



## **CORPORATE HEALTH AND SAFETY COMMITTEE – 15TH NOVEMBER 2021**

**SUBJECT: RECENT HEALTH AND SAFETY EXECUTIVE UPDATES**

**REPORT BY: CORPORATE DIRECTOR - EDUCATION AND CORPORATE SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to inform the Committee about recent relevant accidents, incidents and prosecutions by the Health and Safety Executive (HSE).

### **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. RECOMMENDATIONS**

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

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To keep the Committee up to date on any health and issues that may be relevant or may require further consideration.

### **5. THE REPORT**

#### **5.1 Good ventilation essential for reducing the risk of covid-19 infection spread within the workplace**

- 5.1.1 As more people return to the workplace, the Health and Safety Executive (HSE) is stressing the importance of good ventilation to support organisations minimise the risk of coronavirus infection spread within the workplace and work vehicles.

- 5.1.2 Alongside cleaning, hygiene and handwashing, the HSE advises that good ventilation

is one of the best ways to reduce the spread of coronavirus in the workplace as it reduces the amount of virus in the air helping protect workers and their families.

- 5.1.3 As coronavirus spreads through the air, the virus can build up in poorly ventilated areas which increases the risk of infection and it is a legal requirement that employers must make sure there's an adequate supply of fresh air (ventilation) in enclosed areas of the workplace.
- 5.1.4 HSE's updated guidance looks at how to identify poorly ventilated areas, the use of carbon dioxide (CO<sub>2</sub>) monitors, how to improve natural and mechanical ventilation, balancing ventilation with keeping warm and ventilation in vehicles.
- 5.1.5 The HSE's latest guidance, and a simple guide video explaining the benefits of ventilation and methods of identifying areas of poor ventilation, is available on their website <https://www.hse.gov.uk/coronavirus/equipment-and-machinery/air-conditioning-and-ventilation/index.htm>

## **5.2 HSE safety notice regarding use of wheeled loading shovels.**

- 5.2.1 The HSE have issued a safety notice regarding the use of wheeled loading shovels, widely used in the waste and recycling sector. It follows nine fatal vehicle-pedestrian collisions in the past four years; six of which occurred in the waste and recycling sector, with the remainder involved moving wood chip
- 5.2.2 The HSE identified issues of poor visibility caused by the bucket and load, the engine at the rear and the cab pillars, significantly reducing the drivers' ability to see pedestrians and, to a lesser extent, other vehicles. The use of larger capacity buckets, which has become common practice where low-density material is being moved, makes forward visibility significantly worse.
- 5.2.3 Regulation 4 of The Provision and Use of Work Equipment Regulations 1998 (PUWER) requires machinery to be suitable for the purpose for which it is used. This also applies if the equipment is adapted, for example by fitting a larger bucket.
- 5.2.4 Manufacturers and other specialist suppliers have attempted to address the problem by adding 'visibility slots' or mesh at the top of buckets, but evidence from investigations suggests these are ineffective when the bucket is in the carry position or obscured by the load. Camera systems have been under development for some time, but their effectiveness remains unproven and are not widely available.
- 5.2.5 The safety notice advises that before using wheeled loaders (or making changes to them), dutyholders should review their workplace transport risk assessments to ensure they will be safe to use in your environment and in the way that you intend to use them, and that such assessments should consider:-
  - the site, particularly in relation to rigorous segregation between pedestrians and vehicles, including review of the site layout, barriers, one-way systems, and other measures to ensure they give the best segregation of vehicles and pedestrians
  - the vehicle -
    - not assume wheeled loaders come supplied with the most appropriate or comprehensive mirrors etc for specific needs (particularly important with second-hand machines) - critically assess the visibility and consider fitting

- additional mirrors, cameras etc if necessary.
  - When fitting items of interchangeable equipment, such as larger capacity buckets, ensure the modified machine meets essential health and safety requirements by consulting with the manufacturer of the interchangeable equipment or the base machine manufacturer.
  - Where modifications reduce forward visibility, consider what additional aids can be fitted to help the driver and what additional risk controls can be implemented to protect pedestrians. (Some manufacturers have developed apps which flag the additional visibility aids required if larger capacity buckets are selected.)
  - If oversized buckets are fitted, be able to demonstrate that the risks are adequately controlled through the risk assessment. Daily checks of mirrors and other safety features are vital – if they are damaged or broken, the vehicle should not be used
- The driver -
  - Drivers should be trained and competent to drive the vehicles they will use – training should take account of any adaptations such as fitting oversized buckets or additional visibility aids
  - Training should cover adjustments to seat, mirrors and other visibility aids and optimum travel or carry position of the bucket should be covered
- Other considerations
  - non-driving workers appreciate how limited the view from the cab is, eg sit them in the vehicle cab and identify the blind spots.
  - Monitor compliance with site rules – CCTV and Supervisors/Foremen/Managers have a key role here. If control measures (eg segregated areas or pedestrian routes) are not effective or enforced, take action to rectify this..

