

Health & Safety Service Plan

2011-2012

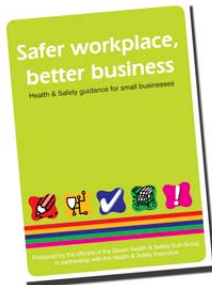


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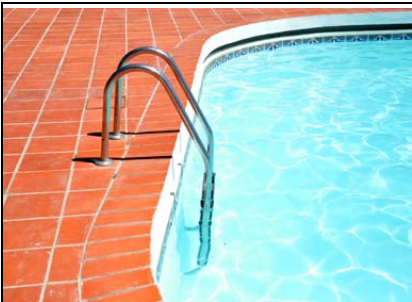
In 2010 the Employment Tribunal found in the Council's favour and agreed that the Council had acted correctly in serving a Prohibition Notice on a large hotel following a fatality where a member of the public had fallen over a balcony.



In partnership with other Devon Local Authorities the Safer Work Better Business pack is now launched and is designed to help small to medium sized businesses manage health and safety in their premises.



In 2010/11 the Food and Safety Team inspected every residential home in the Bay (approx. 120) to ensure compliance with health and safety law. There has been a very positive response from the homes and there has been an improvement in the management of health and safety as a result of this project.



The Food and Safety team have now completed their targeted intervention on improving the safety of swimming pools. This has been a successful piece of work and it means that the tourists and residents in Torbay can now swim in much safer swimming pools.



97% of the high risk health and safety inspections have been completed in 2010/11.

TORBAY COUNCIL

HEALTH AND SAFETY SERVICE PLAN 2011/12

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Appendix I Performance Indicators

TORBAY COUNCIL HEALTH AND SAFETY SERVICE PLAN

1.0 Service Aim, Objectives, Key Tasks and Targets

1.0 Introduction

This is the ninth Health and Safety Service Plan produced by Torbay Council's Community Safety Business Unit in response to the Health and Safety Executive's mandatory guidance produced under Section 18 Health and Safety at Work etc Act 1974, in September 2001. The plan is intended to inform residents and the business community of Torbay and the wider audience of the arrangements Torbay Council have in place to regulate health and safety at work.

The primary function of the Business Unit is to provide education and advice to businesses in Torbay to help them comply with the requirements of the legislation. It provides this support in partnership with the Health and Safety Executive.

In addition to providing education and advice, inspections and investigations are undertaken at premises that are classified as either high risk, or there is intelligence or complaints about working practices or the safety of premises.

Where businesses fail to comply with the advice given and fail to provide a safe working environment for employees and the public at large, then the Business Unit will use its enforcement policy to protect them, and in doing so provide a fair and even playing field in which businesses can operate.

To many, health and safety is seen as a burden on business. In fact the opposite is true, in that poor health and safety will result in accidents and poorer health which results in extensive time off work, and this impacts directly on the business and ultimately on the economy of Torbay. It also potentially gives an unfair advantage to those who might ignore the law.

1.1 Aims and Objectives

The objectives of the Health and Safety at Work etc Act 1974 are:

- securing the health, safety and welfare of persons at work;
- protecting persons other than persons at work against risks to health or safety arising from work activities;
- controlling explosive, highly flammable or dangerous substances;
- controlling the emission of noxious or offensive substances from prescribed classes of premises.

1.1.2	<p>Since 1974 all Local Authorities have had statutory duties to enforce health and safety at work legislation in premises. Nationally, Local Authorities enforce this legislation in 1.2 million premises. These are offices, shops, retail and wholesale distribution outlets, the hotel and catering sector, residential care homes and the leisure industry.</p> <p>If a Local Authority fails to meet its statutory obligations, the Secretary of State may invoke intervention powers, following a local enquiry. Torbay Council meets these requirements.</p>
1.1.3	<p>The Health and Safety at Work etc Act is the primary statute, under which there are numerous regulations, e.g. COSHH, First Aid at Work, accident reporting (RIDDOR), etc. The regulations are aimed at improving and preserving standards for the health, safety and welfare of persons at work and those who may be affected by the work activity.</p>
1.1.4	<p>In implementing its policy the Council is mindful of the pressures on local businesses particularly where, for example, the economy is seasonal and subject to fluctuation.</p>
1.1.5	<p>This policy will be put into effect by the Commercial Team within the Community Safety Business Unit. Procedural notes will support the policy where necessary to assist staff in delivering a high quality and consistent service.</p>
1.1.6	<p>Whilst the Commercial Team offers a full range of education, advice and enforcement duties under the Health and Safety at Work etc Act 1974, it does not offer this on premises operated by the Council. The Council employs staff independently to offer advice to the Council and any enforcement is undertaken by the Health and Safety Executive. There will however be much closer working with the Council's internal health and safety team as they are now also under the management of the Executive Head of Community safety.</p>
<p>1.2 Links to Corporate Objectives and Plans</p>	<p>The desired future for Torbay is contained within its overall vision:</p> <p style="text-align: center;">“A cleaner, safer, prosperous Bay”</p>

