



Powys County Council

Health and Safety Enforcement Service Plan 2017/18

Health and safety in
care homes



Environmental Health Department Commercial Section



Yn agored a blaengar - Open and enterprising

Introduction

This Service Plan sets out the way in which health and safety enforcement will be carried out in the County of Powys by the Commercial Section of the Environmental Health Service of the Authority in 2017/18.

The Service Plan is produced on an annual basis and is effective from 1st April 2017. Copies are also available from each area office. Comments on the Plan are invited throughout the year, and these are taken into account when the following year's Plan is produced. The Plan is approved by the Authority prior to publication.

Powys County Council is an "enforcing authority" under the Health and Safety at Work etc. Act 1974 and is required by Section 18 of the Act to set out the arrangements it has in place to discharge that duty. This Service Plan is produced in response to that requirement and is designed to inform the business community of Powys and the wider audience, of the arrangements Powys has in place to regulate health and safety in the workplace. It also shows how these activities contribute to and support others in delivering Corporate and statutory objectives to the community as a whole.

The Service Plan contains two elements:

- The arrangements, supporting structures and controls that enable these interventions to be delivered.
- An Intervention Plan which details the type, method and number of interventions to be used in order to fulfil the major purpose of working with others and to contribute to the reduction in the number of fatal and major injuries and ill health in people in work and those affected by work activities.

It is therefore designed to meet both the requirements laid down by the Health and Safety Executive under the National Local Authority Enforcement Code and LAC 67(2) revision 6 and to clearly show how through the enforcement of regulation and provision of guidance, advice and support, workplace health, safety and welfare will be assured in Powys within the resources available to do this.

The plan will illustrate how by various methods and teams, the service will meet the objectives of the Health and Safety at Work etc. Act 1974, and:-

- Secure the health, safety and welfare of persons at work;
- Protect persons other than persons at work against risk to health or safety arising from work activities;

Service Aims and Objectives

1.1 Service aims and objectives

The Commercial Section within Environmental Health is committed to improving health and safety outcomes by ensuring the highest health and safety standards are maintained throughout the County of Powys in order to protect employees, the self-employed and members of the public. To demonstrate this, the Service has adopted the following aims and objectives.

The overall aim of the Service is:-

“To work with others to protect people’s health and safety by ensuring risks in the changing workplace are managed effectively.”

To achieve this, the service has adopted the following 5 key delivery priorities:-

- To target activity in accordance with national guidance, to manage the risk in high risk businesses or business activities;
- Contribute to the delivery of the HSE’s National Strategic programme ‘Helping Great Britain Work Well’ through the application of proactive ‘face to face’ and ‘non face to face’ interventions based on risk and informed evidence;
- Investigate notified Accidents, Disease and Dangerous Occurrences in accordance with the Accident Investigation Policy;
- Respond to all service requests received as complaints from employees or members of the public in accordance with the Complaint Investigation Policy;
- To respond in a timely manner to requests on matters such as asbestos notifications, lift reports, licensing applications etc.; and

1.2 Links to Corporate Objectives

Powys County Council has five main plans that set out how the authority will deliver services. These plans document how the Council will improve services, spend budgets and save money. The key documents are:

- Powys 2025, Powys County Council’s vision for the future;
- Developing a Health and Care Strategy for Powys;
- One Powys Plan 2014-17 plus annual update;
- Budget, Medium Term Financial Strategy and Capital Strategy 2016/19; and
- Service Improvement Plans 2016/19;

The authority's emerging Vision 2025 sets the economy of the county at the heart of its thinking. With a strong vibrant, enterprising economy Powys will provide quality jobs for young people, create and nurture local companies and attract leading companies to Powys. With the mission stating:

“Change for Powys – Delivering an open, proactive and engaging Council for 2025”

The council's 4 key priorities as outlined in ‘**Powys 2025, Powys County Council's vision**’ are:-



- **Economy:** *developing a vibrant economy;*
- **Health and Care:** *leading the way in effective, integrated rural health and care;*
- **Learning and Skills:** *strengthening learning and skills;*
- **Residents and Communities:** *supporting our residents and communities*

To achieve this, Powys County Council will develop a vibrant economy; will lead the way in effective, integrated rural health and care; will strengthen learning and skills; and engage with residents and communities. The Commercial Team of Environmental Health through its core business and advisory activities supports the Corporate Plans by sitting within the Council's Regulatory Services portfolio and contributing to priorities of **supporting residents and communities; leading the way in effective public health; strengthening learning and skills; as well as developing the economy, while responding to reduced funding.**

Supporting people within the community – Amongst other factors impacting on health, the service works with people to contribute to the reduction in the number of fatal and major injuries and ill health in people and those affected by work activities, including the public.

The enforcement of health and safety legislation in some occupational settings has a positive impact in protecting vulnerable sectors of our society for example residential care homes; nurseries and early years' settings and service sector businesses such as tattooists; semi-permanent make-up artists; beauty therapists; ear and body piercers who target young people. Using a range of proactive interventions and engaging with these industry sectors supports protection of our vulnerable people.

Developing the economy – The provision of timely advice and education on health and safety issues to businesses, stakeholders, and other local authorities and bodies can benefit the economic viability of businesses. The equitable enforcement of regulations helps to maintain a level playing field, allowing businesses to compete on equal terms. The implementation of non-inspection intervention outlined in LAC 67 (2) revision 6, facilitates achievement of this objective.

Responding to reduced funding - The service constantly strives for ways to remodel the service delivery to find more efficient means of providing the service; this is a constantly evolving process and has involved service shrinkage.

For the council to transform it has developed some principles to help guide future decision making in the county to 2025. They are:

Valued services – our services must directly support our outcomes, those that don't may have to be provided by other methods;

Supporting the vulnerable – scarce resources mean we must focus on the truly vulnerable and not simply those who may have historically received support;

Local delivery – services delivered within communities by communities are more responsive and efficient;

Personal responsibility – our population and our employees will be encouraged to take more control of their lives with greater responsibility, shifting away from a culture of dependency;

Value for money – the council must ensure value for money in everything it does; and

Improving productivity – the preserve of private enterprise, productivity and performance is now central in the public sector and includes reviewing work processes, removing bureaucracy and engaging our employees.

