



## Health & Safety Service Plan 2022-23 Environment and Climate Change Directorate

### Background

Health and Safety (H&S) legislation in England, Scotland and Wales is enforced by either the Health and Safety Executive (HSE) or local authorities (LA). The Health and Safety (Enforcing Authority) Regulations 1998 determine whether an activity comes under the HSE or LA enforcement.

In Kirklees, the Health & Safety Team enforce provisions of the Health and Safety at Work etc Act 1974 within businesses within the Kirklees. Working closely with the Health and Safety Executive (HSE), the team enforce provisions of the Act within leisure, retail, office and warehouse working environments. Section 18 (4) of the Act places a legal duty on this Authority to make adequate arrangements for enforcement and the team are located within the wider Environmental Health team under the Head of Public Protection.

The team consists of one Environmental Health Group leader, one part time Senior Environmental Health Officer and one Senior technical officer working towards a health and safety qualification. The team utilise two other staff members from the wider Environmental Health team for one day per week to help in delivery of the service. This equates to a total of 1.8 FTE, with the service having 3 warranted officers (i.e those fully authorised to undertake all duties associated with Health & Safety enforcement).

In 2013 the HSE published the National Local Authority Enforcement Code (the Code) which was created to ensure LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government's expectation of a risk based approach to targeting interventions and highlights the important role LA health safety regulators have in ensuring effective and proportionate management of risk.

The Code provides this Authority with a principle-based framework that focuses regulatory resources based on risk. It allows LAs to develop our own health and safety priorities and target intervention to consistently comply with the code. Guidance issued outlines the wide range of regulatory interventions open to LAs, requiring consideration to which are the most effective to influence management of risk in a particular business. This guidance is sent out annually by Government under the title Local Authority (LA) Circular 67/2 (LAC). This Authority is currently working towards version 11 of the LAC.

## **Aim of Service**

To work with others to protect people's health and safety by ensuring risks in the workplace are managed properly. This includes risks to the public and others who may be at a workplace.

Due to the resourcing issue, it is necessary to target interventions on those activities that give rise to the most serious risk or where the hazards are least well controlled. This is done by:

- Having risk-based intervention plans focused on tackling specific risk.
- Consider risks that need to be addressed and using a whole range of interventions to target these specific risks.
- Using national and local intelligence to inform service priorities.

## **Based upon this, our key delivery priorities are:**

- To reduce the risk in high risk, poorly performing and/or rogue trader businesses through advice and proportionate enforcement action where appropriate
- To investigate major injuries, incidents and fatalities.
- To investigate serious complaints made by employees & other stakeholders
- To comply with the National Local Authority Enforcement Code and associated guidance and the Regulators Compliance Code

## **Local Priorities**

The priorities of Kirklees Health and Safety Team are to:

- Work with businesses to ensure the Councils vision for Kirklees to be district that has a strong sustainable economy which provide a great quality of life
- Work towards the corporate outcomes which are:
  1. Best Start
  2. Sustainable Economy
  3. Well
  4. Safe and Cohesive
  5. Independent
  6. Clean and Green
  7. Aspire and Achieve
  8. Efficient and Effective
  9. Shaped by People
- Using local intelligence to target resources at high-risk activities
- Work with specific sectors as identified by the HSE in the National Local Authority Enforcement Code
- Advise and inform businesses of their legal obligations
- To ensure enforcement decisions are consistent with our Enforcement Policy, the Health and Safety Commission's Enforcement Policy Statement and the HSE's Enforcement Management Model





Health and Safety  
at Work Act 1974  
People entering these  
premises must comply  
with the regulations  
under the above act

- Train and develop our staff to ensure competence and retention through investment and guarantee workforce planning for the future.

### **Delivery of Health & Safety Executive's Strategy.**

- Protecting people and places: HSE Strategy 2022-2032
- Adhering to LAC 67/2 (rev 11) for Priority Planning

### **Working in Partnership**

- Promoting the adoption of Primary Authority Partnerships between Kirklees Council and local businesses and working closely with Primary Authorities where such an agreement exists.
- To work with HSE on campaigns as appropriate
- To liaise with Council departments and partners re: offering advice to new businesses
- To work with other West Yorkshire Authorities and participate in initiatives to promote consistency and training and development exercises.

