is unfortunately significant confusion created by those who use health and safety as an excuse to avoid any type of risk. Very little of this has any bearing on real issues of health and safety and the necessary controls which should be in place to protect workers and members of the public. Inaccurate perceptions of health and safety continue to make headlines whilst essential work in protecting workers and the public goes largely unnoticed. The consequences of workplace accidents, ill health and fatalities are a significant burden on public health and the economy. Sensible, proportionate and firm management of health and safety is essential for everyone's benefit.



SECTION 1 ~ SERVICE AIMS AND OBJECTIVES

1.1 Corporate Plan & Single Outcome Agreement Links

Priority 6: Delivering positive outcomes on health.

Priority 8: Protecting the built and natural environment.

(web link <https://www.westlothian.gov.uk/article/33026/Corporate-Plan>)

SOA7 We live longer, healthier lives and have reduced health inequalities.

1.2 Commitment

Our commitment is to protect and enhance the health, safety and welfare of people living and working in West Lothian by ensuring risks in the changing workplace are properly controlled.

In delivering this service plan we acknowledge and contribute across the six strategic themes of 'Helping Great Britain Work Well' – HSE, Health and Safety Strategy:

- 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.

A safe and healthy working environment also contributes to the health and wellbeing of the population within West Lothian. This is recognised within the [Joint Health Protection Plan](#) for Lothian agreed by NHS Lothian, West Lothian Council, City of Edinburgh Council, East Lothian Council and Midlothian Council.



1.3 Our priorities

The service has to be delivered on a priority basis. This reflects the nature of the work undertaken and that the service cannot be divided up into uniform time units for completing tasks. Each inspection, accident, and service request will have its own complexity and issues which determine the amount of work and time required to address.

The priorities are based on both reactive and proactive work and the potential public health impact of each. Delivery of service priorities will be within the context of resources available and staff skills, knowledge, experience and capacity.

Service priorities have been established to ensure the best practical service in addressing the safety and public health needs of our communities.

Guidance is issued annually under Section 18 of the Health and Safety at Work etc Act 1974 which provides all Local Authorities with guidance and tools to assist with priority planning and targeting interventions. The guidance is reviewed annually and the current guidance is [LAC 67/2 \(Revision 13\)](#) (in final draft). It contains an annual list of local authority regulatory priorities. There is also a list of specific activities in defined sectors that are considered suitable for proactive inspection. Service priorities are built around this framework, and are outlined in Appendix 3.

The Costs of Health and Safety

The financial and human costs of work-related illness and injury are vast and impact individuals, businesses and taxpayers. The latest estimates show that, based on data from 2019/20 to 2022/23, an average of 606,000 workers were injured in workplace accidents each year and a further 677,000 workers each year suffered a new case of ill health which they believe to be caused or made worse by their work.

Total Costs to Britain were around £20.7bn in 2021/22. This equates to an average of £1.9m per fatal injury, £12,200 per non-fatal injury, and £19,300 per ill health case. This represents an increase of around £1.9 billion (a 10% increase) compared with 2019/20, and costs have been rising since the pandemic began. Prior to the pandemic, estimates of total costs had shown little variation since 2009/10.

Source: Labour Force Survey (non-fatal injuries) and RIDDOR (fatal injuries); annual average estimate 2019/20-2022/23.



SECTION 2 ~ AUTHORITY BACKGROUND

2.1 Profile

West Lothian is a mixed rural and urban authority covering a geographical area of 42,504 Ha. The population is approximately 185,580*. The Environmental Health & Trading Standards service is located in Linlithgow Partnership Centre, Linlithgow. There are 3190 ** premises within the area ranging from offices, retailers, service sector, warehouses, leisure and public events. (*National Records of Scotland mid-year estimate 2021, **As of 30/04/24)

2.2 Organisational Structure

The service structure is as per appendix 1. The plan will be delivered by officers within the commercial team.

The commercial team is part of the Environmental Health & Trading Standards service which is part of Planning, Economic Development and Regeneration.

2.3 Scope of the Service

Enforcement and regulatory responsibilities for health and safety legislation are shared between Local Authorities and the Health and Safety Executive depending on the nature of premises and the type of work activity. The [Health and Safety \(Enforcing Authority\) Regulations 1998](#) outline this.

The scope of the service can be summarised as:

- *To inspect business premises within West Lothian, where the national code dictates inspection or intervention should be carried out in order to secure a safe and healthy workplace environment in accordance with relevant legislation, approved codes of practice, and other initiatives:*
- *To investigate accidents, work-related diseases and dangerous occurrences reported to the service, taking account of the [HSE incident selection criteria](#) with options ranging from providing advice to taking enforcement action where necessary;*
- *To respond to public and business complaints and enquiries in relation to health, safety and welfare within West Lothian workplaces enforced by us;*
- *To provide health, safety and welfare advice and guidance and to ensure compliance of new business and businesses transferred to new owners;*



- *To ensure activities that are necessary to support, complement and develop the work of the health and safety service are carried out; and*
- *To prepare relevant reports, statistical, and other relevant information to local businesses and other service units within West Lothian Council, Central Government, professional bodies and any other interested parties as appropriate.*

2.4 Demands on the Service

The main demands on the service are driven by health and safety interventions / inspections, accident reports and investigations, and concerns and requests for service regarding health and safety. The issues which officers have to address include:

- Prevention / investigation of serious or fatal accidents.
- Preventing injuries from falls from height, slips trips and falls, manual handling and upper limb disorders.
- Preventing exposure to harmful substances (chemicals, asbestos, fine particulates, carbon monoxide etc.)
- Preventing injuries from vehicles and machinery (e.g. fork lift trucks).
- Preventing health impact issues (asthma, dermatitis, infectious diseases, legionella, stress, violence etc.)

Services are available from 8.30am to 5.00pm Monday to Thursday and 8.30am to 4.00pm Friday. The team, however, has to accommodate working out with these times due to operating times of businesses. On occasion evening and early morning work is necessary to carry out the inspection and intervention programmes. There is generally no proactive work for events at weekends. Emergency contact details have been provided to appropriate partner agencies in regards to incident management should these occur out with normal working hours. However, the arrangements are limited to point of contact notification only.

There is a regular turnover in many of the businesses with new owners and changes in operation of the business.

The principles of better regulation have been a key aspect of how the service is delivered for a number of years. We will continue to streamline and prioritise the service to make best use of our available resources to achieve positive outcomes.

2.5 Enforcement policy

In terms of the national local authority enforcement code the service has developed and follows a written [enforcement policy](#). In line with this enforcement policy, officers may be

required to take appropriate enforcement action. This can include the service of improvement notices, prohibition of activities and equipment, and reports to the Procurator Fiscal leading to prosecutions and time in court. There are appeal procedures associated with notices therefore care is taken in serving notices to ensure appropriate application and legal process is followed. On the rare occasion a notice is appealed this can impact immensely on officer time, and can have further consequences for council in terms of financial and reputational impact.

