

**REPORT TO:** ENVIRONMENTAL SERVICES AND SUSTAINABILITY COMMITTEE  
(15<sup>TH</sup> JANUARY 2007)

**REPORT ON:** LARGE ORGANISATION PARTNERSHIP PILOT (LOPP) BETWEEN DUNDEE  
CITY COUNCIL, THE HEALTH & SAFETY EXECUTIVE (HSE) AND TESCO  
STORES LTD

**REPORT BY:** HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS

**REPORT NO:** 52-2007

## **1.0 PURPOSE OF REPORT**

- 1.1 The committee is requested to note a joint working partnership approach to health and safety enforcement that is being piloted by Dundee City Council Environmental Health & Trading Standards Department in collaboration with its partner organisations, the HSE and Tesco Stores Ltd.
- 1.2 The Large Organisation Partnership Pilot (LOPP) Engagement/Improvement Plan (Appendix attached) was agreed at a meeting attended by representatives of the three organisations on 15<sup>th</sup> November 2006.
- 1.3 USDAW, the main trade union for Tesco Stores Ltd and other workplace representatives have been consulted on the plan and they have agreed to support it.

## **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that the Committee remit the Head of Environmental Health and Trading Standards Department to participate in a qualitative assessment of the Partnership Pilot's contribution to improved health and safety through joint working arrangements over a two year period.

## **3.0 FINANCIAL IMPLICATIONS**

- 3.1 The HSE is providing financial support to local authorities participating in the LOPP scheme to offset time spent dealing with referrals from other local authorities and liaising with the other partners.

## **4.0 SUSTAINABILITY POLICY IMPLICATIONS**

- 4.1 None

## **5.0 EQUAL OPPORTUNITIES IMPLICATIONS**

- 5.1 None

## **6.0 BACKGROUND**

- 6.1 Dundee City Council Environmental Health & Trading Standards Department and Tesco Stores Ltd enjoy a longstanding and successful partnership through the Lead Authority Partnership Scheme (LAPS), which began in 1995 and continues today.
- 6.2 LOPP is a means of improving the way in which enforcing authorities work with large organisations employing more than 10,000 UK based employees.
- 6.3 LOPP builds on the experience of previous schemes such as LAPS and is a pilot, testing different ideas rather than offering a ready-made solution.
- 6.4 For both enforcers and organisations, the primary incentive is improved health and safety outcomes.
- 6.5 For Local Authorities and HSE, LOPP offers an opportunity to encourage a more consistent approach towards health and safety enforcement throughout multi-site operations, to target resources more effectively and to use large firms as exemplars of good health and safety practice.
- 6.6 The project aims to increase our understanding of how these organisations operate and their approach to risk management.

## **7.0 CONSULTATIONS**

- 7.1 The Chief Executive  
Depute Chief Executive (Support Services)  
Depute Chief Executive (Finance)

## **8.0 BACKGROUND PAPERS**

- 8.1 None

**Albert Oswald**  
**Head of Environmental Health & Trading Standards**

December 2006

## **Tesco Stores Ltd, Dundee City Council, HSE** **Engagement/Improvement Plan**

### **Summary**

This document describes how the LOPP between Tesco Stores Ltd, HSE and Dundee City Council will work and gives guidance to enforcement officers in relation to their interface with Tesco Stores Ltd. The success of this Partnership not only depends on the partners but the participation of all Enforcement Officers in pursuing the objectives of LOPP to the benefit of all.

#### **Priorities for Tesco Stores Ltd**

- *A reduction in reportable accidents of 3% each year (10% by 2008/09) by concentrating operational activity on relevant FIT3 topics and the most common causes of injury:*
    - *slips, trips and falls on the same level;*
    - *manual handling;*
    - *being struck by equipment, predominantly roll cages.*
- To concentrate co-ordination activity on matters of material significance.*

#### **Action Required**

Section 5.3 outlines what Enforcement Officers are asked to do in participation with the plan, includes both PROACTIVE and REACTIVE contact with Tesco and takes account of HELA advice to Local Authorities on Intervention Programmes and priority planning.

