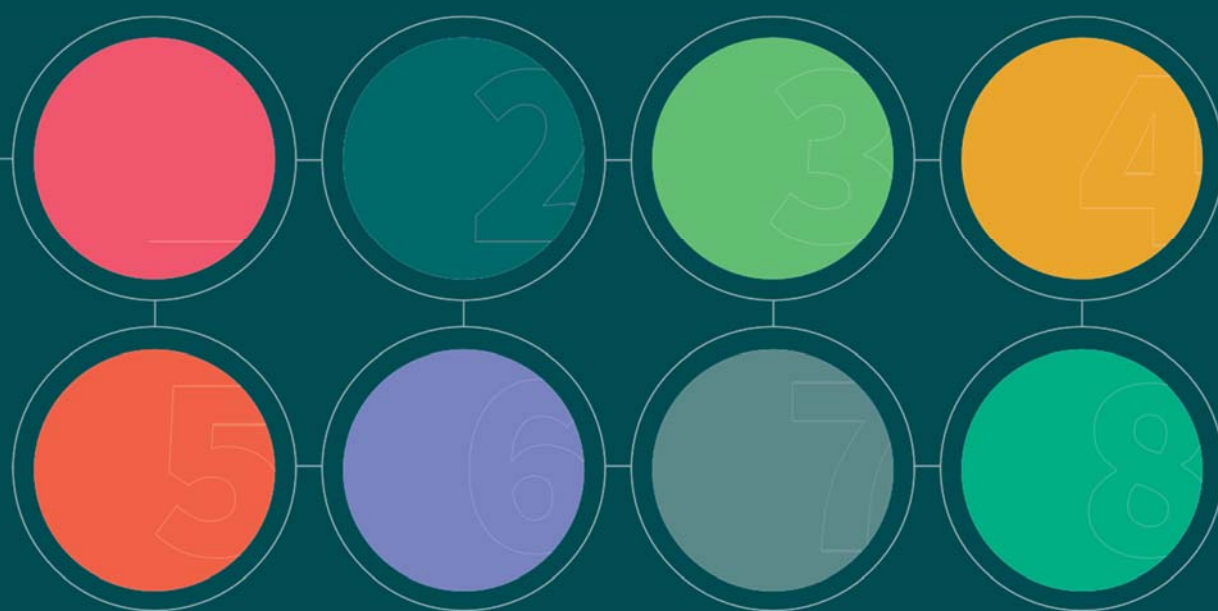


Planning, Economic Development and  
Regeneration  
Environmental Health & Trading Standards  
**Health and Safety Service Plan 2022/2023**





## 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. Ridiculous health and safety excuses grab headlines whilst essential work in protecting workers and the public goes largely unnoticed. Local authority enforcement officers and the Health and Safety Executive have shared responsibility for ensuring public and worker protection throughout the UK. 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, and 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



## Health and Safety Service Plan

---

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. They also reflect guidance issued by the Health and Safety Executive in regard to prioritising safety inspections, interventions and enforcement activity. Service priorities 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. In 2018/19 the cost to the UK was £16.2 billion. The largest costs impact on the individuals effected, not just in terms of financial cost but quality of life or loss of life. The impact is valued at £9.6 billion. The cost to employers is £3.2 billion, and the tax payer costs are £3.5 billion.

<http://www.hse.gov.uk/statistics/cost.htm>

## 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 183,820\*. The Environmental Health & Trading Standards service is located in Linlithgow Partnership Centre, Linlithgow. There are 2194\*\* premises within the area ranging from offices, retailers, service sector, warehouses, leisure and public events. (\*National Records of Scotland mid-year estimate 2020, \*\*As of 01/04/22)

### 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**

The scope of the service is outlined as follows:

- *To inspect business premises within West Lothian, in accordance with recognised inspection frequencies 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, as required by the local accident investigation criteria, taking enforcement action where necessary and giving advice as appropriate;*
- *To react to public and business complaints and enquiries in relation to health, safety and welfare within West Lothian workplaces;*
- *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, compliment 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 service shares enforcement and regulatory responsibilities for health and safety with the Health and Safety Executive. The main demands on the service are driven by routine risk rated inspections and interventions, accident reports and investigations, and concerns and requests for service regarding health and safety. The term health and safety has taken on a very negative and trivialised interpretation due to risk averse and claims conscious organisations using it as a broad brush excuse for avoiding certain activities. However, the real issues which officers have to address in protecting public health include:

- Prevention of serious and 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).

### *Health and Safety Service Plan*

---

- 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. In the last ten years there has been a 23% increase in registered food businesses. However, the overall business profile for health and safety enforcement has reduced by 10.8%.

In line with the enforcement policy, officers are required, when necessary, to take appropriate enforcement action. This may include service of notices, prohibition of activities and equipment, and reports to the Procurator Fiscal leading to prosecutions and time in court.

The principles of better regulation have been a key aspect of how the service is delivered for a number of years. As well as workplace safety inspections and interventions, officers in the commercial team will also carry out a number of food safety and smoking enforcement inspections. This is done to ensure best use of resources and avoid unnecessary additional visits to premises. It is encouraging to note the positive feedback from business consultation exercises in relation to their experience of inspections and enforcement activities.

It is, however, vitally important to remember that the principal purpose of the service in West Lothian is public health protection. In previous years a number of changes were made to the approach taken to inspections e.g. prioritisation of workload, changes in inspection reporting and recording, changes to inspection and workload allocation and geographical distribution, better use of flexible working and council buildings. Further streamlining of the service will be required during 2022 and beyond. We will ensure that attention continues to be given to positive outcomes irrespective of the breadth of service provision in future. Some of these issues are highlighted in 6.3.



### The Importance of Health and Safety to Business

A survey of employees and employers by the Health and Safety Executive highlighted the importance of health and safety in the workplace. Employers tended to see the importance more acutely than employees in many cases (where other work considerations were a higher priority) – however this may be reflective of the general sense that workplaces are in the main safe and controlled environments. There were however a number of responses from employees which raised concerns that their current working environments were not safe. Although a smaller percentage it still amounts to a significant number of workplaces if translated across the whole of the UK.