SECTION 3 ~ SERVICE DELIVERY

Officers in the commercial team contribute to the development and implementation of this plan. This section outlines areas of work to which they contribute.

In order to meet ever changing demands, the service is always looking at ways of working most effectively. Performance management is a key factor in ensuring this can be achieved (see section 4.4). The quality of the service delivered is essential in protecting public health, and the service is working to ensure that everyone plays a part in delivering the best service possible.

3.1 Inspections and interventions

There are currently 3190 businesses and work places within West Lothian which are allocated to the service for the purpose of monitoring and enforcing health and safety. Inspection / intervention will be carried out in accordance with the priority areas and list of business types deemed suitable for proactive inspection as identified in LAC 67/2 (Revision 13). As an exception rather than the rule some proactive inspection may be carried out where local intelligence indicates an issue, e.g. a number of complaints, or an accident has occurred. The focus is on improving the safety culture within businesses. The emphasis is on comprehensive risk assessment within the business to identify potential hazards, the risks of those hazards occurring, what control measures they may already have in place, and where the gaps are which require to be addressed.

To ensure best use of resources, inspections and interventions are linked, where possible, to the food law inspections due and are set as an internal performance indicator. In practice only matters of evident concern, and queries from the duty holder relating to health and safety will tend to be addressed during food law inspections. Non-food premises will be targeted in a way which is proportionate to the relevant risk nature of the business. This will range from full and unannounced inspections, to targeted issue specific interventions, interventions for officer development purposes, and general advisory letters / communications / awareness raising to the very lowest risk establishments.



Officers have an input to on site safety at public events. There will be input through discussion with organisers, the licensing process and meetings with other council services.

Premises profiles and intervention information is outlined in appendix 3.

3.2 Accidents – investigation / prevention

There is a statutory duty on employers to report certain injuries, diseases and dangerous occurrences within set timeframes. A risk based and proportionate approach is taken by the service to the investigation of any reports received following the HSE incident selection criteria. The nature and frequency of the accidents/diseases reported is used to help identify local priorities for intervention, and any more immediate follow up response required.

On occasion accidents will come to light which have not been reported through the RIDDOR mechanism and some of these will also require to be investigated.

Information on accidents reported in West Lothian is found in Appendix 3.

3.3 Requests for service and concerns regarding safety

Officers will investigate concerns raised by employees or others regarding health and safety in West Lothian premises. The nature of concerns can vary from failure to provide basic welfare provisions for staff, to serious concerns regarding dangerous working practices.

These will be responded to on a priority basis. Appendix 4 has a breakdown of business types in relation to service requests received. This information will also help inform local elements of the health and safety interventions to be carried out.

3.4 Advice and support to Business

All officers will be involved in giving advice to businesses on workplace safety issues as part of routine visits. Advice can also be given to new businesses. This is an important aspect of work as it helps to ensure that businesses which request help can be set up complying with the necessary legal requirements.

The service recognises that a well-run and viable business will be more likely to be a safe business. Officers will direct business owners to support and help from colleagues working through Business Gateway. Information sheets are left at inspections with details of where businesses can get further help and support in this and other aspects of workplace safety. This contributes in protecting public health and reducing the financial impact of compliance on businesses.



The ongoing work with established businesses is assisted by a number of helpful information sheets, guidance booklets, and other educational resources. A great deal of useful information is available on the [Health and Safety Executive](#) website, and through organisations such as [Healthy Working Lives](#). The service web pages provide links to these and other web sites.

3.5 Primary Authority Partnership

West Lothian Council currently has no formal agreements in place to act as a primary authority partner.

There are however a number of national companies trading in West Lothian who have made such arrangements with an appropriate local authority, and due consideration is given to the context of these partnership arrangements in terms of our interventions and potential enforcement activity.

3.6 Liaison with Other Organisations

It is important to note that the commercial team does not work in isolation from other internal services or external organisations. Internally, the team works with planning, building standards, economic development, licensing, legal, occupational health, and media to provide a cohesive service.

The national code requires local authorities to work together, liaise and carry out appropriate peer review in terms of ensuring consistent application of statutory requirements and aspects of the national code itself. West Lothian Council is part of the Lothian and Borders Health and Safety Liaison Group. This group meets approximately 4 times a year and group members will continue discussion through email and other forms of communication to ensure shared understanding and consistency of application on various issues. The group also has representation from the Health and Safety Executive, and discussions can take place with our designated HSE enforcement liaison colleagues as needed.

We are also represented on the UK wide Motor Sports Working Group.

3.7 Cooling Towers

We maintain a register of cooling towers and evaporative condensers within the area. Businesses must notify us in writing if they have a cooling tower or evaporative condenser, or if there are any changes to them such as decommissioning. This helps us identify areas in the district that could cause the spread of infection, and also ensures that preventative measures can be taken to protect the health of employees and the public, from illnesses such as legionnaires' disease.



SECTION 4 ~ RESOURCES

4.1 Financial Allocation

There is no specific budget allocation for delivery of the health and safety service. The service delivery is shared by officers within the commercial team along with delivery of other environmental health functions. This includes delivery of the food service plan.

West Lothian has the third lowest costs per 1,000 population for environmental health within Scottish local authorities. (Scottish average is £16,552*, and West Lothian is £8,185* – figures from Local Government Benchmark Framework 2022/2023). There will, however, be some variability between local authorities in terms of the level of service delivered. (*The framework definition of environmental health includes the operation of public conveniences which are not an operational or service function of Environmental Health & Trading Standards in West Lothian but still get counted against costs of service.)

4.2 Staffing

The service is staffed as per the structure indicated in appendix 1.

The current FTE allocation available for service delivery is 1.25 officers. Currently the majority is done by 1 officer, however 7 members of staff are authorised and contributing to the workload along with other environmental health functions.

Health and safety is only one element of the role of environmental health. The pressures on the whole service increase year on year with changes in legislation and demand on the service having to be managed on a priority basis. We are therefore targeting priority areas of work, delivering aspects of the service differently, reducing or removing aspects previously delivered, and continuing to work as effectively as possible to protect public health.

4.3 Staff Development Plan

As per the national code and the Health and Safety at Work etc. Act 1974, the service has a statutory duty to “make adequate arrangements for enforcement” and to legally appoint suitably qualified officers. The service has to ensure that officers have suitable and ongoing competence in order to exercise duties and powers in terms of the Act.