- PROACTIVE VISITS should concentrate on the most common causes of injury outlined above and on the relevant FIT3 topics.
- REACTIVE VISITS should be carried out in line with the Authority's own protocol covering these issues, taking into account HELA advice and the LOPP priorities when selecting incidents for investigation.
- Copies of all relevant inspection/investigation reports should be sent to the Account Manager.
- The Account Manager should be sent copies of all Immediate Prohibition Notices.
- Enforcement Officers are asked to contact the Account Manager when contemplating enforcement action.

**Scope of Plan**

The plan covers all aspects of Tesco retail and distribution activities.

Prior to including a Tesco Stores Ltd site within a programme initiative, enforcement officers are asked to consult with the Account Manager in order to avoid 'initiative overload'.

**Time Period Covered by the Plan**

The general commitments outlined in this plan covers the period to 31 March 2008 which is regarded as PHASE 1 the plan with progress dependant on a number of factors and may be amended as the partnership develops.

**Contact Details**

Contact details for the Partners can be seen in Section 6.0 'Communication and Contacts'.

# Large Organisation Partnership Pilot (LOPP) Dundee City Council, HSE and Tesco Stores Ltd

The LOPP priorities for Tesco and for regulatory inspectors are:

- to concentrate operational activity on relevant FIT3 topics and the most common causes of injury;
  - slips, trips and falls on the same level;
  - manual handling;
  - being struck by equipment, predominantly roll cages;
- to concentrate co-ordination activity on matters of national significance, and to re-invigorate the LAPS process.

## 1.0 Scope

1.1 The Health and Safety Commission's "Strategy to 2010 and Beyond" informs the work of LAs, who mainly enforce the Health and Safety at Work Act in Tesco premises, and the Health and Safety Executive who enforce the Act in relation to certain activities. To implement the strategy, HSE (with LA support) has developed a work programme known as FIT3 (Fit for work, Fit for life, Fit for tomorrow) which guides much of the operational and campaign activity of LA and HSE staff. In addition, other programmes, such as the Construction Programme (which structures FIT 3 and other priorities for that industry) and the Business Engagement Programme (of which the LOPP initiative is part) are relevant to Tesco operations.

**1.2 This document describes how the LOPP between Tesco Stores Ltd, HSE and Dundee City Council (DCC) will work and includes the participation by USDAW, the main trade union for Tesco Stores Ltd, in meeting the objectives**

## 2.0 Objectives.

2.1 The LA/HSE Large Organisation Partnership Pilot (LOPP) has three linked objectives:

- to secure verifiable improvements in health and safety outcomes in pilot organisations;
- to make more efficient use of local authority and HSE resources and minimise duplication of visits with the organisation;
- to present a coherent, customer-focussed approach to large organisations, managing multiple regulatory approaches and offering a more consistent approach to inspections of multi-site organisations.

2.2 Tesco Stores Ltd has two related objectives:

- to bring about a reduction in Tesco's reportable accidents of 3% each year (10% by 2008-09).
- to have enforcement by regulatory officers co-ordinated through the LOPP process, resulting in fewer enforcement challenges.

**2.3 The above objectives will be reflected in this Partnership.**

3.0 The Partnership.

3.1 DCC and Tesco Stores Ltd have a longstanding and successful partnership through the Lead Authority Partnership Scheme (LAPS), beginning in 1995 and continuing today.

More information on the partners can be found by visiting their websites: [www.dundee.gov.uk](http://www.dundee.gov.uk) and [www.tescocorporate.com](http://www.tescocorporate.com) respectively.

