

The background of the page is a photograph of the Ring of Brodgar, a Neolithic stone circle in Orkney, Scotland. The stones are silhouetted against a blue sky at sunset or sunrise. The sun is visible on the right side, creating a bright glow. The foreground is dark, and the background shows a hazy landscape with hills.

Health and Safety Service Intervention Plan 2026/27 to 2029/30

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Orkney Islands Council
Planning and Regulatory Services
Environmental Health

Health and Safety Service Intervention Plan for 2026/27 to 2029/30

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Foreword

Orkney Islands Council recognises the importance that businesses play in connection with employment and the provision of activities and services to local residents and visitors.

The responsibility for managing risks arising from work activities rests with the persons who create those risks (e.g. business owners/employers) – the “duty holders”. The Council takes its responsibility as a health and safety enforcing authority seriously and commits to delivering a health and safety regulatory service which is appropriate to Orkney and meets the requirements in the mandatory guidance issued by the Health and Safety Executive to all enforcing authorities.

This plan fits with and adds support to the Environmental Health Team plan, setting out the areas of priority work for 2026/27 to 2029/30. This timescale is aligned to Local Authority Circular 67/2 which has now moved to a 3 year planning period.

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Background and purpose of this document

This document summarises how Orkney Islands Council (The Council) will meet its responsibilities as a health and safety regulator and how it will focus resources and activities according to risk and identified priority topics. It does not deal with the Council's duties as an employer under the Health and Safety at Work etc Act 1974.

The Council recognises its statutory role as a health and safety regulator and its legal duty to enforce health and safety law and comply with mandatory guidance issued under section 18 of the Health and Safety at Work etc Act 1974¹. This includes producing a health and safety service intervention plan (this document) setting out the Council's approaches to targeted health and safety interventions for the next 3 years, based on the mandatory guidance given to all Local Authorities in Local Authority Circular 67/2. The Council also acknowledges and accepts the statement of commitment between HSE and local authority regulators [Statement of commitment between: Local Authority and HSE Regulatory Services](#) and will work jointly with other regulators and employers to maintain and improve standards of health and safety at work.

Role of the Council as a regulator

The Council has a statutory duty to make adequate arrangements for the enforcement of health and safety law and to legally appoint suitably qualified Inspectors to carry out the range of regulatory duties for which they have been appointed. Within the Council, officers from the Environmental Health team are appointed to carry out these duties and at the time of writing there are 2 staff who have the necessary qualifications/experience and are fully authorised, but this does not equate to 2 full time equivalents. The term "adequate arrangements" is not defined, but it is understood that guidance may be issued by HSE within the lifetime of this plan to assist all Local Authorities in assessing their compliance with this long-standing statutory duty. Any assessment against this guidance will be brought to the attention of the Council's Corporate Leadership Team to offer assurance or highlight resource risks and deficiencies.

Businesses and organisations are responsible for identifying and managing the risks they create to workers and the public who might be affected by their work activity. The role of the Council as a health and safety regulator is to support, encourage, advise and where necessary hold to account businesses to ensure that duty holders effectively manage the occupational health and safety risks they create. As a regulator the Council is expected to ensure best use of resources and to help improve the effective management of work-related health and safety risks in a proportionate way.

¹ See National Local Authority Enforcement Code for Health and Safety at Work applicable to England, Scotland and Wales [National Local Enforcement Authority Code](#)

The Council will achieve this proportionately through choosing the most appropriate way of influencing “risk creators” and by targeting interventions, including inspection, investigation and enforcement activity, on those businesses and sectors that represent a higher level of risk to the health and safety of workers and the public. The guidance in LAC 67/2 will be used as the basis to focus these activities over the next 3 years.

Enforcement of health and safety law is split between Health and Safety Executive (HSE) and Local Authorities as set out in the Health and Safety Enforcing Authority Regulations 1998, and 2025 marked 50 years of this “co-regulatory partnership”. This means, within the county of Orkney, the Council will be the enforcing authority for premises where the main activity is set out in schedule 1 to the regulations, as summarised in appendix 1, except if the Council is itself the duty holder for these activities. The HSE are generally responsible for enforcement in relation to all other activities, although there are a number of specialist regulators for particular hazardous activities

The HSE are the national co-regulator, operating on a UK wide basis and have re-organised into an “inspection division” and an “investigation division”. The HSE do not have offices in Orkney and following discussions and given the location of Orkney it is recognised that it is not unreasonable to expect informal approaches from the HSE for Council officers to assist with local knowledge and instigating local contacts, as and when the need arises.