The majority of employers say that health and safety requirements benefit their company as a whole (73%), save money in the long-term (64%) and defend them against unjustified compensation claims (57%). Most employers also disagree with the contentions that health and safety requirements hamper their business (78%) and are biased against small businesses (54%).

The response from West Lothian business customers has always been favourable for any contact with officers from this service. Customer survey responses are outlined in appendix 5.

<https://www.ipsos.com/sites/default/files/migrations/en-uk/files/Assets/Docs/Archive/Polls/hse.pdf>

## 2.5 Enforcement Policy

In terms of the national local authority enforcement code the service has a written enforcement policy which has been approved by the Council. The policy has undergone an equality impact assessment, and is followed by officers. The policy has also been cited as a good example in the recently approved Scottish Regulators Code of Practice. A copy of the policy is available to anyone on request and is also available on the West Lothian Council website. (<http://www.westlothian.gov.uk/environmental-health>)

## 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 2194 businesses and work places within West Lothian which are allocated to the service for the purpose of monitoring and enforcing health and safety. Inspections and interventions are determined in line with the national local authority enforcement code and LAC 67/2 (rev 11) issued by the Health and Safety Executive. An annual inspection and intervention policy is outlined in appendix 2 and is based on national and local priorities for health and safety.

To ensure best use of resources, inspections and interventions are linked, where possible, to the food safety inspections due and are set as an internal performance indicator. 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 to the very lowest risk establishments.

Officers will also 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 injuries, diseases and dangerous occurrences within certain criteria and timeframes. A risk based and proportionate approach is taken by the service to the investigation of any reports received. It is often said that accidents just happen, however that is not true and the reality is that every accident has a cause. The nature and frequency of the issues reported is used to help identify local priorities for intervention, and any more immediate follow up response required.

A key part of any inspection or intervention is to identify the approach being taken by business operators and staff to reduce the likelihood of accidents and address any issues resulting from these engagements with businesses.

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 and risk bands in relation to service requests received. This information will help inform local elements of the health and safety intervention policy.

### **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. It has been established as one of our priorities for higher risk businesses and fits the model of targeting upstream intervention.

**The service recognises that a well run and viable business will most likely be a safe business. Officers will direct business owners to support and help from colleagues working through Business Gateway. Information sheets are left at every inspection with details of where businesses can get further help and support in this and other aspects of workplace safety. This all works towards 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 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 realise 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 joined up 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 the designated local authority unit staff as and when required.

## **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 second lowest costs per 1,000 population for environmental health (Scottish average is £12,606\*, and West Lothian is £6,882\* – figures from Local Government Benchmark Framework 2020/2021). 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. However, currently 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, increasing population

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

Training and development needs are therefore 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 needs to 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.

A health and safety competency framework for officers is being developed to help give more detail to skills and knowledge pertinent to the different work areas. This was produced in support of national guidance – the Regulators Development Needs Assessment (RDNA). It will provide officers with links to necessary legislation, guidance, technical information, scientific papers etc. and will continue to develop over time. 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 publically. 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 discussions, monthly reporting to senior officers, public reporting of performance through Pentana, accompanied visits, customer survey and service complaints.
- Performance review and personal development planning.
- Training and professional development of officers and management.
- Reporting to external agencies – e.g. LAE1 to HSE.
- Internal reporting to elected members – performance committee, Environment 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.



The environmental health team were also recognised as best performers for 2019 in the APSE Performance Networks Awards. This is a benchmark network of around 250 local authorities throughout the UK.



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 once a 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**

The most significant impact on the service during 2021/2022 was the COVID pandemic and the response required by the service to address the public health concerns and issues resulting. The focus of the commercial team within the service had to move from proactive health and safety interventions in businesses to public health controls in terms of COVID control regulations, and also give priority to the re-start of the food safety inspection programme in September 2021.

There was a reduction in the number of service requests responded to by the team which were mainly driven by the COVID control regulations in the previous year. A significant amount of business engagement was undertaken to assist businesses understand the public health controls and this is evidenced in the increase in alternative intervention activity recorded by the team.

Staffing and recruitment continues to provide challenges within the service. The pandemic has impacted on opportunities for training and developing new staff, but there were some positive developments with the service receiving additional funding to recruit two new staff to deal with COVID and related public health issues in the year ahead. This will provide much needed assistance within the service as attempts are made to train and recruit new staff into vacant posts and address work demands.

Response performance to service requests remained above target, and reflects a positive approach within the team to assist businesses and members of the public with their enquiries. There was a noticeable increase in the number of licence applications the team had to deal with from the previous year, as COVID restrictions lifted and more events became viable again. These can create a significant amount of work for the team in ensuring that public safety standards are in place.

There was an increase in accidents reported to the service from the previous year. The numbers reported are more in line with normal years, and the dip in 2020/21 is most likely due to a significant reduction in business activity in response to the COVID pandemic.

The business satisfaction responses for those businesses we engage with remains very positive.

Performance and workload comparisons are made in appendix 3.

### **6.3 Areas for Improvement / Challenges.**

In addition to the challenges from workload and staffing resource which would have impacted the service in normal circumstances, the ongoing COVID situation, and prioritisation of the food safety inspection re-start, created a significant impact in being able to carry out the inspection plans for 2021/22. As the service continues to recover from COVID restriction controls in premises and workplaces it is likely that any on-site activity will be focused on highest priority establishments. There is likely to be a significant reduction in proactive interventions to sites and an increased 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 2022/23 and ongoing:

- 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 2022/23 are outlined in appendix 3.