*Contact details for the Account Manager are given in para 6.1 and the role of the AM in Appendix 1.*

3.2 The administration and operation of the LOPP will continue with the systems developed through the LAPS process ie: -

- a) Regular contact between the Account Manager (AM) and the Tesco Partnership Manager (TPM) by telephone, fax, e-mail and surface mail.
- b) Two-monthly round table meetings, to discuss issues and undertake site visits.
- c) The AM will:
  - i) Receive referrals from Enforcement Officers (EOs) by letter, telephone and e-mail, log the referrals giving each a unique number and forward them to the Tesco Partnership Manager (TPM).
  - ii) Note issues of National Significance for attention by LOPP partners.
  - iii) Note local issues with a view to monitoring for trends of non-compliance with set procedures, guides etc for discussion with the TPM.
  - iv) Discuss referrals with a view to identifying the most appropriate actions for their resolution.

4.0 The Improvement Plan.

4.1 DCC conducted a Safety Management Review (SMR) of Tesco in 1995 and repeated the exercise in 2000 when it became apparent that a review was merited due to the company's growth and diversification. Tesco's response to the SMRs has been positive and action has been built in to the company's health and safety programmes.

4.2 Amongst the recommendations of the 2000 SMR was the need to collate and disseminate accident data. This has increasingly given Tesco the ability to look closely at the areas of operations where accidents/incidents occur and where employee time is lost through ill health.

4.3 The initial analysis of accident figures showed that the most common causes of injury in the workplace were:

- slips, trips and falls (on the same level);
- manual handling, and
- "struck by", including equipment, predominately rollcages.

4.4 A recent review by DCC of Tesco's RIDDOR reportable accidents from 2002 to 2006 confirms that these three areas are responsible for 84% of all reportable accidents. An analysis of LAPS referrals over the same period shows that these topics are the most common topics raised.

- 4.5 The LOPP partnership therefore endorses the relevant FIT3 topics and the three topics summarised in paragraph 4.3 as priority areas for attention by Tesco and by Regulatory Officers. The Partnership believes that concentrating activity in this way will reduce the number of incidents in these areas.**

- 4.6 The initial analysis of accident figures prompted Tesco's Trading Law and Technical Department to develop a series of Safety Awareness Campaigns which began in 2004 and covered these priority topic areas. These campaigns run in stores three times per year, and in Distribution, once per year.

*See Appendix 2.5 for more information of Safety Awareness Campaigns.*

## **5.0 Engagement Plan**

- 5.1 The following section sets out general commitments made by the Partners over the course of the period to 31st. March 2008, which will be regarded as Phase 1 of the Partnership. These are not timetabled; progress will depend on a number of factors and may be added/amended to as the Partnership develops. During the period the partners will build upon this experience to develop a more closely defined Partnership Plan incorporating feedback from regulatory officers.

### **5.2 DCC/HSE will:**

- a) Communicate the aims and objectives of this LOPP to regulatory officers and policy group staff and monitor the delivery of the pilot.
- b) Coordinate and manage the national programme approaches to Tesco and in particular will maintain contacts with the Construction National Lead Inspector (see contact details in Para 6.3); the Construction Initiative will concentrate on Tesco's position as a major client for construction work.
- c) Offer assistance to Tesco in the analysis and benchmarking of the accident and ill-health records.
- d) Look for opportunities to involve Tesco in policy development.
- e) Consider the resource demands of the Pilot and seek to provide adequate staff to support the initiative.

### **5.3 Local Authorities:**

- 5.3.1 In accordance with the letter from the joint chairs of HELA sent on 18th October 2006, Local Authority inspectors are asked to:-

- a) In respect of **proactive** visits, take account of relevant HELA advice to Local Authorities on Intervention Programmes and priority planning.
- b) Undertake **proactive** visits that concentrate on the agreed LOPP priorities identified in para 4.5 above and on the relevant FIT 3 priorities and not to include Tesco sites in other programme initiatives without prior consultation with the Account Manager to avoid 'initiative overload'.
- c) Carry out **reactive** visits (accident/complaint investigations) in line with the Authority's own protocol covering these issues, but take account of HELA advice and the LOPP priorities when selecting incidents for investigation.
- d) Consider making prior contact where appropriate with the store manager to ensure that either (s)he, the Compliance Manager or the most appropriate person is available to attend to the issue in hand, making the scope of the visit clear.
- e) Concentrate on increasing the effective involvement of LAs in LAPS. More generally in accordance with LAPS, the Account Manager/LAPS Officer should always be consulted where issues with national implications arise as a result of an inspection or series of inspections. Enforcement Officers should send copies of all relevant inspections/investigation reports to the Account Manager; these are of assistance in identifying trends of non-compliance with agreed company procedures and policy which can be addressed by Tesco Management.