Nationally the service also contributes to the **Welsh National Enforcement Priorities for Wales** for local regulatory delivery, which highlights the positive contribution that regulatory services, together with local and national partners, can make in delivering better outcomes:

- Protecting individuals from harm and promoting health improvement;
- Ensuring the safety and quality of the food chain to minimise risk to human and animal health;
- Promoting a fair and just environment for citizens and business;
- Improving the local environment to positively influence quality of life and promote sustainability.

The **Chief Medical Officer (CMO) for Wales** Annual Report for 2014-15, entitled '**Healthier, Happier, Fairer**' focused on evidence and opportunities, detailing the whole journey, from a healthy start in life, through to making the right choices to maintain a healthy lifestyle and ageing well in Wales.

Chapter 4 of the report '**Protecting the Public's Health**' specifically recognises the importance of protecting the public's health and the important contribution that local government plays in this. The first section of Chapter 4 'The Role of Local Government' describes the challenges of ensuring sustainable environmental health services, and the opportunity of further linking the public health system across the NHS and Local Government to support the ambition of the Well-being of Future Generations (Wales) Act 2015.

The Chief Medical Officer notes the valuable role that Environmental Health teams across Wales play in delivering the preventative interventions that protect health and wellbeing. She furthermore calls for immediate action to preserve and to build the service, including maintaining experience and knowledge within it and recommends that action should be taken to ensure the sustainability of the service within local government.

The topic of the CMOs Annual Report for 2015-16 is '**Rebalancing Healthcare: Working in partnership to reduce social inequity**'. The report explains how good health depends on

much more than the provision of good health services. The way a society is organised; it's economic prosperity; a person's early life chances; their education and employment opportunities; community support and cohesion; the food we eat; the homes in which we live and many more factors make up the wider **social determinants** which impact on the health of both an individual and the nation. With all these factors being more important in determining a person's health and wellbeing than the health services which prevent and treat ill health.

'Helping Great Britain Work Well' – the Health and Safety Executive Strategy published in February 2016, sets out 6 themes for the whole of the Great Britain health and safety system and local authorities as workplace regulators are a key part of this system, we are expected to play a role in:

- 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.

The **'Powys Teaching Health Board (PTHB) Integrated Medium Term Plan 2015-2018'**, published as part of the Local Public Health Strategic Framework provides details of how local Public Health teams work in partnership to improve and protect the health and wellbeing of the local population. The Plan sets out several priority work areas and actions necessary to achieve improvement. Priority areas include:

- | | | |
|------------------|-----------------------------|------------------------------------|
| • Smoking | • Health at work | • Health Protection |
| • Obesity | • Healthy Weights | • Alcohol & Substance Misuse |
| • Immunisation | • Mental Health & Wellbeing | • Healthy Schools Programme |

The Commercial Team contribute to at least the priorities highlighted above through their daily work activity.

'Developing a Health and Care Strategy for Powys', Powys Teaching Health Board and Powys County Council have launched the Health and Care Strategy for Powys. This is the first integrated health and care strategy in Wales, demonstrating Powys' commitment to lead the way on truly integrated care for the people of Powys. The strategy seeks to enable children and young people to 'Start Well', for people to 'Live Well' and older people to 'Age Well'.

2. Overview of the Service

2.1 Profile of the Authority

Population and area

Powys is a rural area covering a quarter of the land mass of Wales and is the most sparsely populated county in England and Wales, with just 26 persons per square kilometre in mid-2016 (Wales 150).

Population:	132,160 (mid 2016)
Area (hectares):	519,700

Administration

The Authority's headquarters is located in County Hall, Llandrindod Wells. Service delivery points are located around the County.

2.2 Organisational Structure

Environmental Health is part of the Place Directorate, reporting through Professional Lead Officers to the Regulatory Services Manager; the Head of Regeneration and Regulatory Services and to the Director of Place.

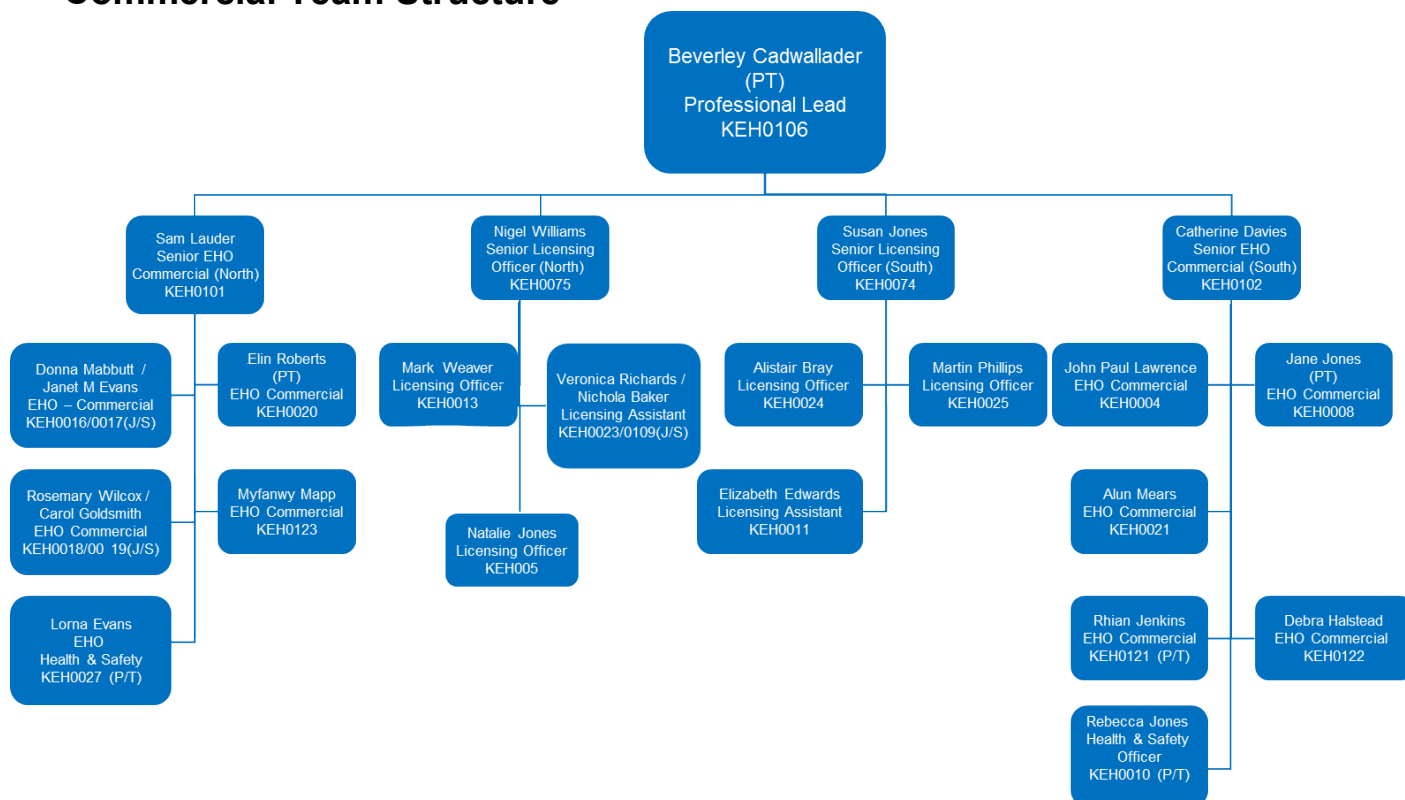
Section 13, of The Council's Constitution sets out the responsibility for functions. The Leader's Scheme of Delegation of Executive Functions sets out the responsibilities of the ten Cabinet Members and is covered in Section 13.

