



CORPORATE HEALTH AND SAFETY COMMITTEE – 14TH FEBRUARY 2022

SUBJECT: RECENT HEALTH AND SAFETY EXECUTIVE UPDATES

REPORT BY: CORPORATE DIRECTOR - EDUCATION AND CORPORATE SERVICES

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1. PURPOSE OF REPORT

- 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 Council prosecuted after member of the public killed by falling tree

- 5.1.1 Staffordshire County Council has been prosecuted for failing to inspect and maintain trees on a public footpath, following the death of a member of the public.

- 5.1.2 North Staffordshire Justice Centre heard how, on 3 October 2019, a man walking his dog on the Isabel Trail in Stafford was struck and killed by part of a falling oak tree. An investigation by the Health and Safety Executive (HSE) found that the tree, a multi-stemmed mature hybrid oak, approximately 12-14 metre high and with a crown radius of between seven and ten metres, had defects from which it was foreseeable that it was likely to fall and cause injury. The tree was located within the boundaries of the Isabel Trail.

- 5.1.3 Local authorities are legally required to suitably and sufficiently manage the risks and hazards posed by the trees within their responsibility remit. Staffordshire County Council had a programme of proactive inspection and maintenance across the county, but the Isabel Trail had been omitted for many years.
- 5.1.4 Staffordshire County Council pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974. They were fined £300,000 and ordered to pay costs of £13,164.90 and a victim surcharge £181.
- 5.1.5 Caerphilly Council has a Tree Strategy in place, which was agreed by Cabinet in 2017, that sets out how the council manages and inspects trees on council held land. The responsible service area has confirmed that trees are managed and inspected in accordance with that agreed policy.

5.2 School and contractor fined for asbestos disturbance.

- 5.2.1 A school and its maintenance contractor have been fined after workers disturbed asbestos at the school while installing a new heating system.
- 5.2.2 Peterlee Magistrates' Court heard that, in February 2019, T.W. Steam & Heating Services Limited had been contracted by Park View Academy, to install a new heating system in the school building at Park View School, Chester Le Street. In the course of the work, ceiling tiles containing asbestos were disturbed, potentially exposing several people to asbestos fibres.
- 5.2.3 An investigation by the Health and Safety Executive (HSE) found that the contractor and the school both failed to refer to existing asbestos registers and management plans to identify the presence of asbestos within the school building.
- 5.2.4 Park View Academy, of Chester Le Street, pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £3000 with £4785.37 costs.
- 5.2.5 T.W. Steam & Heating Services Limited, of Durham, pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £2,000 with £4,710.37 costs.
- 5.2.6 Caerphilly Council has in place a Corporate Asbestos Management Policy and arrangements to ensure that information on asbestos containing materials is passed to contractors and others working on the fabric of the building prior to any work commencing. Technical Officer training on asbestos management has been provided to all technical staff responsible for arranging works. Further mandatory asbestos management training for Head Teachers is due to be rolled out shortly to enhance CCBC asbestos management arrangements. An asbestos management training needs analysis is in the process of being completed and further asbestos management training will be provided as required.

5.3 Change to legislation reading provision of personal protective equipment (PPE)

- 5.3.1 The Personal Protective Equipment at Work Regulations 1992 place a duty on every employer in Great Britain to ensure that suitable PPE is provided to 'employees' who may be exposed to a risk to their health or safety while at work. The Personal Protective Equipment at Work (Amendment) Regulations 2022 will come into force on 6th April 2022. These will extend the duty to provide suitable PPE all workers without a contract of employment but a contract to work such as agency workers.
- 5.3.2 These changes do not apply to those who have 'self-employed' status, or those who have a contract of employment with another organisation (e.g. a contractor) as the legal duty will apply to their employer

5.3.3 A Health and Safety bulletin is in draft and will be circulated shortly.

5.4 HSE publish annual health and safety statistics for 2020/21.

5.4.1 The HSE have published their latest statistics on work-related health and safety in Great Britain, including the following key annual figures for the 2020-21 financial year period:-

- 1.7 million working people suffering from work-related ill health
- 93,000 workers suffering from COVID-19 which they believe may have been due to coronavirus exposure at work
- 645,000 workers suffering from a work-related illness caused or made worse by the effect of the pandemic
- 2,369 mesothelioma deaths due to past asbestos exposures (2019)
- 142 workers killed at work
- 441,000 injuries occurred at work according to the Labour Force Survey
- 51,211 injuries to employees reported under RIDDOR.

5.4.2 The HSE have on their detailed commentary on these figures on their Statistics webpages [Link to HSE Website – Statistics](#) a range of information on different types of work-related ill-health and different industry sectors; a comprehensive set of tables, designed to make the data accessible to users, and their annual infographic-style summary booklet.

5.5 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. As an Authority we ensure that we keep up to date with knowledge of recent prosecutions or safety notices to enable us to implement any learning from such actions within Local Authority services if applicable. 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. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 This report is for information only and so an Integrated Impact Assessment is not required

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications

10. CONSULTATIONS

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

11. STATUTORY POWER

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

Author: Andrew Wigley, Principal Health and Safety Officer, wiglea@caerphilly.gov.uk

Consultees: Christina Harrhy, Chief Executive, harrhc@caerphilly.gov.uk Chief Executive,
Richard Edmunds, Corporate Director for Education & Corporate Services,
edmunre@caerphilly.gov.uk
Dave Street, Corporate Director Social Services and Housing,
street@caerphilly.gov.uk
Mark S Williams, Corporate Director for Economy and Environment,
willims@caerphilly.gov.uk
Lynne Donovan, Head of People Services, donovl@caerphilly.gov.uk
Cllr Gordon, Cabinet Member for Corporate Services, gordocj@caerphilly.gov.uk
Emma Townsend, Health and Safety Manager, townsej@caerphilly.gov.uk