### **Longer term Priorities**

#### **Staffing**

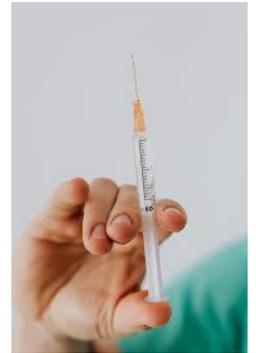
The delivery of the LA Health and Safety function is at risk due to the lack of existing qualified staff to perform the duty. Having a high reliance on small number of staff creates a potential, single point of failure if those officers were to leave. Furthermore, the team has contracted in size over the last 5 years due to budget restraints. Recruitment drives over the last 3 years have failed to obtain qualified staff, either from a lack of suitable candidates applying or candidates withdrawing / not accepting offers due to the monetary package. It is acknowledged that nationally there is a lack of qualified Environmental Health Officers available, and this Council is not unique in its challenge. This staffing risk has resulted in the team running with a vacancy and borrowing existing Environmental Health staff members for short periods of time.

To address this, the service has broadened its requirements and set about developing existing members of staff within Environmental Health, with the recent recruit undertaking a formal 2-year Health and Safety qualification while working to achieve the required competency.

## ***Emerging Demands Upon Service Delivery***

### Health & Care Act 2022

The increasing prevalence and risk of businesses / practitioners administering Botox and other non-surgical treatments has resulted in this Government to amend his Health and Care Act to potentially enact legislation on the regulation of these types of businesses. Currently the delivery of non-cosmetic treatment such as Botox, facial fillers, lip implants is unregulated and although the aesthetics industry has a strong professional body, incidents of poor practice are on the increase. This potential licensing regulation will fall to this department to enforce and will require additional staffing resources.



### Martyn's Law – Protected Duty

The threat of terror attacks within the UK is an evolving and complex issue, with the prediction of locations that could be targeted by terrorist being a difficult task. Historic attacks within the UK have led the Government to identify that security at public venues needs to improve to better protect against future attacks.

The proposed legislation will place a legal duty on those responsible for certain locations to consider the threat from terrorism and implement appropriate and proportionate mitigation measures. A wide range of premises will fall within scope of the new legislation depending on the activities carried out and the capacity of the venue.

At present its unclear who will enforce and inspect premises against this duty, however, this type of proactive intervention is already carried out by the Health & Safety team in delivery of its existing function. If this statutory duty was given to the Health & Safety team, major investment into staff resource would be needed to ensure its delivery.

### **Service Priorities 2021/22**

The priorities below were identified by the team and in reference to the Local Authority Circular 67/2 (10).

- Investigate all fatality and major accidents in line with HSE guidance
- Investigate all complaints in line with HSE selection criteria
- The risk of zoonoses and E. coli transmission to members of the public from visitor attractions
- Inflatable amusements devices and associated risks
- Public health risks posed by the wet cupping treatments

- Failure of shop signage in the retail industry
- Coronavirus controls and review of risk assessments and controls
- Investigate all confirm cases of Legionnaires disease
- Gas safety in commercial catering establishments

The service delivered on most of its priorities with all major accidents and complaints being investigated inline with the HSE guidance. The team continued to provide advice to businesses on their Coronavirus risk assessments and this work continued in its primary authority partnership with Yorkshire Building Society. The demands of coronavirus pandemic continued to be significant during 2021/22 but reduced later in the year and this allowed the team to resurrect its wet cupping project and address the risk of bloodborne disease within businesses providing this type of treatment. Unfortunately, this intervention project wasn't completed and was carried over to the new financial year. A summary of the national return to the Health and Safety Executive (LAE1) for year 21/22 is shown below.