The Council also has other roles in connection with local businesses aside from health and safety regulation, and subject to data protection, such roles may assist in identifying and managing risk. Example roles include being the Licensing Authority, the Food Law Authority, a Category 1 responder for the Civil Contingencies Act, Trading Standards Authority, Local Housing Authority, and the Local Planning Authority. Therefore, the Council’s work can have an impact on wider public health outcomes, reduction of health inequalities, and contributing to delivering the business growth agenda. Council officers can therefore provide invaluable advice to receptive new business through either specific advice, visits or signposting.

As a regulator and in line with the enforcement policy [General Enforcement Policy](#), (available on the Council website) the Council can use a full range of “interventions” from advice and guidance through to formal enforcement action to influence behavioural change in the way a business manages or undertakes its work and complies with health and safety law. Fundamentally this means targeting interventions on those work activities that give rise to the most serious risks or where the hazards are least well controlled. Proportionality is key and it is our policy that the Council will not invest limited resources on matters of comparatively low risk unless, of course, they are matters of evident concern. This means inspection based interventions will be targeted and focused to specific sectors, hazards or risks; the days of “routine” inspections of a particular duty holders’ premises for compliance with all health and safety law are in the past, as they do not make best use of limited resources.

As a regulator, the Council recognises the responsibilities of duty holders to comply with the law and in this regard, it is not the role of the Council as a health and safety regulator to review, validate or verify paperwork on behalf of duty holders.

Safety advisory group, licensing and event planning

Officers from the Council Environmental Health team will attend meetings of the multi-agency Safety Advisory Group set up within Orkney, and may by invitation attend event planning groups organised for particular events.

However, Local Authority Inspectors (like HSE Inspectors) are not in a position to authorise or approve an event organiser's safety plan, risk assessment or give an opinion on compliance with safety related licensing conditions. Therefore, the contribution of Local Authority Inspectors should not be inferred by any Safety Advisory Group, Event Planning Group, Licensing consultation or event organiser as sanctioning their methods of controlling risk.

Work related deaths

The work related death protocol for Scotland [Work related deaths: A protocol for liaison | COPFS](#) provides the framework for investigating deaths that occur in a workplace or arising out of a work activity within Scotland. As a health and safety Enforcing Authority the Council will use this framework to investigate all relevant work-related deaths, liaising with COPFS, Police Scotland and other partners as necessary. The revised code now places an emphasis on multi-agency investigations, rather than an agency based linear approach, which means investigation times should shorten – thereby providing a better service and in the spirit of the Lord Advocate's intention to minimise impacts on bereaved families.

Interface between the Council as a regulator and employer

As Orkney Islands Council is also an employer and therefore a duty holder for health and safety legislation as well as a regulator, particular care will be taken to avoid any perceived or actual conflicts of interest arising from these two roles. To help manage this, the Council will:

- Recognise that conflicts of interest could be real or perceived and unless managed properly they can undermine health and safety regulation and the Council's reputation.
- Provide clarity in the enforcement policy showing how potential conflicts of interest are to be practically managed.
- Put in place organisational and procedural systems which enable the Council's regulatory team (Environmental Health) to demonstrate that they can and do act as an independent enforcing authority in connection with inspection, investigation or enforcement.

- Maintain a managerial culture in which senior managers and Elected Members are unable to influence regulatory officers to act in a way which is contrary to the law or enforcement policy.
- Recognise the personal independence of officers by enabling Inspectors (and the legal officers providing support to them) that are (or are potentially) involved in investigations to not be involved in giving corporate health and safety advice, including to Council contractors and arm's length organisations.
- Where officers from the Council's Safety and Resilience team and environmental health team engage in dialogue and discussion on safety topics, being open and transparent about the different roles of regulator and duty holder.
- Be proactive, open and transparent in communicating how the Council deals with conflicts of interest with all interested parties.
- Ensure all opportunities for staff development and training are prioritised and welcome a "just culture" whereby staff are empowered and encouraged to raise any concerns or issues that they may perceive with senior management or directly to the relevant regulator if they feel this is warranted

The Council recognises it is expected to maintain a strong deterrent against those businesses who fail to meet their health and safety obligations and put their employees or the public at material risk thereby also deriving an unfair competitive advantage.