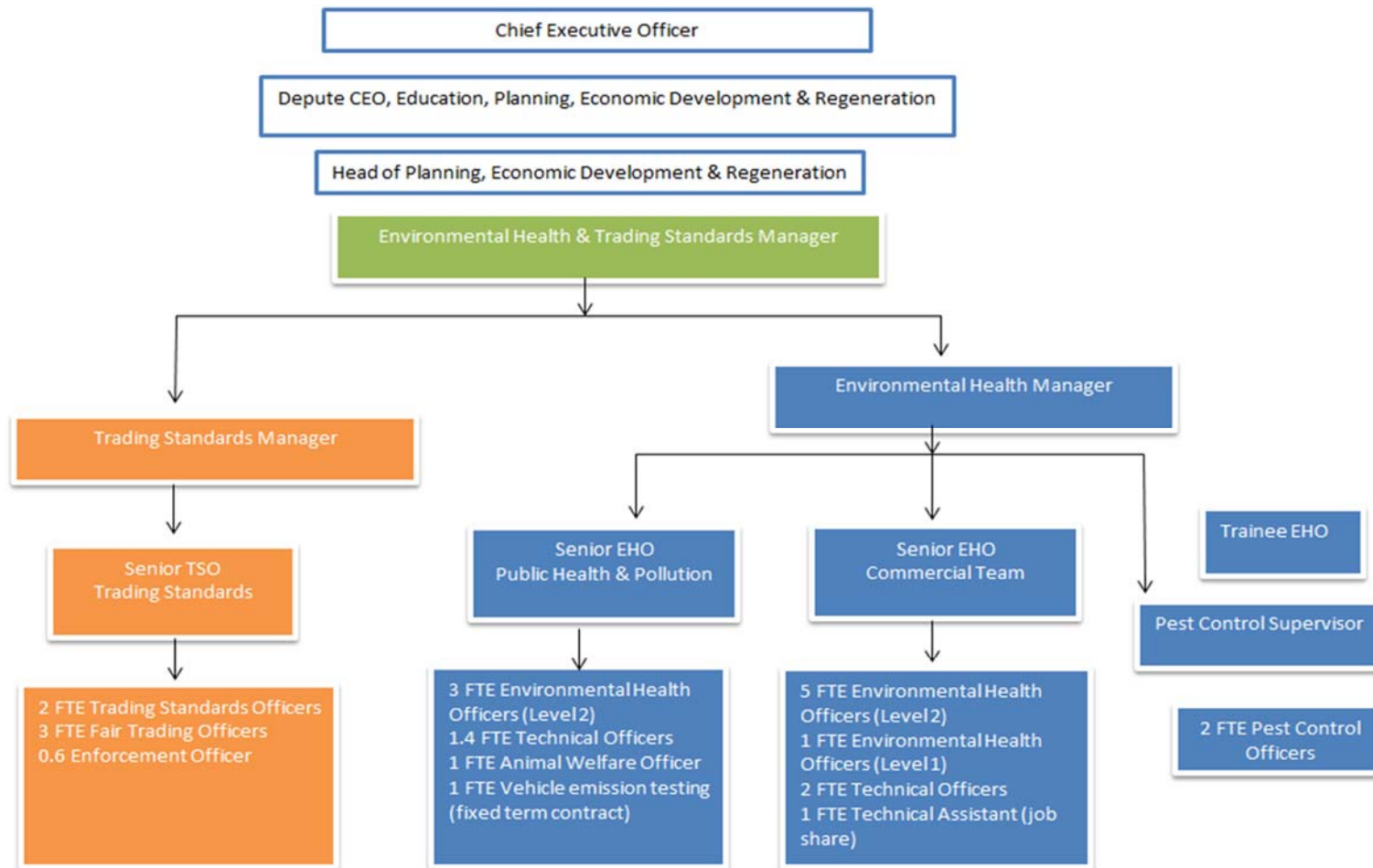
The plan for 2022/23, and beyond, is to ensure the service focuses resources at priority areas of work, and takes the correct action to protect public health when risks are identified.



**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 2022)**





## 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 11) 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 required to visit premises under various pieces of non-health & safety legislation. Where West Lothian Council also enforces health and safety in these premises it will be an opportunity to review the level of health & safety compliance, having regard to current guidance. Officers are expected to deal with matters of evident concern or other major health & safety issues. 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. Regular contact with businesses is therefore essential and as such all premises due for review under the risk rating scheme will receive a mailshot as a minimum intervention.

In line with the National Local Authority Enforcement Code new business will be provided with an advisory visit.

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 replaces the existing S18 Standard and 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 11)- 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 ([See List of activities/sectors for proactive inspection by LAs](#)); or
- Locally identified potential poor performers. This is where specific local intelligence indicates that risks are not being effectively managed.

#### Intervention Types (Details in LAC 67/2 (Revision 11) – Annex D)

All premises will be reviewed at the beginning of the financial year, and based on nature of establishment, local intelligence and other elements of LAC 67/2 (Revision 11), 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.

<p><i>Enforcement</i></p> <p><a href="#">(WLC, EH&amp;TS Enforcement Policy)</a></p>	<p>Inspection and investigation provide the basis for enforcement action to prevent harm, to secure sustained improvement in the management of health and safety risks and to hold those who fail to meet their health and safety obligations to account. Enforcement also provides a strong deterrent against those businesses who fail to meet these obligations and thereby derive an unfair competitive advantage.</p>
<p><i>Revisit</i></p>	<p>To follow up on earlier interventions to check their impact and efficacy</p>

**List of activities/sectors for proactive inspection by LAs – only these activities falling within these sectors or types of organisation should be subject to proactive inspection**

