



CORPORATE HEALTH AND SAFETY COMMITTEE – 18TH JULY 2022

SUBJECT: RECENT HEALTH AND SAFETY EXECUTIVE UPDATES

REPORT BY: CORPORATE DIRECTOR - 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 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 Change to legislation regarding provision of personal protective equipment (PPE) now in force

- 5.1.1 The Personal Protective Equipment at Work (Amendment) Regulations 2022 came into force on 6th April 2022. These extend the duty on employers to provide suitable PPE all workers, including those without a contract of employment but a contract to work, such as agency workers. The changes do not apply to those who have self-employed status, or those who have a contract of employment with another organisation (e.g. a contractor) as the legal duty applies to their employer.

- 5.1.2 PPE is defined in the Regulations as “*all equipment (including clothing affording protection against the weather) which is intended to be worn or held by a person at work and which protects the person against one or more risks to that person’s health or safety, and any*

addition or accessory designed to meet that objective."

- 5.1.3 Service managers utilising agency workers should check whether the agency provides workers with appropriate PPE. Service managers may provide and charge the agency or contractor for the provision of appropriate PPE, but may not charge individual workers with a contract to work.

5.2 Gateshead school fined for field trip which ended in mountain rescue

- 5.2.1 A school has been fined £30,000 for taking a group of teenage pupils on a dangerous mountain hike.
- 5.2.2 Staff from Gateshead Cheder, an Orthodox Jewish school, led 13 boys up Helvellyn in the Lake District in March 2020 amid ice and snow. A mountain rescue team eventually found the group in darkness and led them to safety after one boy slipped on ice and another had become separated.
- 5.2.3 The group of Year 10 pupils, aged 14 and 15, were on an organised trip led by a teacher and a teaching assistant. Some of the boys were wearing their school shoes or trainers. Before setting off, supervisors reviewed the Lake District weather report, which stressed the dangers of ascending above the snow line, but decided to press ahead, the court heard.
- 5.2.4 The supervising adults had no formal qualifications in mountain leadership or experience in wintery conditions and were relying on a smartphone app for guidance.
- 5.2.5 During the ascent, at least two members of the public warned the teaching staff to turn back, but they carried on and reached the 3,117ft (950m) summit. However, as they made their descent they lost their way and ended up on steep terrain which included vertical rock faces with drops of 20 metres. One of the boys fell several metres on ice and sustained minor cuts. Another teenager "panicked", ran off and was eventually guided down by a member of the public.
- 5.2.6 The group was eventually found after dark by the Keswick Mountain Rescue Team who cut steps in the snow to get them back to the path.
- 5.2.7 The school, admitted health and safety breaches and was fined £30,000 following a prosecution by the Health and Safety Executive (HSE), and also ordered to pay a victim surcharge of £181 and pay costs of £4,547.
- 5.2.8 Within CCBC, all off-site educational visits require approval by the school's Head Teacher or nominated authoriser following a risk assessment approved by the school's designated Educational Visits' Co-ordinator and details being entered onto the Evolve database. Such risk assessments should demonstrate that planned visits are in line with the Outdoor Education Advisers Panel National Guidance (OEAPNG) for educational visits that sets out a framework and good practice guidelines by which schools and teachers can demonstrate that they fulfil these requirements. In addition, for all residential trips or involving adventurous activities, prior approval is also required from the Outdoor Education Adviser from the Central South Consortium of Joint Education Service.

5.3 School prosecuted after Teaching Assistant falls through ceiling

- 5.3.1 A school in Yorkshire has been sentenced for a breach of the Health and Safety at Work Act after an employee fell through the ceiling of the school hall, causing a major injury.
- 5.3.2 Bradford Magistrates' Court heard that on 18 September 2019, a Teaching Assistant had accessed the loft space in the school, and as they entered, they fell around four metres

through the fragile ceiling which resulted in a broken back.

- 5.3.3 An investigation by the HSE found that when the Teaching Assistant was searching for a spare desk in the loft space, she fell due to the area being only partially boarded, meaning that the fragile ceiling gave way. This incident resulted in the victim suffering a broken back that left her in hospital for three weeks.
- 5.3.4 Todmorden Church of England Junior Infants and Nursery School pleaded guilty to breaching Section 6 (3) of the Work at Height Regulations 2005. The school was fined £4,000 and ordered to pay a surcharge of £181 and £747.80 costs.

5.4 Council worker killed by falling tree in Storm Eunice.

- 5.4.1 A Council worker from Republic of Ireland died after being hit by a falling tree during Storm Eunice in February 2022.
- 5.4.2 The 59-year-old was clearing debris from a road close to his home in Co Wexford when a freak gust of wind toppled a tree near to the one he had been working to remove. He had been employed by Wexford County Council as part of its road crew for around six years.
- 5.4.3 The An Garda Síochána (national police service of the Republic of Ireland) and the Health and Safety Authority (equivalent to the HSE for republic of Ireland) have been informed.

5.5 Council prosecution for vibration exposure management failings

- 5.5.1 Lancashire County Council has been fined after 15 employees working in the highways department developed Hand-Arm Vibration Syndrome (HAVS) as a result of failing to control exposure to vibration.
- 5.5.2 The HSE was initially notified about a case of HAVS in February 2019 by receipt of a notification under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR). A HM Inspector of Health and Safety of the HSE met council employees responsible for managing the roadworking teams, and spoke with the worker diagnosed with HAVS to get a feel for the activities and circumstances leading to the RIDDOR report. This identified that there were breaches of the Control of Vibration at Work Regulations 2005 and an Improvement Notice requiring the council to control the risk of exposure to vibration was served. However, more cases of hand-arm vibration syndrome then came to light.
- 5.5.3 The council reviewed all of their health surveillance records and found earlier cases they had not reported under RIDDOR. Some of the cases they subsequently reported dated back a year or more. In total, a further 10 cases of vibration-related ill-health unrelated to the initial RIDDOR report were uncovered and reported late. Four more reports were also filed, but these were on time.
- 5.5.4 The HSE investigation found that there had been insufficient supervision and monitoring by the council to ensure that operatives accurately recorded their levels of exposure to vibration. In addition, health surveillance records had not been acted upon promptly to reduce or stop exposure levels when symptoms were reported. Also, risk assessments were not adequate for controlling the amount of exposure of operatives, and practices had not been implemented to prevent overexposure.
- 5.5.5. On 5 May 2022 at Manchester Magistrates' Court, Lancashire County Council pleaded guilty to breaches of section 2(1) and 3(1) of the Health and Safety at Work Act and Regulation 8 of the RIDDOR Regulations 2013; and was fined £50,000 and ordered to pay costs of £10,366.

- 5.5.6 Within CCBC, all employees identified by Human Resources as being in occupations that involves the use of vibratory tools are subject to health surveillance conducted by Occupational Health, the reports of which are sent to the respective line manager. A copy of the report is also sent to the Health and Safety Division to identify whether any recommendations requiring further support or any new diagnosis of work related HAVS or carpal tunnel syndrome that correlates to an employee's exposure to vibration while at work requiring notification in accordance with RIDDOR, which a Health and Safety Officer would complete following further enquiries to confirm reportability. Employees regularly exposed to vibration levels that, due to the duration of exposure, puts them at risk are required to record their exposures to enable monitoring in accordance with the organisations' Control Of Hand Arm Vibration Exposure At Work Policy.

5.6 Conclusion

- 5.6.1 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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