Key components of the Council's health and safety service intervention plan

In order to prioritise resources, comply with mandatory guidance and protect the public, whilst recognising that businesses and organisations who create risks are best placed to identify and manage them, the Council will:

- Prepare a risk-based service intervention plan focussed on proportionality and tackling specific risks (this document) covering a 3 year period;
- When considering the risks that need to be addressed, utilise the whole range of available interventions to target those specific risks, in a proportionate way;
- Recognise the different roles the Council undertakes, and provide clarity on the separation of such roles, particularly where one business has contact from more than one Council service area in relation to a particular topic;
- Reserve unannounced proactive inspection only for the activities and sectors that are nationally agreed (see appendix 2) or where intelligence suggests risks are not being effectively managed;
- Use national and local intelligence to inform work priorities;
- Have sufficient trained and competent officers who can exercise professional judgement to:
 - Differentiate between different levels of risk or harm;
 - Decide how far short a business has fallen from effectively managing the risks it creates;
 - Apply proportionate decision making in accordance with the Enforcement Policy, HSE's Enforcement Policy Statement [HSE - Enforcement policy statement](#) and the national Enforcement Management Model [HSE - The Enforcement Management Model](#)
 - Identity personal Continuous Professional Development (CPD) needs in order to keep themselves up to date and competent, having regard to the nature of their work and regulatory risk portfolio of the Council's jurisdiction
 - Are free and enabled to raise any concerns or issues which they may identify without fear or favour.
- Use nationally developed incident selection criteria to determine which incidents will be selected for investigation (see appendix 3);

- Work with the Police, Crown Office/Procurator Fiscal Service and others to ensure a joined up, coordinated, timely and proportionate approach to work related fatalities following the framework provided in the Work Related Death Scotland Protocol for Liaison published by the COPFS
- Use a risk-based approach to complaint handling;
- Publish successful enforcement action;
- Keep records and complete the annual LAE1 return
- Through its Trading Standards team use a risk based approach for petroleum certification and petroleum and explosives Licensing

Details of how to make a complaints about regulatory service activity (either by HSE or Local Authority Inspectors) are provided on the HSE website: [Complaints about regulatory activity](#) . Complaints can also made through the Orkney Islands Council online feedback process [Complaints, Compliments and Feedback](#)

Work activities and outcomes for 2026/27 to 2029/30

This section sets out the work activities which the Environmental Health team will undertake during 2026/27 to 2029/30 as a health and safety regulator. It is informed by the National Local Authority Code - [National Local Authority \(LA\) Enforcement Code - HSE and LAs Working together - HSE](#) and Local Authority Circular 67/13

1. We will consider health topics the highest priority when allocating resources.

In line with the HSE Strategy 2022 to 2032² the Council's regulatory priority is to reduce work-related ill health, with a specific focus on mental health and stress. This will be achieved not only through targeted interventions, but also seeking to work in partnership across the business sector in Orkney. This will include working with partners in the NHS Orkney Public Health Team and the Council's Economic Development and Employability Teams. The Council recognises its unique opportunity to contribute to the workplace ill health prevention agenda throughout Orkney in its roles as employer, Enforcing Authority and community leader/enabler.

Furthermore, like all organisations the Council has finite resources. This is particularly true within the Council's Environmental Health team which, as in other local authorities, is impacted by the national recruitment crises among skilled and qualified regulatory staff. At the time of writing there is one qualified officer and the Service Manager able to deliver the majority of this work. Therefore, whilst priorities have to be allocated in relation to delivering the tasks contained within this service plan, the overall priority of health and safety regulatory work needs to be prioritised and contextualised against the wider priority and work of the Council's environmental health team. This may require holistic risk trade-offs so that, for example (lower risk) food law work is not over prioritised against health and safety regulatory work.

2. We will undertake proactive inspections/visits only where there is reason to do so.

Proactive visits or inspections have long been a key component of health and safety regulation, however they are resource intensive and can be counterproductive if they do not focus on real and genuine risk. Therefore, the Council will reserve proactive inspections for health and safety compliance to:

- a) Specific projects/ programmes of inspection identified at a national level for attention.

² Protecting People and Places: HSE strategy 2022-2032 [Protecting people and places: HSE strategy 2022 to 2032](#)

- b) Nationally identified high risk premises/activities in the LA enforced sector
- c) Locally identified potential poor performers where specific local intelligence, and assessment by a qualified Inspector indicates that a business is failing to effectively manage risk.