#### **5.4 TESCO will:**

- a) Continue to develop a better understanding of the employees health by closer scrutiny of the injuries pattern to analyse the most common type of injury and focus more closely on the associated work activity and the root cause of the accidents, to identify preventative measures.
- b) Continue to work towards collating better sickness absence information. Currently there are plans to introduce a new personnel database to all countries in which Tesco operates for 2010. No date for UK implementation has yet been set.
- c) Continue to review and improve the effectiveness of the key H&S messages being put across in-store during the Safety Awareness Campaigns and through the Store Director Forum.
- d) Whilst recognising the need to prioritise Tesco's activities towards the LOPP objectives, examine how the Tesco campaign approach can be aligned more towards the FIT3 and other HSC priorities.
- e) Organise effective communication between the LA/HSE LOPP team members and the Tesco worker representatives about the Pilot and about the HSC strategy more generally.
- f) Ensure a system is in place to enable the timely provision of responses, Risk Assessments and other information to enforcement officers and store staff who request them.
- g) Continue to incorporate enhanced H&S performance information to the annual Corporate Responsibility review in order to make information more available to various stakeholders and shareholders.

#### **5.5 USDAW has been consulted on this plan and has agreed to support it by:-**

- a) Continuing to work with Tesco at all levels to ensure high standards of health and safety in all stores and distribution centres.  
Encouraging safety reps to use the facilities in the partnership agreement and distribution centre agreements to assist line managers in the delivery of good performance on health and safety.
- b) Using existing joint working groups such as the retail health and safety working group as a way of keeping health and safety issues under review and explore the possibility of developing new working groups, including joint working groups between retail and distribution where there are common health and safety issues to be managed.
- c) Making sure that safety reps make a positive contribution to Safety Awareness Campaigns and to distribution safety committees and the store and Store Director forums.
- d) Incorporating information about the LOPP and about the priority FIT3 topics into the training courses for Tesco safety reps.
- e) Developing a Tesco safety reps handbook tailored specifically to reps in Tesco stores to enable them to play their part as effectively as possible.

#### **6.0 Communications and contacts.**

- 6.1** Whilst formal communications (INs, PNs,etc) require to be served on the Company Secretary at the registered head office, general communications following store visits etc. (as well as copies of the aforementioned formal communications) should be addressed as follows:-

Tesco Stores Ltd.  
Trading Law and Technical  
PO Box 266  
Cirrus A, Shire Park  
Welwyn Garden City  
Herts.  
AL7 1GA.

cc      The Store Manager

cc                   LOPP/LAPS partner:-  
Mr. Dugald Emans  
Environmental Health Officer  
Dundee City Council  
Environmental Health and Trading Standards Department  
1 Highland Chief Way  
Claverhouse West Industrial Park  
Dundee  
DD4 9UA.

tel:       01382 436225  
fax:       01382 436226  
e-mail:   [dugald.emans@dundeecity.gov.uk](mailto:dugald.emans@dundeecity.gov.uk)

Note: The full postal address of the store should be noted together with the **Tesco Store Number**, which should be used in all communications.

**6.2**     The LOPP Account Director for the HSE is:-

Stewart Campbell  
HSE, Belford House  
59 Belford House  
Edinburgh  
EH4 3UE

tel:       0131 247 2006  
e-mail:   [stewart.campbell@hse.gsi.gov.uk](mailto:stewart.campbell@hse.gsi.gov.uk)

**6.3**     The Construction National Lead Inspector is:-

Wayne Crumpton  
HSE Manchester  
Grove House  
Skerton Road  
Manchester  
M16 0RB

tel:       0161 952 8397  
e-mail:   [wayne.crumpton@hse.gsi.gov.uk](mailto:wayne.crumpton@hse.gsi.gov.uk).

