

## **CORPORATE HEALTH AND SAFETY COMMITTEE – 27TH FEBRUARY 2012**

**SUBJECT: RECENT HSE UPDATES**

**REPORT BY: DEPUTY CHIEF EXECUTIVE**

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

- 1.1 The purpose of this report is to inform Members, Management and Trade Union Safety Representatives of recent updates in Health and Safety information, advice and guidance.

### **2. SUMMARY**

- 2.1 No new health and safety legislation is expected to come into force on the 'common commencement date' of 6th April 2012 (although note point 2.3 below).
- 2.2 An independent panel to consider challenges to health and safety regulatory advice has recently been established.

The Health and Safety Executive (HSE) is supporting the new panel, which will look into issues raised by organisations where they believe a HSE or local authority health and safety inspector has given advice that is incorrect or disproportionate. The panel will not look at issues where other independent appeals processes exist, such as for enforcement notices or prosecutions.

The panel is comprised of independent panel members who have the competence and experience to assess advice that has been given on regulatory matters.

Ministers asked for the panel to be established following a recommendation in the Löfstedt report, which proposed that the Government introduced a challenge mechanism that allows for cases of incorrect, over-application of health and safety legislation to be addressed.

Further information about the panel is available at: [www.hse.gov.uk/contact/challenge-panel.htm](http://www.hse.gov.uk/contact/challenge-panel.htm)

- 2.3 From 6th April 2012, subject to Parliamentary approval, RIDDOR's over three day injury reporting requirement will change. From then the trigger point will increase from over three days' to over seven days' incapacitation (not counting the day on which the accident happened).

Incapacitation means that the worker is absent or is unable to do work that they would reasonably be expected to do as part of their normal work.

Employers and others with responsibilities under RIDDOR must still keep a record of all over three day injuries – if the employer has to keep an accident book, then this record will be enough.

The deadline by which the over seven day injury must be reported will increase to 15 days from the day of the accident.

New guidance that explains the change is available from the HSE website [www.hse.gov.uk/riddor](http://www.hse.gov.uk/riddor)

- 2.4 The owners of a private care home have been sentenced after an elderly resident with dementia defeated the window restrictor of his first floor bedroom and fell 12ft to the ground below, sustaining serious head injuries from which he died in hospital a few days later. Chester Crown Court heard that the owners specialised in the care of elderly and mentally infirm residents. The resident had told staff and his family that he had wanted to leave and repeatedly tried to break open the window's chain restrictor, which he succeeded in doing on two separate occasions.

A week before the incident, the resident's son visited the home and reported that his father had broken the restrictor and was planning to leave the home. However, staff failed to move his father to a vacant ground floor room.

A Health and Safety Executive (HSE) investigation found that the company had failed to complete a risk assessment on the risk of residents falling from windows, and failed to implement and review its window restrictor policy.

The owners pleaded guilty to a breach of Section 3 (1) of the Health and Safety at Work etc Act 1974 and were fined £66,000 and ordered to pay £43,287 in costs.

Further information on window safety in the care sector can be found on the HSE website at [www.hse.gov.uk/healthservices/falls-windows.htm](http://www.hse.gov.uk/healthservices/falls-windows.htm)

### **3. RECOMMENDATION**

- 3.1 That the contents of the report be noted.

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