1.2.2

We are committed to living up to these principles in everything that we do and in all decisions we make.

There are four key corporate themes that feed from the new community plan, 'Turning the Tide for Torbay' 2007/27. These are

1. The New Economy
2. Stronger Communities
3. Pride in the Bay
4. Learning and Skills for the Future

The Health & Safety function significantly contributes to the priorities highlighted above. The service links directly with an Elected Member who is the Cabinet Member for Community Safety

1.2.3

The health and safety service also links directly with other corporate policies on Equal Opportunities, Sustainability and Crime and Disorder.

2.0 Background

2.1 Authority Profile

Torbay is a Unitary Authority comprising the coastal towns of Torquay, Paignton and Brixham. It has an estimated population of 136,300 rising to 200,000 during the summer months. The Council covers an area of 25 square miles (6450 hectares). There are 22 miles of coastline, and its geographical location and reputation as the English Riviera demand that it is an area heavily dependent on tourism. Torbay hosts 9 million bed nights each year, and the industry employs 15,000 people both directly and indirectly. The industry accounts for 13.5% of the areas gross domestic product. Many of the smaller premises are seasonal, opening only between Easter and October each year.

At the start of 2011/12 there are 3177 businesses registered on the Division's database, within Torbay for whom Torbay Council is the enforcing Authority. These can be profiled as:

33.51%	Retail shops
18.16%	Catering, restaurants and bars
12.86%	Hotels, campsites and other short stay accommodation
13.46%	Consumer services
11.00%	Offices
4.51%	Leisure and cultural services
3.56%	Residential care homes
2.21%	Wholesale shops, warehouses and fuel storage depots
0.73%	Other

2.1.2

The Community Safety Business Unit is located at Roebuck House in Torquay. Torbay Council also has a one-stop-shop in each town (Torquay, Paignton and Brixham) known as "Connections". Normal office hours are 9.00 am – 5.00 pm. There is also an Emergency Out of Hours system which is currently under review.

2.2

Scope of the Health and Safety Service

The principle areas of health and safety work are:

- (i) Providing targeted training to identified sectors.
- (ii) Inspection of workplaces;
- (ii) Investigation of accidents;
- (iii) Investigation of health and safety related complaints made by residents and visitors to Torbay;
- (iv) Health and safety advice to traders, residents and visitors to Torbay;
- (vi) Inspection and sampling within workplaces, e.g. swimming pools, legionella;
- (vii) Administering, inspecting and taking enforcement action under Petroleum Licensing legislation
- (viii) Administering, inspecting and taking enforcement action under Sunday Trading legislation.
- (ix) Administering, inspecting and taking enforcement action under Manufacture and Storage of Explosive Regulations.
- (x) Supporting Trading Standards with regard to Test Purchasing operations, notably fireworks and petroleum products
- (xi) Administering and undertaking annual inspection of premises with Zoo licences.

At the present time, two operational teams within Community Safety undertake health and safety

enforcement. These are the Food and Safety team and the Licensing and Public Protection Team

In premises where food issues take precedence over health and safety, then the Food and Safety team will continue to take the lead for the purpose of inspection and enforcement in both food safety and health and safety. Officers from the Licensing and Public Protection team will take the lead in premises where health and safety matters are predominant over food (e.g. DIY stores and nightclubs). This may be altered from time to time to allow flexibility between the teams.

