



Health & Safety Service Plan 2024-25

Corporate Strategy, Commissioning and Public Health

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 Borough. 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 (who also oversees two other functional areas of Environmental Health), one part time Senior Environmental Health Officer and one Senior Technical Officer. 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 4 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 and 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 their own health and safety priorities and target interventions 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 13 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.

With a staffing resource of 1.8 FTE, and the Government's requirements for LAs to take a risk based, proportionate approach to Health and Safety enforcement, it is necessary, and appropriate, to target interventions on those activities that give rise to the most serious risk or where the hazards are least well controlled. This also enables the Team to meet its statutory duties. 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.
- 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.
- 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 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 and Potential Future Impacts on Service Delivery

Workforce Planning

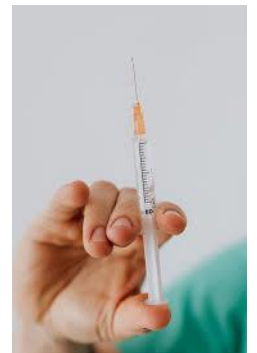
The longer-term delivery of the LA Health and Safety function could be at risk, should any of the existing warranted officers leave the Service. This is due to the competency requirements for H&S officers and the situation, nationally, where there is a lack of qualified Environmental Health Officers in the market. Indeed, recruitment processes, over the last 3 years have failed to obtain H&S-qualified staff, either from a lack of suitable candidates applying or candidates withdrawing / not accepting offers due to the monetary package.

In considering the difficulties in recruitment, the management in Environmental Health has been undertaking workforce and succession planning. As a part of this, the Senior Environmental Health Officer within the Health & Safety team has been identified as being a critical role within the Council and through this identification process, future succession planning will be implemented. The development of other officers within EH who are suitably qualified (e.g. hold an accredited Environmental Health degree), but not yet H&S competent, is also being kept under review.

Emerging Demands Upon Service Delivery

Health & Care Act 2022

The increasing prevalence and risk of businesses / practitioners administering Botox and other non-surgical cosmetic treatments has resulted in the Government amending the Health and Care Act to potentially enact legislation to require the licensing of these types of businesses. Currently the delivery of non-surgical cosmetic treatment such as Botox, facial fillers, lip implants etc. is unregulated and although the aesthetics industry has a strong professional body, incidents of poor practice are on the increase. The consequences of poor practice can be very significant. The proposed licensing regime will fall to LA H&S teams to enforce and will require additional staffing resources for Kirklees to administer this.



In anticipation of these changes, during 2023/24 the team carried out a joint intervention with our infection prevention and control colleagues, to provide advice to businesses, who were practising non-surgical cosmetic treatments. The aim being to highlight good infection control practice and to make them aware of the recent enactment of the Botulinum Toxin and Cosmetics Fillers (Children's) Act 2021, which prohibits the administration of any of these cosmetic procedures on people under the age of 18. Whilst the enforcement of this legislation sits with our Trading Standards partners at West Yorkshire Joint Services, it was deemed to be a worthwhile proactive, joint initiative to protect public health, until such time that appropriate regulation of this sector comes into force. It was also seen as a useful project to scope current practice within the authority, prior the proposed licencing requirements. A potential 20 businesses were identified.

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 terrorists 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. Qualifying premises would include, retail, hospitality, entertainment, sports grounds, recreation and leisure, public libraries, visitors' attractions, hotels, places of worship, healthcare, public transport and other public services. Many of these are premises for which the Council's H&S team are the enforcing authority.

At present it remains unclear which agency will enforce and inspect premises against this duty. If this statutory duty was delegated to LA Health & Safety teams, the current staffing resources are likely to be insufficient to meet these statutory duties. This would require the wider Environmental Health management to consider how the necessary staff resources could be identified to ensure its delivery. However, this could pose significant difficulties without additional resources and could require the redeployment of existing staff from other statutory duties to provide support. This would have to be done on a risk-based approach.

Review of the Outcomes of the Service Priorities 2023/24

The priorities below were identified by the team for the 2023/24 period with reference to the Local Authority Circular 67/2 (rev 12).

