



## CORPORATE HEALTH AND SAFETY COMMITTEE – 18TH FEBRUARY 2013

**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 Staffordshire County Council and a refurbishment firm have been fined for exposing a nursery class, school staff and two joiners to asbestos fibres.

Two joiners of the refurbishment firm were cutting through a large built-in cupboard in the nursery class when they noticed unidentified material nailed to the back of it. They showed this to their site manager, who allowed them to carry on dismantling the cupboard and to detach the material. However, the material was asbestos insulating board, which should only be moved by a licensed asbestos removal contractor. The court heard the joiners used an ordinary vacuum cleaner to clear up dust and debris, which would also have spread asbestos fibres in the air.

On the day the work was undertaken, seventeen children aged between three and four, were in the classroom for half-day sessions together with a teacher and teaching assistant. A school cleaner, who was working in the classroom later in the day, was also exposed to the potentially dangerous substance.

A few days later an analyst, who was monitoring asbestos levels in the air during licensed asbestos removal work, spotted pieces of asbestos insulating board in an open skip. The school was closed immediately for investigation and subsequent decontamination.

A Health and Safety Executive (HSE) investigation into the incident found Staffordshire County Council had failed to carry out a pre-refurbishment asbestos survey in the nursery before work started.

The refurbishment firm contracted by the Staffordshire County Council had not taken sufficient steps to identify the asbestos insulating board attached to the cupboard before work started and its procedures for identifying asbestos containing materials were inadequate which permitted their site manager to assume the material was safe to work with and to continue disturbing it. The court heard the work should have been stopped until the material had been investigated further.

Staffordshire County Council, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 and was fined £10,000 and ordered to pay £5,000 costs.

The refurbishment firm pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 and was fined £8,000 and ordered to pay £4,000 costs.

- 2.2 Wirral Metropolitan Borough Council has been fined a total of £25,000 and ordered to pay £9,417 in costs after pleading guilty to two breaches of the Control of Vibration at Work Regulations 2005 after 29 employees of their Parks and Leisure Department were affected by hand arm vibration syndrome. The workers' duties included grass, hedge and tree cutting, primarily using vibrating equipment.

The HSE's investigation showed the Council did not properly assess the risks they faced of using such equipment or implement suitable control measures, such as limiting exposure to the tools or providing alternatives.

Hand Arm Vibration syndrome results in poor grip, numbness, tingling and acute sensitivity to cold resulting in pain. Once the condition has developed, reducing or eliminating exposure to vibrating tools will prevent it from getting worse, but the damage is largely irreversible.

- 2.3 A London borough council has been prosecuted after a 15 year-old girl was engulfed in a fireball from a cooking stove during a school camping expedition.

The teenager, then a pupil, was caught in a flashover when another girl poured methylated spirits on to the cooking stove as she believed it was going out. The erupting flames set fire to the girl's clothing and headscarf. She suffered severe burns to her hands, arms, face, neck and legs and was in a hospital's special burns unit for three weeks. She has since had to have a skin graft and has permanent scarring.

The pupil was one of 25 on a three-day Duke of Edinburgh's Silver Award camping trip led by an expedition leader employed by the Newham Council along with two teachers and a school administrator.

Southwark Crown Court heard that the incident could have been avoided if basic precautions had been taken. Fuel should have been kept in the correct containers, safely stored and simple procedures followed for lighting the stove.

Newham Borough Council pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc Act 1974, and was fined £15,000 and ordered to pay £17,246 in costs.

- 2.4 People who work with cleaning products risk developing asthma. A study of more than 7,000 people suggests exposure to bleach and other chemicals is a factor in one in six cases of adult-onset asthma among British people in their mid-50s. The study identified 18 high-risk jobs - four of which involved cleaning. Top of the list were farmers, followed by aircraft mechanics and typesetters. However, general cleaners, office cleaners, care workers, hairdressers, domestic helpers, and laundry workers all featured on the list. The experts believe that a person's working environment is to blame rather than their occupation per se.

Hundreds of occupational agents have been linked to asthma. This includes flour and grain as well as detergents. Fine particles can be inhaled into the airways and cause irritation. There are specific Control of Substances Hazardous to Health (COSHH) regulation guidelines relating to cleaning products. Employers are legally required to control exposure to hazardous substances and report any cases of occupational asthma to the Health and Safety Executive.

- 2.5 Last year the Health and Safety Executive (HSE) consulted on proposals to review its Approved Codes of Practice (ACOPs) that provide a legal interpretation of health and safety regulations. It sought views on proposals for the revision, consolidation or withdrawal of 15 ACOPs to be delivered by the end of 2013 and on proposals for minor revisions, or no changes, to a further 15 ACOPs, to be delivered by 2014.

The HSE have now published its analysis of the public consultation responses which can be viewed at [www.hse.gov.uk/consult/condocs/cd241-analysis.pdf](http://www.hse.gov.uk/consult/condocs/cd241-analysis.pdf).

### **3. RECOMMENDATION**

3.1 That the contents of the report be noted.

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