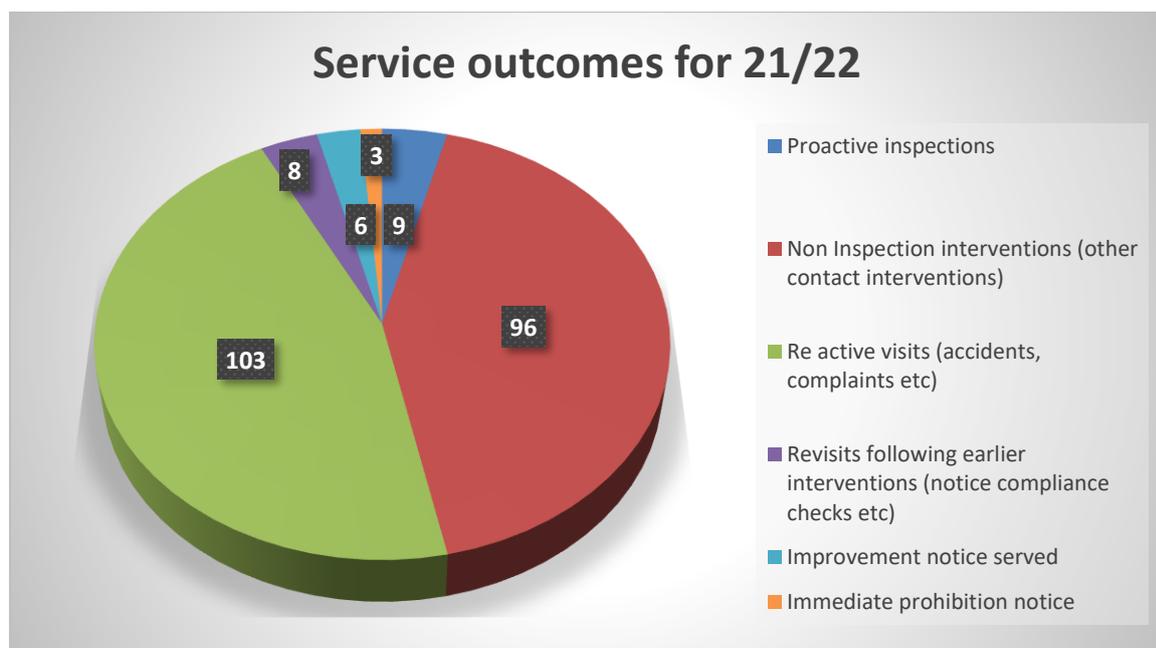


Chart1. Part of the LAE1 return to the HSE for work carried out in 21/22.

### Service Priorities 2022/23 and 2023/24

The following table below shows the service priorities for the year 22/23 with figures on expected outcomes from previous years. The areas highlighted in red are our top priority with reactive work accounting for most of these areas. The team identified large volume warehouses as a sector for proactive interventions, with national risks from falls from height, workplace transport, manual handling and lack of welfare facilities for drivers all being applicable to this sector. Scoping of the authority identified initially 50 large volume warehouses and work has started on this project. It is anticipated with 1.8FTE this project will be completed by the end of this financial

(Red must do, Yellow need to do, Green can do if resources allow)

year; however, further premises may be identified while the team performs its duties and further interventions would continue into the next service period.

Once completed its foreseen this project will be expanded to builders' merchants as evidence suggests that these risks are present in this retail sector. Service priorities for 23/24 will be finalised following the release of the LAC 67/2 version 12 which is expected late March 23.

The number of interventions that can be achieved is clearly limited by the number of FTE officers available to undertake this important area of work. However, the figures show that we are currently meeting our statutory duties in terms of reactive work (accident and complaint investigations etc) but have limited capacity to undertake a more significant number of proactive interventions. Should there be additional resources in the form of additional officers, we would be able to complete more proactive interventions. The outcome of such work would be to prevent accidents / incidents from occurring by providing advice and guidance to businesses. Many such businesses would otherwise generally only have a visit in a response to accident or complaint.

Service Delivery plan 2022-23 (RAG rated)

What	How	Where / When	Expected Outcomes
<b>Reactive Work</b>			
Major Injuries/Accidents	All fatal & major accidents investigated (in line with quality guideline GHS-02 & HSE adopted investigation criteria).	All relevant premises Continuous	2020-2021 143 accidents reported 2021-2022 142 accidents reported
Complaints and accident investigations.	Investigated in accordance with GHS 04 and HSE adopted investigation criteria.	Ongoing	2020-2021 183 complaints received 2021-2022 196 complaints received
Local priorities based on intelligence	Targeted interventions of local intelligence from Food Team and other sources.	All identified premises Ongoing	
UKHSA notification of disease / organisms (legionella)	All legionella notifications are investigated in line with Yorkshire and Humber memorandum of understanding 2018	All identified premises (workplace, home or other premises which maybe potential source of infection)	2020-21 2 Legionella notifications 2021-22 6 Legionella notifications 2022- 4 legionella notifications
UKHSA Sampling Surveys	Complete sampling initiatives facilitated by UKHSA in targeted premises	UKHSA programme plan where resources available	
Registration and inspection of activities (Acupuncture, Tattooing, semi permanent skin colouring, cosmetic piercing and electrolysis)	Respond to applications for registration by carrying out an onsite inspection of premises and to assess the applicant's practices	Continuous	2020-21 32 registration inspections completed 2021-22 39 registrations inspections completed 2022 - 48 registration inspections completed