The areas deemed suitable for proactive visits are shown in appendix 2; however in all cases the Council Inspector has the right to determine if a proactive visit is required to a particular premises for a particular reason. The Council supports the concept of “no inspection without reason” and will generally focus proactive inspections towards priority topics, and investigation visits in relation to incidents or complaints that meet our definition for needing a response.

It is our intention to follow the national timetables for intervention work set out in LAC 67/2 and this will help allocate and prioritise resources.

3. We will select incidents and complaints for investigation.

The law requires certain incidents to be reported to the Council as an Enforcing Authority, and from time-to-time employers or workers may refer information to the Council. However, there is not a legal duty placed on the Council to investigate incidents or safety related complaints. We will use the criteria in appendix 3 to determine whether or not a work-related incident should be investigated (regardless of whether or not it was correctly notified). We are also aware of the HSE national policy regarding the investigation of work-related stress and will align our approach when investigating cases of work related stress to this policy³.

As regards work related deaths, we are aware of the Lord Advocate’s publicly stated intention⁴ and priority to reduce investigation and case journey times. Therefore, investigation of work-related death will be treated as the highest priority and may lead to other work (including wider environmental health work) being deprioritised in order to progress an investigation in a satisfactory and timely way.

4. We will raise awareness of national issues of concern.

In accordance with LAC 67/2 2026/27 to 2029/30 (version 1) the national priority issues of concern are:

³ See [Investigating potential issues of work-related stress - HSE](#)

⁴ See for example [Lord advocate pledges to speed up fatal accident inquiries](#)

Occupational health topics

- Occupational lung disease
- Legionella
- Work related stress
- Musculoskeletal disorders
- Noise in the workplace

Occupational safety topics

- Planned preventative maintenance
- Safety in motorsport
- Inflatable amusement devices
- Trampoline parks
- Provision of licensable adventure activities
- Preventing injuries involving large waste bins

Our specific approaches to dealing with these topics are set out in appendix 4 and informed by the guidance in LAC 67/2 and our knowledge of the local business portfolio.

5. We will take appropriate enforcement action where required and deal with "matters of evident concern" and "matters of potential major concern" identified during advisory or other regulatory activities

Matters of evident concern (MECs) may be defined as matters "that create a risk of serious personal injury or ill-health and which are observed (i.e., self-evident) or brought to the inspector's attention". Matters of Potential Major Concern (MPMCs) are those which "have a realistic potential to cause either multiple fatalities or multiple cases of acute or chronic ill-health".

We will take appropriate enforcement action where required and monitor MECs or MPMC's dealt with during advisory or other regulatory visits to identify potential local issues. Any MECs or MPMC's identified which may have national significance or relate to new or emerging issues that may have a national significance will be reported to the HSE Local Authority Team.

6. We will provide advice and guidance (especially for new businesses)

We will do this by using the following methods:

- Council website and social media channels
- Provision of advice and guidance as part of promotions and campaigns

- Specific visits, upon request and subject to resources and priorities
- Signposting duty holders to further sources of advice, for example through industry bodies, HSE website and other specialist resources.

The Council and its partners have set up a Safety Advisory Group and it is recognised that this is a key mechanism for engagement with event organisers at the planning stage of events, however it is not the role of the Council to approve any event safety management documentation and the responsibility for organising and running a safe event rests with the event organiser.

We will continue to contribute to the Safety Advisory Group (SAG) which may consider events taking place or affecting Orkney, keeping in mind any conflicts of interest arising from the Council being involved in the organisation of an event or as a venue owner and a health and safety enforcing authority need to be identified and mitigated.

The Council recognises the potentially wide scope of section 3 of the Health and Safety at Work etc Act 1974 which imposes duties upon employers to persons not in their employment. Given the wide scope of this duty, and overlaps with other legislation designed to ensure public safety, the Council recognises and affirms the HSE policy statement regarding section 3 [Health and Safety at Work etc Act 1974 - Section 3](#) Therefore the Council recognises the importance and primacy of other relevant pieces of law, for example public entertainment licensing, to protect and promote *public* safety.

Timetable of activities and sequential phasing

This service plan covers a 3 year period and the HSE have implemented a specific 3 year national sequential phase for interventions relating to occupational asthma (flour dust), noise at entertainment venues and manual handling which all Local Authorities are expected to adopt.

Each phase builds on the previous one, following a pattern of:

“identify” → “promote” → “assess”.