2.3 HSE Priorities

The HSE has identified a number of priority hazards to be tackled during 2011/12 by Local Authorities as part of their enforcement activities. This is undertaken through partnership working with the Health and Safety Executive. Although these priorities remain the same, the emphasis within these priorities changes and the types of premises being targeted changes. The main five hazards have been determined as:

- Dermatitis in catering
- Workplace temperatures
- musculoskeletal disorders;
- Vulnerable and migrant workers
- Slips and trips.
- Management of asbestos

To enable Torbay Council to effectively target resources to areas of highest health and safety priority, both national and local priorities are incorporated into the teams annual work plan.

2.4 Enforcement Policy

Torbay Council's approach to enforcement reflects the responsibilities placed upon it by the Health and Safety at Work etc Act 1974 (the 'Act') and the range of powers that the Act makes available, including regulations made under the Act.

It is Torbay Council's policy that enforcement action, be it verbal warnings, the issue of written warnings, statutory notices or prosecutions, is primarily based upon an assessment of risk or/and the seriousness of any alleged offence.

2.4.1

Torbay Council endorses and fully supports the Principles of Good Enforcement as set out in the Enforcement Concordat published by the Cabinet Office in March 1998. The Council formally adopted the Enforcement Concordat in 2000. The Regulatory Compliance Code came into effect on 6th April 2008, and Torbay Council is required to comply with this. As part of demonstrating its compliance, the Business Units Enforcement Policy has been reviewed and published.

2.4.2	It is Torbay Council's policy to follow guidance on enforcement action contained in the HELA and Health and Safety Executive guidance. Any departure from this policy will be exceptional, capable of justification and will, where appropriate, involve consultation with the Devon Health and Safety Liaison Group and HELA. All health and safety enforcement officers are required to support and comply with this policy and will be given sufficient information, instruction and training to enable them to do so.
2.4.3	In accordance with the Health and Safety Executive (HSE) Enforcement Policy Statement, Torbay Council implemented the Enforcement Management Model (EMM) during 2005/06 and has used it since. The EMM is a standard reference document that is intended to help enforcement officers make enforcement decisions.
2.4.4	<p>Initial and ongoing training will be given to all health and safety enforcement officers to ensure they understand the requirements of these policies and abide by the terms of the policies where making an enforcement decision. EMM training for all officers was completed in March 2004 through the Devon Health and Safety Sub Group.</p> <p>Over the last year an Enforcement Panel has been introduced within Community Safety where officers from Community Safety bring any pending formal action to the table to discuss with representatives from the Council's Legal team. This helps to ensure a consistent approach and that legal cases are dealt with in a timely manner.</p>
2.4.5	All Council employees hold identity cards, which state the name, position and incorporate a picture of the cardholder. Enforcement Officers carry an additional identification card, again incorporating a photograph, which details their powers and duties under the legislation they have the powers to enforce. Enforcement Officers when calling to a home or place of business will always show their enforcement identification card.

3.0 Resources

3.1 Allocation of Staff

	EHO/ FSO	Additional HSW Qualifications	APD or Equivalent	FTE	Authorised S19 Inspector
Environmental Health Manager (Commercial)	EHO	✓	✓	0.1	✓
Principal Environmental Health Officer (Food and Safety)	EHO	✓	✓	0.2	✓
Principal Environmental Health Officer (Licensing and Public Protection)	Vacant				
Senior Environmental Health Officer	EHO	x	x	0.2	✓
Senior Environmental Health Officer	EHO	✓	x	0.2	✓
Senior Environmental Health Officer	EHO	✓	x	0.5	✓
Senior Environmental Health Officer	EHO	x	x	0.2	✓
Senior Environmental Health Officer	EHO	x	x	0.2	✓
Environmental Health Officer	Non Ehorb	x	x	0.2	x
Senior Environmental Health Officer	EHO	x	x	0.1	✓
Senior Environmental Health Officer	EHO	✓		0.2	✓
Health and Safety Officer	HSO	✓	N/A	0.2	✓
Licensing Officer	LO	✓	N/A	0.1	✓
School Meals Client Officer	EHO	x	✓	0.1	✓

3.1.1

The commercial side of the Community Safety team has been restructured to meet the challenges presented to it by the reduction in resources and the changes following the Hampton review with the introduction of the Local Better Regulation Office.