<b>No</b>	<b>Hazards</b>	<b>Potential poor performers within an industry sector</b>	<b>High Risk Activities</b>
1	Explosion caused by leaking LPG	Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
2	E.coli/ Cryptosporidium infection esp. in children	Open Farms/Animal Visitor Attractions	Lack of suitable micro-organism control measures
3	Fatalities/injuries resulting from being struck by vehicles	High volume Warehousing/Distribution	Poorly managed workplace transport
4	Fatalities/injuries resulting from falls from height/ amputation and crushing injuries	Industrial retail/wholesale premises	Poorly managed workplace transport/ work at height/cutting machinery /lifting equipment
5	Occupational deafness	Industrial retail/wholesale premises	Exposure to excessive noise (e.g., steel stockholders).
6	Industrial diseases / occupational lung disease (silicosis)	Industrial retail/wholesale premises	Exposure to respirable crystalline silica (Retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g., gravestones or kitchen resin/stone worktops)
7	Industrial diseases / occupational lung disease (cancer)	Industrial retail/wholesale premises	Exposure to all welding fume regardless of type or duration may cause cancer. (e.g., Hot cutting work in steel stockholders) Exposure to be controlled with LEV and or appropriate RPE.
8	Occupational lung disease (asthma)	In-store bakeries and retail craft bakeries where loose flour is used and inhalation exposure to flour dust is likely to frequently occur i.e. not baking pre-made products.	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g., tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing, dusting with flour by hand or using a sieve, using flour on dough brakes and roll machines, maintenance activities or workplace cleaning.
9	Musculoskeletal Disorders (MSDs)	Residential care homes	Lack of effective management of MSD risks arising from moving and handling of persons
10	Falls from height	High volume Warehousing/Distribution	Work at height
11	Manual Handling	High volume	Lack of effective management of manual

		Warehousing/Distribution	handling risks
12	Crowd management & injuries/fatalities to the public	Large scale public gatherings e.g., cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour as they arrive, leave and move around a venue
13	Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
14	Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling e.g., betting shops/off-licences/hospitality) and where intelligence indicates that risks are not being effectively managed	Lack of suitable security measures/procedures. Operating where police/licensing authorities advise there are local factors increasing the risk of violence at work e.g., located in a high crime area, or similar local establishments have been recently targeted as part of a criminal campaign
15	Fires and explosions caused by the initiation of explosives, including fireworks	Professional Firework Display Operators	Poorly managed fusing of fireworks

**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 <b>all</b> 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 <a href="#">HSE Accident selection criteria</a> .  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.*

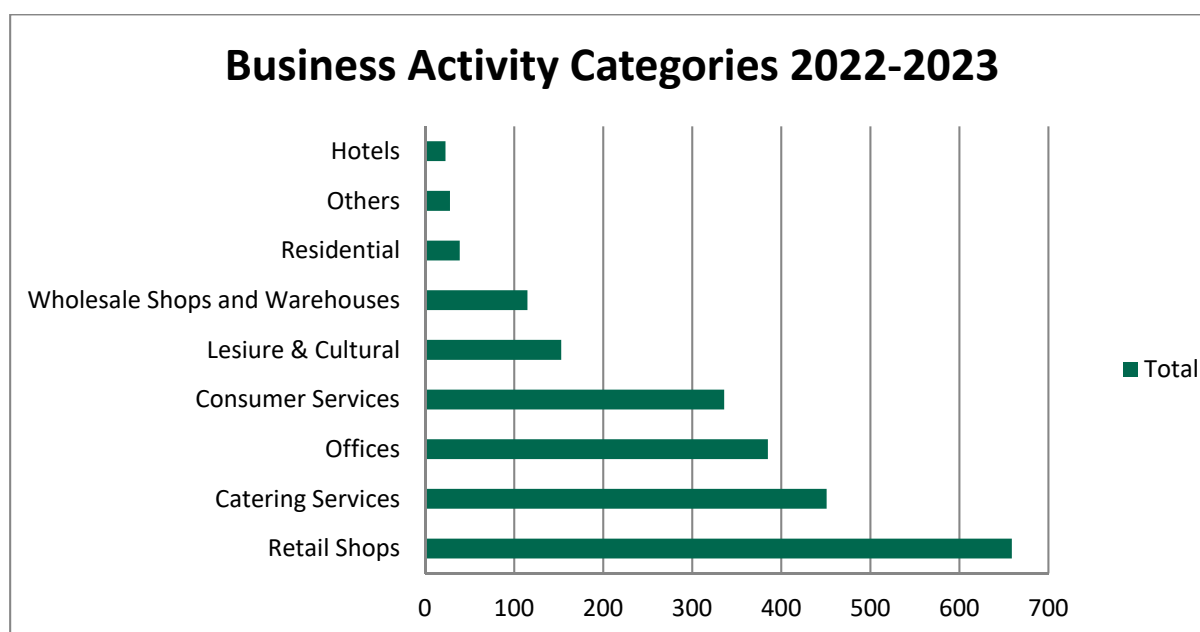
*\*\*\* Officer development visits will be appropriate to certain business types and activities. These visits will most likely be pre-announced.*



### Appendix 3 – Workload Comparisons and Priorities

Activity	2018/2019	2019/2020	2020/21	2021/22
On site inspections / interventions completed	177	110	_*	0*
Alternative interventions (non-site visit)	142	272	936*	886*
Revisits and other visits	119	86	35	17
Number of enquiries (not licensing)	60	94	651	284
Number of licensing enquiries	200	132	28	130
Enquiries responded to on time (Target 85%)	84.6%	90.9%	97.1%	95.6%
Number of registered premises	2443	2402	2397	2442
Reports to Procurator Fiscal	0	0	0	0
Improvement Notices	0	6	0	0
Prohibition Notices	2	4	0	0
Accident reports	90	73	54	83

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



## Inspection and Intervention Workload

**Table 1. 2022/2023 Planned Interventions**

Activity / Sector	Intervention Description	Number planned
Warehouse safety	Visit	109
Gas safety	Visit* / other intervention strategy	288
Newly registered	Visit* / other intervention strategy	287

\*For 2022/23 will visit only if allocated with other type of higher risk food safety intervention, or consider appropriate for officer development purposes. Otherwise will be subject to other intervention strategy.

