



CORPORATE HEALTH AND SAFETY COMMITTEE – 16TH NOVEMBER 2020

SUBJECT: RECENT HSE UPDATES

REPORT BY: CORPORATE DIRECTOR - EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT 1

- 1.1 The purpose of this report is to inform the Committee about recent relevant accidents, incidents and prosecutions by the Health and Safety Executive (HSE).

2. SUMMARY

- 2.1 The report is provided as information for members of the Committee, to ensure that they are kept informed of any matters that could impact on the management of health and safety within the Council.

3. RECOMMENDATIONS

- 3.1 That the Committee note the contents of the report.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To keep the Committee up to date on any health and issues that may be relevant or may require further consideration.

5. THE REPORT

5.1 Six-year-old girl dies after being hit by falling tree at school.

5.1.1 A six-year-old girl has died after being hit by a falling tree at a school. The child was taken to hospital from Gosforth Park First School in Newcastle-upon-Tyne, and died the following day.

5.1.2 Meteorological Office data indicates Newcastle saw gusts of wind as strong as 32mph on the day of the incident.

5.1.3 Northumbria Police have launched an investigation alongside the HSE.

5.2 Local authority prosecution – roll over of an all-terrain vehicle.

5.2.1 West Dunbartonshire Council has been convicted of safety failures after two workers sustained serious injuries when a maintenance truck overturned on a golf course in Clydebank.

5.2.2 Donald McCandless and Alan McGrath were collecting flags from around the course when the all-terrain vehicle slipped on toppled backwards. Both were thrown from the truck, which had no seatbelts or roll protection at Dalmuir Golf Club in July 2018.

5.2.3 Driver McCandless, 62, suffered a spinal fracture after the all-terrain vehicle rolled over him and passenger McGrath, 39, sustained a broken leg, dislocated ankle and a severe laceration to the leg after it landed on top of him.

5.2.4 According to investigators, no risk assessment had been carried out in relation to the vehicle and there appeared to be no steps taken by the council to install seat belts or protection.

5.2.5 The court heard there were two similar vehicles at the premises, both of which did contain seatbelts and crash protection.

5.2.6 The council admitted two breaches of the Health and Safety at Work Act, but was fined just £8,000 after the judge acknowledged the council was a not-for-profit organisation and had co-operated fully with the accident investigation and safety recommendations.

5.3 South Wales Police prosecuted – electric shock during installation of data cables

5.3.1 South Wales Police has been fined after an employee received an electric shock whilst installing computer data cables.

5.3.2 Cardiff Magistrates' Court heard that on the 16 October 2015, at Bridgend Police Station, Brackla Street, a 48-year-old civilian employee sustained damage to his heart muscles when he came into contact with an exposed end of a live 3-core electrical cable which had been left in a ceiling void.

5.3.3 An investigation by the HSE found South Wales Police had failed to ensure the electrical system was safe and that the ceiling void was a safe place of work.

5.3.4 South Wales Police Headquarters, Bridgend was found guilty of breaching Section 2 (2) of the Health and Safety at Work etc Act 1974, was fined £64,000 and ordered to pay £29,449.14 in costs.

5.3.5 The case highlights the need for careful planning and the sharing of information and co-operation between those in control of the premises (client) and contractors involved in the work.

5.4 School prosecuted for allowing pupils to operate unsafe machinery during lesson.

5.4.1 An independent school in Scotland has been prosecuted by the HSE after a pupil seriously damaged his hand in a technology lesson.

5.4.2 Between 1 September 2015 and 2 November 2017 pupils made wooden boxes using a band saw in Cargilfield School's construction design and technology workshop. One student was making a freehand cut when he sustained severe injuries to his middle and index finger on his right hand and serious tendon damage.

5.4.3 The HSE found that the pupil was using the machine without adequate workpiece support and was not adequately supervised. Investigators said the school had failed to make a suitable and sufficient assessment of the risks associated with the use of the band saw and failed to adequately supervise pupils while they were carrying out tasks using the equipment.

5.4.4 At Edinburgh Sheriff Court, the Edinburgh school admitted breaching section 3(1) of the Health and Safety at Work Act and was fined £3,350.

5.5 College fined for exposing employees and subcontractor to asbestos

5.5.1 Newnham College has been fined for failings that exposed employees and subcontractors to asbestos during refurbishment of a flat owned by the college.

5.5.2 Cambridge Magistrates' Court heard that in March 2018, employees of Newnham College and subcontractors were carrying out a refurbishment of a flat on Grange Road, Cambridge when asbestos insulation debris was discovered in the floor voids after work had been carried out in them. No asbestos refurbishment survey was carried out prior to insulation debris being found. One employee, who contaminated his gloves and clothing with loose asbestos debris, did not have asbestos awareness training and spread asbestos from his clothing outside the flat. Asbestos related diseases are currently untreatable and claim the lives of an estimated 5,000 people per year in the UK

5.5.3 An investigation by the Health & Safety Executive (HSE) found that there was inadequate planning and management of the refurbishment work of a flat on Grange Road, Cambridge when asbestos insulation debris was discovered in the floor voids after work had been carried out in them.

