



CORPORATE HEALTH AND SAFETY COMMITTEE - 3RD JULY 2017

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 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 Nottinghamshire County Council has been fined £1m after one of its workers drove into a disabled member of the public in Rufford Abbey Country Park on 1 June 2015.

The 71-year-old man sustained serious bruising and injuries to his arms, legs and head.

Nottingham Crown Court was told that the employee was operating a tractor fitted with a mounted grab attachment to collect branches for burning.

The disabled man was on a guided walk in the park. The council worker did not see him and ran into him.

The Health and Safety Executive (HSE) found the council had not given its workers sufficient training to safely operate mounted grabs or act as banksmen. It had put its own staff and the public at risk by failing to segregate vehicles and pedestrians, and not adequately planning or supervising the work.

The HSE also said the tractor was unsuitable for transporting the branches long distances.

Nottinghamshire County Council pleaded guilty to breaching ss 2(1) and 3(1) of the Health and Safety at Work Act and must pay £10,270 costs.

- 4.2 Islington Borough Council has been fined £200,000 and ordered to pay full costs of £19,865 after admitting a role in an incident at a London school where a pupil was left with serious hand injuries.

Southwark Crown Court heard that on 25 March 2014, a twelve year old pupil was in a design and technology class making animal shapes out of plywood. The pupils used hand saws and some were using a belt sanding machine.

The court heard the schoolboy was using the machine for the first time, along with fellow pupils. They were shown how to use it by a fellow pupil and none knew the purpose of the metal guard for the sanding belt which was in a raised position.

When the schoolboy put the shape to the belt, it flipped downwards into a gap, pulling his left hand forward and trapping it between the shape and the belt. The top of the boy's left hand middle finger had to be amputated down to knuckle and he was absent from school for several weeks.

The Health and Safety Executive (HSE) said the teacher had not received adequate training to recognise that the machine was in an unsafe condition or recognise the risk of allowing pupils to use the machinery unsupervised and without suitable training. The design and technology class had been without a technician for 8 weeks prior to the incident; and on the day of the incident the teacher was supervising the class alone.

London Borough of Islington pleaded guilty to breaches of Section 3 of the Health and Safety at Work etc Act 1974.

- 4.3 A girls' school has been fined after a teacher fell from a stepladder, lost consciousness and suffered multiple fractures to the skull, wrist and elbow as a result of the impact.

Westminster Magistrates' Court heard that on 9 May 2016 a teacher was conducting rigging and adjustments to spotlights and cabling in the school drama studio when he fell from the ladder. A fellow teacher present in the room turned to find her colleague had fallen.

The court was also told that the defendant, Queen Elizabeth's Girls' School of Barnet, North London, had inadequately risk assessed work at height in its Drama Studio and had failed to provide the teachers conducting the work with sufficient training for work at height, despite these matters being requirements in its own health and safety policy. The school also had a health and safety e-learning tool available for teachers and other staff to use, which included a module on work at height, but this was only made mandatory after the incident.

Queen Elizabeth's Girls' School, the legal entity controlling the Academy converter school, pleaded guilty to a breach of Regulation 6(3) of The Work at Height Regulations 2005, was fined £2,000 and ordered to pay full prosecution costs.

- 4.4 A former care worker of a Day Centre has been sentenced after the death of service user.

Nottingham Crown Court heard how a group of service users from the day centre had been on a trip to a reservoir.

The care worker was supposed to be providing one to one supervision of the service user, but lost sight of them. The service user drowned when he suffered an epileptic seizure around the time that he fell into the reservoir.

A joint investigation by the Health and Safety Executive (HSE) and Nottinghamshire Police found that the care worker had spent a significant amount of time on her mobile phone instead of giving her full attention to the service user while walking with him around the reservoir.

The care worker pleaded guilty to breaching section 7(a) of the Health and Safety at Work Act 1974 and has been sentenced to four months imprisonment.

- 4.5 Nottingham City Council has been fined £33,000 and ordered to pay costs of £12,000 after an apprentice suffered serious hand injuries.

Nottingham Crown Court heard how the 22-year-old was working at a primary school when the lawnmower he was using became blocked. The court heard how the apprentice was trying to unblock the machinery when his hand came into contact with the rotating blade. His right index finger was severed and he also suffered serious cuts and ligament damage to other fingers on his right hand.

An investigation by the Health and Safety Executive (HSE) found the council had removed some of the manufacturer's safety measures of the machinery, and replaced it with its own design which was not to the required safety standard.

The council failed to suitably control the risks posed by the physical equipment in use and also didn't fully consider training needs of the employees to operate the machinery in a safe and appropriate manner. Failures were also identified in the levels of supervision provided for the lawn mowing activity by apprentices.

Nottingham City Council pleaded guilty to breaching Section 2(2)(a) of the Health and Safety at Work Act 1974, Section 9(1) of the Provision and Use of Work Equipment 1998 and Sections 3(1) and 5(1) of the Management of Health and Safety at Work Regulations 1999.

- 4.6 Pupil mishaps, including a blindfolded child running into a goalpost and a pupil hit by a cricket ball, have cost schools £7m in three years, figures obtained by the BBC reveal. This is an apparent doubling in school payouts from £1.65m in 2014 to £3.45m in 2016.

The Campaign for Real Education says some teachers are now "terrified" of being sued and so "fed up" with paperwork they did not take children on school trips.

The responses from more than 50 local education authorities reveal accidents involving everything from belt sanders, to children tripping over coats to a teacher accidentally spilling boiling water over a pupil.

The total sum paid out - which does not include free schools or academies, which manage their own insurance, or four education authorities which refused to answer the information request - was £7.25m over three years, enough to fund the annual salaries of more than 320 newly qualified teachers for a year.

The biggest single compensation payout in the last three years was made by Essex County Council to a former pupil who almost drowned during a school swimming lesson in Basildon in 2000. The former pupil continues to suffer memory problems, fatigue and poor balance and is unable to work.

Local authority compensation payouts include:

- £20,000 paid after a child was struck on the head by a cricket ball in Northamptonshire
- £35,000 paid after a number of children injured when a heating duct fell from the ceiling in the school hall in Kent
- £2,475 paid in the case of a child who "collided with a post while blindfolded" in Nottinghamshire
- £11,500 after a pupil in Norfolk fell off tables
- £11,500 paid after a trampoline accident in Central Bedfordshire
- £6,600 paid after a Calderdale pupil injured in a vaulting horse accident
- £15,150 paid after Norfolk pupil injured by a whiteboard
- Wandsworth paid out £12,220 after a teacher spilt a cup of boiling water over a pupil in class.

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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