## Workload Priorities

Priority	Category	Description
1	Emergencies and threats to public health	<ul style="list-style-type: none"> <li>Fatalities / serious accidents.</li> <li>Public health incidents.</li> <li>Revisits to secure compliance.</li> <li>Formal action to protect public health (prohibition notices etc.)</li> <li>Serious workplace safety concerns.</li> </ul>
2	Highest consequence proactive	<ul style="list-style-type: none"> <li>Routine workplace safety inspections: <ul style="list-style-type: none"> <li>Proactive interventions categories.</li> </ul> </li> </ul>
3	High consequence proactive / reactive	<ul style="list-style-type: none"> <li>Guidance to potentially high risk new establishments.</li> <li>Project / support activities to address high consequence public health issues.</li> </ul>
4	Medium consequence proactive / reactive	<ul style="list-style-type: none"> <li>Routine health and safety interventions: <ul style="list-style-type: none"> <li>Other sectors / activities.</li> </ul> </li> <li>Street traders certificates of compliance, and Section 50 certificates (Licensed establishments).</li> <li>Project / support activities to support service delivery and customer / business information access.</li> </ul>
5	Lower consequence proactive / reactive	<ul style="list-style-type: none"> <li>Consultations / comments – licensing of events, planning etc.</li> <li>Guidance to low risk new establishments.</li> </ul>

## Appendix 4 – Accident Notifications and Requests for Service Review

A review of accidents reported and requests for service to the team between 2016 – 2019 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 three 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 three years (2020 – 2023), and thereafter on a rolling 3 year assessment and plan.

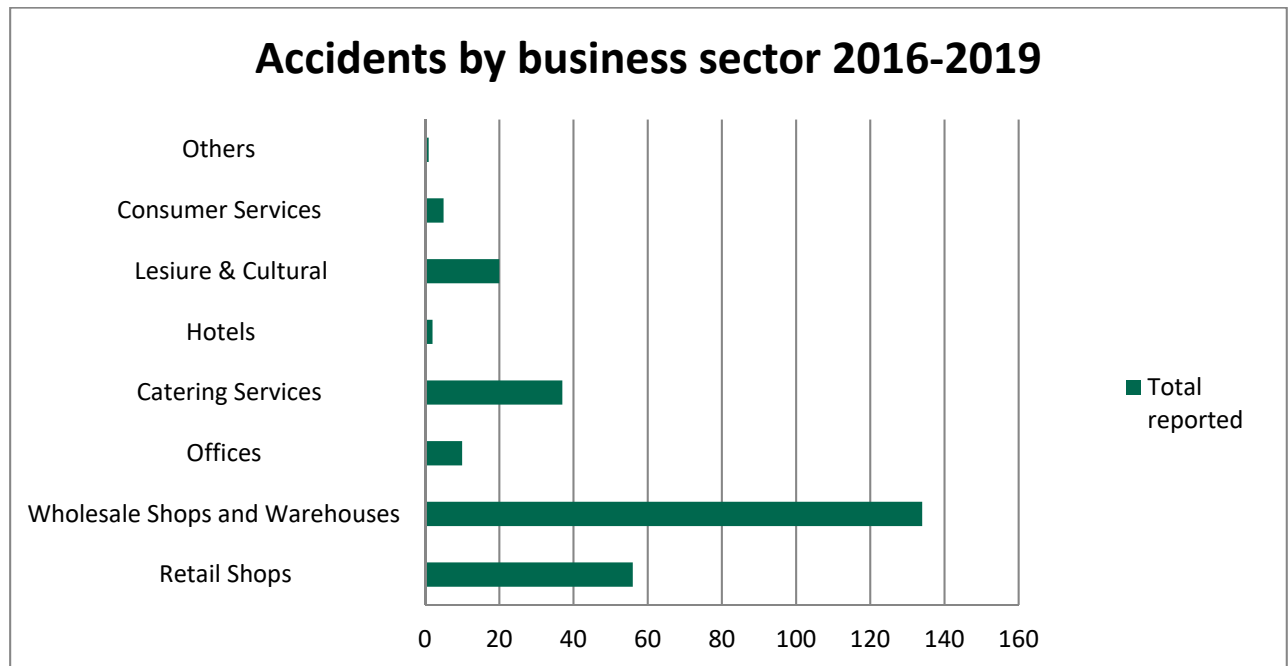


Table 1.

Of the accidents reported most came from the wholesale shops and warehouses, and retail shops sectors (see table 1). Catering services sector was the next highest reporter.

