



CORPORATE HEALTH AND SAFETY COMMITTEE - 17TH NOVEMBER 2014

SUBJECT: EDUCATION HEALTH AND SAFETY INSPECTION UPDATE

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to inform the Corporate Health and Safety Group of the recent developments and resulting inspections undertaken by H&S Officers within maintained Caerphilly Schools and Non Education premises during 2014 in relation to automatic powered access gates.

2. SUMMARY

- 2.1 In Bridgend on July 3rd 2010 a five year old girl was killed when she became trapped and crushed to death by an electric gate. The court case was concluded in mid June 2012 and the Health and Safety Executive have recently provided findings to the case. The child was trapped because :-
- Their presence in the vicinity of the closing edge was not detected; and
 - The closing force of the gate when they obstructed it was not limited to the values specified in standard BS EN 12453:2001
- 2.2 The installed gates involved in the fatality did not meet European and British Safety Standards and did not have sufficient safety devices as its structure contained trapping points. The installation company and the maintenance company have been sentenced for serious safety failings and fined £200,000 including costs. Automated access gates have become more common, particularly in primary school settings, with a further number being installed at Authority sites across the borough. The higher level of risk is considered to be those installed at Primary schools due to the number of children accessing and egressing the schools sites compared to non-school sites which are generally occupied/accessed by adults.
- 2.3 Except in a private dwelling where no staff are employed, the person in control of the premises has responsibilities under the Health and Safety at Work etc. Act 1974, the Workplace (Health, Safety and Welfare) Regulations 1992 and the Provision and Use of Work Equipment Regulations 1998. A local authority also has legal duties under this legislation. These legal responsibilities include ensuring that the gate is fitted with any necessary safety devices to minimise the risk of causing injury, ensuring the gate is maintained in efficient working order and keeping a suitable record of maintenance. The term 'efficient' in this context is from the point of view of health and safety, not convenience or economy.
- 2.4 Contractors appointed to install powered gates have legal responsibilities to ensure the installation conforms to the relevant safety standards required of the EU Machinery Directive as outlined below.

- Contractors appointed to maintain, modify and/or repair installed gates are contractually and legally responsible for ensuring gates operate safely after completing such work. This includes conducting a force test to ensure the pressure at entrapment risk points does not exceed 400 Newtons.

3. LINKS TO STRATEGY

- 3.1 The report links to the Authority's statutory duties in relation to Local Authority maintained education premises/activities and other premises for which the Local Authority is owner of the premises.

4. THE REPORT

- 4.1 The Health and Safety Section have completed the following inspections at school sites that have automated powered gates installed as well as a number of Authority depot sites.
- 4.2 A total of 10 Inspections were completed, of which 7 were Primary schools.
- 4.3 Two of the seven Primary schools had powered pedestrian access gates, all the remaining gates were vehicle access gates.
- 4.4 Five of the sites inspected did not comply with the standard guidance of BS EN 12453. Three of which were Primary schools. The remaining two were depot sites. 50% non-compliance – **High Risk** status as there is a risk of prosecution and potential Injury.
- 4.5 Six of the sites did not have an installation commissioning certificate or report for the gate on site. Three of these were Primary schools. 60% non-compliance – **Low Risk** Status regarded as good Practice.
- 4.6 Six of the sites inspected had no regular maintenance or servicing contract in place, four of these were at Primary schools. 60% non-compliance – **Medium Risk** Status, maintenance of safety features which reduce risk of accidents.
- 4.7 Five sites had not had the gates pressure tested in the last six months, three of these being Primary schools. One site had arranged annual pressure tests. 50% non-compliance – **High Risk** Status, maintenance of critical safety feature reducing risk of crushing injury.
- 4.8 Six of the sites on inspection had post installation faults that needed rectification. Four of these were Primary schools. 60% non-compliance – **High Risk** Status non-compliant with BS EN 12453 as 4.4.
- 4.9 Health and Safety Officers have completed the audits during June and August of 2014. Reports on the non-compliances identified have been passed to the Head of the respective schools or building manager to initiate and rectify.
- 4.10 All schools have received support to advise the action they need to take to achieve compliance with the relevant guidance and standards and officers are checking progress with the school. Revisits to all sites are scheduled for November 2014 to ensure that the improvements have been completed.
- 4.11 Five of the school installations had been installed by one company (High Cross Ltd.). Of the five, two of the installations had been undertaken via the Authority and three schools had engaged High Cross directly. Building Consultancy are supporting schools with the remedial works which were undertaken via the Authority.
- 4.12 Those schools that engaged High Cross directly to install their powered gates have been

advised to recall High Cross to rectify the non compliances, which they have done.

- 4.13 Further monitoring inspections at these schools will be undertaken in November 2014 and the powered gates will be added to the school RAMIS cyclical tasks to prompt maintenance servicing and pressure testing in future. This equipment will be added to the ongoing General Inspection and Management Health and Safety Audit exercises undertaken by Health and Safety.
- 4.14 A Health and Safety Guidance Note has been issued on the installation and testing of powered gates, since the inspection and this has been provided to Technical Service Areas who commission installation of such gates and to schools who may commission installation directly with a contractor. The Guidance Note has been uploaded to the Intranet and Schools H&S website.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no Equalities implications for the Council arising from this report.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications for the Council arising from this report.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no direct personnel implications arising from this report.

8. CONSULTATIONS

- 8.1 All consultations have been reflected in the report.

9. RECOMMENDATIONS

- 9.1 That the contents of this report are noted by Committee members.

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