1. Investigate all fatality and major accidents in line with HSE guidance
2. Investigate all complaints in line with HSE selection criteria
3. The risk of zoonoses and E. coli transmission to members of the public from visitor attractions
4. Audit all builders' merchants to address the risk of workplace transport, working at height and manual handling.
5. Raise awareness of work-related stress within the residential care sector.
6. Investigate all confirmed cases of Legionnaires disease.
7. Gas safety in commercial catering establishments

During 2023/24, the service delivered on most of its priorities, with all major accidents and complaints being investigated, in line with the HSE guidance (priorities 1 & 2). These two priorities are a standard requirement of LA H&S teams.

Priority 3 related to the proactive work of providing information and advice (and on-site visits as necessary) to all visitor attractions in Kirklees that involve the exhibition of animals (e.g., petting zoos/farm animals etc.). This is to ensure adequate hand washing facilities and other controls are in place to prevent the transmission of zoonotic diseases to members of the public, such as E.coli. The timing of this was planned to coincide with lambing season where the risks of E.coli transmission are highest.

In addition, in accordance with priority 4, the team completed 22 proactive inspections at builders' merchants with the focus being the national risks from falls from height, workplace transport, manual handling and lack of welfare facilities for drivers being assessed. All merchants were visited and, in general, most were compliant with national guidance, and the risks were well managed by the company.

With reference to priority to 5, the team carried out 18 face-to-face stress awareness interventions at residential care homes. Most businesses are aware of their duty to control stress within the workplace, with most undertaking a stress risk assessment, once the stress had been identified as a factor. There were two establishments who had a specific policy on work related stress and had a stand-alone risk assessment. In addition, a few other health and safety issues were identified while carrying out these interventions. A common one being a lack of understanding by management of the requirements under the Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations (RIDDOR) to report accidents to residents. To address this, the team are linking up with Kirklees Adults & Health with a hope to cascade our message amongst care homes and improve an understanding of these legal requirements.

All confirmed cases of Legionnaire's Disease are investigated, and the team continued to work closely with the UK Health Security Agency (UKHSA) in relation to individual cases of Legionnaire's Disease and/or into any potential clusters of cases.

In addition to the above priorities the team carried out a joint initiative with Kirklees Infection Prevention and Control team to provide best practice advice on the administration of non-surgical cosmetic treatments and to promote the recent enactment of The Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 (as detailed above). Of the potential 20 businesses identified, 17 were written to, with 16 visits being completed. However, of those visited only 11 were offering non-surgical cosmetic treatments.

Priority 7 was commenced during 2023/24, with the food safety officers receiving training from the Team on what issues of concern to look for, associated with gas appliances, whilst inspecting food businesses. As a result of this, a number of safety concerns were reported by food safety officers to the H&S Team, who followed up to ensure the safety of gas appliances. Due to the ongoing nature of this initiative, this priority will continue into the 2024/25 period as discussed later on.

A summary of the Kirklees Health and Safety Team's national return to the Health and Safety Executive (LAE1) for year 2023/24 is shown below.