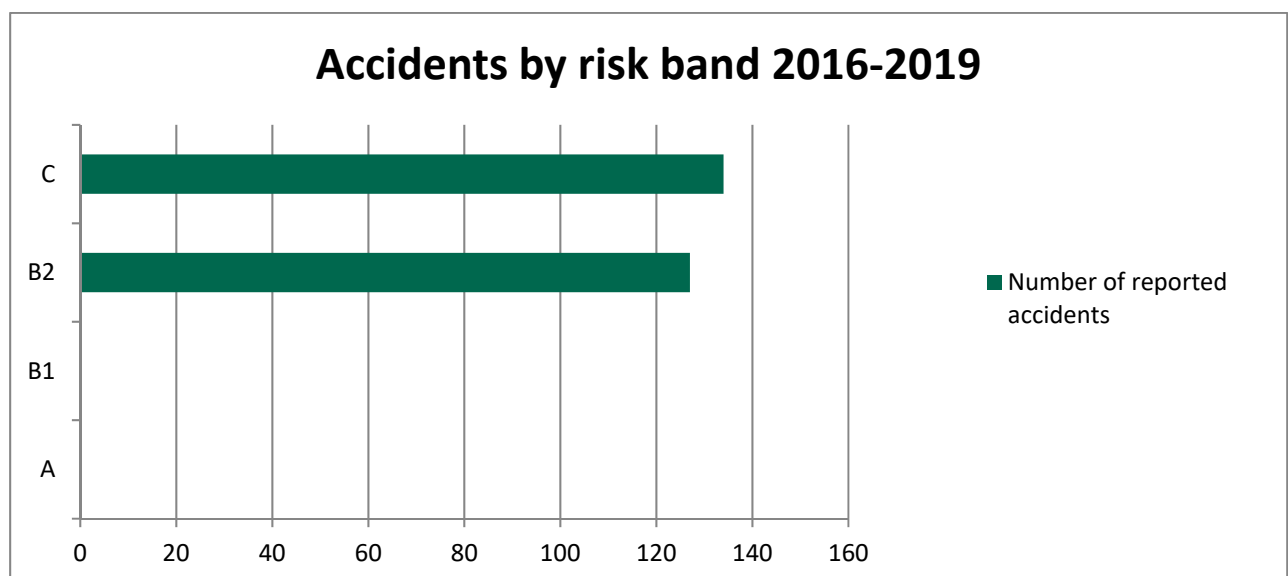


Table 2.

The highest number of reported accidents came from businesses within risk band C. (Table 2) These are generally the premises rated as lowest risk following inspections. These along with B2 rated premises (next highest reported) are not highlighted within HSE guidance as routinely requiring inspection. However, this local data would suggest further intervention and consideration is required.

The types of accident being reported and types of injury resulting were also analysed for all premises and those within risk bands B2 and C. The results highlight the same 3 prominent issues for accident types and for injury types in all cases. See table 3 and 4 below.

3 most reported accident types (Table 3):

- Slips, trips and falls (same level)
- Handling / lifting etc.
- Hit by moving / flying object.

3 most reported injury types (Table 4):

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

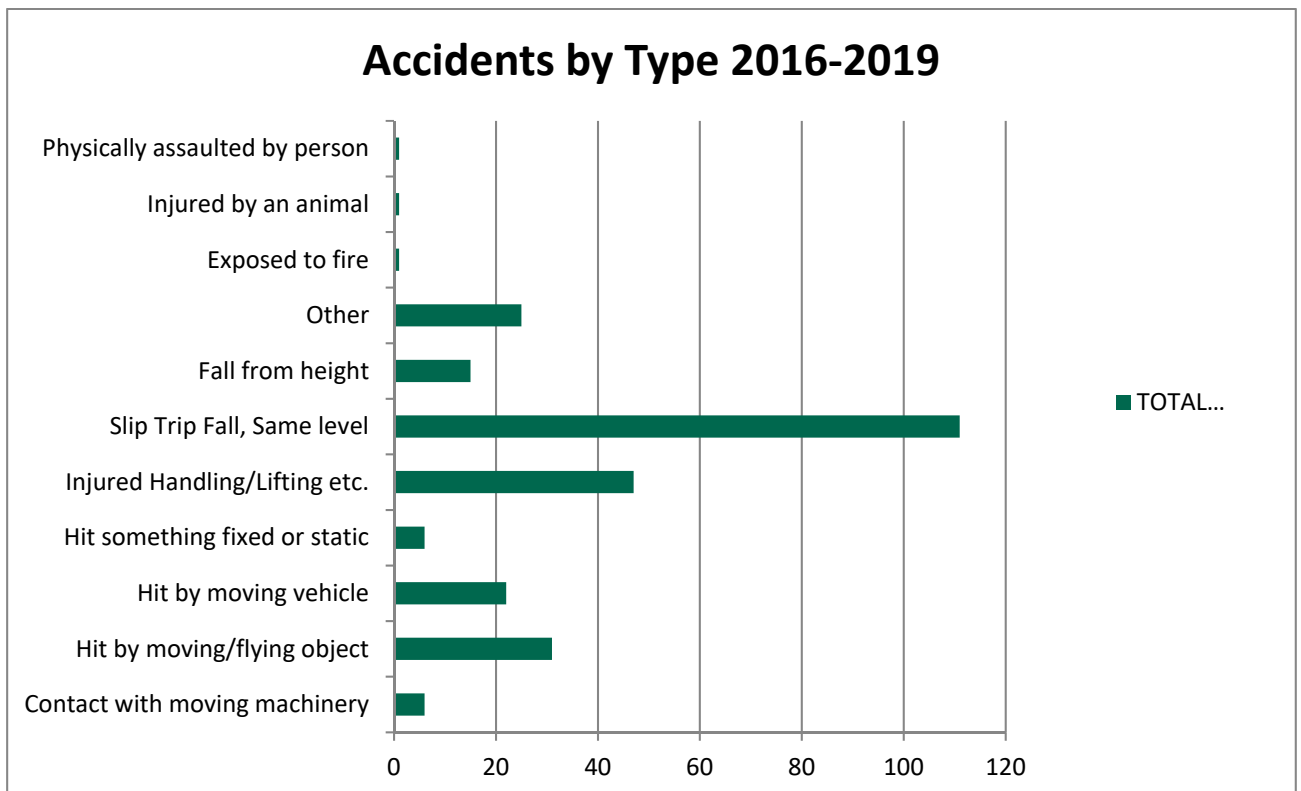


Table 3.

