



CORPORATE HEALTH AND SAFETY COMMITTEE – 20TH MARCH 2023

SUBJECT: RECENT HEALTH AND SAFETY EXECUTIVE UPDATES

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Committee about recent relevant activity of 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 HSE prosecution – pupil killed by decaying tree at that collapsed at school

- 5.1.1 Newcastle City Council has been fined £280,000 after the death of a six-year-old girl who was hit by a falling tree in her school playground.
- 5.1.2 A year 2 pupil was playing with friends at Gosforth Park First School in Newcastle upon Tyne on 25 September 2020 when a decaying willow tree collapsed. The pupil was freed from under the tree by emergency services and taken to a hospital, where she died the following morning. Several other children were also hit by the falling tree but managed to escape, some with superficial injuries.
- 5.1.3 An investigation by the HSE found the tree had decayed and was in a poor condition.

- 5.1.4 Newcastle City Council pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc. Act 1974 for failing to identify the extent of the decay or to manage the risk posed by the tree. It was fined £280,000 and ordered to pay costs of £8,020 by South Tyneside Magistrates on 10 January 2023.
- 5.1.5 To minimise the risk of such an incident with CCBC, we employ professional staff suitably qualified and experienced in arboriculture and we have a tree management strategy, which, in summary, adopts the following principles: -
- Pro-active or 'planned' inspections are based on a 'zoned' approach to land use types, based on the frequency of public access within range of the tree and the weight of pedestrian and vehicular traffic in a given location. Tree inspections are undertaken in those areas where trees pose the greatest risk to people or property. Other management issues are also identified and addressed as far as possible.
 - Higher use zoned sites (where CCBC aims to inspect such sites every two years) includes main transport routes (A roads and B roads) (last surveyed 2021, re-surveys due 2023), schools (last surveyed 2021, re-surveys due 2023), cemeteries (previously surveyed 2020 & 2022), sheltered Housing schemes (last surveyed 2019-20, re-survey ongoing 2022-23), and key parks (last surveyed 2019-20, re-survey ongoing 2022-23).
 - Those sites not directly managed by CCBC Parks & Bereavement Services – such as schools, and sheltered housing sites – are provided with full reports and/or detailed works recommendations (whichever is most appropriate) itemising those trees requiring maintenance with the appropriate prioritisations. The management responsible for those types of sites are therefore given the necessary professional recommendations regarding trees at their site for them to act on accordingly.
 - Trees with significant issues which are located in lower zoned sites, or sites only subjected to ad hoc (unplanned) inspections are highlighted for appropriate maintenance or more frequent inspections, or monitoring visits as necessary.
 - Based on the condition of the tree(s), and the severity of any defects present; a priority for action and timetable for maintenance is allocated accordingly.

5.2 Prosecution for failing to implement measures identified by a risk assessment

- 5.2.1 A health board has been fined £180,000 after a 78 year old patient died while being treated at a hospital, due to failings to implement actions arising from a risk assessment relating to the patient's care needs.
- 5.2.2 The patient , was brought to Raigmore Hospital in Inverness, on 6 February 2019 following a suspected fall at his home and later admitted to the hospital's surgical ward.
- 5.2.3 While in hospital, the patient suffered from three additional falls on 6, 12 and 14 February 2019, which led to bleeding on the brain. He passed away from fatal head trauma two days after his final fall.
- 5.2.4 An investigation by the HSE found NHS Highland, the health board responsible for Raigmore Hospital, failed to provide the necessary nursing staff to ensure the 1:1 ratio of care was applied.
- 5.2.5 NHS Highland pleaded guilty to breaching Regulation 5(1) of the Management of Health and Safety at Work Regulations 1999, and was fined £180,000 at Inverness Sheriff Court on 31 January 2023.
- 5.2.6 CCBC do not provide nursing care and all of our social care provision is based on risk assessments that continue to be monitored and reviewed as appropriate.

5.3 HSE issue warning regarding fake 'new' 'Health and Safety Law: What You Should Know' posters

- 5.3.1 The HSE have issued an alert that they are aware of suppliers selling fake versions of their 'Health and Safety Law: What You Should Know' poster, and making out that new posters are required.
- 5.3.2 Premises displaying the 2009 version of the law poster (which feature 4 photo images below the poster title and a distinct red bar along the bottom with the HSE logo in white) do not need to replace it with a reprint of the poster published in 2018 that incorporated enhanced security features, as the content did not change.
- 5.3.3 Under the Health and Safety Information for Employees Regulations, all employers have a legal duty to display the official HSE poster in a prominent position in each workplace location, ensuring that all workers can read and have access to it. Such posters are best purchased directly from the HSE - <https://books.hse.gov.uk> Alternatively, employers may provide each worker with a copy of the free to download equivalent leaflet, together with the information that would otherwise be written onto the poster, and evidence that this has been done.
- 5.3.4 Guidance was issued in 2019 and remains available on the Health and Safety Division's intranet portal regarding the requirements to display the poster and where to includes details on how and where to purchase official copies.
- 5.5.5 Checks that the correct version is displayed forms a part of general health and safety site inspections and management audits conducted by Health and Safety Officers with any non-compliances identified and put as an action point in reports for respective managers . The issue of fake versions of the law poster being displayed has not been identified as a concern based on inspections to date of CCBC workplaces.

5.4 Conclusion

- 5.4.1 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
Management of Health and Safety at Work Regulations 1999.

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