County Councillor Jonathan Wilkinson is responsible for Health and Safety Enforcement exercised through The Group Director Place and The Head of Regeneration and Regulatory Services. Cllr Wilkinson is the Portfolio Holder for Housing and Countryside Services, his full portfolio is as follows:

- Welsh Housing Quality Standard
- Housing (Public Sector Housing, Supporting People, Homelessness, Private Sector Housing, Affordable Housing)
- Gypsies and Travellers
- County farm Estate
- Environmental Health
- Trading Standards
- Building Design
- Countryside Services (Countryside Rights of Way, Maintenance, Open Access, Biodiversity, Commons Registration, National Trails, Village Greens).

The Health and Safety Service is located within the Place Directorate and is delivered by the Commercial Team within Environmental Health.

Commercial Team Structure



2.3 Scope of the Health and Safety Enforcement Service

Powys County Council is responsible for providing a comprehensive health and safety service combining education, advice and enforcement. The enforcement of Health and Safety at Work legislation is shared with the Health and Safety Executive (HSE) and division of responsibilities is laid down by Regulation. The Service is responsible for enforcement in premises such as offices, retail premises, warehouses, consumer services premises, places of entertainment, hotels and residential accommodation and catering establishments. Activities are categorised as reactive and proactive and include full health and safety inspections, national and local evidence-based projects and interventions. The full scope of the Health and Safety Service includes:

Reactive

- Investigating reported accidents, diseases and dangerous occurrences;
- Responding to complaints and requests for service including smoking in public places;
- Registration and licensing activities including tattooists, skin piercers, asbestos activities and lift reports;
- Responding to consultations from Licensing, Planning, Building Control etc.;
- Providing advice and information to businesses;
- Securing safety standards at outdoor events covering sporting, cultural and entertainment through Event Liaison Meetings and Safety Advisory Groups (SAGs); and
- Prioritised and targeted health and safety promotional campaigns.

Proactive

- Planned high risk premises inspection which focuses on priority topics;
- Undertaking targeted initiatives, based on evidence of risk, including the national strategic programme of national and local projects and interventions;
- Providing advice and information to new businesses;
- Evidence based education of employers, employees and contractors through guidance and information;
- Promoting proportionate and sensible health and safety through business engagement and partnership working;
- Undertaking and participating in health and safety promotion campaigns;
- Liaising with other internal and external organisations including:- Planning, Building Control, Licensing, Trading Standards, Emergency Planning, Housing Department, Corporate Health and Safety Team, HSE, other Technical panels etc.; and
- Devising material to help businesses comply with the law and good practice.

All reactive and proactive work is underpinned by local, regional and national liaison. This is an appropriate mechanism for ensuring consistency between enforcers; for sharing good practice; for sharing information and for informing other enforcers of potential difficult situations. The main liaison arrangements are as follows:

- Working in partnership with HSE Wales;
- Complying with HELA and other guidance;
- Participation in the Directors of Public Protection Wales Regional Liaison Group via Welsh Heads of Environmental Health Group and Expert Panels;
- Participation in the South West Wales Health and Safety Task Group and the All Wales Health and Safety Expert Panel;
- Liaison with and complying with any advice and guidance from the HSE;
- Working with organisations and stakeholders to promote health and safety;
- Working with other services within the respective authorities such as Licensing, Planning and Building Control, Recreation and Leisure, Corporate Health and Safety and Events Teams;
- Liaison with and commitment to Local Government Regulation (formerly LACORS);
- Ongoing work with Regulatory Delivery (formerly BRDO);
- Welsh Government; and
- Local Government Data Unit.

Service Delivery Points

Health and Safety Services are delivered from three service delivery points located across the County as detailed below and primarily operate office hours from Monday to Friday, with weekend and evening work carried out as the need arises. The daytime enquiry number is 01597 827467 and alternative methods of contact include email environmental.health@powys.gov.uk and Twitter [Twitter@PowysEnvHealth](https://twitter.com/PowysEnvHealth). The Authority operates a 24-hour 'Careline' which is a separate manned emergency service, operated out of normal office hours.

The Gwalia Ithon Road Llandrindod Wells Powys LD1 6AA	Neuadd Maldwyn Severn Road Welshpool Powys SY21 7AS	Neuadd Brycheiniog Cambrian Way Brecon Powys LD3 7HR
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The Powys County Council website provides information on the services and the website address is www.powys.gov.uk.

2.4 Enforcement Policy

We will encourage people to comply with the law in the interests of our wider communities. When this is undermined, and the Council has legal powers to protect our communities from harm, we will use them. The use of these legal powers is enforcement, which ranges from formal letters containing schedules; serving notices requiring people to carry out certain actions; to prosecution which could result in fines, including imprisonment.

Fair and effective enforcement is essential to protect the economic, environmental and social interests of the public and business. Decisions about enforcement action and in particular the decision to prosecute, has serious implications for all involved and for this reason, the Service has adopted an Enforcement Policy.