3.1.2

The area of health and safety has also recently been reviewed by Lord Young and a number of the recommendations will have an impact on the work of Local Authorities. Some of the main recommendations covered areas such as minimising the regulatory burden on businesses, ensuring sensible Risk management and encouraging a multi agency approach. There are also discussions being held by the Health and Safety Executive which may result in a shift in the types of premises that the Local Authority inspect and leading to a change in the Enforcement Allocation Regulations.

3.1.3	<p>From the 1st April 2010 Community Safety has re-organised from three into two teams, with a new strategic manager overseeing the whole of the commercial regulatory side of the department. This has resulted in a slight reduction in resources, however the restructure has off set some of this reduction by more efficient working. The overall aim was to achieve better integration of the different services, providing a more business friendly support service, offering advice and support to business. This has also led to better intelligence sharing so inspections and interventions are targeted at higher risk businesses, particularly those where the intelligence identifies the need for intervention.</p>
3.1.4	<p>The outcome has been that the better managed premises are trusted with advice, while poorer premises, often with a record of poor compliance, are targeted with further inspections, so making the 'playing field' more even and improving the overall safety of premises.</p>
3.2 Staff Development Plan	<p>Staff development is an ongoing process and takes the form of both formal structured training and ongoing workplace training. Training is made available wherever possible.</p>
3.2.1	<p>There is a two monthly Health and Safety meeting, chaired by PEHO (Food and Safety), which provides opportunities for staff to raise any relevant issues, including those relating to consistency, in an open forum situation. This provides a useful training opportunity and sharing of information. There are also monthly team meetings of both the Food Safety Team and Licensing and Public Protection Team.</p>
3.2.2	<p>Procedural manuals are regularly reviewed with the team as a whole. Officers then have the opportunity to influence future work and direction. Much work has been undertaken with the Devon-wide Health and Safety Sub Group in the development of such procedures to improve local consistency.</p>
3.2.3	<p>Torbay Council is committed to ensuring that its Officers are able to fulfil equivalent requirements of the NVQ5 Standard for Inspectors, through the implementation of the Regulators Development Needs Analysis (RDNA) tool and new Section 18 standard. This is a rolling programme of in-house and Devon wide training, which will contribute towards Officers competencies. Following completion of the RDNA tool in 2010/11 some areas of additional training were identified e.g. Gas Safety and Electrical Safety and this is now being provided both internally and by the Devon Health and Safety Sub Group.</p>
3.2.4 Access to Information	<p>There is a wide range of technical information available to Officers to assist in their enforcement duties. The majority of information is received and stored electronically from HSE, with more complex, regularly used publications being stored on hardcopy. All Officers have Internet access and access to publications. A new register of Expertise in Devon has been set up through the health and safety Sub Group should officers require more expertise in a particular area of work e.g. legionella, asbestos.</p>

3.2.5 Liaison with Other Statutory Agencies

Health and safety enforcement routinely requires liaison with other statutory agencies. Within the Community Safety Business Unit this includes: Food and Safety; Licensing and Public Protection; Trading Standards Officers; and Environmental Protection. Much of this liaison is informal, as the teams are co-located.

An arrangement exists with the Council's Planning and Development Business Unit, to enable Health and Safety Officers to view the weekly Planning Application lists. This enables Officers to detect new businesses and identify potential welfare issues with new developments, and offer advice on corrective issues to the applicants at any early stage.

Long established liaison arrangements also exist with Devon and Somerset Fire and Rescue Service. Information on potential hazards is shared, in both directions, where there is a shared enforcement responsibility. Devon Fire and Rescue Service have a nominated Local Authority Liaison Officer through whom referrals are made.

4.0 Service Delivery

4.1 Health and Safety Premises Inspections

The purpose of a health and safety inspection is to identify hazards and risks within a working environment, both to employees and others who may be affected by the work activity, and seek to ensure that they are controlled. Officers visit premises on a routine basis, as well as when following up complaints or investigating accidents. Officers may take samples of equipment or environmental samples for analysis to ensure that health and safety provisions are complied with.

