



CORPORATE HEALTH AND SAFETY COMMITTEE – 17TH JUNE 2013

SUBJECT: RECENT HSE UPDATES

REPORT BY: ACTING CHIEF EXECUTIVE

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 Oldham Metropolitan Borough Council has been found guilty of breaching health and safety law after a 61 year old Caretaker was injured in a fall from a shed roof at a primary school. It was prosecuted by the Health and Safety Executive (HSE) for failing to take sufficient measures to prevent the fall.

During a two-day trial, Trafford Magistrates' Court heard that the caretaker had been carrying out maintenance work to the roof of the shed which is used to store equipment for a neighbouring children's centre. The roof had recently been vandalised and the felt had been ripped off, causing it to leak. The worker had climbed onto the roof using a stepladder and was attempting to place plastic sheeting on it when he tripped and fell backwards. He landed on a concrete floor three metres below, injuring his knees, ankles, neck and right hand in the fall. He was unable to return to work full time following the incident, and has now had to retire.

A HSE investigation found the injured worker had started working as a caretaker at the school in 2004, six years before the incident, but had not received any training on working at height.

Oldham Metropolitan Borough Council was found guilty of breaching Regulation 6(3) of the Work at Height Regulations 2005 and fined £7,000 and ordered to pay £12,260 in prosecution costs on 18 March 2013.

Work at height is one of the biggest causes of workplace deaths and injuries in the UK.

- 2.2 Leeds City Council has been fined £12,000 and ordered to pay £6,116 in costs for safety failings after it ignored warnings from its own staff about a rotting flagpole, which later collapsed and fractured the skull of a two-year-old girl.

The toddler had been playing in the park with her mother when the 5.5m wooden flagpole suddenly fell. In addition to her head injury, the youngster suffered a broken foot and was in hospital for a week. It is thought she will need continuing checks at hospital for several years to come.

The court was told the HSE found that as early as November 2010 the grounds maintenance staff had alerted the Councils' Bereavement Service, which manages the garden, to the fact that the pole was decaying and needed attention.

The warning that the structure was in a poor condition was repeated in Spring 2011 and led to the council's property team being asked to inspect the flagpole, although no action was taken. In November that year, an officer attended and agreed the flagpole was in need of repair and phoned Otley town council. However, the town council had no responsibilities for the pole so nothing was done.

The HSE's investigation identified that Leeds City Council had no system in place for recording maintenance requests at the Memorial Garden in Otley or acting on issues raised.

- 2.3 The Health and Safety Executive have published a report following research into the reliability of noise emission data provided by the manufacturers and suppliers of work equipment. The law requires such information to be provided to purchasers of work equipment to enable informed choices regarding the safety of potential purchases and for them to understand what control measures are necessary to mitigate the risks from noise during real use and thus prevent noise-induced hearing loss.

The research found that 82% of the sample contained inadequate noise emission information. The most common reasons were absent or incomplete declared noise emission values, absent or incomplete traceability to operating conditions for declared noise emission values, and inadequate information on safe use, residual risk, or noise control measures.

The research report is available to view in full at: www.hse.gov.uk/research/rrpdf/rr962.pdf

- 2.4 Significant changes to the way first-aid training is provided is expected to come into force from 1st October 2013. Currently first-aid training at work can only be delivered by HSE-approved providers. However the need for HSE approval is expected to be removed. The HSE will retain a role in setting standards by controlling the syllabus content for the basic first aid at work qualifications.

The removal of the HSE approval process will give organisations greater flexibility to choose a training provider and first aid training that is right for their work place, and based on their individual needs. The provider will be required to meet a certain standard, set by HSE. The legal requirement for employers to ensure they have an adequate number of suitably trained first aiders (or appointed persons) in accordance with their first aid needs assessment will remain unchanged.

More information about the impact of the proposed changes can be found online at www.hse.gov.uk/firstaid/proposed-changes-first-aid-regulations.htm

- 2.5 A bath restoration company has been fined £25,000 and ordered to pay £56,286 in costs after pleading guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 for safety failings after a worker died from inhaling toxic fumes in the bathroom of a flat.

The worker was using an industrial paint and varnish remover to strip a resin coating from a bath at a housing association property when he was overcome by fumes. The stripping agent contained dichloromethane, also known as methylene chloride, a carcinogenic toxic chemical. Fumes rapidly built up in the confined space and he died at the scene as a result of over exposure. His body was discovered by the occupant of the flat.

The HSE's investigation found there was insufficient natural ventilation in the bathroom and that the worker's employer should have provided mechanical ventilation equipment to compensate.

- 2.6 The Health and Safety Executive (HSE) has launched consultations on the revised content of two Approved Codes of Practice (ACOP's).

Changes to the Workplace Health, Safety and Welfare Regulations (L24) and Safety in the Installation and Use of Gas Systems and Appliances (L56) ACOP's have been developed by

HSE and industry stakeholders.

The proposed changes have been made to make it easier for employers to understand and meet their legal obligations and so reduce the risks of over compliance. Legal responsibilities to protect workers' health and safety are not altered by any changes to ACOP's.

The revised drafts are now subject to a 12-week consultation ending on 30th July 2013.

Consultative documents and draft versions of the revised ACOP's are available online at: www.hse.gov.uk/consult/live.htm.

Subject to the outcome of the consultation and ministerial approval, the revised ACOP's will be published by the end of the year.

- 2.7 The HSE have issues a safety alert for designers, manufacturers and suppliers of stone or artificial stone fireplace surrounds of the need to
- provide adequate fixings and fixing options;
 - provide detailed instructions on their safe assembly; and
 - alert installers of the need to ensure they are safely installed so as to prevent subsequent failure and potential fatal injuries.

The safety alert follows several instances where heavy stone components forming part of a modern fireplace surround have fallen causing damage and injury. The incidents have happened because the fireplaces were not securely, mechanically fixed in place. In two, separate accidents this type of incident resulted in the death of two young children.

The safety alert is available to view on the HSE's website www.hse.gov.uk/safetybulletins/fireplace-surrounds.htm

Designers, manufacturers, suppliers and installers attention is also drawn to the Stone Federation of Great Britain guidance on "Fireplace Surrounds". This is available free of charge at www.stonefed.org.uk/index.php?page=Health-and-Safety

3. RECOMMENDATION

- 3.1 That the contents of the report be noted.

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