The Enforcement Policy sets out the Council's approach to enforcement of its legal powers that will be applied by the Service when dealing with issues of non-compliance, and what residents, consumers and businesses can expect. Such a policy is intended to establish a uniform approach to enforcement throughout the Council, and help promote efficient and effective approaches to regulatory inspection and enforcement, and balances the need for improvement in regulatory outcomes with minimising unnecessary burdens on business.

Specifically to health and safety regulators the Enforcement Management Model (EMM) has been produced by Central Government as a basis by which regulators, i.e., HSE and LA make decisions about what is the appropriate action to take in any situation. The authorised

officers within Powys also use this guidance to reach proportionate enforcement decisions, determining the risk gap; risk-based decisions and compliance issues.

Traditionally based upon the principles of the Enforcement Concordat and the Regulators Compliance Code, local authority Enforcement Policies must now reflect the Regulators Code of 2014 and the regulatory principles required under the Legislative and Regulatory Reform Act 2006.

The Regulators Code is based upon six broad principles:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow;
- Regulators should provide straightforward ways to engage with those they regulate and hear their views;
- Regulators should base their regulatory activities on risk;
- Regulators should share information about compliance and risk;
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- Regulators should ensure that their approach to their regulatory activities is transparent

Environmental Health enforcement officers receive ongoing training on RIPA, PACE and any other evidential enactments to support the enforcement competencies and development of officers.

3. Service Delivery

3.1 Intervention Plan

All local authorities are required to base their approach to health and safety enforcement and thus their Intervention Plan on the:

- National Local Authority Enforcement Code and
- Local Authority Circular (LAC) 67/2 (rev 6)

The National Local Authority Enforcement Code developed by Health and Safety Executive (HSE) sets out Government expectations for a risk based approach to targeting health and safety regulatory interventions. It provides a principle based framework that recognises the respective roles of business and the regulator in the management of risk. Importantly the Code is designed to ensure that local authorities take a more consistent and proportionate approach to their regulatory intervention.

Local Authority Circular 67/2 (rev 6) is provided under Section 18 of the Health and Safety at Work etc. Act 1974 and gives LAs guidance and tools for priority planning and targeting their interventions to enable them to meet the requirements of the national Enforcement Code. In March 2011, the Minister of Employment published '*Good Health and Safety, Good for Everyone*'. The focus of which was for LAs to concentrate on higher risk industries and tackle serious breaches of the rules. In May 2011 the Local Government Group (LGG) and HSE produced further guidance '*Reducing Proactive Inspections*' for LAs to determine their proactive interventions. In simple terms, inspections are now limited to the highest risk premises only. In addition, a range of other proactive interventions should be applied to other premises to improve awareness and management of health and safety. Selection of an intervention type will be based upon the health and safety risk rating of the business.

All interventions are evidence based and typically include:-

- **Proactive inspections, planned interventions where:**
 - a) The use of warranted powers under health and safety legislation would, if necessary, be used to gain entry or otherwise regulate part or all of a business activity; and
 - b) The reason for the inspection was to specifically target occupational health and safety issues at these premises.

Proactive inspection should only be used for the activities in the sectors contained in the list which accompanies the National Code and LAC 67.2 (rev 6), or where there is local intelligence of failure to manage risk. Commonly, these premises are identified on an annual basis by local historical accident and complaint trends, local and national industry and accident data and the findings of local accident investigations. Recent workplace activities which have been subject to proactive inspections include:

- Businesses with evidence of Poor Performance
- Legionella - Spa Pools
- Gas Safety in Catering Businesses
- Early Years Infection Control
- Cellar Access

- **Non-inspection interventions:**

Local authorities are required to make proper use of non-inspection interventions where they are considered capable of achieving better overall outcomes than inspections alone although their delivery will require similar level of resources. These can include business forums and targeted non face to face interventions, specifically:

- Any visit/face to face contact to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. awareness days, business forums, targeted training and advisory support visits.
- Any other targeted contact (not face to face) to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. raising H&S awareness by providing information packs.

Recent interventions have included:

- New Business Advice;
- Managing Cryptosporidiosis in the leisure industry;
- Beauty Sector (Sun beds; Teeth Whitening; Tattooing; Piercing & body modification procedures);
- Legionella and water quality management systems;
- E.coli Show and Event Safety;
- Carbon Monoxide awareness in the Camping and Glamping industry.

Matters of evident concern - when inspecting premises officers are also required to consider matters of “evident concern”. Matters of “evident concern” in the workplace could include not only a complete failure of health and safety management arrangements but a history of accidents or complaints, or a failure to identify well known and understood sector risks and repeated enforcement action on common themes. Where there is “evident concern” the scope of the inspection will widen to include whatever aspects of workplace health and safety is necessary.

Under the new LAC 67 (2) revision 6 there is no longer a requirement for local authorities to report the risk rating of premises visited (this requirement has been removed). However HSE advise that risk rating premises based on a duty holder’s health and safety performance is still useful information to assist in the determination of relative intervention priorities. The team will therefore continue to adopt this approach to assure and intelligence led approach to health and safety enforcement.

Health and safety interventions are thus planned and targeted by considering the risks to be addressed and having regard to the intervention available, the risk profile of the business/sector, national information and local knowledge and priorities.

An intervention plan showing the programme of work activity for 2017/18 has been developed demonstrating how through re-active and pro-active work and project based activity both national and local, the service will secure improvements to health in workplaces in Powys. Powys's Intervention Plan for 2017/18 can be found on **Pages 15, 16 and 17** below.

Accident and Incident Investigation

All accident notifications received are assessed against specified criteria in the Accident Investigation Policy which has regard to the detail of the accident and refers to LAC 22/13 Incident and Accident Selection Guidance and Summary. The decision to investigate an accident is based on a formal Incident Selection Criteria document which is intended to ensure that resources for the investigation are directed at those incidents considered most likely to identify deficiencies and demand improvements in the safety management systems of the business. The most commonly reported accidents relate to: slips, trips and falls, falls from height, manual handling, or being struck by moving object. The core objectives of accident investigation are to:

- Identify the relevant duty holder(s) and witnesses;
- Establish the key facts relating to the causes of the incident;
- Identify immediate and underlying causes;
- Identify any lessons learned;
- Ensure appropriate remedial action is taken to prevent a recurrence;
- Identify the relevant law and whether there are any breaches;
- Form a view about appropriate further action using the EMM framework (Enforcement Management Model)

An investigation may range from an enquiry by a single officer about a minor incident to a notification of a fatality or major injury involving a team of officers. As a result the timeliness and thoroughness of the investigation and the quality of the evidence collected are critical to its successful outcome.