'Section 26 of the Health and Safety at Work etc. Act 1974' allows local authorities to indemnify inspectors appointed under that Act under specified circumstances. It is the policy of this authority to indemnify inspectors appointed under that Act against the whole of any damages and costs or expenses which may be involved, if the authority is satisfied that the inspector honestly believed that the act complained of was within their powers and that their



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duty as an inspector entitled them to do it, providing the inspector was not wilfully acting against instructions.'

Training and development needs are assessed during individual Appraisal and Development Review meetings held in accordance with the council's Investor in People accreditation, and during monthly 1-2-1 meetings with line manager.

It is also recognised that knowledge and awareness of different sectors, work activities and processes must be maintained. As the national focus for inspections and interventions has changed this has reduced the onsite activity of officers to maintain familiarity and experience in a number of areas. This has potential consequences for competence of officers in addressing serious issues should they arise. Therefore, the interventions plan for West Lothian will aim to ensure that interventions within different business sectors and activities continue to ensure officer skills, knowledge and competence is not lost.

There is a draft health and safety competency framework for officers designed to help improve / maintain skills and knowledge. This was produced in support of national guidance – the Regulators Development Needs Assessment (RDNA). The framework is also being extended to other areas of the environmental health service.

4.4 Performance Management

Everyone working within the service has a responsibility for ensuring the delivery of the best service possible. To help deliver a positive and productive performance culture the service ensures targets are established which focus on outcomes and outputs.

Performance is monitored and assessed by various methods and reported internally and publicly. Performance expectations and standards are outlined and reported in the following ways:

- Legislation, enforcement and technical guidance.
- Internal working documents and procedures – e.g. enforcement policy, customer service standards, council HR policies and procedures etc.
- Health and safety service plan.
- Internal monitoring of performance – e.g. team meetings, one to one discussion, monthly reporting by senior officers, public reporting of performance through Pentana, accompanied visits, and customer surveys.
- Performance review and personal development planning.
- Training and professional development of officers and management.
- Reporting to external agencies – e.g. annual LAE1 return to HSE.



- Internal reporting to elected members – performance committee, Public and Community Safety PDSP, Council Executive.

SECTION 5 ~ QUALITY ASSESSMENT

5.1 Quality Assessment

The Environmental Health & Trading Standards service participates in the West Lothian Assessment Model. This is West Lothian Council's adaptation of the European Foundation for Quality Management. This is being used to help deliver continuous improvement of the service in years to come. The service is assessed as part of the corporate Customer Service Excellence award.



Internal monitoring of procedures and customer feedback is also used to assess the quality of the service provided. Customer consultation is a key development issue and a customer and business consultation survey is carried out throughout the year.

SECTION 6 ~ SERVICE PLAN AND OPERATIONAL PLAN REVIEW

6.1 Review against Service Plan

The service plan will be reviewed in six months.

Internal plans, policies and procedures are reviewed annually, or as and when required.

6.2 Identification of any Variance from the Service Plan

Staffing and recruitment continues to provide a challenge within the service. Work is ongoing to try and address staffing shortfall, and to utilise current staff resources as effectively as possible. Internal development has allowed a member of staff to complete the NEBOSH Diploma in Occupational Health and Safety in order to take on new duties, and other refresher training opportunities have been provided for staff undertaking health and safety duties.

Not all proactive interventions identified in the previous service plan were able to be carried out due to staffing issues and other reactive work. Some will carry over into this 2024/25 plan. See Appendix 3.

The focus continues on alternative enforcement strategies to ensure businesses and sites maintain suitable health and safety controls and measures. This is in line with the national

priorities and risk rating requirements for inspection plans, with there being an activity-based focus towards intervention and inspections.

Response performance to service requests remains above target, and reflects a positive approach within the team to assist businesses and members of the public with their enquiries. There was a further increase in the number of licence applications the team had to deal with from the previous year. These can create a significant amount of work for the team in ensuring that public safety standards are in place.

There was a small increase in accident reports received from the previous year. The number of accident reports remain relatively small which is hopefully a positive indication of health and safety compliance within West Lothian.

However, two serious accidents were reported to the service and have required extensive and complex investigation. One has concluded and the decision was taken not to report to the Procurator Fiscal. The second accident remains subject to an ongoing investigation. Both have impacted hugely on officer time.

Performance and workload comparisons are made in appendix 3.

6.3 Areas for Improvement / Challenges.

There will continue to be a focus on the use of alternative enforcement strategies to ensure businesses and sites maintain health and safety controls and measures.

The following have been identified as the key challenges for 2024/25 and continue:

- Ongoing demands on officers from challenging premises and incidents in terms of workplace safety and public health issues.
- Ensuring that officers are supported, developed and capable of dealing with challenging, time consuming and high-risk workload.
- Ensuring workload priorities are appropriately aligned with available resources to deliver and maintain the best achievable levels of public health protection, alongside a culture of positive business engagement.
- Managing customer expectations for service requests, accidents and incidents in line with service priorities.
- Further development of alternative approaches to business engagement to attain maximum benefit for the council and businesses, including improving web content information and links to assist local businesses.

All inspections and focused interventions for 2024/25 are outlined in appendix 3.



Health and Safety Service Plan

The plan for 2024/25, and beyond, is to ensure the service focuses resources at priority areas of work, and takes the correct action to protect public health when risks are identified.

Appendices:

Appendix 1: Environmental Health and Trading Standards Structure

Appendix 2: West Lothian Health and Safety Intervention Policy and Matrix

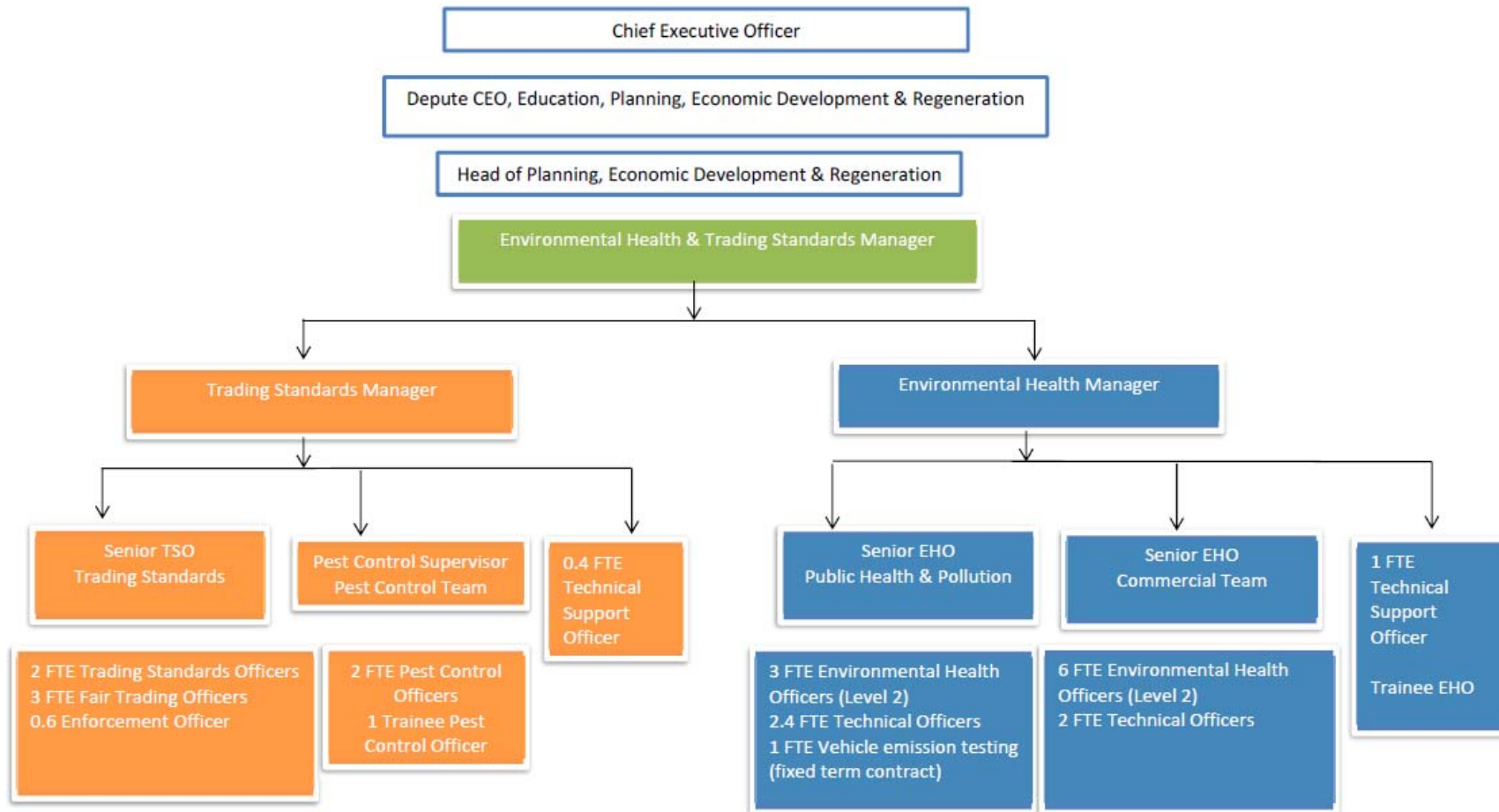
Appendix 3: Workload comparison and priorities

Appendix 4: Accident reports and service request review

Appendix 5: Business customer satisfaction

Appendix 6: Customers / partners / stakeholders

Appendix 1 – Environmental Health and Trading Standards Structure (April 2024)



Appendix 2

EH&TS West Lothian Council Health & Safety Intervention Policy & Matrix

Introduction

The purpose of this document is to outline how officers will engage with businesses on health and safety matters whilst following LAC 67/2 (Revision 13) and the National Local Authority Enforcement Code (the code). The objective is to promote safe and healthy workplaces by encouraging compliance with health & safety legislation through various interventions, taking enforcement action where appropriate and proportionate.

Local Authorities are also required to visit premises under various non-health & safety statutes. Where West Lothian Council also enforces health and safety in these premises it will be an opportunity review the level of health & safety compliance, having regard to current guidance. Officers are expected to deal with matters of evident concern i.e. major health & safety issues noted. Advice or guidance on general health & safety matters may also be given.

West Lothian Council is also required to keep its premises database as accurate and up to date as possible.

West Lothian Council, and its officers, will use health & safety powers appropriately and not abuse powers of entry to gain access to premises, or information, to follow up non-health and safety issues.

National Local Authority Enforcement Code

The Code sets out what is meant by 'adequate arrangements for enforcement'. It concentrates on the following four objectives:

- Clarifying the roles and responsibilities of business, regulators and professional bodies to ensure a shared understanding on the management of risk;
- Outlining the risk-based regulatory approach that LAs should adopt with reference to the Regulator's Compliance Code, HSE's Enforcement Policy Statement and the need to target relevant and effective interventions that focus on influencing behaviours and improving the management of risk;
- Setting out the need for the training and competence of LA H&S regulators linked to the authorisation and use of HSWA powers; and
- Explaining the arrangements for collection and publication of LA data and peer review to give an assurance on meeting the requirements of this Code.

LAC 67/2 (Revision 13)- Targeting local authority interventions

Summary of Appropriate Interventions

Proactive Inspections

Proactive inspection should only be used for:

- Specific projects/programmes of inspection identified by HSE for LA attention
- High risk premises /activities within the specific LA enforced sectors published by HSE, or
- Locally identified potential poor performers. This is where specific local intelligence indicates that risks are not being effectively managed.

Annex A of LAC 67/2 (Revision 13) sets out the 2024-2025 local authority national planning priorities. Not all national priorities however have a proactive inspection component, e.g. in some cases it may be awareness raising only. Annex B, i.e. the list suitable for proactive inspection has remained unchanged in the current guidance. However there have been some changes to the Annex A national priorities, most notably the inclusion of safety in the motorsport and motor leisure industries.

A summary of the others includes:

Health topics:

- Asbestos - Duty to manage asbestos
- Respirable silica dust
- Legionella – Spa pools and hot tubs in both holiday accommodation and on display.
- Cooling towers located in built-up areas
- Work Related Stress (WRS)
- Visitor attractions prevention/control of ill health arising from animal contact

Safety topics:

- Planned Preventative Maintenance of work equipment
- Inflatable amusement devices
- Trampoline Parks – improved information provision and supervision of users (Licensed in West Lothian)
- Gas safety in commercial catering premises
- Electrical safety in hospitality settings
- Provision of licensable adventure activities without an AALA licence
- Raising awareness of the need to prevent injury to members of the public from accessing large commercial waste and recycling bins

It should be noted that not all of these activities are enforced by local authorities; some are HSE enforced.