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Asbestos removal	Notification of licensable asbestos removal by a contractor will result in an onsite inspection	Continuous	
Adverse reports	Investigate and take action as appropriate upon receipt of adverse examination reports. Eg LOLER, electrical and pressure systems	Continuous	2020-2021 Adverse inspection reports 11 2021-2022 Adverse inspection reports 9 2022- Adverse inspection reports 3
<b>National Local Authority Enforcement Code Proactive Work Programme</b>			
Target high risk/poor performing/rogue traders	Proactive Inspections & Revisits where necessary (in line with Risk Rating & local knowledge/intelligence)  Reacting to complaints	Category A premises (all year)	Currently no category A premises within the area.
Warehouse and distribution	Inspection Audit of: <ul style="list-style-type: none"> <li>Working at height</li> <li>Workplace transport</li> <li>Manual Handling</li> <li>Load safety</li> </ul> In high volume premises	Ongoing	Around 50 warehouses within the authority have been identified as being high risk. They will be visited to provide advice and check compliance against the key risks
Open Farm visits e.g. Ponderosa etc.	Risks from Zoonoses and e-coli to be discussed during allocated visits & joint visits with AL Officer	Selected premises March each year	Inspection of one Zoo (Ponderosa) and other petting farms in March / April due to the seasonal risk to visitors from e coli and other zoonotic infections
<b>National Priorities</b>			
Electrical safety in hospitality settings	Identification of businesses and delivery of intervention through letter drop	July 2022	Around 900 potential business were targeted through information letter to advise of the risk of electrical safety within their workplace.

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Gas Safety in commercial catering premises and raising awareness with the duty holder.	Food team to initiate visits to restaurants, cafes & takeaway premises where serious issues noted with gas or LPG. Otherwise, issue guidance.  Promote Gas Safety week through social media	Ongoing  12-18 <sup>th</sup> September 22	
Falls from Height- work on/ adjacent to fragile roofs/ materials	Identification during proactive warehouse inspections or reactive complaint visits. Discuss with duty holder associated risk, duties under CDM regulations if relevant.	Financial year 22-23	See warehouse inspections.
Trampoline Park-improved provision and supervision of users	Raise awareness of risk and the increasing number of accidents associated with this type of leisure activity. Provide information and guidance through letter	Financial year 22-23	Identification of relevant business within the authority
Welfare provision for delivery drivers	Raise awareness at warehouses inspections of need to provide facilities for visiting drivers. To highlight during warehouse inspections	Ongoing	See warehouse inspections
Raising awareness of the need to prevent members of the public accessing large commercial waste and recycling bins	During proactive or reactive visits, raise duty holder awareness of the need to manage the risks of unsecured access to bins.	Financial year 22-23	
<b>Local Intelligence based Interventions</b>			
Wet Cupping (Hijama) practice and risks of contracting blood borne disease.	Identification of all operators of this procedure and carry out site visit to provide advice and assess hygiene practices	Project Started in 2019 but due to lack of staffing resource and the Covid 19 Pandemic, the completion of the project has	37 Business were identified a performing the activity. All 37 Businesses were contacted and 13 businesses were inspected, the remaining 20 businesses have closed or stopped performing the

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		been delayed. Expected finished April 22.	procedure.
Recurring accident themes	Analyse RIDDOR reports via MVM and identify common causes/activities at risk	Run report 2x p.a. (Oct & Mar) and then decide intervention type – i.e. visit or mailshot	
<b>Miscellaneous</b>			
Primary Authority Partnership	Quarterly meetings with an annual review. Issue assured advice as and when required.	Ongoing	
Information/training to Food Team	Attend 2x Consistency Meetings p.a.	Ongoing	

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