**7.0**     **Evaluation**

**7.1**     The LOPP team consisting of the AM, the AD, the Tesco Representatives and a worker representative will meet every four months, to monitor progress of the LOPP.

**7.2**     Indicators to be considered when assessing the effectiveness of the LOPP include:-

- a)       Feedback from EOs as to the effectiveness of the LOPP with a view to amendments required in line with 5.1 above.
- b)       Look for indicators that employees have an increased awareness of the health and safety issues/policies affecting their daily activities.
- c)       Meeting/exceeding the target of an annual 3% reduction in reportable accidents (10% by year 2008/09)
- d)       A reduction in reactive visits by Enforcement Officers as a result of 7.2.c) above.

- e) A reduction of the Risk Rating Score of stores by the Local Authority Enforcement Officers when taking account of the relevant HELA advice to Local Authorities on Intervention Programmes and priority planning.

## Appendix 1

### 1.0 Role of the Account Manager.

#### 1.1 The Account Manager (AM) will:-

- a) Promote the aims of this LOPP.
- b) Maintain an independent, robust and sophisticated relationship with the partner organisation.
- c) Deliver a coherent view of Enforcing Authority activity to avoid duplication of effort.
- d) Act as an intelligent gateway for Enforcing Authority engagement with the partner organisation.
- e) Note issues of national significance and bring these issues to the attention of Tesco with a view to resolving them and maintain a dialogue with all parties concerned.
- f) In considering issues which may have a national significance, the AM may:
  - (i) Review Tesco's policy/ procedures/ risk assessments/ guides/ etc.
  - (ii) Take into account current Legislation, Regulation, Guidance Documents, Industrial Guides, etc.
  - (iii) Consult with other parties, eg the Health and Safety Laboratory , Commercial and Consumer Services, Transportation and Utilities Sector (CACTUS), etc. where appropriate.
  - (iv) Express his considered opinion to the originating Officer.
  - (v) Where amendments to Tesco's approach to an issue are advised, enter into dialogue with Tesco with a view to a resolution, including time scale. Any omissions by Tesco to be addressed in a similar manner.
  - (vi) Inform the originating Officer of the outcome of the investigation and the course of action.
- g) Information received from Tesco Stores Ltd. in support of the LAPS/LOPP agreements is information gathered by virtue of an enforcement officers HSWA powers and is therefore subject to the usual legal safeguards as regards disclosure to other parties.
- h) Dundee City Council will not release to Tesco Stores Ltd any confidential information gained from an Enforcing Authority without the authority's approval.

### 2.0 Account Managers Role in Enforcement Decision Making

#### 2.1 Prior to Enforcement Action

- a) Enforcement Officers who are contemplating enforcement action against an organisation involved in a LOPP with the exception of an immediate Prohibition Notice are requested to contact the Account Manager to discuss the issue.
- b) The Account Manager is in a position to place the local action within a national context and advise enforcement officers accordingly.
- c) Such advice should include:-
  - (i) Factual information as to similar enforcement actions taken/being taken and their outcomes if known. Enforcement Officers may then wish to consult with those who have undertaken similar actions.
  - (ii) Opinion, as to the appropriateness of the contemplated enforcement action taking into account the national context, for example:-
    - its relevance in pursuing the objectives identified in the LOPP
    - its relevance to future developments/inclusion in the LOPP
    - the seriousness of the issue
    - whether the action is helpful
    - whether alternative enforcement action may have more impact