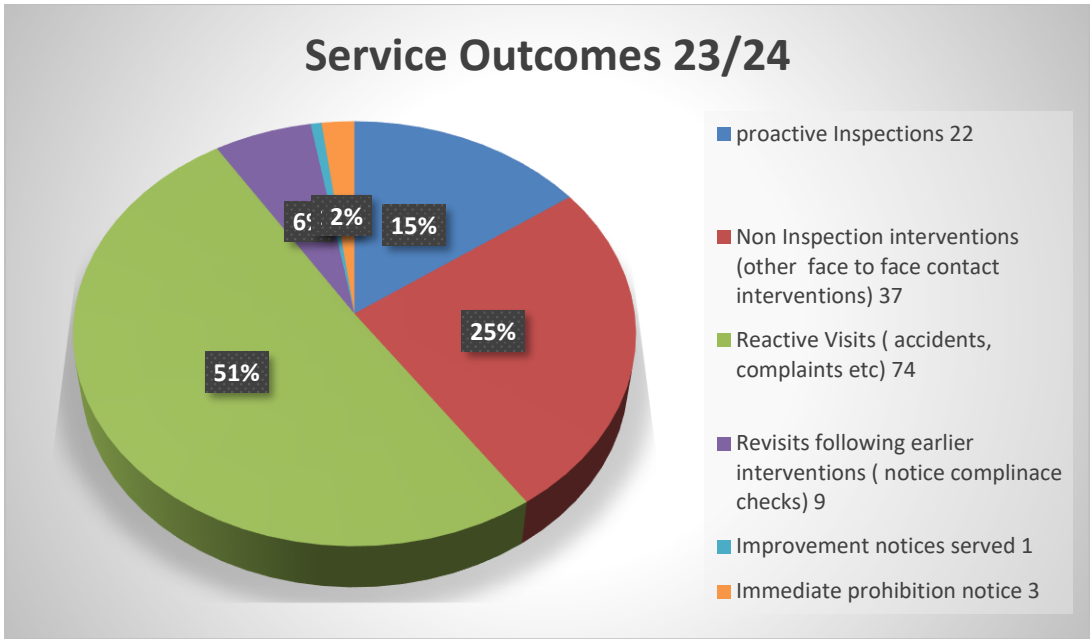


Chart 1. Part of the LAE1 return to the HSE for work carried out in 2023/24. This chart shows the number and percentage of different types of interventions undertaken.

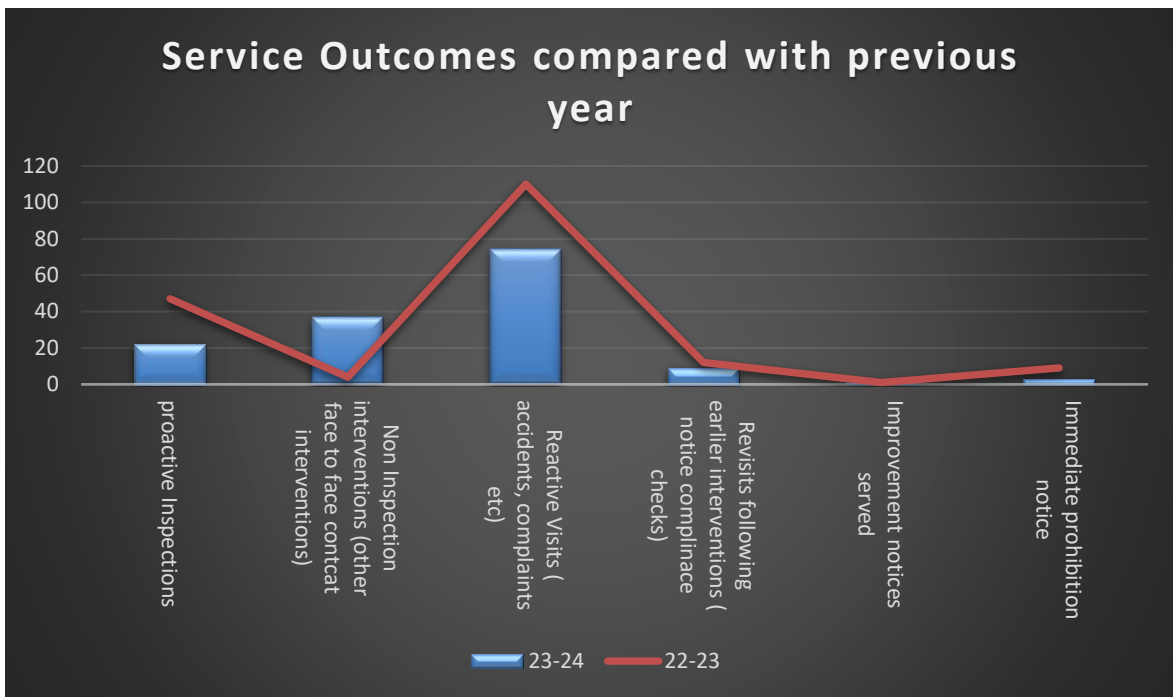


Chart 2. Service outcomes compared to previous years. This chart shows the number of interventions undertaken in each category.

