



CORPORATE HEALTH AND SAFETY COMMITTEE - 24TH FEBRUARY 2015

SUBJECT: POWERED GATES - HEALTH AND SAFETY INSPECTION UPDATE

REPORT BY: INTERIM DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of the report is to inform the Corporate Health and Safety Group of the ongoing developments and further inspections arranged 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 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.

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 the Depot sites which are generally populated by adults.

- **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. This will be the individual school or an Authority depot.
- The 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. Note that 'efficient' in this context means from the point of view of health and safety, not convenience or economy.
- Contractors appointed to install powered gates have legal responsibilities to ensure the installation conforms to the relevant safety standards required of the Machinery Directive as outlined in BS EN 12453.
- Health & Safety reported the level of non - compliance relating to the Local Authority installations in September 2014. The following is the further update of the current situation.

3. LINKS TO STRATEGY

- 3.1 The report links to the Authority's statutory duties in relation to Local Authority maintained education premises/activities.

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 between June and August 2014. Subsequently two further sites have been identified, one is an Authority Depot site and one at Llancaeath Manor House.
- 4.3 Five of the sites inspected last September did not comply with the standard guidance of BS EN 12453. Three of which were Primary schools. The remaining two were depot sites. There has been no change to these figures, as many schools and depot sites are awaiting the findings of the independent inspections prior to engaging a contractor. Remains at 50% non compliance.
- 4.4 Six of the sites in September 2014 did not have an installation commissioning certificate or report for the gate on site. Three of these were Primary schools. One school has since obtained a commissioning certificate. Slight drop from 60% down to 50% non compliance.
- 4.5 Six of the sites inspections revealed that no regular maintenance or servicing contract was in place, four of these were at Primary schools, however two schools have agreements in place and are awaiting installation snags to be resolved before they sign the maintenance contract. Down to 40% non compliance.
- 4.6 Previously 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% of non compliance. This has improved significantly with all but one site having up to date pressure tests. Down to 10% non compliance.
- 4.7 Six of the sites on inspection revealed post installation faults that need rectification. Four of these were Primary schools. This figure has not improved as schools and sites called in various contractors to undertake remedial improvements however the quotes are on hold pending an independent assessment of all sites by a company called Gate Safe, who would not be involved in any of the repair or remedial works. Remains at 60% non compliance.
- 4.8 Those schools that did not have maintenance contracts, had not had appropriate pressure tests or the installation was not compliant with BS EN 12453 were instructed on 18th & 19th November 2014 to switch the gates to manual and to open and close their gates manually. Further reminders were sent to the following schools on December 12th 2014 and January 9th 2015.
- 4.9 The Bryn Primary, Ystrad Mynach Primary and Ysgol Cwm Derwen are all currently switched to manual operation.
- 4.10 The September reports on the non – compliances that had been passed to the Head of the respective schools to initiate and rectify resulted in schools and depots receiving very expensive quotes, some over £5k. When these quotes were reviewed, certain recommended actions may not have been appropriate to the context of the setting e.g. flashing lights in school setting.
- 4.11 The Health and Safety Section and Risk Management in consultation with Building Consultancy decided to commission independent reports for each site. These have been completed on 20th & 21st January. Currently Health and Safety are awaiting these completed

reports. These reports have cost the Health and Safety & Risk Management areas £2.5k to commission.

- 4.12 All schools and depots will receive a copy of the Gate Safe Reports once they have been received and assessed by Health and Safety. These will provide independent individual feedback in relation to action they need to take to achieve compliance with the above guidance and standards BS EN 12453 and revisits are scheduled for November 2014 to monitor improvement progress.
- 4.13 The Abercarn and the Penallta Depot sites have undergone maintenance and pressure tests via a company called ESA. ESA have also identified further work, however these are on hold pending the findings of the independent inspection by Gate Safe. Bedwas Depot powered gate was not operational at the time of these inspections but advice will be provided to achieve compliance. Tir- Y- Birth Depot at this point did not have any actions identified. 25% compliance.
- 4.14 Further monitoring inspections at these schools will be undertaken in the summer term 2015.
- 4.15 Serious concerns have been raised by the monitoring exercise with regard to the installation of powered gates and the Authority have been left in a position of vulnerability to prosecution. Those considering such installations should seriously balance if they truly need such equipment (and the foreseeable risks they present) against the installation, running and maintenance costs, which should be clearly established before they proceed. All sites should only progress with such installation if they have engaged the service of an Authority technical department, due to the technical and engineering specialism of this particular equipment.

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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