



## **CORPORATE HEALTH AND SAFETY COMMITTEE - 25TH JUNE 2018**

**SUBJECT: RECENT HSE UPDATES**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES**

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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 London Borough of Croydon Council and Veolia ES (UK) Limited, a large waste company, have been fined after a worker was crushed by a reversing dust cart, suffering significant injury.

Southwark Crown Court heard how an employee of London Borough of Croydon, working within the motor vehicle repair undertaking of Veolia ES (UK) Ltd as a workshop cleaner, was struck by a reversing 17½ tonne dust cart.

The worker suffered multiple fractures to his right fibula, femur, knee, ankle, wrist and hand. He also suffered a de-gloving injury to his right hand requiring a skin graft.

An investigation by the Health and Safety Executive (HSE) found the workshop cleaner was employed as a 'supported employee' due to his learning difficulties with a recognised need for heightened supervision. Due to his work, he was often required to work in parts of the site, such as the workshop, where large vehicles with low rear visibility for drivers were manoeuvring. He was known to have a history of standing in the path of moving vehicles, an issue known to both duty holders which they failed to address adequately.

It was later found that London Borough of Croydon had relied upon a historical 'agreement' from 2003 whereby their previous waste contractor had agreed to supervise the workshop cleaner.

Southwark Crown Court heard that direct management or supervision of the individual had diminished over time and the worker was left with no active management. It was found that London Borough of Croydon failed due to their presumption that Veolia were managing the injured party and that they should have communicated with Veolia to keep their employee safe.

Veolia ES (UK) Limited did not recognise this 'agreement' nor did they require the services of the workshop cleaner but, nevertheless, the worker continued to operate within their workshop and had done since their contract began.

It was found in court that Veolia failed to take reasonably practicable precautions to ensure the injured party was safe whilst working within their workshop due to a lack of implementation of adequate controls for workplace transport such as use of a banksman.

The court also heard both duty holders failed to take into account the specific capabilities of this vulnerable worker and to take reasonably practicable steps to ensure the safety of this individual working within a high-risk environment.

London Borough of Croydon Council pleaded guilty to breaching section 2(1) of the Health and Safety at Work Act 1974 and has been fined £100,000 and ordered to pay costs of £10,842.83

Veolia ES (UK) Limited of Pentonville Road, London pleaded guilty to breaching section 3(1) of the Health and Safety at Work Act 1974, and was fined £250,000 and ordered to pay costs of £11,359.83

- 4.2 A 28-year-old employee has been sentenced to 26 weeks in prison, suspended for one year, and to 100 hours of community service after working at height without suitable and sufficient safety measures in place. He was also ordered to pay costs of £500 and a victim surcharge of £115.

Greater Manchester Magistrates' Court heard how the scaffolder was witnessed erecting scaffold in an unsafe manner by a concerned member of the public. Photographs were taken of him standing on top of the scaffold with no edge protection and no harness attached to any part of the scaffold or building. The fall height was estimated at between 13 and 18 metres. If he had fallen from this height into the concrete deck of the car park below there is a high probability that he would have sustained fatal injuries.

An investigation by the Health and Safety Executive (HSE) found that his employers had taken reasonable steps to avoid working unsafely at height. The employee was well trained and experienced, and had the correct equipment available to him in order to work safely. He acted alone against his better interest and training to work without edge protection and safety measures in place. The employee was also accompanied by a trainee scaffolder at the time and so was setting an unsafe example.

The employee pleaded guilty to breaching Section 7(a) of the Health and Safety at Work etc. Act 1974.

This case highlights the fact that employees can face prosecution for failing to take reasonable care for themselves and others, or failing to follow safety instructions and/or use safety equipment provided by their employer.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that we will seek to review accidents/incidents and to work in accordance with any HSE/Industry recommendations. This will assist in safeguarding the health and safety of our employees, residents, service users and visitors and ensure that the Council as a public body and social landlord meets its regulatory duties and corporate objectives.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no equalities implications.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications.

## **9. CONSULTATIONS**

- 9.1 All comments from consultees have been included in the report.

## **10. RECOMMENDATIONS**

- 10.1 That the contents of the report be noted.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 For information only.

## **12. STATUTORY POWER**

- 12.1 Not applicable to this report.

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