Premises are categorised according to risk, and in the past this determined their frequency of inspection. The risk category can change year on year, as the actual risk changes, due to factors such as improved management, or change of management. The risk rating system has changes with new Section 18 guidance being produced by the Health and Safety Executive. Categories B3 and B4 have been amalgamated in to the bands below. At the start of 2011/12 the breakdown of premises was:

A	=	13	Every year
B1	=	37	Every 18 months
B2	=	709	Every 3 years
C	=	2415	Contact every 10 years
unrated	=	000	
Total		3175	

		<p>The whole approach to inspection of premises has changed over recent years, following the publication of the Hampton Report and with that the introduction of the Local Better Regulation Office. The focus is increasingly on high risk businesses, either by risk assessments completed at previous inspections, or inspections based upon complaints or intelligence.</p>
4.1.2		<p>As part of the reorganisation of Community Safety, the Business Unit is increasingly making use of data held by other agencies as well as our own databases, helping to identify these high risk businesses. The Business Unit has also introduced training to all officers, so that when they attend their 'primary' inspection, they can look at targeted risk areas in the other disciplines. An example is that all officers undertaking inspections also enquire about 'falls from height' by asking how work at height is undertaken.</p>
4.1.3		<p>Those business that refuse to take the safety of others seriously or fail to comply with expected standards, will be targeted to ensure compliance. This will ensure that they do not have an unfair competitive advantage over other business.</p>
4.1.4		<p>A work programme has been developed in partnership with the Health and Safety Executive and other Devon authorities, as well as with authorities from Cornwall and the wider South West region.</p>
4.1.5		<p>An important part of this work is Safety Health Awareness Days (SHAD's). These events give those attending an opportunity to learn about good practice and to take that information back and implement it, without the need for inspections.</p>
4.2	Performance Measurement	<p>Health and Safety performance is measured by both internal and external means, which are summarised as below.</p> <p>There has been a change in the way the work has been increasingly targeted, which is based upon education and advice first, inspection and support second and only when a business fails to heed advice or except support will enforcement action be taken. Quite clearly some matters are so serious that enforcement powers have to be implemented immediately to protect employees, contractors or members of the public visiting premises.</p> <p>See Appendix I.</p>
4.2.1	Review of Performance	<p>Overall the Health and Safety function has performed reasonably well; achieving many of its targets, in a year when its resources were stretched by reduced staff resources as well as dealing with a high profile legal case.</p>

4.3 **Health and Safety Complaints**

The number of health and safety service requests has remained very stable, over the past four years, with the peak in 2007/08 being due to an increase in smoking complaints relating the new smoke free legislation.

	No of Service Requests	Requiring Investigation
2002/03	394	150 (40%)
2003/04	354	112 (31.6%)
2004/05	280	165 (58.9%)
2005/06	284	130 (46%)
2006/07	216	85 (39%)
2007/08	312	75 (24%)
2008/09	211	57 (27%)
2009/10	213	61 (28.63%)
2010/11	192	45 (23.44)

4.4 **Accident Investigation**

All accidents received are assessed and preliminary investigations carried out. This may involve contacting the injured party or the workplace, to prioritise the need for a more in depth investigation, in accordance with internal procedures. Following such an assessment, more in depth investigations are instigated involving site visits and more formal investigatory work where necessary.

4.4.1

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) requires certain types of injury when it happens at a workplace to be reported to the enforcing Authority. This report is made directly to the Incident Control Centre, which is a national call centre to whom statutory reports must be made. When the Incident Control Centre is notified, the Council receives the notification via the Internet throughout the day.

	Accidents Reported	Non-Reportable	Site Visits Required
2002/03	367	123	106 (28%)
2003/04	323	108	192 (59%)
2004/05	381	127	92 (24%)
2005/06	327	31	78 (24%)
2006/07	261	15	69 (26%)
2007/08	323	30	88 (27%)
2008/09	253	21	63 (25%)
2009/10	245	10	145 (59%)
2010/11	315	40	123 (39%)

Over the last five years the number of accidents that have been reported have remained fairly static although there is a slight increase this year.

In the latter end of 2010/11 as a result of revised Section 18 guidance a new accident filtering system was introduced to ensure that officers only investigate those accidents which really need it. This has ensured that resources are targeted more effectively.