Discussion on outcomes.

The data show that the team carried out fewer proactive 'inspections' in 2023/24 compared to the previous year. The number of overall interventions is, however, consistent with the previous reporting period as more 'non-inspection' interventions were undertaken during the period. The terminology of inspection or non-inspection is determined by the HSE. Only interventions carried out within specific industry sectors can be defined as a proactive 'inspection' and of the interventions carried out by the team in 2023/24, only the builders' merchants' visits can be classed as proactive inspections. The team completed more 'non-inspections' interventions in 2023/24, compared to the previous year, due to the stress awareness project being classed as non-inspection intervention. The overall number of proactive onsite visits by the team increased in 2023/24 from the previous year.

Reactive visits to businesses have reduced in 2023/24 and although accident and complaint investigation visits are similar to the previous financial years, requests for Health and Safety advice have reduced.

The review of the outcomes of the priorities in 2023/24 should be seen as a success, as staffing resources were reduced in the latter part of the year due to one staff member undertaking shared parental leave. This had not been anticipated at the time that the 2023/24 priorities were identified, therefore the completion of the majority of the priorities has been an excellent achievement by the team.

Expectations on service

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 indicate 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 potential 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 an accident or complaint.

Service Priorities 2024/25

The following table below shows the service priorities for the year 2024/25 with figures on expected outcomes from previous years. The areas highlighted in red are our top priorities with reactive work accounting for most of these areas. The following proactive themed projects have been identified as a priority for this year.

These priorities have been identified through reference to the Local Authority Circular 67/2 (rev. 13) which considers national accident statistics collected by the HSE. Furthermore, review of the latest Office for National Statistics crime survey, which provides data on reported crimes within England and Wales, and through

discussions local and national authorities, the below service priorities have been identified.

1, Retail premises and stress

The HSE in conjunction with LAs are targeting employers and their workforces to ensure they have the necessary tools to help prevent work related stress and to support good mental health at work. The service has identified the retail sector to target this intervention, as its workforce is deemed to be at high risk due to: having a high turnover of staff, it being a manual profession; and it being relatively low paid work. Furthermore, there is the additional risk of violence at work as a result of increases in shop lifting in the retail sector (Office for National Statistics, Crime in England and Wales: year ending December 2023). The team will look at reviewing what controls the business already has and will advise them on ways to improve their support to staff. The team will also review other risks associated with this type of industry, including violence and aggression at work, manual handling and working at height.

2, Planned Preventative Maintenance

Planned Preventative Maintenance (PPM) of work equipment is essential to the reduction of serious injuries and fatalities in the workplace. Evidence suggests that maintenance has lapsed during COVID, due to difficulties preventing contractors entering duty holder sites to undertake statutory examinations. Moreover, with the current cost of living crisis placing additional pressures on businesses, national intelligence suggests planned preventative maintenance on work equipment is not taking place, to save money. The team has identified the tyre and exhaust sector for this intervention with this sector due to the prevalence of lifting platforms and other major work equipment, which if not maintained and serviced could result in serious injury. Furthermore, through the examination of HSE project archive database, a similar project was found to be useful. Initial scoping suggests we have round 60 tyre and exhaust businesses within the Kirklees area.

3, Raising awareness of pressure vessels in coffee machines.

The increasing culture of barista coffee within our leisure industry has resulted in most cafes or restaurants having a pressure vessel in their control. These pressure vessels require a written scheme of examination by a competent person and require periodic inspection by a trained individual. A lack of maintenance on this equipment can result in these pressured vessels over-pressurising and exploding. A local business who contacted the team earlier this year and provided free training on the pressure systems, alerted the team to these types of equipment within the food sector and the potential risk they impose. In conjunction with the national priority of planned preventive maintenance, the team plan to raise awareness within this leisure sector by delivering key training to the food safety team, who in their remit will visit these types of businesses. Advice will be provided to the business owner on the risks of their work equipment and how to comply with this legal requirement. Any matters of concern will be fed back to the Health and Safety team who will contact the business owner and provide additional advice.

