



CORPORATE HEALTH AND SAFETY COMMITTEE - 19TH NOVEMBER 2018

SUBJECT: RECENT HEALTH AND SAFETY EXECUTIVE UPDATES

REPORT BY: DIRECTOR OF EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee about recent relevant accidents, incidents and prosecutions.

2. SUMMARY

- 2.1 The report is provided as information for members of the Committee, to ensure that they are kept informed of any matters that could impact on the management of health and safety within the Council.

3. LINKS TO STRATEGY

- 3.1 3.1 T The recommendations set out in this report contribute to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2015, in that the monitoring and reporting of accidents should lead to a safer work environment in accordance with the Council's Health and Safety Policies, which take account of relevant legislation:

- *A healthier Wales*
- *A more equal Wales*

4. THE REPORT

Bridgend Council

- 4.1 Bridgend Council has been fined £300,000 and ordered to pay £29,228 and in costs after a pupil was killed when he was hit by a minibus on school grounds. The hearing at Cardiff Crown Court on Friday 2nd November 2018 was told that the pupil's death could have been avoided.
- 4.2 The fifteen-year-old pupil died when he was hit by a school minibus on December 10th 2014, at Maesteg School in Bridgend. He suffered multiple injuries and was pronounced dead at the scene. Another child, who cannot be named for legal reasons, was also involved in the incident. The extent of their injuries is unknown but believed to be minor.
- 4.3 The driver of the bus, PE teacher, was unable to avoid the pupil after he ran into the road to catch his school bus home. No police action was taken against the teacher after an inquest ruled that the pupil's death was accidental.

- 4.4 The court heard that concerns were raised before the school was opened regarding risks to pedestrians from moving vehicles.
- 4.5 The school was a new build which opened in September 2008, the date the prosecution say the breach of health and safety regulations began.
- 4.6 The prosecutor informed the court that the design of the school's traffic arrangements, including parking, bus bays, drop off point and walkways, needed to be costed early and done right first time as changing it retrospectively would be expensive and difficult to implement, and that avoiding the risks was not achieved at the design stage, was not rectified and was not monitored throughout the process.
- 4.7 The court heard that the Council's Principal Health and Safety Adviser visited the school while it was at an advanced construction stage. He raised a number of concerns with the project manager that the design of the car park and the bus bays appeared to "not be as safe as they could be". One of the issues was the provision of only five bus bays despite eight buses being contracted by the school. Other issues included provisions for drop offs, walk ways, narrow gates and parking on the road. Although a number of concerns were repeated and options to improve risk control measures were suggested, the Principal Health and Safety Adviser was informed by the Project Manager that the school was 'built now' and it was too late to make changes.
- 4.8 The solution for the shortage of 3 bus parking bays was for the surplus buses to park on the other side of the road to the bus bays. Subsequently pupils were required to cross the roadway between parked buses to gain access to the other buses on the opposite side of the road at the end of the school day.
- 4.9 The court heard that school personnel were not provided with appropriate support and there was no proactive management by the Council. The court also heard about a number of unreported incidents in the run up to the pupil's death, which were characterised as 'near misses,' with there was no system for them to be reported and discussed.
- 4.10 Just three weeks before the pupil's death, another pupil ran out between two parked buses causing a school mini-bus to break harshly to avoid a collision.
- 4.11 Following the death Bridgend Council has conducted a review of pedestrian and vehicle movement at all schools and premises under council ownership, and an observation programme developed to check compliance with risk-control measures and instructions made to ensure vehicle risk assessments were completed.

Kent County Council

- 4.12 Kent County Council has been fined £200,000 after asbestos was disturbed at Lansdowne Primary School.
- 4.13 Canterbury Crown Court heard how, on 6 November 2014, an Environmental Health Officer was carrying out a routine food inspection when they noticed what looked like asbestos rope hanging from the ceiling.
- 4.14 A prohibition notice was served on the now independent educational trust. An investigation found that the asbestos flue and rope were disturbed when it was under the control of the County Council 18 months beforehand.
- 4.15 The Health and Safety Executive (HSE) found that the flue and gasket rope were attached to a steriliser unit that was removed by the caretaker. The investigation also found that neither the caretaker nor the head teacher had any asbestos management or awareness training. The council failed to effectively to prevent exposure and failed to provide suitable training to those liable to be exposed to asbestos.

- 4.16 Kent County Council pleaded guilty to breaching Regulation 10 (1) of the Control of Asbestos Regulations 2012 and was fined £200,000 and ordered to pay costs of £21,500.

Comhairle Nan Eilean Siar

- 4.17 Comhairle Nan Eilean Siar, the Local Authority which covers the Western Isles, has been fined after a boy suffered chemical burns.
- 4.18 Stornoway Sheriff Court heard how, on 11 July 2017, employees of the local authority had cleaned the slipway and steps of the pier at Valtos Pier in Uig using sodium hypochlorite. Later that day, two children were crabbing and lying on the steps of the pier, when one of the children felt a stinging sensation across his left leg. The child noticed a white substance on his trousers and his skin had developed red and brown patches. The children returned to their holiday home and the child was showered by his mother before he was taken to hospital by his father. The hospital confirmed the child had sustained a chemical burn from the sodium hypochlorite.
- 4.19 An investigation by the Health and Safety Executive (HSE) found that due to the Council's failure to wash away the solution, or cordon off the area, the children were able to access the area. The investigation also found the risk assessment in place did not consider there was a risk to members of the public.
- 4.20 Comhairle Nan Eilean Siar of Sandwick Road, Stornoway, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £12,000 and ordered to pay a compensation order of £6,000.