Intervention Types (Details in LAC 67/2 (Revision 13) – Annex D)

A review is carried out at the beginning of the financial year, and based on nature of establishment, local intelligence and other elements of LAC 67/2 (Revision 13), some will be allocated a suitable intervention utilising appropriate elements from those outlined below;

| Intervention | Description |
|---|--|
| <i>Partnerships (Non-inspection intervention)</i> | 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. |
| <i>Motivating Senior Managers (Non-inspection intervention)</i> | 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). |
| <i>Supply Chain (Non-inspection intervention)</i> | 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. |
| <i>Design and Supply (Non-inspection intervention)</i> | “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. |
| <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. |
| <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. |
| <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. |

| | |
|---|---|
| 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. |
| <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 |
| <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. |
| <i>Enforcement</i> | 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. |
| <i>Revisit</i> | To follow up on earlier interventions to check their impact and efficacy |

Table 1 - Intervention Planning & Approach

| Category | Comments | Intervention |
|---|---|--|
| Activities or sectors suitable for proactive intervention | Suitable for proactive inspection where: a) Activities within the specific LA enforced sectors published by HSE, or b) Where there is intelligence showing that risks are not being effectively managed. * May also be considered for other interventions. | Identify the risk and consider the use of all interventions to address that risk, including proactive inspection. Where a food safety inspection or other visit is combined, officers will have regard to matters of evident concern or matters of potential major concern. Interventions for officer development purposes. *** |
| Non-proactive intervention activities / sectors | Premises in this category are generally not identified for proactive inspection, however a combination of other interventions may be used. | Where a food safety inspection or other visit is combined, officers will have regard to matters of evident concern or matters of potential major concern. Where no visit, for non-health & safety purposes, or other intervention is planned and local intelligence shows risk concerns then a focused advisory visit will be allocated. In other circumstances the business will be subject to the other intervention strategy**. Interventions for officer development purposes. *** |
| New Business | LAs are able to rate a new premise by desktop assessment, an advisory visit, or in exceptional cases a proactive inspection. Often the information available in relation to the new premises will be minimal and as such a visit is usually necessary. | Advisory Visit. Any matters of evident concern, or matters of potential major concern will be addressed in line with enforcement policy. |
| Revisits | Used to follow up enforcement action and advisory visits | All enforcement activity will be followed by a revisit to confirm compliance or institute further action. |

| | | |
|---|--|---|
| | | Where requested or agreed, and where appropriate, further visits may be made to follow up advisory visits and other interventions. |
| Accidents and service requests (premises complaints, etc) | In relation to RIDDOR reports, follow the HSE Accident selection criteria . Where there is intelligence showing that hazards and risks are not being effectively managed. * | All accidents recorded, reviewed. Investigations as appropriate. All service requests are recorded, reviewed and investigated in line with council policies, but having regard to the code. Interventions for officer development purposes. *** |

**for local planning purposes business sectors identified as more significant in terms of accident reports, and service request demands will be focus of proactive inspection or intervention visit.*

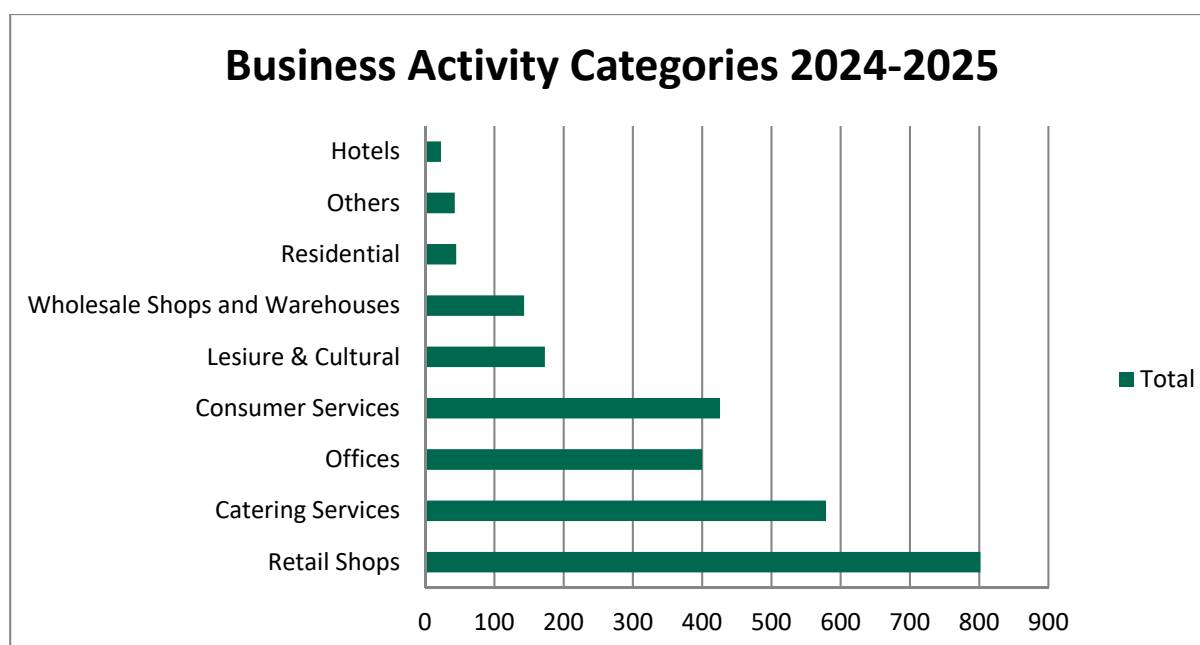
*** Other intervention strategy can include visits (project / advisory), but mainly will consist of non-visit communication and information provision.*

**** Officer development visits will be appropriate to certain business types and activities. These visits will most likely be pre-announced.*

Appendix 3 – Workload Comparisons and Priorities

| Activity | 2019/2020 | 2020/21 | 2021/22 | 2022/23 | 2023/2024 |
|---|-----------|---------|---------|---------|-----------|
| On site inspections / interventions completed | 110 | -* | 0* | 143 | 4 |
| Alternative interventions (non-site visit) | 272 | 936* | 886* | 0 | 200 |
| Revisits and other visits | 86 | 35 | 17 | 34 | 0 |
| Number of enquiries (not licensing) | 94 | 651 | 284 | 102 | 111 |
| Number of licensing enquiries | 132 | 28 | 130 | 150 | 237 |
| Enquiries responded to on time (Target 85%) | 90.9% | 97.1% | 95.6% | 95.2% | 86.7% |
| Number of registered premises | 2402 | 2397 | 2442 | 2194 | 3190 |
| Reports to Procurator Fiscal | 0 | 0 | 0 | 0 | 1 |
| Improvement Notices | 6 | 0 | 0 | 4 | 0 |
| Prohibition Notices | 4 | 0 | 0 | 0 | 2 |
| Accident reports | 73 | 54 | 83 | 66 | 76 |

*Routine interventions impacted by COVID restrictions and response to COVID regulatory controls.



