



## **CORPORATE HEALTH AND SAFETY COMMITTEE – 21ST NOVEMBER 2016**

**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 The following report is provided as information for members of the Committee, to ensure they are kept informed of changes to health and safety legislation and approved codes of practice which will affect the Council, as well as advising of any relevant accidents, incidents and prosecutions.

### **3. LINKS TO STRATEGY**

- 3.1 The report is provided as information to Members of the Health and Safety Committee in line with the Council's Health and Safety Policy.

### **4. THE REPORT**

- 4.1 A London Borough Council has been fined £500,000 after a road maintenance worker sliced his leg to the bone while he was pruning trees with a cut-off saw.

Southwark Crown Court heard that the maintenance worker was cutting branches using a Stihl cut-off saw with an inappropriate blade and no safety equipment. The blade became stuck and on pulling it free the blade ran across the top of the worker's left leg. He needed surgery and 60 stitches, and also sustained muscle and ligament damage.

The HSE's investigation found that the wrong equipment was being used for the task and there was no risk assessment for the use of the saw and blade. It said a safe system of work should have been in place that identified suitable machinery for the task. The employee had never been directed to the manuals for the equipment he used in his job, including the cut-off saw that caused him the injury, nor did he know where such manuals were kept.

London Borough of Havering Council pleaded guilty to breaching Regulations 4(2) and 4(3) of the Provision and Use of Work Equipment Regulations, which covers selecting work equipment and ensuring it is only used for operations for which it is suitable.

The £500,000 fine is one of the first to be imposed on a local authority since the new sentencing guidelines for health and safety offences were introduced earlier this year. The council must also pay prosecution costs of £8,240, however is said to be considering an appeal against the penalty because it believes it is too high.

- 4.2 East Riding of Yorkshire Council has been fined after an employee was injured when he fell from a ladder.

Hull Magistrates' Court heard how an employee fell 2.4 metres from a ladder while descending from a porch roof which was being re-felted. He suffered two broken vertebrae.

An investigation by the HSE into the incident which occurred on 23 April 2015 found that the ladder was not tied and there was no edge protection in place for the porch roof. The task had not been risk assessed and decisions regarding safety and equipment were left to the workers.

East Riding of Yorkshire Council pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974, and was fined £40,000 and ordered to pay costs of £664.00.

- 4.3 A Senior Support Worker of an adult day care centre in Leeds has been sentenced after a severely disabled woman choked and later died while in her care. This is an unusual case in that an individual employee rather than their employer has been prosecuted.

Leeds Crown Court heard that the senior support worker allowed a sweet to be given to a 34-year-old severely disabled woman who had not developed a rotary chew, the circular motion that allows food to be ground down enough to swallow, and therefore required a soft diet. She choked and later died in hospital.

An investigation by the Health and Safety Executive (HSE) into the incident which occurred in April 2012 found that the senior support worker failed to take reasonable care for the safety of the client in a way that almost immediately set in motion a chain of events that directly led to her death.

The Senior Support Worker pleaded guilty to breaching Section 7(a) of the Health and Safety at Work etc Act 1974, and was sentenced to 80 days imprisonment, suspended for twelve months.

- 4.4 A school has been fined after poorly-planned and managed refurbishment and maintenance activities exposed school staff and others to asbestos.

Chelmsford Crown Court heard that managers at The Boswells School in Chelmsford, Essex, decided to convert an old boiler room at the school into a cleaning store. During the course of this work, asbestos residue on the walls was disturbed and caretakers swept contaminated debris from floors. Their exposure to risk only came to light after a later asbestos survey was completed in the area.

The HSE investigated and learned that asbestos containing materials (ACM's) were also present in other areas. School caretaking staff and contractors disturbed the fabric of school buildings over many years without being alerted to the presence of ACM's. Persons who entered potentially contaminated areas were placed at risk of developing serious ill health conditions arising from exposure to airborne respirable asbestos fibres. The school also failed to ensure that spread of asbestos was prevented or reduced.

