



**CORPORATE HEALTH AND SAFETY COMMITTEE –  
11TH NOVEMBER 2013**

**SUBJECT: RECENT HSE UPDATES**

**REPORT BY: INTERIM 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 Newport Council has been fined £20,000 and was ordered to pay £11,000 in costs after building work at a house exposed a woman and her foster children to the risk of carbon monoxide poisoning.

A home improvement company was contracted to carry out loft conversion work at a property on behalf of Newport City Council in November 2010. As part of the improvement work the company had to move a boiler and replace a flue, which they left in an 'immediately dangerous' condition with the potentially lethal fumes escaping into the loft space.

In a prosecution brought by the Health and Safety Executive (HSE), Cwmbran Magistrates heard that the householder had agreed to modifications to her home with a grant from the council to accommodate foster children.

The company was contracted for the job, which included the relocation of the boiler into the new loft space and replacing the flue from the gas fire.

The householder, who lives at her home with four adolescents, complained the boiler was not working properly and was leaking, and arranged for an independent engineer to examine the work.

The engineer found the pressure relief valve had not been connected and confirmed the boiler was leaking. He advised her not to use the equipment and contacted Gas Safe Register, who sent an officer to investigate.

Gas Safe found the boiler was not correctly fitted and the flue from the gas fire had been capped just below the level of the loft, allowing poisonous carbon monoxide gas into the loft space. It was classified as 'immediately dangerous'.

HSE's investigation identified that Newport City Council had told the householder to contract the company without checking their competence or monitoring their work. In addition, the council did not follow its own procedures for choosing contractors. Although the authority kept a list of approved firms it did not supply this to the householder and did not involve the council department which normally dealt with such work.

Newport City Council pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work Act 1974.

- 2.2 Bradford Council have admitted serious safety breaches after one of its parks' employees narrowly escaped death when he fell eleven metres from the cradle of a cherry picker.

Bradford Magistrates heard the 23-year-old arboricultural worker was working at a height of 35 feet pruning dead branches when the cherry picker overturned. He suffered multiple injuries including fractures to his spine, collarbone, pelvis and right leg, plus internal injuries that required surgery. The council employee, just 22 when the incident happened on 27th July 2012, was off work for more than five months. Although he has since returned, he is no longer able to carry out tree work at height.

The incident was investigated by the HSE, which prosecuted Bradford Council after identifying a series of failings involving the planning and preparation of the tree work and the use of the cherry picker. The court was told two tree workers set up the cherry picker correctly on a compacted path in the woods and one of them was working in the extended cradle among the treetops. As he rotated the boom arm and cradle anti-clockwise to move from tree to tree, the weight distribution of the machine changed and the cherry picker overturned. The HSE found that when the weight shifted, one of the vehicle's stabiliser feet had slid off a ground mat and then sunk into the soft ground at the side of the compacted path. The wrong type of ground mats had been provided to the team to put underneath the machine's feet. The unbalanced machine then toppled without warning.

The investigation identified that the council had failed to properly plan and organise the safety aspects of the tree pruning work. No one had realised that the distance between the stabiliser feet was greater than the width of the path. In addition all the council workers who did tree work in off-road locations had never been trained to do the work in soft, sloping or uneven ground. All the training had been done in a depot yard.

Bradford Council was fined £12,000 and ordered to pay £9,623 in costs after admitting breaching Section 2(1) of the Health and Safety at Work etc Act 1974 by failing to ensure the safety of one of its employees while working at height.

- 2.3 Moray Council has been fined £4,000 after pleading guilty to breaching the Work at Height Regulations 2005 after a worker was seriously injured when he fell through a garage roof light at a council depot.

The 52-year old Council employee was working on the removal and replacement of the garage roof light at the Moray Council depot when he lost his balance. He was one of two workers who had gained access to the roof using a ladder. They were standing on scaffolding batons placed onto cement sheets on either side of the roof light, but one slipped, causing one of the two employees to lose his balance and fall nearly three metres head first through the roof light and land on the concrete floor below. He suffered serious injuries to the right side of his body including a broken pelvis, collarbone and numerous ribs and a serious blow to the head. As a result he had to use a wheelchair for eight weeks, then a walking frame and was unable to drive for three months. He was off work for 6 months, but has since made a reasonably full recovery.

An investigation by HSE found that the garage roof light was fragile and unable to safely support the weight of someone standing or walking on it. The work was undertaken in an unsafe manner and insufficient safety measures had been taken to prevent a fall through or from the roof. It also found that no information or supervision had been provided to ensure the workers would be carrying out the work safely. Although the council had provided staff with training in relation to working at height, its main focus was on the use of mobile elevated work plants and basic scaffolding. There was no information or supervision to ensure this work was carried out safely and it was effectively left to the workers' own judgment to decide how the job was to be done. As a result the work was carried out in an unsafe manner, with insufficient safety measures taken to prevent such a fall.