- whether the action contemplated may have little or no effect
- d) The **decision** on whether to proceed with the contemplated enforcement action is a matter for the local enforcement officer and their line management, **it is not a matter for the Account Manager.**
- e) **Neither is the Account Manager** in a position to be able to provide advice on the **legal validity** of the officers contemplated actions. This is a matter for the legal advisers of the enforcement officers.
- f) The existence of discussions referred to in paragraph 2.1(a) above will not be disclosed to the participating organisation by either authority without the agreement of both.
- 2.2 Once the enforcement action has been instigated
- a) It is **not** considered the part of the Account Managers role to play an active part in any enforcement proceedings, for either party.
- b) Factual material to be presented in evidence should be agreed by all parties in the proceedings, for either prosecution or defence.
- c) The Account Manager should not be expected to appear in court or at any tribunal on behalf of any party except where required to give evidence that falls outside of that described in 2.2(b) above

## **Appendix 2**

### **1.0 Tesco's Health and Safety Performance**

**1.1** Health and safety expertise is provided to the group through the Trading Law and Technical (TLT) department.

**1.2** Trading Law and Technical

Contact TLT, tel 01707 678770 during office hours or by e-mail using [trading.law@uk.tesco.com](mailto:trading.law@uk.tesco.com). Sites can connect on-call Managers of TLT through Tesco Security Support where issues arise outwith office hours.

The appropriate Regional TLT Manager will deal with individual store issues raised by Local Authorities and can be contacted using the above number or e-mail address.

**Derek Hopkins is the Trading Law and Technical Manager-Operations and is the first point of contact for all referrals from DCC although they will be dealt with locally by the Regional TLT Manager.**

Roland Overvoorde is the Operational Standards Manager, responsible for health and safety policy issues.

Steve Edwards is the Operations and Standards Policy Director.

All can be contacted using the above address for Tesco Stores Ltd or using the above phone number or e-mail.

## Worker involvement

- 2.3** In **Stores**, Tesco organise worker involvement in health and safety via a national partnership with the USDAW trades union. All workers, including non-union members are represented on a Store Forum which meets 3 times a year and includes health and safety on the agenda. Issues raised at a store forum that cannot be resolved locally are escalated to a Store Director Forum for resolution. Unresolved issues from the Store Director Forum are escalated to the appropriate department in the Office and reported back to both levels of Forums. There is also a National Forum made up of representatives from the stores to look at national issues, this forum has a health and safety group which is used as a consultee on important issues.
- 2.4** In **Distribution Centres (DC)**, workers are involved in the traditional way using site Safety Committees. Technical Support Managers/Health and Safety Managers in each DC escalate unresolved issues to the Distribution Health and Safety Manager who in turn can take unresolved issues to the Distribution Health and Safety Steering Group.
- 2.5 Safety Awareness Campaigns**
- a)** In response to the analysis of the accident figures TLT have been running safety awareness campaigns since 2004 covering the priority areas of slips and trips, manual handling and rollcage safety. These campaigns are run in stores three times a year and in Distribution, once a year.
- b)** The safety awareness campaigns for store are delivered in three separate periods of the year to coincide with Staff Forum meetings. Each campaign focuses on one of these priorities and lasts for around two weeks. The campaign is delivered in a planned period allowing all managers the necessary time to carry out the activities. The common elements of all the campaigns are:
- i. clear management briefings
  - ii. a personal message to all staff
  - iii. posters displayed with a simple message, and
  - iv. a focussed audit is carried out by the store
- Each campaign is reviewed by the Store Director Forums to understand how the next campaign can be improved.
- c)** Distribution safety campaigns are annual and organised by the Distribution Health and Safety Manager, usually held around European Health and Safety Week.

## Risk Assessments

- 2.6** Tesco has over the years developed a large number of **Risk Assessments** which are held centrally for Stores and locally at DCs by the Technical Support Manager/Health and Safety Manager. Tesco stores are built to design standards and contain standard equipment and layouts. Risk Assessments in stores are generic, taking into consideration of variations between stores and developing control measures for the worst case. Significant findings are written into departmental **Guides** which form the basis of training for all employees and which should be available in all stores. Delivery RAs and Fire RAs are carried out in a site specific basis and are available in-store. This approach has been investigated and deemed to be in compliance with the Management of Health and Safety at Work Regulations 1999