



CORPORATE HEALTH AND SAFETY COMMITTEE - 17TH FEBRUARY 2014

SUBJECT: RECENT HSE UPDATES

REPORT BY: INTERIM 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 The deadline to replace the old style (creamy coloured) health and safety law posters or leaflets and replace with the new revised version comes into force in April 2014. Employers have a legal duty under the Health and Safety Information for Employees Regulations 1989 to display the approved poster in a prominent position in each workplace or to provide each worker with a copy of the approved leaflet that outlines British health and safety law.

Research showed that the creamy coloured 1999 versions of the law poster and leaflet were visually unappealing and rarely read. They were redesigned to be more readable and engaging, and published in 2009. The revised poster and leaflet also reflect changes in the law to reduce the administrative cost to employers of having to provide additional written information on the poster or with the leaflet, and having to keep this information up to date.

To help avoid an unnecessary burden on businesses, the Health and Safety Executive (HSE) Board set a five-year transition period for replacing the 1999 poster and leaflet. Subsequently the 1999 poster or leaflet must be replaced with the 2009 poster or leaflet no later than 5 April 2014.

Further information, and details of where to purchase the 2009 posters and leaflets is available from the HSE website www.hse.gov.uk/contact/faqs/lawposter.htm

- 2.2 The Health and Safety Executive have published their reviewed L8 '*Legionnaires Disease: The Control Of Legionella Bacteria In Water Systems Approved Code of Practice And guidance To The Regulations*' publication. This is available to view and download free of charge at: www.hse.gov.uk/pubns/priced/l8.pdf

This fourth edition contains revisions to simplify and clarify the text. The main changes are removing Part 2, the technical guidance, which is published separately in HSG274, and giving the following issues Approved Code of Practice status:

- risk assessment
- the specific role of an appointed competent person, known as the 'responsible person'
- the control scheme
- review of control measures
- duties and responsibilities of those involved in the supply of water systems

The '*Legionnaires Disease Technical Guidance*' (HSG274) has been split into 3 parts, each available to view and download from www.hse.gov.uk/pubns/books/hsg274.htm

- 2.3 Bristol City Council has been fined after a park keeper suffered serious injuries when she was thrown from a tractor as it overturned. The 51 year-old worker broke her pelvis and badly damaged an Achilles tendon in the incident in May 2012. She remained off work for a year but has since returned and is undertaking an office job.

An investigation by the Health and Safety Executive (HSE) led to a prosecution Bristol City Council at the city's Magistrates' Court. The court heard the park keeper, who was carrying out maintenance work, was driving the tractor with a trailer attached and had braked as the tractor descended a slope. The vehicle skidded and she turned to avoid a fence but it overturned, throwing her from the seat. The HSE found the tractor was not fitted with a seat belt or any type of restraint and the Council failed to ensure their employee had received adequate training on the use of the tractor. The investigation also identified the nearly new tractor and trailer had been acquired by Bristol City Council shortly before the incident but outside the normal procurement procedure and, as a result, no supplier training was provided.

Bristol City Council was fined a total of £20,000 and ordered to pay £4,700 in costs after admitting two breaches of the Provision and Use of Work Equipment Regulations 1998.

- 2.4 Blackpool Council have been prosecuted by the Health and Safety Executive (HSE) after an investigation found they failed to act on warnings that a tyre swing needed urgent attention which led to a ten-year-old boy sustaining severe head injuries when part of the swing collapsed on him. The child's injuries, including a crushed and fractured skull, caused him to be hospitalised for eight days and the loss of vision in his right eye.

Blackpool Magistrates were told the youngster and his friends had been playing on a tyre swing that was connected to an arched metal beam overhead by four chains which hung down from a suspension mechanism. The boy was underneath the swing when the rotating mechanism gave way, striking him on the head.

The HSE found the council had arranged for the Royal Society for the Prevention of Accidents (RoSPA) to carry out quarterly inspections of its playground equipment. A RoSPA engineer first alerted the Council that the swing needed 'urgent attention' over a year before the incident – as the suspension mechanism was not rotating properly. A recommendation was made to contact the manufacturer for further advice. This warning was repeated in the following three inspection reports but the council did not act on it. The investigation concluded that poor repair work carried out on the swing was likely to have contributed to its deterioration, meaning the same issue is unlikely to occur on other similar swings.

Blackpool Council was fined £18,000 and ordered to pay prosecution costs of £20,000 after pleading guilty to a breach of the Health and Safety at Work etc Act 1974.

- 2.5 North Warwickshire Borough Council and a Birmingham decorating firm have been fined after workers were exposed to asbestos fibres.

Leamington Spa Magistrates' Court heard that the council was refurbishing a community centre when it sent its contractor to remove asbestos insulation board. The material should have been removed under controlled conditions by a licensed contractor. Instead it was spread around the site by the decorating firm's staff.

The matter came to light when other tradesmen on the site realised what was happening and reported the situation to managers, which led to a visit from the Health and Safety Executive (HSE) whose subsequent investigation revealed the council had undertaken a survey detailing the presence of asbestos but had failed to pass information on to its contractor. The firm had also failed to carry out its own assessment of the insulation boards to check whether asbestos was present.

North Warwickshire Borough Council pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 for failing to provide sufficient information and instruction to its contractors regarding the presence, nature and scope of work involving asbestos, and was fined £10,000 and ordered to pay costs of £1,200.

Intal Decorators Limited pleaded guilty to breaching Regulation 5 of the Control of Asbestos Regulations 2012 for removing asbestos-containing materials without carrying out an assessment and fined £5,000 and ordered to pay a further £500 in costs.

3. RECOMMENDATION

3.1 That the contents of the report be noted.

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