<p>4.5 Sampling</p>	<p>The two teams have the ability to sample a range of issues, which may affect safety and health including swimming pool water for disinfection level, water sampling for legionella and pseudomonas. Where potentially faulty equipment or hazardous substances are implicated in an accident investigation, the Team is able to liaise with laboratories and colleagues at HSE to have this type of product examined.</p> <p>Where community acquired infections may be attributable to business/commercial premises, Officers will be involved in sampling to try to identify potential sources and causes of infection.</p> <p>Routine, proactive sampling is not undertaken, unless it is part of a national initiative.</p>
<p>4.6 Formal Action</p>	<p>Of the 153 inspections undertaken, 79 needed a formal letter requesting that improvements be carried out. There were also 5 Improvement and 1 Prohibition notices served. There is one large legal case pending relating to health and safety within a hotel premises.</p>
<p>4.7 Work Plan for 2011-12</p> <p>4.7.1</p>	<p>The work plan for 2011/12 is a mixture of National, Devon Sub Group project work and local priorities, which will be delivered, where appropriately with our partners across Devon, the South West and nationally. Locally this will include inspections of high risk premises or those that come to our attention through shared intelligence, complaints or accidents.</p> <p>Our primary aim is to raise awareness of issues, through education and advice. One primary way of achieving this is to run Safety Health Awareness Days (SHAD's). This targets a group of businesses through a half day training event, giving the business bit sized pieces of information on a number of key topic areas. This includes slips and trips, falls from height, muscular skeletal problems, asbestos, sun safety, workplace transport, to mention some. This year there is one event in the area of Tyre and Exhaust premises.</p> <p>During 2008 and 2009, significant work was undertaken looking at the safety of swimming pools. The work during 2009/10 resulted in most premises becoming compliant with the latest guidance. Whilst this project is now complete there will be a small amount of work which continues to monitor standards in the pools in Torbay.</p>

4.7.2	<p>Most of the remainder of our work will be undertaking inspections of high risk business and those that come to our attention through intelligence, accident information or due to complaints. The Commercial team are also trialling cross working between teams which follows on from the Retail Enforcement Pilot, from last year. The aim is to collect intelligence, so when a primary inspection e.g. food is undertaken, then a limited inspection of Health and Safety is undertaken, at the same time in a chosen topic area to assess compliance. This is linked with an overall confidence in management score.</p>
4.7.3	<p>In addition to this work, the Council also has responsibility for premises that sell and store fireworks under the Manufacture and Storage of Explosive Regulations (MSER), Petroleum premises, which includes the permitting of those premises under the Pollution, Prevention and Control Act 1999. Test purchasing does take place with regard to the sale of underage products, notably fuel and alcohol, in conjunction with Trading Standards.</p>
4.7.4	<p>The Health and Safety Executive Guidance, covered under Section 18 Health and Safety at Work Act 1974, has been changed and this is resulting in significant work load in preparation for the changes that will commence on 1st April 2011. As a result of this work a number of new procedural documents have been introduced and the team is on target to be fully compliant with the new Section 18 guidance by April 2011.</p>
4.7.5	<p>Finally there is an annual return to complete for the Health and Safety Executive (HSE) on levels of advice, inspection and enforcement activity undertaken during the year.</p>

5.0 Achievements 2010/11

<p>5.1 Working in Partnership in Devon</p>	<p>The Devon Health and Safety Sub Group, of which Torbay is a leading member, works in partnership across the County, with both the nine other local authorities and the Health and Safety Executive to deliver a programme of work. The primary role is education and advice, but if businesses fail to respond to this help and advice and fail to consistently provide adequate health and safety, then the secondary role is enforcement.</p>
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5.1.2	<p>This is working very well and Devon is being recognised nationally for some of the work it has done in recent years. It works together running events across the county. This year a series of Safety Health Awareness Days (SHAD's) for residential care homes was organised where officers from the 10 authorities share the workload of delivering advice and presentations. This event was well received in Torbay and was attended by 54 delegates from the care homes. This event was part of a large residential care home project undertaken by the Food and Safety team which involved carrying out a targeted inspection of every residential care home in the Bay to ensure compliance with health and safety particularly in relation to falls from height, legionella and scalding issues.</p>
5.2	<p>Service Requests and Complaint Investigations</p> <p>The number of health and safety service requests/complaints remained low at 192, this past twelve months. This is only two above last year which was a record low in the past 8 years. The trend suggests there is increasing compliance, which must reflect positively on the work being undertaken by the two teams.</p>
5.3	<p>Inspections and Targeted Interventions</p> <p>During 2010/11 153 inspections and targeted interventions were undertaken, under the high risk inspections and the FIT3 programmes, which was an increase on last year. In addition there were 695 proactive actions undertaken, through advice, training as part of proactive work, accidents and complaints.</p>
5.4	<p>Promoting Awareness of Health and Safety with the Young</p> <p>As part of our commitment to promoting health and safety and developing a coordinated programme of activities, we organised a number of events during 2010/11</p> <p><u>Junior Lifeskills</u></p>
5.4.1	<p>Two events were held in 2010. In May a total of 19 schools and 700 pupils attended, while in September, 17 schools and 795 pupils attended.</p> <p>There were ten scenario providers: these were Torbay Council (Building site safety & road safety, food safety and alcohol awareness), BT (appropriate use of 999), Western Power (Electrical safety), RNLI (Beach safety), St John Ambulance and British Red Cross (both First Aid), Devon and Cornwall Constabulary (Bullying and Internet safety), Torbay Care Trust Lifestyles Team (Healthy eating and smoking awareness) and Devon and Somerset Fire and Rescue (Fire safety).</p>