Priority topic	2026									2027			To March 2030
	April	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	
Occupational asthma	PHASE 1						PHASE 2						TBC
Noise at entertainment venues	PHASE 1												TBC
Manual handling	PHASE 1												TBC

Inspectors will be briefed on the specific activities and national expectations for each phase. When additional information is received on the subsequent phases covering the period up to March 2030 an addendum will be issued to this plan.

In summary the key work activities for the current phases are:

Priority topic	Planned Activities	
Occupational asthma	Phase 1: Implement national comms plan Inspector briefing Lead Authorities to explain intervention plans and expectations of compliance	Phase 2: Inspections and assessment of compliance with COSHH Discussion on health surveillance with duty holders Data submission
Noise at entertainment venues	Phase 1: Data gathering on premises likely to be subject to intervention Awareness raising focussing on clear messaging on noise protection and hearing protection	
Manual handling	Phase 1: Field work to identify the higher risk MSD sectors and tasks in premises subject to LA enforcement Information sharing to develop clearer and more compelling messaging	

Appendix 1. Extract from the Health and Safety (Enforcing Authority) Regulations 1998

Note this appendix is a summary and needs to be read in conjunction with the full regulations.

Main activities which determine whether local authorities will be enforcing authorities.

1. The sale of goods, or the storage of goods for retail or wholesale distribution, except—

(a) at container depots where the main activity is the storage of goods in the course of transit to or from dock premises, an airport or a railway;

(b) where the main activity is the sale or storage for wholesale distribution of any substance or preparation dangerous for supply;

(c) where the main activity is the sale or storage of water or sewage or their by-products or natural or town gas;

and for the purposes of this paragraph where the main activity carried on in premises is the sale and fitting of motor car tyres, exhausts, windscreens or sunroofs the main activity shall be deemed to be the sale of goods.

2. The display or demonstration of goods at an exhibition for the purposes of offer or advertisement for sale.

3. Office activities.

4. Catering services.

5. The provision of permanent or temporary residential accommodation including the provision of a site for caravans or campers.

6. Consumer services provided in a shop except dry cleaning or radio and television repairs, and in this paragraph “consumer services” means services of a type ordinarily supplied to persons who receive them otherwise than in the course of a trade, business or other undertaking carried on by them (whether for profit or not).

7. Cleaning (wet or dry) in coin operated units in launderettes and similar premises.

8. The use of a bath, sauna or solarium, massaging, hair transplanting, skin piercing, manicuring or other cosmetic services and therapeutic treatments, except where they are carried out under the supervision or control of a registered medical

practitioner, a dentist registered under the Dentists Act 1984(1), a physiotherapist, an osteopath or a chiropractor.

9. The practice or presentation of the arts, sports, games, entertainment or other cultural or recreational activities except where the main activity is the exhibition of a cave to the public.

10. The hiring out of pleasure craft for use on inland waters.

11. The care, treatment, accommodation or exhibition of animals, birds or other creatures, except where the main activity is horse breeding or horse training at a stable, or is an agricultural activity or veterinary surgery.

12. The activities of an undertaker, except where the main activity is embalming or the making of coffins.

13. Church worship or religious meetings.

14. The provision of car parking facilities within the perimeter of an airport.

15. The provision of child care, or playgroup or nursery facilities.

Appendix 2. Matters suitable for proactive inspections within Orkney

These are based on LAC 67/2 and local business profile.

Occupational health hazards

Hazard	Known potential poor performers	High risk activities that are to be targeted	Local business profile
Musculoskeletal disorders	Retail / wholesale businesses High volume warehousing and distribution	Manual handling of large or heavy items Repetitive movement of upper limbs ⁵	Premises storing goods for retail or wholesale distribution (e.g. builders' merchants, garden centres, white goods supplies, food wholesalers and similar)
Occupational deafness	Entertainment sector	Exposure to excessive workplace noise ⁶	Night time leisure and entertainment venues
Occupational lung disease (asbestos and mesothelioma)	Buildings constructed between 1950 to 2000 where there is intelligence of likelihood of poor management	Exposure to ACM through inadvertent disturbance or suspected poor management of asbestos exposure risk ⁷	Buildings throughout Orkney used for commercial activities
Occupational lung disease (asthma)	In store bakeries where loose flour is used and inhalation is likely to frequently occur	Tipping and mixing of ingredients, bag disposal, flour dusting by hand or sieve, workplace cleaning	National supermarkets