Advice to businesses

Powys County Council assists businesses wherever possible by providing health and safety advice through a variety of channels and situations, such as:-

- Advice provided as part of the inspection process, registration/licensing requests and sampling regimes;
- Responding to complaints and requests for service;
- A variety of free information leaflets are available on all aspects of workplace health and safety;
- The provision of training seminars;
- Participation in national events, such as European Health and Safety Week;
- Through Powys County Council's website.

Intervention Plan 2017/18

Intervention Plan 2017 -2018			
Reactive work activity		Activity detail	
1.	Accident investigation	Receive notifications of all reportable injuries, disease and dangerous occurrences from the HSE website or employees or members of the public and investigate in accordance with Accident Investigation Policy.	
2.	Complaint investigation	Receive and investigate all complaints (service requests) from employees, members of the public and others.	
3.	Permissioning Activities	Respond to licence and registration applications for skin piercing and tattooing activities, statutory equipment/ plant reports, and asbestos notifications in a timely and effective manner.	
4.	Outdoor events	Respond to public safety matters on outdoor events with regard to public safety matters.	
Proactive Inspections		Activity detail	Performance Indicator
1.	Premises/ workplace inspections	Inspect those premises identified as 'poor performing' on the M3 database at April 2016. Some of these businesses will require a 2 officer visit because of the complexity of the work activities involved.	Inspections at 100% of identified premises
Proactive Inspections – National priority		Activity detail	Performance Indicator
1.	Residential Care Homes - Lifting equipment; - Managing Legionella; - Falls from Height	This inspection priority, covering 3 topics following the successful prosecution of a RCH in South Wales as a result of the death of a resident using a passenger lift, and a pilot project undertaken which also highlighted poor management of legionella and falls from heights within the sector. The cost effective approach will result in one initial inspection visit but result in 3 clear areas being assessed to protect a vulnerable population within Powys.	Inspections at 100% of identified premises (approx. 25)
2.	Gas Safety in catering businesses	This was originally a 2 year evidence based project focused on the maintenance of gas appliances and installation with catering businesses. This project continues to have a positive impact on raising the standards of gas safety and as a result it will be extended for another year and target high risk businesses.	At least 20 premises selected across the LA
3.	Beverage Gases and Cellar Access in the hospitality industry	This project follows a number of fatalities and serious injuries to both employees and members of the public including falls through unguarded cellar hatches and unlocked cellar doors, and exposure to low level oxygen atmosphere in cellars as a direct result of gas cylinder leaks.	At least 70 premises selected across the LA

Proactive Inspections – Local Intelligence led Projects		Activity detail	Performance Indicator
1.	Early Years Infection Control project (Appendix C)	<p>The project has developed following outbreaks of infectious diseases in nurseries and child care settings across LAs in Wales. Environmental Health staff with CSSIW and Public Health Wales developed an Infection Control Audit Tool for Early Years Settings. Children can potentially spend a large amount of time in childcare settings where there are frequent opportunities for the spread of infection. Young children particularly those under the age of five years are recognised at particular risk of contracting and transmitting gastrointestinal and respiratory infections.</p> <p>This will be the fourth year of the collaborative project between H&S and communicable disease.</p>	All newly identified settings will be contacted and advice given, with a subsequent risk assessment undertaken, if inspection required.
2.	Spa pools (Appendix D)	<p>This was originally a 1 year evidence based project focused on raising the standards of Spa pools and hot tubs which are considered to be high risk water systems and careful management of them is essential to ensure that Legionella bacteria are controlled.</p> <p>This project continues to have a positive impact and research into the increasing trend in the installation of hot tubs in commercial premises, notably holiday homes and leisure facilities, has highlighted a need to disseminate and provide targeted guidance to assist duty holders to understand and reduce the risk of legionella infection.</p> <p>Targeted risk based selection of premises for a visit, as required including follow up visits incorporating sampling to verify that suitable controls are in place to manage the presence of Legionella bacteria.</p>	<p>Mail shot 100% of newly identified premises.</p> <p>Undertake targeted risk based selection of premises for intervention/ sampling visit.</p>

Non Inspection led Interventions – National Priorities		Activity detail	Performance Indicator
1.	Asbestos Duty to Manage	This project was trailed last year by a number of South Wales LAs to evaluate methods and consider the compliance rate for this health risk. 95% non-compliance was observed. Therefore visits will be based on risk; older commercial buildings, especially on industrial estates where deteriorated asbestos containing materials are likely to be present and public/staff exposure is likely to be potentially significant.	At least 10 premises selected across the LA

Non Inspection led Interventions - Local intelligence led		Activity detail	Performance Indicator
1.	New Business Advice	Provide new businesses with advice and guidance relevant to their activities, utilising mail merges; advice packs and visits.	80% of new premises identified in 2017/18
2.	Beauty Sector i.e., Sun beds; Teeth Whitening; Tattooing; Piercing and body modification procedures (Appendix B)	<p>Following the implementation of The Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011, a 5 year review was undertaken in early 2016 within Powys. 10 premises were visited as a pilot and only 2 were fully compliant.</p> <p>The Beauty Sector is continuously changing and as a result illegal practices are continuing. Therefore, this project will be extended for another year as there is still much work to be undertaken in ensuring that standards are maintained and on-going education to local businesses is given, in order to protect public health. Intelligence led interventions through local knowledge and complaints will also continue, as required.</p>	At least 10 premises selected across the LA and intelligence led investigations as required.
3.	E.coli Event Safety Letter (Appendix F)	<p>Organisers of shows and events that are known to take place on agricultural land have been identified as a high risk sector/activity in Annex A of the National Code. Powys continues to be the source of E.coli O157 infection in the human population following outdoor events/ activities and therefore the advice letter on infection control. I.e. E.coli/Cryptosporidium especially in children will continue to be forwarded to outdoor event organisers as identified.</p> <p>Targeted risk based selection of premises for a visit, as required.</p>	<p>All newly identified events</p> <p>Visits as required</p>

4. Resources

4.1 Financial and staffing allocation

Financial allocation

The expenditure directly involved in providing the Health and Safety Service for 2017/18 is included in the Service budget and can be found in Appendix A of this document.