6.0 Quality Assessment

6.1 Introduction	<p>Torbay Council recognises the need to measure the effectiveness of its health and safety enforcement duties. Auditing, peer review and external monitoring is seen as part of this process to ensure that its procedures result in high quality, consistent inspections. The interpretation and action taken by Officers following an inspection should also be consistent within the Authority. The Commercial Team has an up to date Internal Quality Monitoring procedure which includes an internal audit process along with procedures on how to ensure consistency across the team.</p>
6.2 Qualifications and Training	<p>The Authority will ensure that it only appoints appropriately qualified and experienced personnel to health and safety enforcement duties.</p> <p>The Authority will have regard to the competencies defined in NVQ5 for health and safety regulators when assessing the competency of its Officers. Where an Officer cannot be shown to achieve the standard in all areas, the Authority will ensure that that Officer is supervised by an Officer who does possess these competencies.</p> <p>The department is working to being fully compliant with the new Section 18 guidance by the required date of April 2011 and as part of this the authorisation process for health and safety functions is being fully reviewed and updated to ensure that all ten Local Authorities in Devon are consistent and using the same authorisation procedure.</p>
6.3 Procedural Documents	<p>Torbay Council operates a system of procedural documents for key areas of health and safety enforcement. These are issued in a controlled document format. A number of these procedures have already been updated this year in line with Section 18 guidance and this will continue in 2011/12.</p>
6.4 Standard Letters	<p>Each Officer involved in health and safety enforcement is issued with standard phrases and standard letters in the form of controlled documents. Each approved format is signed by the Principal Environmental Health Officers (Food Safety) and cannot be changed without their prior consent and the reissue of a signed amendment. The Principal Environmental Health Officers periodically review the formats and issue amendments as required. It is each individual Officers responsibility to ensure that they update their documentation in accordance with the amendments issued.</p>
6.5 Results and Development Annual Review (RADAR)	<p>Torbay Council provides for personal review and development through its RADAR procedure. At least twice a year each employee is given the opportunity to raise and discuss issues with their line manager and agree performance or personal development plans.</p>

6.6	Customer Feedback	<p>To ensure we are responsive to customer needs, and to ensure we attain our agreed performance standards, we survey all service users to gauge our performance. As part of this process a percentage of customer satisfaction forms are sent out to those who receive inspection or have made complaints about a health and safety issue.</p>
6.7	Maintaining Premises Database	<p>The Community Safety Business Unit operates and maintains a property database known as Flare. The system holds property based information on premises in Torbay and is shared with our Trading Standards colleagues.</p> <p>Maintaining a reliable picture of premises subject to health and safety enforcement in Torbay is difficult, as few businesses opt to register with us. The limited number of inspections undertaken does not allow regular maintenance of risk categories, and businesses in Torbay frequently change ownership. The Team relies on its own local intelligence to detect changes of business, but this is also supplemented by information gathered by other Teams within the Community Safety Business Unit, in particular the Trading Standards Team</p> <p>However, the following systems also allow us to check the database for accuracy:</p> <ul style="list-style-type: none"> • A weekly list of planning applications is received. Those of interest from a health and safety perspective are checked against the AUTHORITY database. • Types of premises subject to special survey or project work, e.g. builders merchants, are checked against the database. Any amendments are then made expediently in accordance with Divisional procedures. <p>Officers also reviewed many premises, which become unrated during the year, so reducing the number of unrated to zero at this time, though this is an ongoing job.</p>
6.8	Identification of achievements and any variation from the service plan	<p>Table 6 below identifies the status of planned service improvement actions from 2010/12. Any remaining improvement objectives are shown in the table below along with the reason for the delay and a revised target, which will be included in the work programme for 2011/12 where appropriate.</p>