Hull City Council

- 4.21 Hull City Council has been fined £185,000 and ordered to pay an additional £44,442.71 in costs after being prosecuted by the HSE for failing to control the risk of employees working on ice at The Hull Ice Arena.
- 4.22 The worker was marking lines for the ice hockey pitch at the venue, walking towards the centre of the ice rink, when he slipped and fell heavily onto the ice, suffering head injuries and breaking three ribs.
- 4.23 An investigation by the HSE found there had been a number of previous incidents of employees slipping and falling on ice.
- 4.24 Hull City Council pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974.

Cambus Limited

- 4.25 A bus driver has been sentenced to 12 weeks imprisonment, suspended for 12 months, and ordered to pay costs of £2,000 after he lost control of the bus he was driving, injuring five of his passengers.
- 4.26 Huntingdon Magistrates' Court heard how, on 22 February 2016, the employee of Cambus Limited, trading as Stagecoach East, lost control of the bus he was driving as he negotiated a gap in the guided section of the track. The bus jumped over the track, travelled across an adjacent path and came to rest up the side of a grassy embankment. As a result, five of his passengers suffered injuries which included a fractured spine, pelvis, ribs and whiplash.
- 4.27 An investigation by the Health and Safety Executive (HSE) found the driver was reading a time duty card whilst driving and therefore had no vision of the busway ahead nor did he have a grip of the steering wheel. The investigation also found he was driving at speeds of 52mph when the maximum recommended speed in that area was 30mph.

- 4.28 The driver pleaded guilty to breaching Section 7(1) of the Health and Safety at Work etc Act 1974 that places a legal duty upon employees to take reasonable care for themselves and others who may be affected by their acts or omissions, and to co-operate with their employer to ensure their employer is able to comply with their own legal obligations (e.g. follow safety instructions and/or use safety equipment provided by their employer in the manner instructed and trained).

Health and Safety Executive annual data

- 4.29 The Health and Safety Executive (HSE) has released its annual figures for work-related fatal injuries for 2017/18, as well as the number of people known to have died from the asbestos-related cancer, mesothelioma, in 2016.

Key figures are:-

- 1.4 million working people suffering from a work-related illness – of these 44% (600,000) related to stress, depression or anxiety, 35% (500,000) associated with musculoskeletal disorders, and 21% (300,000) other types of illness collectively.
 - 12000 lung disease deaths each year estimated to be linked to past exposures at work, of these 2,595 confirmed mesothelioma deaths due to past asbestos exposures (2016)
 - 144 workers killed at work
 - 555,000 workers sustained a non-fatal injury at work
 - 71,062 injuries to employees reported under RIDDOR, a quarter of which were for injuries with over 7 days absence.
 - 30.7 million working days lost due to work-related illness and non-fatal workplace injury
 - £15 billion estimated cost of work related injuries and ill health from current working conditions (2016/17)
- 4.30 Mesothelioma, contracted through past exposure to asbestos and one of the few work-related diseases where deaths can be counted directly, killed 2,595 in Great Britain in 2016. The current figures are largely a consequence of occupational asbestos exposures that occurred before 1980. Annual deaths are expected to remain broadly at current levels for the rest of the decade before beginning to decline.
- 4.30 The HSE has become aware of two suppliers of scientific equipment that have supplied mesh gauzes with asbestos-containing centres. The material on the gauzes is used for its heat-resistant properties. The gauzes are conventionally used with tripods and Bunsen burners
- 4.31 Although suppliers identified so far are required to contact everyone they have supplied, the HSE has advised that users of such equipment should initially adopt a precautionary approach as gauzes containing asbestos cannot be easily distinguished from those that do not. As such, teaching establishments should not handle, use or move their current stock of wire/mesh gauzes until they have checked with their supplier to find out whether they are likely to contain asbestos.
- 4.32 When sourcing replacement gauzes, buyers should seek confirmation from their suppliers that the supply chain is assured and that new gauzes do not contain any level of asbestos.
- 4.33 The only certain way of assuring this is for items originating outside the EU to be analysed by a laboratory accredited for asbestos identification by the UK Accreditation Service (UKAS), for which a copy of a valid UKAS test certificate for the gauze from the supplier should be obtained.
- 4.34 The Health and Safety team will work with Managers to review policies and processes related to any of the incidents detailed within this report to ensure that the Council is managing risk appropriately.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is also consistent with the five ways of working as defined within the sustainable development principle in the Act in that we will seek to review accidents/incidents and to work in accordance with any HSE/Industry recommendations. This will assist in safeguarding the health and safety of our employees, residents, service users and visitors and ensure that the Council as a public body and social landlord meets its regulatory duties and corporate objectives.

6. EQUALITIES IMPLICATIONS

- 6.1 The Council's Health and Safety policies take account of any equalities related issues.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications.

9. CONSULTATIONS

- 9.1 There are no consultation responses that have not been reflected in this report.

10. RECOMMENDATIONS

- 10.1 That the Committee note the contents of the report.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To keep the Committee up to date

12. STATUTORY POWER

- 12.1 Local Government Act 1972
Health and Safety at Work Act 1974

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