- 2.4 South Lanarkshire Council has been fined £35,000 after an employee suffered flash burns to his arms and face and another was blown off his feet and had an eye burned when they struck an electrical cable while digging a ditch.

The two men were digging the ditch prior to laying a drainpipe when one thought he had struck some rock. He picked up a steel bar to try and break up the ground unaware he was hitting an 11,000 volt live electrical cable. In doing so, the cable would have been earthed, reducing this to 6,350 volts. When it fractured, he was hit by an electric shock, receiving flash burns to his arms and face. He was saved from more serious injury by his insulated gloves.

The HSE found the incident was the result of a combination of inadequate risk assessment, lack of a safe system of work, and failure to provide adequate information, instruction, supervision and training.

Hamilton Sheriff Court heard that the Council failed to follow its own protocols by not obtaining service plans before the work started and put their employees at unnecessary risk by failing to properly assess and manage the risks. The Council had a safe system of work document but its main weakness was a lack of awareness of what services existed in the trench. Had drawings been obtained, they would have shown three buried cables crossing the route of the trench, two of which were high voltage.

- 2.5 The HSE has formally implemented changes to simplify the mandatory reporting of work related injuries and occupational diseases, with effect from 1st October 2013. The changes to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 clarify and simplify the reporting requirements.

The main changes are the simplification of the reporting requirements in the following areas:-

- The classification of 'major injuries' to workers replaced with a shorter list of 'specified injuries'
- The schedule detailing 47 types of industrial disease replaced with eight categories of reportable work-related illness
- Fewer types of 'dangerous occurrence' that require reporting

There were no significant changes to the reporting requirements for:-

- Fatal accidents
- Accidents to non-workers (members of the public)
- Accidents resulting in a worker being unable to perform their normal range of duties for more than seven days

The changes require fewer incidents to be reported overall, but do not alter the ways to report an incident at work and the criteria that determine whether an incident should be investigated remain the same.

An information leaflet outlining the main changes and current requirements is available to view from the HSE website: [www.hse.gov.uk/pubns/indg453.pdf](http://www.hse.gov.uk/pubns/indg453.pdf)

- 2.6 Also, as of 1st October 2013, the Health and Safety (First Aid) Regulations 1981 have been amended, removing the requirement for HSE to approve first aid training and qualifications. This means that organisations now have more flexibility in how they manage their provision of first aid in the workplace.

For training providers approved by HSE prior to this change, regardless of the date of expiry that appears on their approval certificate, their approval to undertake first training expired and

is no longer valid.

Employer still need to make an assessment of their first-aid needs to establish what provision for first aid is required. This will depend upon the workplace, taking into account, among other things, the number of employees, size, location and work activity.

The HSE has published revised guidance to the Health and Safety (First Aid) Regulations 1981, available on its website [www.hse.gov.uk/firstaid](http://www.hse.gov.uk/firstaid)

This makes it clear that first aid training is available from a wide range of providers including:-

- Those who choose to offer regulated qualifications (first aid qualifications regulated by the qualification regulators - Ofqual, SQA and the Welsh Government),
- Those who operate under voluntary approval schemes for example, a trade or industry body having quality assurance schemes accredited by a third party (e.g. UKAS),
- Those who operate independently of any such scheme for example, where a training provider chooses to demonstrate their competence to an employer by providing evidence that they meet the criteria set by HSE, or
- From one of the Voluntary Aid Societies (St John Ambulance, British Red Cross and St Andrew's First Aid).

The changes are particularly advantageous where additional or specialist training may be required due to the work activity, for example in the outdoor education industry, where employers will be able to choose the most appropriate specialist provider to meet their identified training needs – and potentially avoid duplication in training.

All training providers will need to be able – and should be prepared to demonstrate how they satisfy the criteria set by HSE. Clarity in this area will be beneficial to both employers and first aid training providers. However, the Health and Safety at Work Act clearly places a duty on the employer to select a competent training provider.

- 2.7 Health and safety statistics for the financial year 2012/13 are set for release on 30th October 2013. This release will give the latest statistics on work-related health and safety injuries and ill health and enforcement action. The statistics and analysis may be viewed on the HSE website [www.hse.gov.uk/statistics](http://www.hse.gov.uk/statistics)

### **3. RECOMMENDATION**

- 3.1 That the contents of the report be noted.

Author: Andrew Wigley, Senior Health & Safety Officer  
Consultees: Stuart Rosser, Interim Chief Executive  
Cllr C. Forehead, Cabinet Member for Human Resources & Governance/Business Manager  
Donna Jones, Service Manager, Health, Safety & Welfare