Staffing allocation

The table below indicates the number of staff authorised to work on Health and Safety enforcement and related matters, within the Commercial Team.

Officer	Qualifications
Beverley Cadwallader (p/t)	EHO/EHORB Registered
Catherine Davies	EHO/EHORB Registered
Janet Evans (j/s)	EHO/EHORB Registered
Carol Goldsmith (j/s)	EHO/EHORB Registered
Debbie Halstead	EHO/EHORB Registered
Rhian Jenkins (p/t)	EHO/EHORB Registered
Jane Jones (p/t)	EHO/EHORB Registered
Rebecca Jones (p/t)	BSc (HONS) Environmental Health
Sam Lauder	EHO/EHORB Registered
John Paul Lawrence	EHO/EHORB Registered
Donna Mabbutt (j/s)	EHO/EHORB Registered
Myfanwy Mapp	EHO/EHORB Registered
Alun Mears	EHO/EHORB Registered
Lorna Morris (p/t)	EHO/EHORB Registered
Elin Roberts (p/t)	EHO/EHORB Registered
Rosemary Wilcox (j/s)	EHO/EHORB Registered

(p/t) – Part-time employee

(j/s) – Job share employee

4.1 Staff Development Plan and Competency

Powys County Council has adopted and implemented Individual Performance Reviews (IPRs) and each staff member has a formal one-to-one conversation with their line manager every 90 days. IPRs are intended to support staff, provide feedback, and give praise and also to ensure that they remain on track with personal objectives. This policy is based on the underpinning principle that managing performance is key to enabling all employees to effectively contribute to the quality of life for Powys residents.

Continuing Professional Development (CPD) will be actively encouraged and officers will be offered the opportunities to attend a wide range of training courses, seminars, meetings and briefings to help maintain competency and improve technical, legal and administrative knowledge. The Chartered Institute of Environmental Health have mechanisms in place to monitor CPD.

The Service also recognises the need for full technical support to be available to all Health and Safety Officers and this is achieved through a variety of ways, namely:-

- Internet subscription and library;
- HSE liaison;
- External Specialist services.

Powys County Council operates systems to appoint, authorise, train, monitor and maintain a competent inspectorate. Part of this approach uses the framework developed jointly by HSE, CIEH and LG Regulation which focuses on generic inspection skills as well as specific technical knowledge needed in health and safety enforcement. The Regulators Development Needs Analysis (RDNA) tool assists in identifying training and developmental needs of Inspectors. The Service ensures that competency is secured by appointing appropriately qualified and experienced personnel to health and safety enforcement duties. There are specific job descriptions and person specifications for all employees and all appointments are made in accordance with the Council's procedures for recruitment and selection.

5. Performance

In managing its performance and activity, the Health and Safety Service uses the M3 premises database to record, collate and share data and activity. The database is used to record details of premises, inspections, complaints and other activities including assessment of risk rating and is used to assist in targeting interventions and designing the work programme.

5.1 Performance Measures

Previously the Welsh Government had only one performance indicator pertinent to the delivery of the Council's Health and Safety service which no longer exists. However results are still monitored internally and the PIs for this financial year include:

- Proactive inspections (previously classified as high risk) – completion of 100% (140 for 2017/18) of planned inspection interventions for the activities in the sectors contained in the 'list' which accompanies the National Code, or where there is local intelligence of failure to manage risk.
- 80% of new premises identified given appropriate advice

LAE1 – Local Authority Health and Safety Annual Return - Under Annex D LAC 67/2 Revision 6 all local authorities in England and Wales are required on an annual basis to record health

and safety activity and enforcement data and submit to the HSE. This is documented in a standardised format which outlines the work activities undertaken in the previous year 2016/17 (see Table One below).

Table One - Summary of local authority health and safety activity 1 April 2016 – 31 March 2017				
<p>Only include information where health and safety was targeted as a priority for intervention For guidance on targeting interventions see:</p> <ul style="list-style-type: none"> • National LA Enforcement Code • List of higher risk activities in specific sectors suitable for proactive inspection (the 'list') • Supplementary Guidance • LAC 67/2 (rev 6) (Annex D) • Guidance on Combining H&S and Food Inspections 				
Intervention type		Number of Inspections Interventions/Visits (each intervention must be counted only once)		Guidance
		Targeted using National Intelligence	Targeted using Local Intelligence	
Proactive inspections	Proactive Inspection	7	105	<p>Proactive inspections are planned interventions where:</p> <p>a) The use of warranted powers under health and safety legislation would, if necessary, be used to gain entry or otherwise regulate part or all of a business activity, and</p> <p>b) The reason for the inspection was to specifically target occupational health and safety issues at these premises.</p> <p>Proactive inspections are not- Inspections undertaken primarily for reasons beyond occupational health and safety e.g. Food hygiene, even if 'matters' of evident concern' related to health safety happen to be identified and addressed during that inspection.</p> <p>Proactive inspection should only be used for the activities in the sectors contained in the list which accompanies the National Code, or where there is local intelligence of failure to manage risk.</p>
	Other visits/ face to face contacts	0	195	Any visit/face to face contact to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. awareness days and advisory support visits.
Non-inspection interventions	Other contact/ interventions	1	38	<p>Any other targeted contact (not face to face) to educate, advise or engage duty holders, employees or other bodies such as trade associations e.g. to raise h&s awareness by providing information packs.</p> <p>Do not include non-targeted general newsletters, service magazines or the number of website hits.</p>

Reactive Visits	Intervention type	Number of Inspections Interventions/Visits (each intervention must be counted only once)	Guidance
	Visit to investigate health & safety related incidents	7	Record the number of actual visits made under the relevant category. HSE has developed a risk-based approach to complaint handling and incident selection criteria (LAC 22/13) which LAs should adopt to help target interventions and make best use of resources.
	Visits to investigate health & safety complaints	18	
	Visits following requests for H&S service from businesses	12	
Revisits following earlier intervention	55	Visits following an earlier intervention to confirm action previously required has been completed e.g. Notice compliance check.	