### **5.3 Educational Academy Trust fined after worker injured in fall from ladder.**

- 5.3.1 An educational academy Trust has been prosecuted by the Health and Safety Executive (HSE) and fined after a worker fell from a ladder.
- 5.3.2 Chelmsford Magistrates' Court heard how, on 19 February 2019, the injured person was using an unsecured ladder at the school to dismantle a canopy roof when the ladder slipped, causing the worker to fall and sustain fractures to his face, a fractured femur and other injuries.
- 5.3.3 An investigation by Health and Safety Executive (HSE) found that the school did not have a risk assessment or safe system for dismantling the canopy roof which resulted in the work being conducted unsafely. No assessment was made as to the fragility of the roof before accessing it, suitable equipment was not provided, the injured person was not trained and the work was not supervised. The investigation also found that other work at height at the school was also carried out without specific planning, supervision and was not carried out safely.
- 5.3.4 Southend High School for Boys Academy Trust pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £24,000 and ordered to pay costs of £5,446

#### **5.4 Educational Academy Trust fined after failing to control the risk to humans from infectious diseases carried by animals.**

- 5.4.1 Another educational academy Trust has also been fined after failing to control the risk to humans from infectious diseases carried by animals.
- 5.4.2 Southern Derbyshire Magistrates' Court heard how the Trust, which operates 12 schools, failed to properly control the risk from zoonotic diseases to employees, pupils and visitors at one of its academies. The academy school was home to several animals including goats, pigs and rabbits.
- 5.4.3 An investigation by the HSE found that the trust had failed to provide adequate washing facilities to control the risks of disease to employees, pupils and visitors to the academy. The academy had also failed to provide suitable housing for the animals to minimise the risk to children as well as adequate training for staff..
- 5.4.4 The Spencer Academies Trust, Arthur Mee Road, Stapleford, Nottingham, pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. They were fined £20,000 and ordered to pay full costs of £7,304.10 and a victim surcharge of £170.

#### **5.5 Care provider prosecuted after employee attacked by a service user.**

- 5.5.1 The care provider, The Action Group, which provides support to children and adults, has been fined £20,000 after the HSE investigated how risks to staff were assessed, in the wake of an attack on an employee by one of its service users.
- 5.5.2 Edinburgh Sheriff Court heard that a female employee of the Action Group was abducted, assaulted, sexually assaulted and raped in 2018 while visiting the home of a male service user to provide support and care.
- 5.5.3 An investigation by the Health and Safety Executive (HSE), prompted by the police's investigation into the attack, found that the Action Group failed to carry out a suitable and sufficient assessment of the risks to the safety of their female employees posed by this service user. This was despite evidence indicating that concerns had been raised by support staff about their safety with this service user from as early as 1994.
- 5.5.4 The Action Group pleaded guilty to breaching Sections 2(1) and 33(1)(c) of The Health and Safety at Work etc Act 1974 and Regulation 3(1)(a) of The Management of Health and Safety at Work Regulations 1999, and fined £20,000.

#### **5.6 Conclusion**

Health and Safety remains a key priority for Local Authority consideration. Although the HSE are less pro-active than previously, they will investigate and prosecute if there are health and safety failings. As an Authority we ensure that we keep up to date with knowledge of recent prosecutions or safety notices to enable us to implement any learning from such actions within Local Authority services if applicable. Ensuring that health and safety is considered, and risks assessed and controlled, assists the Authority in meeting its legal obligations, in protecting the health and safety of employees and others.

## **6. ASSUMPTIONS**

6.1 No assumptions have been made regarding the information contained in this report.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 This report is for information only and so an Integrated Impact Assessment is not required

## **8. FINANCIAL IMPLICATIONS**

8.1 There are no financial implications.

## **9. PERSONNEL IMPLICATIONS**

9.1 There are no personnel implications

## **10. CONSULTATIONS**

10.1 All comments from consultees have been included in the report.

## **11. STATUTORY POWER**

11.1 The Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999.

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