⁵ Progressive approach recommended using Identify – Approach – Assess method

⁶ Progressive approach recommended using Identify – Approach – Assess method

⁷ Data capture and return to be submitted to assist with national intelligence picture

Zoonosis	Open farms and animal attractions, including animals being taken offsite for visits	Animal handling by children with lack of suitable micro-organism control measures	Agricultural shows, one off events involving animal contact
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Occupational safety hazards

Hazard	Known potential poor performers	High risk activities that are to be targeted	Local business profile
Electrocution	All small to medium sized enterprises	Inappropriate use of electrical equipment, installation and use by non competent person	All small to medium sized enterprises
Explosion caused by LPG	Events and catering premises	Unsafe gas appliance installation and conversions, use of LPG cylinders and cartridges, inadequate storage	Catering and mobile premises including street traders
Violence and aggression at work	Public facing roles	Roles where staff deal with customers who may become upset or angry because of money or personal issues. Supporting individuals with dementia or challenging behaviour	Premises operating as part of the night time economy (eg leisure and retail) with a public facing component. Care premises are operated by OIC, therefore out of scope.
Fatalities and amputations caused by crushing	High volume warehousing and distribution	Poorly managed workplace transport, cutting machinery and lifting equipment	Premises storing goods for retail or wholesale distribution (e.g. builders' merchants and similar)

Fatalities and serious injuries caused by falls from height	High volume warehousing and distribution	Poorly managed working at height	Premises storing goods for retail or wholesale distribution (e.g. builders' merchants and similar)
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Appendix 3. Incident selection criteria

This *operational appendix* gives guidance to officers appointed as Inspectors under the Act, it will also be of interest to employers, employees, trade union safety representatives and legal advisors. It takes account of the HSE revised incident selection criteria [incidselcrits \(hse.gov.uk\)](http://incidselcrits(hse.gov.uk))

Preliminary

Officers will need to discern if the matter in question falls to the local authority for health and safety regulation or if it should be referred to another appropriate enforcing authority.

Not every incident reported will require investigation after initial enquiries have been made. Incidents may also come to light that should have been reported, and the criteria below can be used to determine if any such incidents should be investigated, keeping in mind it is an offence and potentially an indicator of poor safety management to not notify and incident in accordance with the regulations.

The criteria for selecting incidents suitable for further investigation are detailed below.

General

When determining if an incident (either notified, notifiable or workforce/trade union complaint) should be selected for investigation, Officers will generally have regard to the following:

- severity and scale of potential or actual harm;
- seriousness of any potential breach of the law;
- duty holder's known past health and safety performance;
- enforcement priorities;
- practicality of achieving results; and
- wider relevance of the event, including serious public concern, including its status as a priority topic [within the context of LAC 67 rev]

Incidents that will always be selected for investigation

Fatalities (Work-related deaths):

- All work-related accidents which result in the death of any person, including non-workers. "Accident" specifically excludes suicides and deaths from natural causes.
- Other deaths arising from a preventable work-related cause, where there is a likelihood of a serious breach of health and safety law, and where it is appropriate for enforcing authorities to investigate.

This will be undertaken in accordance with the Work Related Death Liaison Protocol and working with the COPFS, Police Scotland and other enforcing authorities as appropriate.

All work-related accidents resulting in a "Specified Injury" as described in regulation 4(1) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) to any person, including non-workers, that meet any of the following conditions:

- Serious multiple fractures (more than one bone, not including wrist or ankle);
- All amputations other than amputation of digit(s) above the first joint (eg fingertip);
- Permanent blinding in one or both eyes;
- Crush injuries leading to internal organ damage, eg ruptured spleen;
- Any burn injury (including scalding) which covers more than 10% of the surface area of the body or causes significant damage to the eyes, respiratory system or vital organs;
- Any degree of scalping requiring hospital treatment;
- Loss of consciousness caused by head injury or asphyxia;
- Any injury arising from working in an enclosed space which leads to hypothermia or heat induced illness, or requires resuscitation or hospital admittance for more than 24 hours.