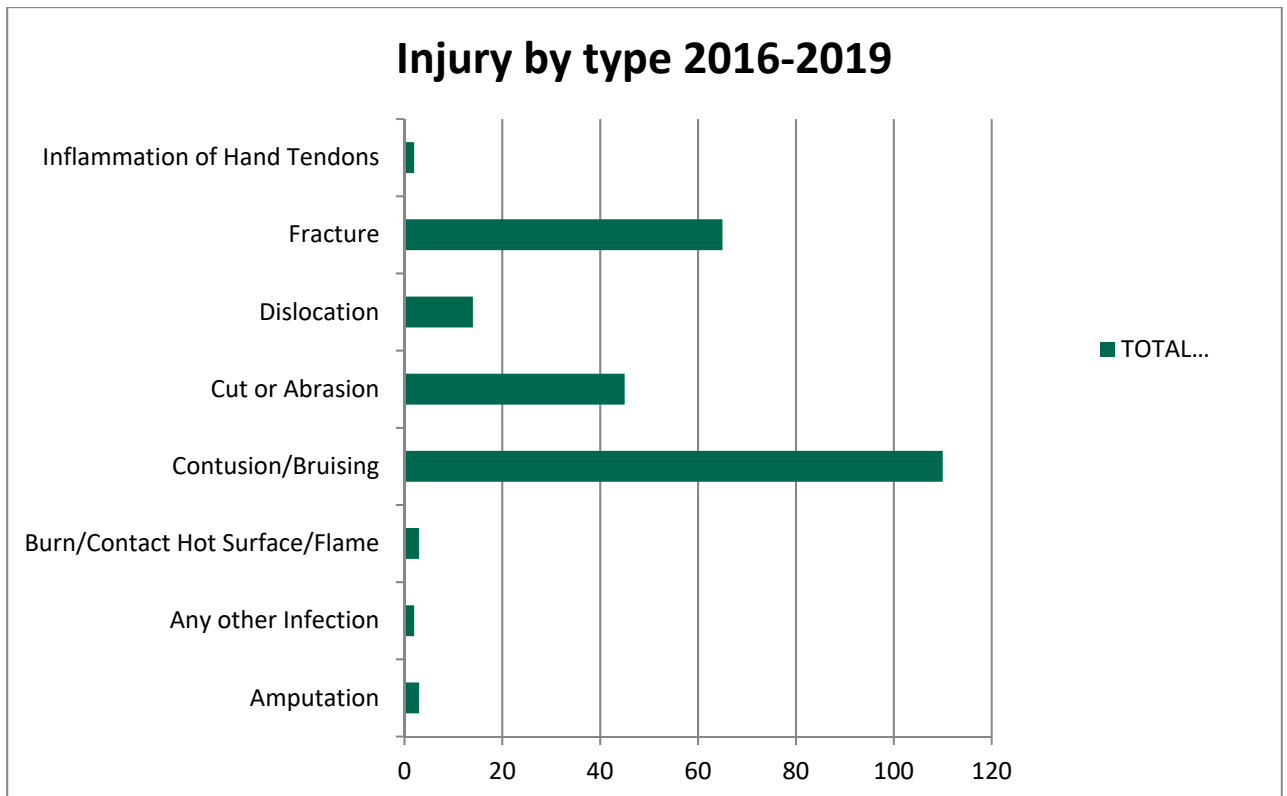


Table 4.

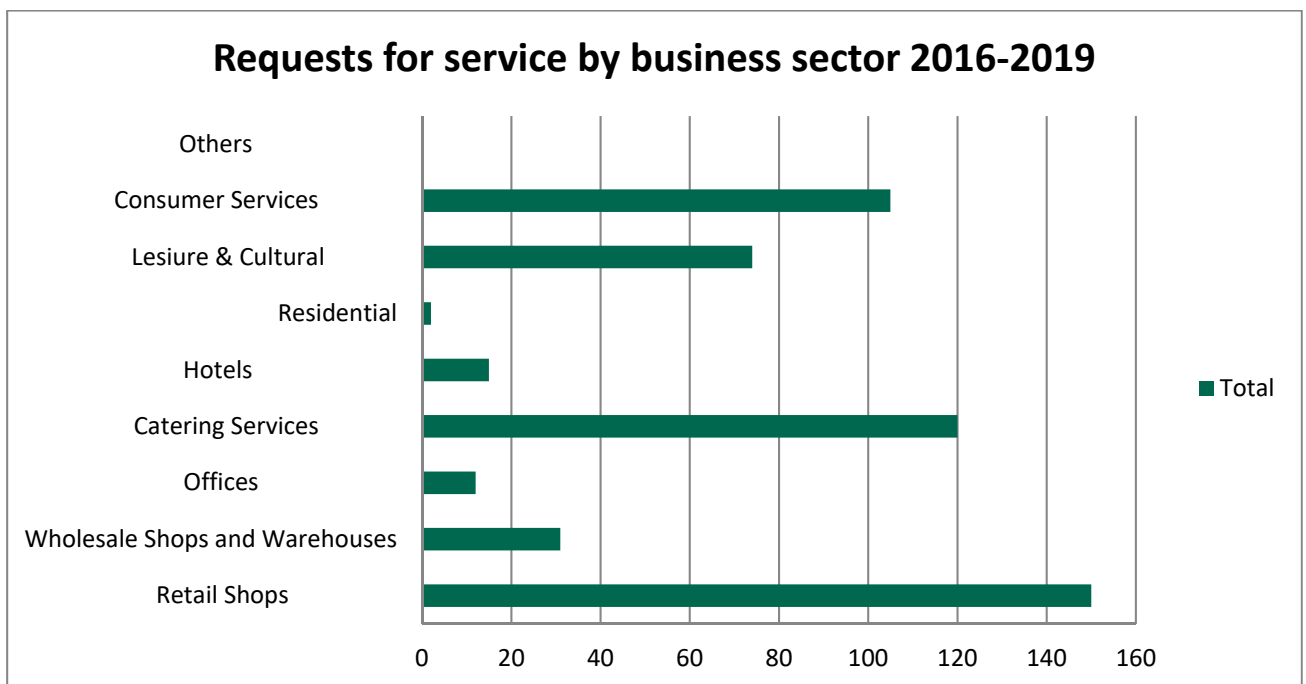


Table 5.