Inspection and Intervention Workload

Table 1. 2024/2025 Planned Interventions for West Lothian

| Activity / Sector | Intervention Description | Number planned |
|--|---|---|
| Electrical safety in outdoor areas of hospitality premises | Visit* / other intervention strategy | 50 carried over from last year |
| Gas safety in catering premises | Visit* / other intervention strategy | 100 carried over from last year |
| Commercial catering premises using solid fuel cooking equipment | Visit* / other intervention strategy | Where identified via above gas safety initiative. |
| Newly registered | Other intervention strategy | 217 |
| User safety in softplay premises | Visit* / other intervention strategy | Max 7 - via public entertainment licensing process. |
| Ventilation in nail salons | Other intervention strategy | 10 |
| Falls from height / fragile roofs - warehousing and distribution | Visit* / other intervention strategy | 30 |
| Workplace transport – warehousing and distribution | Visit* / other intervention strategy | 30 |
| Safety in the motorsport and motor leisure industries. | Visit | 1 |
| Cooling towers in built up area | Other intervention strategy / update of cooling tower register. | 14 |

*For 2024/25 will visit only if initial intervention indicates a follow up visit would be beneficial.

Workload Priorities

| Priority | Category | Description |
|----------|--|--|
| 1 | Emergencies and threats to public health | <ul style="list-style-type: none"> ● Fatalities / serious accidents. ● Public health incidents. ● Revisits to secure compliance. ● Formal action to protect public health (prohibition notices etc.) ● Serious workplace safety concerns. |
| 2 | Highest consequence proactive | <ul style="list-style-type: none"> ● Routine workplace safety inspections: <ul style="list-style-type: none"> ● Proactive interventions categories. |
| 3 | High consequence | <ul style="list-style-type: none"> ● Guidance to potentially high risk new establishments. ● Project / support activities to address high consequence public health issues. |

| | | |
|---|--|--|
| | proactive / reactive | |
| 4 | Medium consequence proactive / reactive | <ul style="list-style-type: none"> • Routine health and safety interventions: <ul style="list-style-type: none"> • Other sectors / activities. • Street traders certificates of compliance, and Section 50 certificates (Licensed establishments). • Project / support activities to support service delivery and customer / business information access. |
| 5 | Lower consequence proactive / reactive | <ul style="list-style-type: none"> • Consultations / comments – licensing of events, planning etc. • Guidance to low risk new establishments. |

Appendix 4 – Accident Notifications and Requests for Service Review

A review of accidents reported and requests for service to the team between 2019 – 2023 was used to identify issues for consideration as part of the intervention policy and matrix. A review of the nature of accidents and injury types was considered against business types and risk grades for businesses. The four year period was felt appropriate in order to get enough data to do a meaningful assessment. It will therefore form part of the intervention policy for the next four years (2023 – 2027), and thereafter on a rolling 4 year assessment and plan.

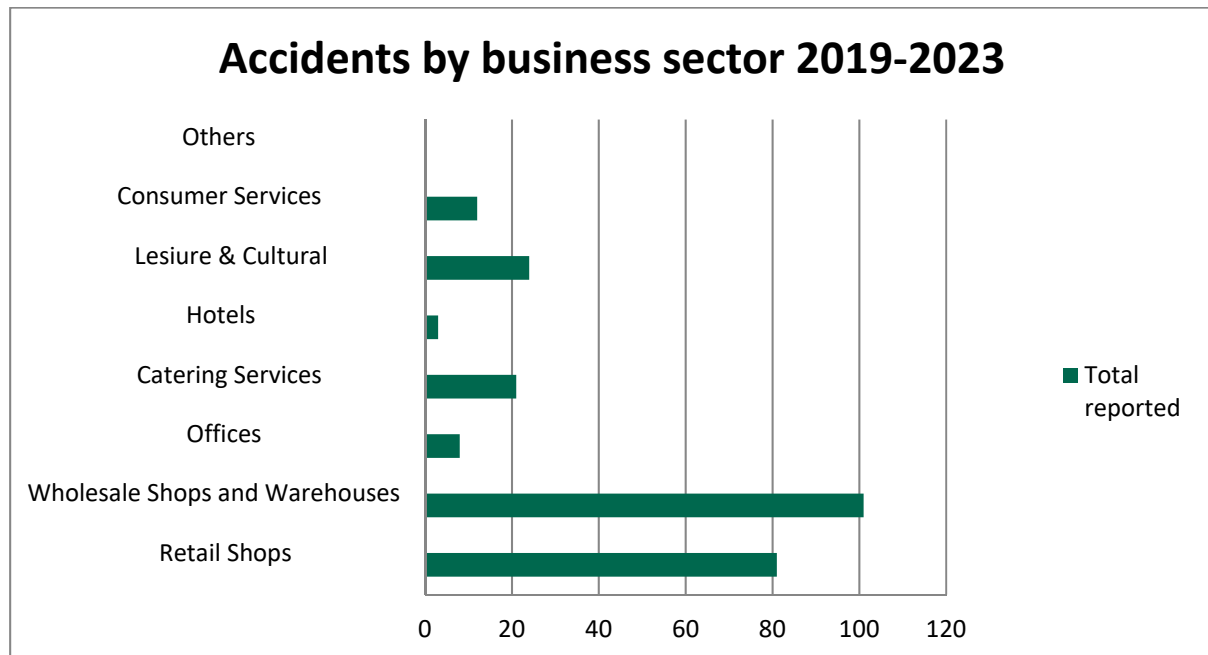


Table 1.

Wholesale shops / warehouses and the retail sector reported the highest number of accidents.

Three most reported accident types (Table 2):

- Slips, trips and falls (same level)
- Fall from height.
- Hit by moving / flying object.

Three most reported injury types (Table 3):

