



CORPORATE HEALTH AND SAFETY COMMITTEE - 29TH JUNE 2015

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 South Lakeland District Council has been prosecuted by the Health and Safety Executive (HSE). It was fined £120,000 and ordered to pay £50,000 in prosecution costs after pleading guilty after two women were killed by reversing rubbish trucks within a year of each other.

The first incident happened on a single-track in June 2010 when a woman was walking down a track and was struck by a reversing rubbish truck causing her fatal injuries. The driver pleaded guilty to causing death by careless driving in a separate prosecution. However, the HSE investigation also found that it was normal practice for 7.5 tonne bin lorries to reverse down the long track without a council employee acting as a banks man. The court was told the council should have reviewed all its bin collection rounds following the incident to eliminate reversing whenever possible, or to make sure employees guided drivers from behind vehicles when there was no other option but to reverse.

This did not happen and instead reversing was introduced at a primary school carrying out fortnightly collections of recycling waste. Refuse changed its system and began reversing the trucks onto the school grounds to collect the rubbish. In March 2011 a council employee was walking behind a rubbish truck to guide the driver when she was struck, causing fatal injuries. The driver of the vehicle was also convicted of causing death by careless driving but the HSE investigation concluded that there had been no need for council trucks to reverse onto the school grounds.

- 4.2 Waltham Forest Borough Council has been fined £66,000 and ordered to pay £16,862 in costs after pleading guilty to two breaches of the Health and Safety at Work etc Act 1974 and a breach of the Control of Asbestos Regulations 2006 after it exposed members of staff and visiting contractors to asbestos. It knew asbestos to be present in the Town Hall basement from a survey commissioned by the council in 2002, but failed to take adequate action to act on the findings and put effective controls in place, and subsequently employees and visiting contractors were allowed to carry on working in the basement regardless of the dangers for the next ten years.

The HSE found that the council had a second asbestos survey carried out in January 2012. This had quickly identified problems of asbestos in the boiler room and other areas of the basement. The survey also highlighted that areas identified in the 2002 survey had not been remedied.

The court heard the Council had no plan in place for managing the well-known risks of asbestos and there was an inadequate system in place for inspecting asbestos at the Town Hall. The HSE served an Improvement Notice on the council requiring them to put in place a proper management plan dealing with the presence of asbestos.

- 4.3 Bristol City Council has been fined a total of £20,000 and ordered to pay £4,700 in costs after admitting two breaches of the Provision and Use of Work Equipment Regulations 1998 after a park keeper suffered serious injuries when she was thrown from a tractor as it overturned. The 51-year-old worker broke her pelvis and badly damaged an Achilles tendon in the incident and remained off work for a year but has since returned and is undertaking an office job.

The park keeper was carrying out maintenance work and had braked as the tractor descended a slope. The vehicle skidded and overturned throwing her from the seat. The HSE found the tractor was not fitted with a seat belt or any type of restraint and the Council failed to ensure their employee had received adequate training on the use of the tractor.

- 4.4 The governors of a boys' school in Tonbridge have been prosecuted after a 14-year-old pupil was severely injured when he was hit by a shot put thrown by another boy.

The pupil had left a triple jump area and was standing on the edge of the shot put landing zone to check a friend's throw when he was struck on the back of his head by a shot. The pupil suffered life-threatening injuries and needed emergency brain surgery on a fractured skull. He has now returned to school but his injury has resulted in a permanent indentation at the base of his skull.

The HSE investigated and identified the school had not adopted measures in its own risk assessment and PE guidance on multi-event lessons had not been followed. Sevenoaks Magistrates were told that there were 24 boys in the lesson, divided into six groups and taking part in hurdles, long jump, triple jump, javelin, discus and shot put. It was a lesson format used regularly at the School and the pupils had participated in similar lessons in previous years.

The HSE found the school had carried out a risk assessment for PE lessons. However, although it had referenced the guidance by the Association for Physical Education, it did not follow their recommendation that such lessons be restricted to a maximum of four sports with only one to be a throwing event. The school's inclusion of six sports with three throwing events, had significantly increased the risks to pupils, as had the proximity of the triple jump pit to the shot put landing zone.

The Governing Body of The Judd School, Tonbridge, Kent, was fined £10,000 and ordered to pay £1,375 in costs after admitting a breach of Section 3(1) of the Health and Safety at Work etc Act 1974. Magistrates agreed with HSE that the safety breach had been 'substantial'.

- 4.5 The Construction (Design and Management) Regulations 2015 (CDM 2015) came into force on 6 April 2015, replacing CDM 2007.

The HSE have published new guidance on these legal requirements which describes the law that applies to the whole construction process on all construction projects, from concept to completion and what each duty holder must or should do to comply with the law to ensure projects are carried out in a way that secures health and safety. The publication includes the text of the CDM15 Regulations, and is available to download for free or to purchase in printed form from: www.hse.gov.uk/pubns/books/l153.htm

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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