5.5.4 Newnham College of Sidgwick Avenue, Cambridge, pleaded guilty to breaching Regulations 5 and 16 of the Control of Asbestos Regulations 2012. It has been fined £12,000 and ordered to pay costs of £4,450.28.

5.6 Borough Council prosecution after a Teacher was assaulted by a pupil.

- 5.6.1 Luton Crown Court heard how on 17 June 2016, the Assistant Head Teacher at Putteridge High School was called to deal with a disruptive pupil who was refusing to go into a detention room. After clearing the classroom of the other pupils, the pupil launched a sustained assault on the teacher, using a mobile phone and inflicting life changing injuries.
- 5.6.2 An investigation by the HSE found that there were significant shortcomings in relation to the measures at the school, regarding violence and aggression posed by the pupils to others. No effective consideration was given to the risk of injury or death posed by the pupils to others and measures were not taken to reduce that threat to as low as reasonably practicable.
- 5.6.3 Luton Borough Council did not ensure that the school had people with sufficient competence in the management of health and safety involved in running the school to ensure that the threat was addressed. The Council did not see to it that staff members at the school had the training either to remedy that shortcoming or to deal with violent and aggressive pupils in a way which did not expose them to risk. The council also failed to monitor the adequacy of the measures Putteridge High School had in place and the council therefore failed to pick up and address the shortcomings.
- 5.6.4 Luton Borough Council pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £104,000 with £60,000 costs. The fine was reduced from £300,000 due to the Council's lack of revenue as a result of the coronavirus pandemic.
- 5.6.5 Her Honour Judge Mensah in sentencing said: *"There is no doubt in my mind that this was a properly brought prosecution. Not to have brought a prosecution in this serious case would, apart from anything else, have sent a completely wrong message to the school, its governors, the staff and pupils, other local authorities with responsibilities under the Education Acts and to the public generally."*
- 5.6.6 Speaking after the hearing, HSE inspector Emma Page said: *"In community schools, where the local authority is the employer, the local authority must monitor the arrangements it's schools have in place to manage the risk from violence and aggression"*.

5.6 Conclusion

Health and Safety remains a key priority for Local Authority consideration. Although the HSE are less pro-active than previously, they will investigate and prosecute if there are health and safety failings. Ensuring that health and safety is considered and risks assessed and controlled, assists the Authority in meeting its legal obligations, in protecting the health and safety of employees and others.

6. ASSUMPTIONS

- 6.1 No assumptions have been made regarding the information contained in this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 This report links to the Corporate Health and Safety policy and other CCBC Health and Safety Policies e.g. Asbestos, Lone Working etc.

7.2 Corporate Plan 2018-2023.

7.2.1 The report content contributes towards or impacts the Corporate Well-being Objectives:

7.2.2 Objective 1 - Improve education opportunities for all. Through ensuring that case law and relevant Health and Safety updates are communicated. This allows relevant information to be included in CCBC H&S Training which is afforded to employees and other across the borough.

7.2.3 Objective 2 - Enabling employment. Through provision of up to date H&S information which assists CCBC in ensuring that CCBC employees and others affected by our work activities are kept safe and healthy and able to remain in employment.

7.2.4 Objective 5 - Creating a County Borough that supports a healthy lifestyle in accordance with the sustainable Development Principle within the Wellbeing of Future Generations (Wales) Act 2015. Through ensuring that any relevant information on health risks associated with work is communicated allowing the risks to be assessed, controlled and managed and ensuring that Health & Safety policies and practises support good health and well-being.

7.2.5 Objective 6 - Support citizens to remain independent and improve their well-being. Through ensuring that relevant health and safety information is communication and can be considered. This assists in ensuring that our health and safety policies and practises can be reviewed and updated as appropriate and continue to promote good health and well-being.

8. WELL-BEING OF FUTURE GENERATIONS

8.1 This report contributes to the Well-being Goals as set out in the Well-being of Future Generations (Wales) Act:-

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales

8.2 It is also consistent with the five ways of working as defined within the sustainable development principle in the Act in that we will seek to consider the long-term impact of Health & Safety policies and practices, prevent any ongoing issues and ensure that Health & Safety is integrated into good management. We will also ensure there is effective collaboration and involvement as required in order to meet our legal Health & Safety objectives in line with the act. 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.

9. EQUALITIES IMPLICATIONS

9.1 There are no equalities implications

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications.

11. PERSONNEL IMPLICATIONS

11.1 There are no personnel implications

12. CONSULTATIONS

12.1 If any consultee expresses views which differ from the recommendations, the author must include them in this section and as part of the main body of the report state whether the author is of the view that they have been addressed satisfactorily in the report, whether they can/should be incorporated in the recommendation and if not incorporated into the recommendation then why not.

13. STATUTORY POWER

13.1 The Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999.

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