Appendix A – Health and Safety Budget 2016/17

Other APT & C – Pay	118,250
Other APT & C – NI	10,910
Other APT & C – SUP	25,180
Professional Subscriptions	400
Travel Expenses – Staff	4,000
General Equipment	150
Telephone Line Call Charges	400
Other Hired & Contract Services	200
Telephone Recharge (IT)	220
Access to Services	5990
Business Support	720
Commercial Services	40
Employee Insurance	310
Employment Services	560
Finance	5500
Graphic Design	750
Human Resources	1500
Information Management	400
Information Services	11280
Internal Audit	760
Leased Car Insurance	230
Legal Services	2200
Office Accommodation	5770
Total	195,720

Appendix B

CYNGOR SIR POWYS COUNTY COUNCIL. MEMBERS' INFORMATION BULLETIN.

REPORT BY	Professional Lead - Environmental Health - Commercial
SUBJECT	Beauty Sector i.e., Sun beds; Teeth Whitening; Tattooing; Piercing and body modification procedures

1. The Commercial Section of Environmental Health is involved through its work streams and statutory duties in the health and safety of sunbeds and the enforcement of the The Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011.
2. The health case for legislation in the area of artificial tanning devices is clear. Skin cancer incidence is increasing. The main cause of skin cancer is over-exposure to ultra-violet (UV) rays. This may be from natural sunlight or artificial rays from the use of sunbeds and sunlamps. Skin cancer typically takes decades to develop, so may not become apparent until years after the damaging exposure.
3. Growing concerns about the association between skin cancer and sunbeds became evident in 2003 when the World Health Organization (WHO) issued Artificial Tanning Sunbeds: Risks and Guidance to assist governments in developing public health policy on sunbeds. This highlighted that increasing evidence showed that cumulative exposure to UV radiation increases the risk of skin cancers, so sunbed exposure added to natural sun exposure would increase the skin cancer risk. The guide also recognised the particular vulnerability of young skins and recommended that young people under 18 should not use sunbeds.
4. The Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011 came into force in 31 October 2011. The regulations require the following from businesses:
 - require the supervision of sunbed use;
 - extend to businesses that operate from domestic premises the requirement that sunbeds are not used, or offered for use, to under 18s on those premises;
 - prohibit the sale or hire of sunbeds to under 18s;
 - require the provision of prescribed health information to users;
 - prohibit the provision or display of any material relating to the health effects of sunbed use, other than material containing health information that has been prescribed; and
 - mandate the availability and use of protective eyewear by customers.
5. Initial visits were conducted after the regulations came into force in 2011 and appropriate information was given out to local businesses. This 2016 it was 5 years since the regulations came into force and as a result The Powys Environmental Health team have been involved in checking compliance with these requirements.

6. Visits were conducted from December 2015 onwards. Issues were noted in the majority of premises, with only 2 out of 10 being fully compliant with current regulations. Common areas of concern included:
- Failing to provide health information to users
 - Failing to prohibit the provision or display of any material relation to the health effects of sunbed use
7. The visits conducted also highlighted a growing issue with illegal teeth whitening. Only registered dentists, dental therapists, dental hygienists and clinical dental technicians, working to the prescription of a dentist, can perform tooth whitening. Treatment methods are likely to amount to the practice of dentistry include examples such as:
- Painting on a gel to the surface of the surface of the tooth and activating the gel with an LED lights;
 - Providing a patient with trays that are pre-filled with bleach and activating the agent with an LED light.

One tanning salon offered treatments such as this **whilst using** the sunbed.

8. This has been a worthwhile project which Powys County Council will continue with. The Beauty Sector is continuously changing and as a result illegal practices are continuing. There is still much work to do in ensuring that standards are maintained and on-going education to local businesses is given, in order to protect public health.

Appendix C

CYNGOR SIR POWYS COUNTY COUNCIL. MEMBERS' INFORMATION BULLETIN.

REPORT BY	Professional Lead - Environmental Health - Commercial
SUBJECT	All Wales Project - Infectious disease control in Early years settings

1. The Commercial Section of Environmental Health is involved through its work streams and statutory duties in overseeing both the health and safety aspect of Nurseries and day care facilities and infection control and investigation of outbreaks.
2. Infection control is a vital issue in childcare settings. Children can potentially spend a large amount of time in childcare settings where there are frequent opportunities for the spread of infection. Young children particularly those under the age of five years are recognised as at particular risk of contracting and transmitting gastrointestinal and respiratory infections.
3. An All Wales Guidance document for Infection Prevention and Control for Childcare Settings has been produced by Environmental Health Professionals in conjunction with Public Health colleagues in response to numerous large scale and serious outbreaks that have occurred within these types of settings. These guidelines, it is hoped will help to improve the knowledge and understanding of infection prevention and control for staff in childcare settings.
4. In conjunction with this guidance an Infection Control Audit Tool has also been developed. The Audit Tool allows for a review of the premises, policies and procedures in relation to infection control, and to help ensure current best practice standards are being met. As well as the Audit Tool being utilised by the nurseries as part of their annual review, it has been utilised by officers from the local authority and Care and Social Services Inspectorate Wales (CSSIW) as part of their inspection regime.
5. The Powys Environmental Health team have been involved in an All Wales Project with the aim of the project being:
 - To raise awareness of infectious disease control within early year's day care settings including guidance available and best practice.
 - Provide a self-assessment audit tool for child care provider's to assess their own standards.
 - Reduce the number of outbreaks of infectious disease within early year's day care settings.
 - To ensure a consistent approach across Wales.
6. The following are some of the areas that have been considered during the interventions:
 - General management & staff health
 - Suitability of hand washing facilities.

- Current policies and procedures - are they implemented and up to date for the control of infectious disease?
 - Nappy changing facilities & the use of potties
 - General cleaning & play equipment
7. To date, over 50 early years settings have been inspected and these have been selected from across Powys, with the largest nurseries taking priority.
 8. The standards noted across the range have been variable and whilst some have been found to be excellent there have been some areas of concern and common themes and these and the actions taken as a result are detailed within the attached appendix.
 9. This has been a very worthwhile project and has hopefully provided some solid foundations in promoting and preventing the spread of infectious diseases. As mentioned it has hopefully not only been confined to protecting the children who attend these settings but will also prevent and minimise the impact to others including household contacts, members of staff and where nurseries are situated within schools to the other children attending those. There is still much work to do in ensuring that standards are maintained and on-going education is needed to the children and parents about the importance of good hygiene practice and exclusion periods, as well as improving cleaning practices. Officers will continue to promote the values of this project.

