



CORPORATE HEALTH AND SAFETY COMMITTEE - 17TH NOVEMBER 2014

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 A powered gate installation company has been prosecuted by the Health and Safety Executive (HSE) for failing to install adequate guarding to an electric gate it installed at a primary school in Stourbridge. Dudley Magistrates' Court heard that in September 2012 the eight-year-old pupil was injured when his head became trapped between the edge of the closing gate and the gate post, causing significant bruising to the right side of his head and ear. His father, who witnessed the incident, tried to hold the gate to stop it closing further and managed to pull it open enough to release his son's head.

An investigation by the HSE found the entrance gate had been automated but the company that installed the automation components had failed to install suitable guarding. The company had identified the need for the guarding but not fitted it because the gate, which had been manufactured by a different company, was not the exact style expected and the guarding would not fit.

- 4.2 Renfrewshire Council has been fined £20,000 after an elderly tenant fell four feet through an access hole in her hallway that had been left uncovered by council workers. The 77 year old tenant suffered a fracture in the bone at the top of the arm near the shoulder and an undisplaced crack in the thigh bone in the fall while workers were installing a new central heating boiler in her flat.

Paisley Sheriff Court heard each boiler installation was normally completed in a day and involved a hatch cut in the floorboards to allow access to pipe work and cabling. Before work started, tenants are given an information sheet to read and sign, which indicated the extent of works involved. However, it failed to mention that a hole may be made in the floorboards of the property. The court was told that during the installation the tenant was told to stay in her living room as the floorboards in the hallway were being lifted. A joiner cut a hole in the floorboards outside the living room door and without covering it he left the premises to do another task.

The rest of the installation team heard someone shouting and found the tenant had fallen into the hatch. They helped her out and took her into the living room where she said she was fine. No first aid or medical assistance was sought by any of the council employees and they did not report the incident until a few days later. Several hours after the fall, the tenant's family visited and were advised by a worker of the incident and that her shoulder was sore. She was taken to hospital and discharged that day but returned five days later complaining of pain. The tenant was then re-admitted to hospital with speech impairment, possibly due to a stroke. She was later referred to physiotherapy as she had reduced movement in her arm.

An investigation by the HSE into the circumstances of her fall, found Renfrewshire Council had failed to take appropriate measures to prevent people falling into openings in the floor; that no steps were taken by the Council to ensure employees were provided with covers or that they were aware of the importance of using one. Renfrewshire Council was fined £20,000 after pleading guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974.

- 4.3 Manchester City Council has been fined £15,000 after a 60-year-old worker suffered serious injuries whilst litter picking on a city road. He had been trying to cross a busy road with a 40mph speed limit when he was struck by a car.

Manchester Crown Court heard that the worker sustained serious injuries including four broken ribs, a punctured lung, a cut to the liver, a fractured right eye socket, fractures to his face and a broken pelvis. His injuries were so severe that he has still not been able to return to work.

An investigation by the HSE found that Manchester City Council did not have a safe system of work in place and had not identified being struck by a car as a risk associated with litter picking work. Staff had not been given any information about controlling or informing traffic about them working on or near the road.

Following the incident, HSE served an Improvement Notice on the council requiring it to look again at its risk assessment and control procedures.

Manchester City Council was fined £15,000 and ordered to pay £3,830 in prosecution costs after pleading guilty to a breach of the Health and Safety at Work etc Act 1974.

- 4.4 An independent school in Derbyshire has been prosecuted for safety failings after a pupil's grandmother fell off the side of an unguarded staircase. Southern Derbyshire Magistrates' Court heard that the 68-year-old had been at Repton School watching her grandson play football and had gone to the pavilion for refreshments with the rest of her family but on leaving the building by the outside steps lost her balance when she moved from a wooden staircase to a stone one. She fell over the parapet on the stone staircase to the ground some two metres below and fractured three bones in her neck. She also broke the index finger on her right hand and lacerated her scalp in the incident.

The HSE's investigation found there were handrails fitted to the wooden stairs leading from the pavilion to the stone staircase while the stone staircase had a 40 centimetre-high parapet running along the edge of the stairs but no handrail.

Repton School pleaded guilty to breaching Regulation 4(1), contrary to Regulation 12(5), of the Workplace (Health, Safety and Welfare) Regulations 1992 and was fined £10,000 and ordered to pay £534 in costs.

- 4.5 No new health and safety legislation came into force on the 'common commencement date' of 1st October 2014.

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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