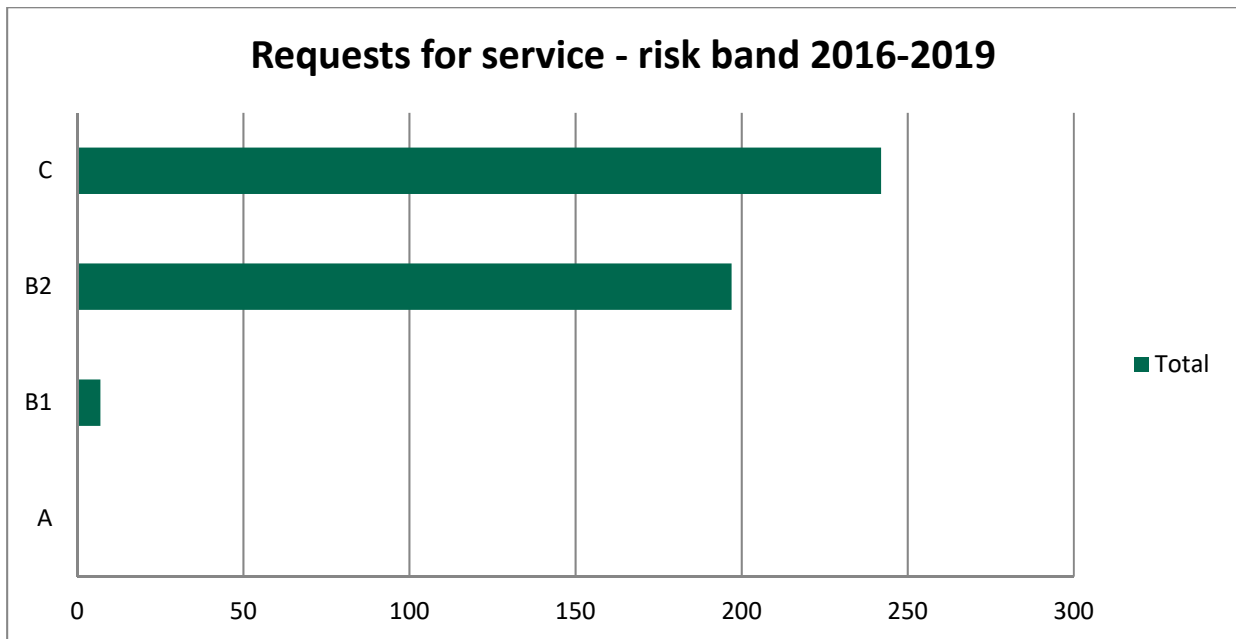


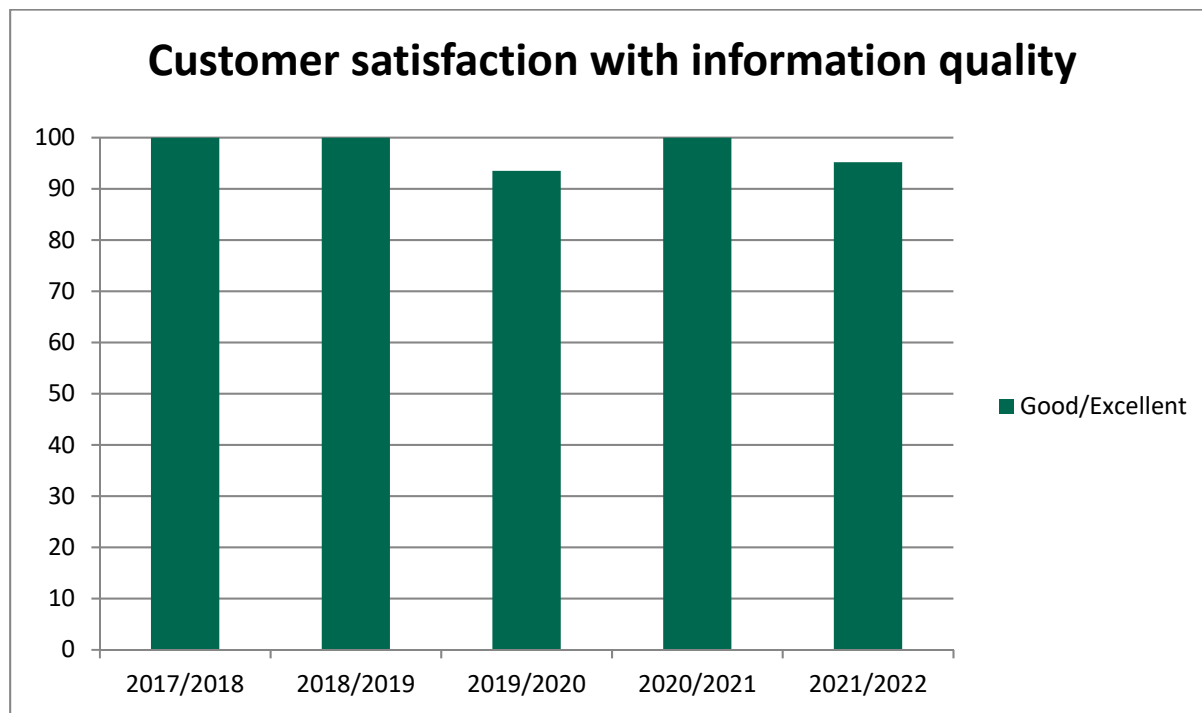
Table 6.

Table 5 and 6 look at the requests for service received by business sector and risk band. A large number of requests dealt with by the service did not have an allocated business type. However, the information generally supports the data in regard to the top 3 business sector categories and risk banding for accidents outlined above.

This data helps provide a focus for the local intervention strategy within West Lothian.

## 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 so positively. Business customers are surveyed annually to help us ensure that officers are providing the best service possible. It remains a difficult balance when officers are having to take enforcement action and convey challenging information. Other information gathered in our annual surveys is highlighted in the table below.

	2021/2022	2020/2021	2019/2020
Staff overall knowledge and professionalism (good/excellent)	91.7%	96%	95.8%
Overall level of service (good / excellent)	94.4%	96.2%	95.8%
Treated fairly at all times	97.4%	96.2%	97.5%

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 2022/2023
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. Work in partnership in specific areas	Planning and building warrant application comments. Licensing applications and comments.	No change to current approach.



Development, Legal & Licensing, Education services, Operational services.	of interest.	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.