Appendix D CYNGOR SIR POWYS COUNTY COUNCIL. MEMBERS' INFORMATION BULLETIN.

REPORT BY	Professional Lead - Environmental Health - Commercial
SUBJECT	Legionella Intervention: Hot Tubs

1. Spa pools and hot tubs can be found in a variety of settings and using them has increased in popularity. Holiday lettings that advertise the use of a hot tub as part of the package are now much more common and some holiday complexes may have multiple hot tubs on site. Spa pools and hot tubs are considered to be high risk water systems and careful management of them is essential to ensure that Legionella bacteria are controlled.
2. As part of the Environmental Health role when a notification of Legionnaires disease is received officers are required to investigate and attempt to pinpoint the likely source. Many confirmed cases of Legionnaires Disease across the UK have been associated with exposure to hot tubs /spa pools and deaths have been caused by such exposures.
3. Research into the increasing trend in the installation of hot tubs in commercial premises, notably holiday homes and leisure facilities, has highlighted a need to disseminate and provide targeted guidance to assist duty holders to understand and reduce the risk of legionella infection.
4. Commercial premises offering hot tub facilities have been identified across the county, and sent advice as duty holders on their legal requirements, and also to signpost sources of information and specialist advice.
5. Businesses who receive a copy of the letter are likely to be contacted later on in the year to establish what measures they have put in place to control the risk of legionella infection in their hot tubs.
6. Public Health England have developed a regional study to examine the risk of contracting Legionnaires Disease from spa pools and hot tubs. Any follow up visits to businesses in Powys may also incorporate sampling to verify that suitable controls are in place to management the presence of Legionella bacteria. This information will be fed into the Public Health England study through the PHE laboratory facilities we work with.

Appendix E CYNGOR SIR POWYS COUNTY COUNCIL. MEMBERS' INFORMATION BULLETIN.

REPORT BY	Professional Lead - Environmental Health - Commercial
SUBJECT	Smoke-free private vehicles carrying children under 18

1. The Environmental Health Commercial Service is responsible for administering and enforcing the existing smoking ban legislation across Powys.
2. Legislation to ban smoking in enclosed public places was introduced in 2007 to protect the public from second-hand smoke. The smoking ban has been a public health success. Research commissioned by the Welsh Government shows air quality has improved significantly since the smoking ban was introduced and many people are now smoking less. Results from the Welsh Health Survey suggest that the number of adults being exposed to second-hand smoke has also reduced.
3. From the 1 October 2015 it was made an offence to smoke in a private vehicle when a person under the age of 18 is present. It is also be an offence to fail to prevent someone from smoking in a private vehicle when a person under the age of 18 is present.
4. Research shows children are particularly at risk from exposure to second-hand smoke, in the confined spaces of a vehicle where they cannot escape the harmful chemicals in tobacco smoke.
5. Vehicles used by the public such as buses, trains, and work vehicles are already required to be smoke-free under the existing smoke-free legislation.

The changes to the law on 1 October 2015 require a private vehicle to be smoke-free when:

- it is enclosed
- there is more than one person present and
- a person under the age of 18 is present.

The only exemption will be when a 17 year old driver is smoking and is the only person in the car.

6. Enforcement of the new law is the responsibility of the Local Authority and also police officers in conjunction with their wider functions on road safety. A fixed penalty amount of £50 will apply to people caught committing the offences.
7. A number of officers from Environmental Health have recently attended training in relation to the new legislation which is hoped will not be a major enforcement burden. The legislation is seen as 'nudge' legislation meaning it is hoped that:
 1. Some people will comply with it out of a sense of social responsibility as they believe in what the legislation seeks to achieve (i.e. protection of children)

- II. Some will comply even though they do not necessarily agree with the legislation, because they do not want to commit an offence
 - III. Some will comply because of social pressure to do so.
8. More information including a frequently asked questions page can be accessed via the following link: <http://freshstartwales.co.uk/>

Appendix F CYNGOR SIR POWYS COUNTY COUNCIL.
MEMBERS' INFORMATION BULLETIN.

REPORT BY	Professional Lead - Environmental Health - Commercial
SUBJECT	Show / Event Guidance

1. Organisers of shows and events that are known to take place on agricultural land have been sent a letter to advise on national guidelines on controlling ill health, and in particular on controlling E. coli O157 infection.
2. The advice provided is taken from the Industry Code of Practice on Preventing or Controlling Ill Health from Animal Contact at Visitor Attractions. This code of practice applies to a number of situations and specifically mentions agricultural shows or country fairs where livestock are present.
3. The guidance lists specific precautions to take if fields that have been used for grazing or keeping stock are used for recreational activities, e.g., picnicking, camping or play areas. These precautions include keeping farm animals off the fields for at least 3 weeks prior to use, the removal of animal droppings and ensuring that the grass is cut. Where agricultural land is used for recreational purposes like country fairs and shows which are likely to attract families with children and the elderly, it is prudent that steps are taken by organisers to reduce the associated risks.
4. E. coli O157 is a bacteria commonly carried by animals and in particular ruminant animals such as cows, sheep and goats. Even healthy looking animals may be carrying E. coli O157, which can be spread through their faecal excretions. E. coli O157 is spread to humans when humans ingest material contaminated with the E. coli O157 bacteria. If hands, food or other items become contaminated with animal faeces, and either the food is eaten or there is hand to mouth contact, the E. coli O157 bacteria can enter the body and cause illness. E. coli O157 infection in humans is thankfully relatively uncommon, but because the illness it causes can be severe or even fatal, it remains a serious public health issue.
5. The advice sent to the show and event organisers contains a summary of the code of practice, and is intended as a means of raising awareness of the risks associated with the use of land used by agricultural animals, whilst also providing some sensible, proactive and proportionate guidance on preventing or controlling ill health.
6. Our intention is purely to bring this topic to the attention of the organisers of those shows and events that take place on land used for grazing and keeping stock. It is not our intention to follow this up with visits etc. We would only follow up on this if we were to receive complaints or any notifications of infectious disease linked to attendance at an event or show.
7. Any representative of the shows/events who may have concerns about managing the risks, or overcoming particular obstacles should contact the department so that Officers can discuss the specifics of a particular event. We want to be in a position where we encourage community activities across the County and hope that the

guidance that is provided along with the practical support of our officers can help organisers to maintain safe environments in which to attract visitors.