The Boswells Academy Trust pleaded guilty to breaching the Health and Safety at Work etc. Act 1974 – Sections 2(1) & 3(1). The trust was fined £26,000 and ordered to pay costs of £20,000.

4.5 Liverpool City Council and two of its contractors must pay more than £1.6m following two separate incidents involving pensioners on a busy road that was being resurfaced.

Enterprise Liverpool had been contracted by Liverpool City Council to carry out resurfacing works, and it subcontracted Tarmac Trading.

On 3 July 2012, a 74-year-old man sustained head and back injuries when he was struck by a car while crossing at temporary lights.

Liverpool Crown Court was told that one side of the dual carriageway had been put into a contraflow to allow vehicles to travel in both directions. However, the temporary pedestrian lights were not working and no alternative was provided.

A month later, on 19 August, a second pensioner, was knocked down and killed by a car as he tried to cross a single lane of traffic on the same road using a temporary pedestrian crossing.

Following complaints from motorists, traffic light changes had been made in order to reduce congestion. This removed the natural break in the traffic flow that pedestrians needed to cross the carriageway safely.

The HSE's investigation found that Liverpool City Council failed to implement suitable arrangements for managing the roadworks, did not appoint a coordinator for the work and instead delegated these responsibilities to Enterprise Liverpool.

The investigation also found that Enterprise Liverpool failed to ensure the designs for the traffic management were checked and approved, or that the construction plan for pedestrian routes and provision of barriers was being followed. At the time of the incidents, it provided no safe means for pedestrians crossing the works area or the carriageway.

Tarmac Trading, which was responsible for the provision and installation of the traffic and pedestrian management, did not provide alternative help for pedestrians at the time of the first incident though it was clear the temporary lights were broken. When the second pensioner was killed, the faulty lights had been removed but there were no alternative control measures. A large A-frame sign was also placed on the crossing obscuring the view of pedestrians and motorists.

Tarmac Trading was fined £1.3m and ordered to pay £130,000 costs after it pleaded guilty to breaching s 3(1) of the Health and Safety at Work Act.

Enterprise Liverpool admitted breaching Regulation 22(1) of the Construction (Design and Management) (CDM) Regulations 2007, which covers the principal contractor's duties. It was fined £25,000 plus £80,000 costs.

Liverpool City Council was fined £15,000 plus £100,000 costs after pleading guilty to breaching Regulation 9(1) of the CDM Regulations 2007 for failing its responsibility as the client to ensure that the arrangements made for the managing the project are suitable to ensure work is carried out without any risks to safety.

4.6 A 41-year-old Science Teacher has died after breaking her leg in a fall in her classroom in Sheffield, South Yorkshire. She was putting up a display in her classroom when she fell, and died the next day as a result of medical complications.

It is believed she was injured as she prepared for the new school academic year after the summer break.

The HSE is making preliminary inquiries into the incident.

- 4.7 A School in Canterbury, has been fined for safety failings at a summer activity camp after a seven-year-old boy had to be given cardiopulmonary resuscitation (CPR) after coming into difficulty during a swimming lesson.

Canterbury Crown Court heard how the boy was at a summer activity camp run by St Edmunds School and was taking part in a scheduled swim when he got into difficulties and struggled for over three minutes before becoming motionless in the water.

The lifeguards noticed he was in trouble and retrieved him. He regained consciousness after CPR but developed pneumonitis as a result of the incident.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on 1 August 2014, found that the lifeguards were not effectively managed and monitored to ensure that they were constantly vigilant. It was also discovered that two out of the three lifeguards did not hold a current, in date lifeguard qualification.

St Edmunds School Canterbury, of St Thomas Hill, Canterbury, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974, and was fined £18,000 and ordered to pay costs of £9,669.19.

- 4.8 A school in Brentwood has pleaded guilty to breaching health and safety regulations after a worker was injured as he fell from a roof.

Chelmsford Crown Court heard how in January 2014 a maintenance team at the school was working to replace components on a bay window of a residential flat within the school grounds. A 63-year-old employee was working on the roof of the bay window when his foot got caught and he fell approximately 2.6metres to the ground below. He was taken to hospital and was found to have suffered injuries including a broken collarbone and chipped vertebrae.