Cases of Occupational Disease:

The following notifications of cases of occupational disease, other than those arising from circumstances or situations which have already been investigated:

- All reports of cases of occupational disease which are reportable under RIDDOR Regulations, specifically:
 - Carpal Tunnel Syndrome,
 - cramp in the hand or forearm,
 - occupational dermatitis,
 - hand arm vibration syndrome,
 - occupational asthma,
 - tendonitis or tenosynovitis in the arm or forearm,
 - any cancer attributed to an occupational exposure to a known human carcinogen or mutagen,
 - any disease attributed to an occupational exposure to a biological agent.
- Other reports of cases of occupational disease with the potential to cause death or a "serious health effect" as defined in the Enforcement Management Model (EMM), and which arise from working practices that are likely to be ongoing at the time the report is made.

Serious incidents

Incidents which indicate a likelihood of a serious breach of health and safety law:

This includes any incidents considered liable to give rise to serious public concern, where, from the facts known, the application of the EMM would give rise to an initial enforcement expectation of a notice or a prosecution.

For any mandatory incident that is not investigated, a decision record should be completed to explain the reasons for non-investigation. A senior manager should be involved in any decision with the Inspector.

The grounds for not investigating incidents that would normally be investigated may include:

- where an investigation is impractical, eg unavailability of key witness(es), key evidence is no longer available;
- no reasonably practicable precautions available to prevent the incident/accident or its recurrence;
- investigating the accident will mean the Local Authority will be acting ultra vires;
- there is a conflict of interest between the LA as a regulator and duty holder, in which case the appropriate enforcing authority should be notified, or
- inadequate resources due to other priorities.
- Advice from the COPFS

Discretionary investigations

Those incidents not falling into the above criteria for mandatory investigation may be investigated at the local authority's discretion when taking into account the following factors:

- the incident may not have caused a RIDDOR defined major injury but is either in accordance with HSE's national guidance to LAs on targeting interventions ([LAC 67/2](#)) or one which arises from a specific health and safety initiative that may be contained within the Local Authorities Service Plan;
- the poor health and safety track record of the duty holder and whether or not there has been a history of similar events;
- the incident has the potential for high public profile/media attention or has received considerable media attention leading to reputational risk through inaction/perceived inaction;
- the incident may give rise to complaint(s). Depending on the circumstances, this should be dealt with as a normal complaint procedure and not necessarily require a full incident investigation unless found to be appropriate, or any incident that has been identified as being useful for –
 - enhancing sector good practice/technical knowledge or
 - training and developing of staff/trainee inspectors.

For further information

LAC 22-13

Work related death protocol for liaison

LAC 22-10

Appendix 4 – Work plan for priority topics during 2026 to 2029

Topic	National focus	Local business profile within scope	Intended activity		
Occupational lung disease	<p>Asbestos – duty to manage</p> <p>Premises built /refurbished between 1950 and 1999</p>	<p>There are premises within scope in Orkney</p>	<p>To undertake visits to relevant premises and at each premises visited:</p> <ul style="list-style-type: none"> (a) Undertake a detailed assessment of the effectiveness of the arrangements to determine compliance with duty to manage asbestos AND (b) Confirm arrangements are robust enough to control the risks associated with the foreseeable disturbance of presumed or concealed ACMs <p>Visits will be by appointment to ensure the duty holder has the relevant documentation available for inspection including:</p> <ul style="list-style-type: none"> (a) Asbestos survey (b) Asbestos register (c) Asbestos management plan 		
	<p>Occupational asthma</p> <p>National supermarket bakeries</p>	<p>There are premises within scope in Orkney</p>	<p style="text-align: center;">To follow the national phased programme.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td data-bbox="1108 1015 1574 1422" style="width: 50%; vertical-align: top;"> <p>In phase 1 (April 2026 to Sept 2026) .</p> <p>To receive information and intelligence and confirmation from lead authorities of controls that should be place</p> </td> <td data-bbox="1574 1015 2072 1422" style="width: 50%; vertical-align: top;"> <p>In phase 2 (October 2026 to March 2027)</p> <p>Following attendance at national occupational hygiene enforcement expectations seminar to inspect and assess COSHH documentation and health surveillance arrangements that should be in place</p> </td> </tr> </table>		<p>In phase 1 (April 2026 to Sept 2026) .</p> <p>To receive information and intelligence and confirmation from lead authorities of controls that should be place</p>
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Legionella	Cooling towers in built up areas	Not considered that Orkney meets definition of “built up area”	We will review the content of the cooling tower register and website text and confirm all relevant premises have registered their systems.
	Water systems Premises with higher risk systems or with susceptible persons	There are premises within scope in Orkney Leisure and residential accommodation could be a key focus	Focussed intervention to ensure systems are managed in accordance with Code of Practice L8
	Spa Pools and hot tubs in the holiday rented sector	There are premises within scope in Orkney	Focussed intervention (including within short term lets) to ensure systems are managed in accordance with Code of Practice L8.
Work related stress	Work related stress and mental health across all business sectors	There are premises within scope in Orkney	We intend to do this via a partnership approach with the NHS, other council services and employers. (a) We will raise awareness of work related stress and the importance on not just relying upon tertiary interventions (b) We will contribute to the national intelligence gathering exercise (c) Once developed we will utilise the nationally designed targeted interventions
	Work related stress arising from exposure to violence/aggression at work	There are premises within scope in Orkney, particularly in the night time economy sector	We will raise awareness with duty holders in these sectors the importance of undertaking suitable and sufficient risk assessments to identify hazards and controls measures for work related violence and aggression