Table 6

Service Improvement	Planned Outcome/Output	Actions	Target Date
Produce a Health and Safety Service Plan for 2010/11	To provide a structured plan to help formalise the annual workplan for health and safety functions and to provide information to both Elected Members and the public on the work of Community safety in relation to the area of health and safety	Achieved – Production of Health and Safety Service Plan for 2010/11	
Completion of Safer Work Better Business pack onto the Torbay Council website	To provide small to medium sized businesses in Torbay with an effective tool to improve the health and safety within their premises	Achieved - SWBB pack finished and available for businesses to use on the website	
Run a project to inspect all the residential care homes in Torbay.	To raise the level of health and safety compliance in residential care homes particularly in relation to areas such as legionella control, falls from height, manual handling and scalding	Achieved – all 120 residential care homes inspected. Feedback from officers on revisits was that the level of health and safety compliance had increased following our intervention.	
Ran a Safety Health Awareness Day for Residential Care Homes in Torbay	To increase the level of knowledge and awareness of health and safety within these premises Build on and improve communication with this business sector	Achieved – Event completed and attended by 50 delegates. Evaluation of the event showed that the delegates felt their knowledge of health and safety had increased as a result of the event.	
Secure compliance with new Section 18 Guidance	To ensure that the health and safety function carried out by Community Safety is performed in a consistent manner and that there is an effective method of organising that function.	Achieved - A large amount of this work is now complete and a number of new procedures have been introduced. Some further work particularly on authorisations and complaints to be completed by April 2011	Final by April 2011

6.9 Areas of Improvement for 2011/12

Some of the current planned improvements for 2011/12 are outlined in Table 7.

Table 7

Service Improvement	Planned Outcome/Output	Target Date
Secure full compliance with Section 18 Guidance	To ensure that the health and safety function carried out by Community safety is performed in a consistent manner and that there is an effective method of organising that function. This will involve updating all the remaining procedures.	April 2011
To inspect all high risk A and B1 premises	To secure compliance with Health and Safety legislation	March 2012
To review and improve Work Related Death Policy	To improve the approach the department takes when dealing with Work Related Deaths and Major Injury investigations	March 2012
Undertake a Tyre and Exhaust premises project in partnership with the Devon Health and Safety Sub group members	To increase the knowledge of health and safety within these premises thereby helping to ensure compliance.	March 2012
Following a training needs assessment organise Gas and Electrical safety training for all officers involved in health and safety	To increase the knowledge and competency of officers in these areas of work	March 2012
To take part in a Nail Bar/Beauty Salon project run throughout Devon Health and safety Sub Group	To increase the level of knowledge of health and safety of the operators of such premises	March 2012
Contribute to production of an Event safety pack	To provide information for the organisers of small scale events.	March 2012
To ensure that the requirements of the new Sunbed (Regulations) Act 2010 are met by businesses in Torbay	To ensure that coin operated sunbed premises comply with the new requirements and in turn the general public and specifically those under 18 are protected.	March 2012

Appendix I

Performance Indicator

	Type of PI (Local, National, BVPI)	Type of Performance Indicator	Target 2010/11	Actual 2010/11	Target 2011/12	Source of Evidence for Indicator
1	Statutory Duty	Prepare and publish an annual Health and Safety Service Plan in line with Health and Safety Executive requirements and ensure that the targets within it are met.	YES	YES	YES	Committee Report
2	Local Indicator	Inspect all A risk rated premises (highest risk)	100%	95%	100%	Flare
3	Local Indicator	Inspect 75% of all B1 risk rated premises (second highest risk)	75%	94%	75%	Flare
4	Local Indicator	Process all premises licence applications within 28 days of receipt.	100%	100%	100%	Flare
5	Local Indicator	To participate in two Devon SHAD events involving 200 business interventions.	2 (200)	2 (200)	2 (200)	Flare & Manual
7	Local Indicator	To undertake over 500 FIT3 interventions at health and safety premises. Interventions include all types of advice and information.	500	695	500	Flare