- Contusion / bruising.
- Fracture.
- Cut or abrasion

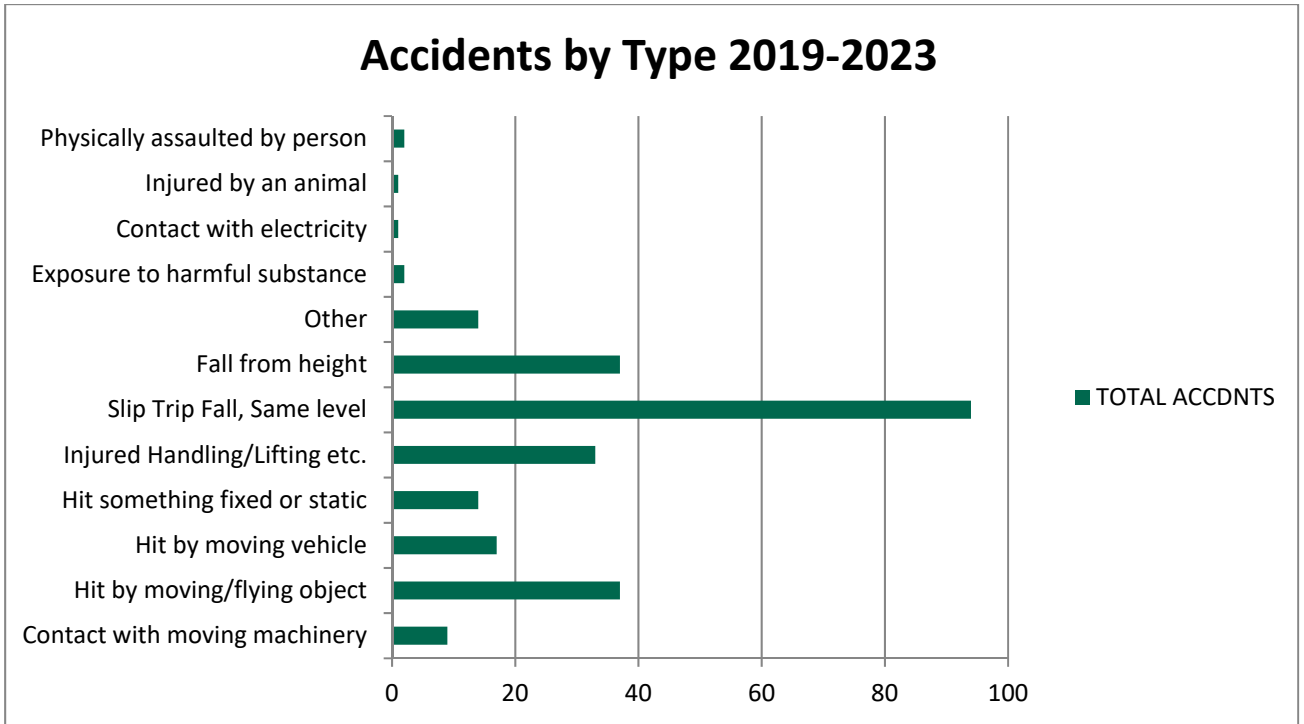


Table 2.