			<p>Putting effective control measures in place to manage these risks so far as is reasonably practicable</p> <p>We intend to do utilise the Council's Licensing Standards Officer (Alcohol) to help with this work through raising awareness during premises inspections.</p>
Musculoskeletal disorders	Premises and activities where manual handling presents a significant risk	There are premises within scope in Orkney	<p>We will follow the national phased approach over the next 3 years.</p> <p>In phase 1 (April 2026 to March 2027) we will identify the higher risk MSD sectors and tasks to help identify at a national level clearer and more compelling messages on the issue of MSDs in the workplace</p> <p>In phase 2 (April 2027 to March 2028) we will commence interactions with duty holders in higher risk sectors/ tasks</p> <p>In phase 3 (April 2028 to March 2029) we will undertake inspections to confirm compliance by duty holders in higher risk sectors</p>
Noise in the workplace	Hearing loss and damage in the entertainment sector where loud music is played	There are premises within scope in Orkney	<p>We will follow the national phased approach over the next 3 years</p> <p>In phase 1 (April 2026 to March 2027) we will raise awareness, share messages and identify premises in scope and where interactions will be most impactful</p> <p>In phase 2 (April 2027 to March 2028) we will undertake interactions with identified premises, focussing on hearing protection and longer term health surveillance</p> <p>In phase 3 (April 2028 to March 2029) we will undertake inspections to confirm duty holder compliance with the noise at work regulations in entertainment venues</p>

			We intend to use the Licensing Standards Officer (Alcohol) and Environmental Health Technical Officer (Acoustics) to help deliver these interventions
Planned preventative maintenance	Work equipment used within the industrial, retail, commercial and leisure sector	There are premises within scope in Orkney	We will raise awareness amongst duty holders of their duty to comply with PUWER, LOLER, PSSR and the importance of planned preventative maintenance, including BS 14200 Maintenance of Machinery.
Safety in motorsport	Health risks and public safety issues	There is potentially one venue in scope within Orkney	We will raise awareness of the following matters: Noise, risk of being struck by vehicles, participant induction, scalping and choking, gas safety at any ancillary activities.
Inflatable amusement devices	Collapse or blowing away of devices	Such devices are known to be used in Orkney	<p>We will raise awareness amongst duty holders and event organisers of the need to ensure:</p> <ul style="list-style-type: none"> (a) Devices are correctly anchored according to the manufacturers specification (b) Wind conditions are measured regularly using suitable equipment and wind speed operating limits are known and followed (c) Written documentation is available from a competent inspection body confirming the device complies with BS EN 14960 (d) The inflatable is subject to a thorough annual inspection <p>As bouncy castles and similar are subject to a public entertainment licence within Orkney, we intend to use the Council's Licensing Team to help deliver this intervention, through sharing information with licence holders.</p>
Trampoline parks	Prevention of specified major injuries and life changing injuries	There are no known facilities in scope within Orkney	No planned work on this intervention, but will revisit should it come apparent there are premises within scope

Provision of licensable adventure activities	Ensuring activities that need to be licensed are so licensed	Adventure activities are undertaken within Orkney	We will be alert to any providers in Orkney who appear to need a licence, but do not have one – and will share this information with AALA
Prevention of injuries involving large waste bins	Preventing injury to members of the public, including rough sleepers, from commercial waste bins especially at retail and licensed premises	There will be premises in orkney using large commercial waste bins	We will raise awareness of the issues and seek to utilise the Council's waste services team and Licensing Standards Officer (Alcohol) to help deliver this intervention.