An investigation by Health and Safety Executive (HSE) into the incident found that there were no effective guardrails or any other means of protection to prevent workers from falling from the roof. There were no supervisory arrangements and the work was not carried out in a safe manner.

Brentwood School Charitable Incorporated Organisation, Brentwood, Essex, pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005, and was fined £40,000 and ordered to pay £1,477 in costs

- 4.9 Provisional annual data for work-related fatal accidents in workplaces in Great Britain for the 2015/16 financial year period has been released by the Health and Safety Executive (HSE)

The long term trend has seen the rate of fatalities more than halve over the last 20 years. However, provisional figures indicate that 144 people were killed while at work in 2015/2016 – up from 142 in 2014/5.

The HSE has called on all sectors to learn lessons to ensure workers return home safe from work.

The new figures show the rate of fatal injuries in key industrial sectors:

- 43 workers died in construction, the same as the average for the previous 5 years.
- In agriculture there were 27 deaths (compared to the five-year average of 32).
- In manufacturing there were 27 deaths (compared to five-year average 22), but this figure includes three incidents that resulted in a total of eight deaths.
- There were six fatal injuries to workers in waste and recycling, compared to the five-year average of seven, but subject to considerable yearly fluctuation.

There were also 103 members of the public fatally injured in accidents connected to work in 2015/16, of which 36 related to incidents occurring on railways.

Comparisons of fatal injuries by country or region are based on where the accident occurred. After taking industrial composition into account, those regions and countries with seemingly higher rates are not (statistically) different to the rest of Great Britain. In 2015/16 the highest fatal injury rates across all countries and regions were Wales (0.93 per 100,000 workers); Scotland (0.60); and Yorkshire and the Humber (0.58). Due to the relatively small numbers and to reduce some of the yearly fluctuation, when averaged across a five-year time period to 2014/15 those regions with the highest fatal injury rates were also Wales (0.81), Scotland (0.73) and Yorkshire and the Humber (0.70).

The statistics again confirm the UK to be one of the safest places to work in Europe, having one of the lowest rates of fatal injuries to workers in leading industrial nations.

The HSE has also released the latest available figures on deaths from asbestos-related cancer. and work related injuries and ill health:-.

- Mesothelioma, one of the few work related diseases where deaths can be counted directly, contracted through past exposure to asbestos killed 2,515 in Great Britain in 2014 compared to 2,556 in 2013.
- 1.3 million working people suffered from a work-related illness.
- 72,702 other injuries to employees reported under RIDDOR.
- 621,000 injuries occurred at work according to the Labour Force Survey.
- 30.4 million working days lost due to work-related illness and workplace injury.
- £14.1 billion estimated cost of injuries and ill health from current working conditions (2014/15).

In relation to work related stress, depression or anxiety in 2015/16 the total number of cases of was 488,000, a prevalence rate of 1510 per 100,000 workers. The number of new cases was 224,000, an incidence rate of 690 per 100,000 workers. The estimated number and rate have remained broadly flat for more than a decade.

The total number of working days lost due to work related stress, depression or anxiety in 2015/16 was 11.7 million days. This equated to an average of 23.9 days lost per case. Working days lost per worker showed a generally downward trend up to around 2009/10; since then the rate has been broadly flat.

In 2015/16 stress accounted for 37% of all work related ill health cases and 45% of all working days lost due to ill health.

## **5. EQUALITIES IMPLICATIONS**

5.1 There are no equalities implications.

## **6. FINANCIAL IMPLICATIONS**

6.1 There are no financial implications.

## **7. PERSONNEL IMPLICATIONS**

7.1 There are no personnel implications.

## **8. CONSULTATIONS**

8.1 All comments from consultees have been included in the report.

## **9. RECOMMENDATIONS**

9.1 That the contents of the report be noted

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 For information only.

## **11. STATUTORY POWER**

11.1 Not applicable to this report.

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