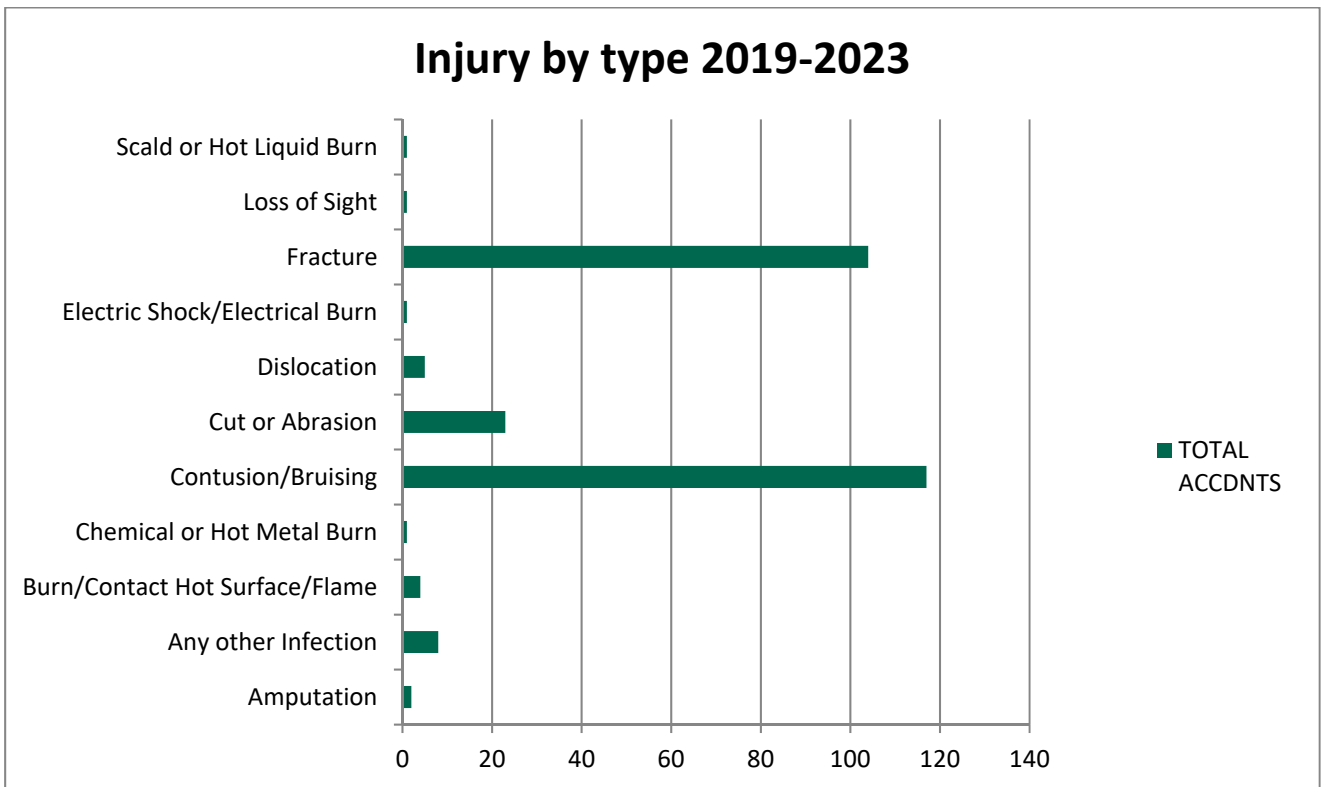


Table 3

Requests for service by business sector 2019-2023

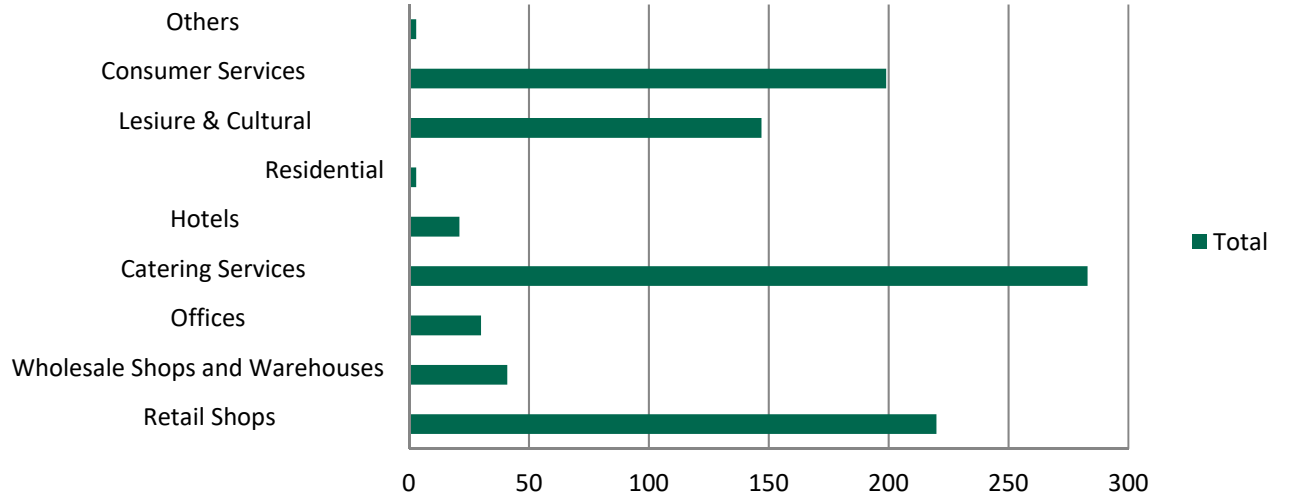
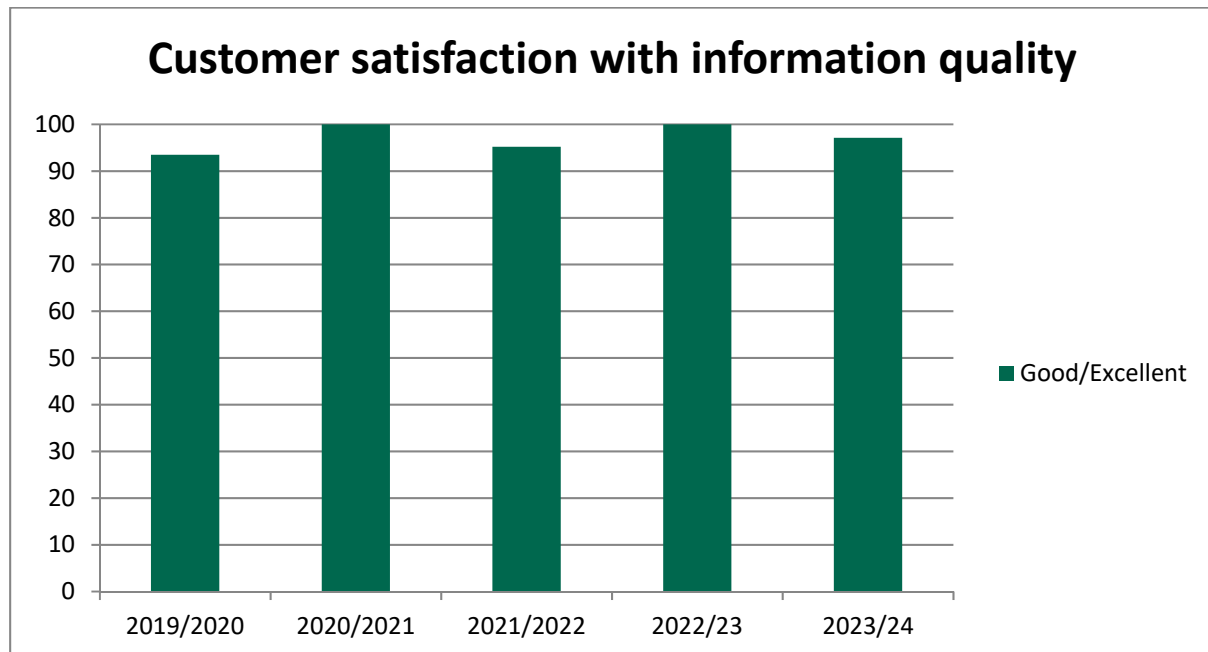


Table 4

Appendix 5 – Business customer satisfaction

Business Customer Satisfaction. (Percentage of businesses who rated officer’s explanation of how to comply with legislation as good or excellent)



Overall customer satisfaction remains high. It is encouraging to note that officers input to business visits is viewed positively. Business customers are surveyed on an ongoing basis to help us ensure that officers are providing the best service possible. It remains a difficult balance when officers may have to take enforcement action and convey challenging information. Other information gathered in our annual surveys is highlighted in the table below.

| | 2023/2024 | 2022/23 | 2021/22 |
|--|-----------|---------|---------|
| Staff overall knowledge and professionalism (good/excellent) | 95.2% | 97.2% | 91.7% |
| Overall level of service (good / excellent) | 95.2% | 97.2% | 94.4% |
| Treated fairly at all times | 100% | 98.6% | 97.4% |

This feedback would tend to support the view that local businesses support the visits to their premises and the assistance offered by officers.

Appendix 6 – Customers / Partners / Stakeholders

| GROUP | RELATIONSHIP | COMMUNICATION EXAMPLES | PROPOSED FOR 2024/2025 |
|--|--|---|--|
| Businesses within West Lothian | Inspections; application of legislation; advisory activities; investigation into incidents, accidents, education, training, enforcement, motivation. New business support. | Provide guidance, training, technical information, guidance notes, information leaflets, talks, seminars. Use of mail shot to lowest risk establishments. | Improve email contact details for businesses. Improve web content on relevant health and safety issues. |
| Public | We protect them. We investigate concerns on their behalf. We provide guidance and information. | Customer feedback on requests for service / accidents etc. Production of health and safety service plan and publication on website. | No change to current approach. |
| HSE | They provide direction and guidance on a partnership basis. We report to them annually (LAE1 return) | We consult them on technical guidance and policy. They consult with us on legal, policy and technical matters. Representation on local liaison and national working groups. | No change to current approach. |
| Elected Members (Councillors) | We respond to concerns and enquiries and provide information as required. | Reports to Environment PDSP, and Council Executive. Advice to licensing board. Annual Service Plan is presented to Council Executive for approval. | No change to current approach. |
| Other LA Services – Planning, Building Standards, Economic | Act as statutory consultee. Provide and receive guidance and support. | Planning and building warrant application comments. Licensing | No change to current approach. |

| | | | |
|---|---|--|--------------------------------|
| Development, Legal & Licensing, Education services, Operational services. | Work in partnership in specific areas of interest. | applications and comments. Reports as required. Highlight issues of concern as required. | |
| Lothian NHS | We work together on investigation and control of infectious diseases. | EHO/HPT meetings. Sporadic and outbreak plans. Agreed joint health protection plan. | No change to current approach. |
| Other local authorities | Share information and best practice. Sampling initiatives. Developing guidance and working standards to ensure consistency of approach. Contribution to national policies and legislation development. | Liaison groups. National working groups. | No change to current approach. |
| PF and legal system. | Take legal action based on reports sent by us. | We send reports. Work together on content of report. We provide technical guidance. Send reports electronically. | No change to current approach. |
| Care Inspectorate | Act as Consultee / Advisor | Written reports and telephone calls to Care Inspectorate Officers | No change to current approach. |