4, Carbon Monoxide in commercial premises

Raising awareness of the risk of exposure to carbon monoxide in commercial kitchens has been a national priority for a few years. Recent close working with the industry inspector (Gas Safe) has enabled the team to identify potential specific catering equipment (tandoor ovens) which could be a risk. These particular types of equipment are large and expensive to purchase new, with most businesses inheriting them when they take over the business. Often, they have not been serviced regularly and, as a result, key safety features have failed or been by passed to get the machine operating. This results in a significant risk of a gas explosion and the team will utilise the food safety team to identify this type of equipment during their food hygiene inspections. Any matters of evident concern will be reported back to the Health and Safety team who will make contact with the business owner and provided additional advice to reduce that risk.

Service Delivery plan **2024-25** (RAG rated)

What	How	Where / When	Expected Outcomes
Reactive Work			
Major Injuries/Accidents	All fatal & major accidents investigated (in line with Guideline Health & Safety [GHS] GHS-02 & HSE adopted investigation criteria).	All relevant premises Continuous	2020-2021 143 accidents reported. 2021-2022 142 accidents reported. 2022-2023 155 accidents reported. 2023-2024 121 accidents reported.
Complaints and accident investigations.	Investigated in accordance with Kirklees internal Guideline Health & Safety [GHS], GHS 02 and GHS 04 and HSE adopted investigation criteria in Local Authority Circular - LAC 22/13.	Ongoing	2020-2021 183 complaints received. 2021-2022 196 complaints received. 2022-2023 201 complaints received. 2023-2024 181 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)	2020-2021 2 Legionella notifications 2021-2022 6 Legionella notifications 2022- 2023 4 legionella notifications 2023-2024 3 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	2020-2021 32 registration inspections completed. 2021-2022 39 registrations inspections completed. 2022 – 2023 53 registration inspections completed 2023-2024 29 registration inspections completed.

Asbestos removal	Notification of licensable asbestos removal by a contractor will result in an onsite inspection	Continuous	2023-2024 1 notification and visit
Adverse reports	Investigate and take action as appropriate upon receipt of adverse examination reports. E.g. Lifting Operations and Lifting Equipment Regulations (LOLER), electrical and pressure systems	Continuous	2020-2021 Adverse inspection reports 11 2021-2022 Adverse inspection reports 9 2022- 2023 Adverse inspection reports 3 2023-2024 Adverse inspection reports 7
National Local Authority Enforcement Code Proactive Work Programme			
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 one category A premises within the area.
Tyre and Exhaust -planned preventive maintenance	Inspection Audit of work equipment including: <ul style="list-style-type: none"> • Lifting equipment • Grinders • Pressurised Vessels 	2024-2025	Around 60 within the authority have been identified. All but national chains (Kwik fit, ATS, Halfords etc) 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

National Priorities			
Retail sector – stress and mental health of workforce	Define retail sector (supermarket, clothing or electrical) Contact all businesses and visit, audit of Stress management Aggression at work Manual handling	2024-2025	Once the type of retail sector has been identified the number of businesses will be known.
Gas Safety in commercial catering premises and raising awareness with the duty holder.	Identify potential high risk catering equipment (Tandoor Oven) and provide advice on flame suppression devices and annual safety checks. Promote Gas Safety week through social media	Ongoing 9-15 th September	Food safety to notify the team of premises with Tandoor ovens. Advice to be sent out and a revisit will follow after an initial period.
Local Intelligence based Interventions			
Pressurised Vessels in coffee machines	Raise awareness through training food safety team to raise during their statutory inspections	2024-2025	Around 605 restaurants and cafes have been identified.
Recurring accident themes	Analyse RIDDOR reports via M3 and identify common causes/activities at risk	Run report 2x p.a. (Oct & Mar) and then decide intervention type – i.e. visit or mailshot	
Miscellaneous			
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	