

Safety Update

THE QUARTERLY NEWSLETTER FROM HEALTH & SAFETY SOLUTIONS LTD

INTRODUCTION

Welcome to Health and Safety Solutions, quarterly newsletter. Through this newsletter we aim to provide our clients with an understanding of:

- the extent of current safety requirements;
- proposed and new safety requirements; and
- the range of training and consultancy services that we offer.

We hope to achieve this in a clear and concise manner identifying where further information is available should it be required. The information will be presented in a number of short sections as follows:

Cover story – topical article covering new developments in the health and safety field or comment on recent major accidents and incidents.

HSE Press Releases – keep up to date the easy way, review the press releases for the previous quarter and review any relevant to your business online.

Regulatory review – each edition we will review an existing set of safety regulations so that you can evaluate how well you comply. We also highlight consultative documents so you can comment on proposed regulations that could affect your industry.

H&SSL training services – an overview of the training courses that we provide, our programme of open courses and feedback from trainees.

This information service is provided to clients who have appointed us as their competent safety advisers. Clients are free to reproduce and distribute this newsletter to other persons within their organisation as they wish.

Electronic versions of the current newsletter can be downloaded free from our website:

healthandsafetysolutionsltd.co.uk



Government Review of Health and Safety Law Published

Reclaiming health & safety for all is the title of the report, but will the proposed changes meet this objective?

As explained in our last update, despite all of the hype, the Government is severely restricted in what it can do to change existing health and safety legislation, as the majority of it is based on EU directives which have to be implemented in the UK.

The review was really looking to see if the HSE had included more into the regulations than was contained in the original directive.

The report is some 106 pages long, but unfortunately my reservations regarding what can be done whilst being bound by EU directives are borne out in the recommended changes to existing regulations.

Regulations to be revoked:

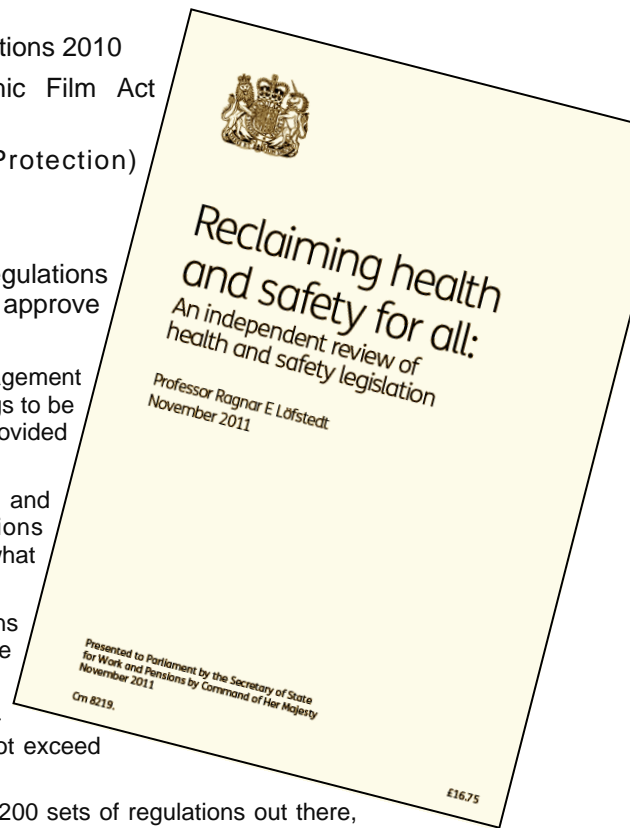
- Notification of Tower Cranes Regulations 2010
- The Celluloid and Cinematographic Film Act 1922
- The Construction (Head Protection) Regulations 1989

Regulations to be reviewed:

- The Health and Safety (First Aid) Regulations 1981—requirement for HSE to approve training courses to be removed.
- The Construction Design and Management Regulations 2007—duties under the regs to be made clearer and guidance to be provided regarding application to small projects
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995— to be amended to clarify what employers have to do to comply?
- The Electricity at Work Regulations 1989—to be amended to clarify the requirements for PAT testing
- The Work at Height Regulations 2005—to be reviewed to ensure persons do not exceed original purpose of the regs.

When you consider there are in excess of 200 sets of regulations out there, this is a token gesture. One glimmer of hope still remains for significant change in that he has recommended that HSE review all of the Approved Codes of Practice that the support the regulations. This could still lead to significant change because the ACOP's are essentially the HSE's recommendations regarding what employers should do to comply with the regulations. The initial review is to be completed by June 2012.

So despite the optimistic title of the report it seems to be a case of wait and see. Inside we review the significant findings of the report.



INSIDE THIS ISSUE:

- Exemptions for the self employed
- Liability for breach of statutory duty limited
- Sector specific regulation to be consolidated



PRESS RELEASES- KEEP UP TO DATE THE EASY WAY

Scan recent HSE press releases below and view any that are relevant to your business online at:
www.hse.gov.uk/press/press.htm

December

14/12/11: UK Coal sentenced for safety failings that cost four lives
 14/12/11: Fines after roofer suffers severe injuries
 12/12/11: Companies fined after worker breaks back in fall
 09/12/11: St Helens manufacturer in court over crushed hand
 09/12/11: Firms fined £100k over forklift death at Macclesfield factory
 08/12/11: Sentencing after Telford fireball incident
 06/12/11: Wakefield builder fined for dangerous gas work
 06/12/11: Warwickshire County Council fined for man's injuries
 06/12/11: Company fined after worker falls from balcony
 05/12/11: Plumber given community service for putting people's lives at risk
 02/12/11: Council fined for carbon monoxide leak at community centre
 01/12/11: Firms in court over Liverpool highways worker's fatal fall
 01/12/11: Worker's arm dragged into industrial conveyor belt

November

29/11/11: House builder fined after child seriously injured
 29/11/11: Waste firm in court over Blackburn worker's fall
 25/11/11: Companies fined after Arsenal stadium injury
 25/11/11: Employee loses three fingers at Heywood factory
 24/11/11: Firm fined after reversing lorry crushes worker
 24/11/11: Baker fined after worker suffers crush injuries
 24/11/11: Firm prosecuted after worker is crushed by machinery
 24/11/11: Double-glazing firm in court over worker's ladder fall
 21/11/11: North Yorkshire firm in court for safety breach
 16/11/11: Pair fined £13,000 for scaffolding collapse at Exeter trading estate
 16/11/11: University fined for asbestos failings
 16/11/11: Scunthorpe firm in court after worker scarred for life
 14/11/11: Carmarthenshire man fined after roofer fall
 14/11/11: Scaffold collapse leads to fine for Nottinghamshire director
 14/11/11: Father and son fined for unsafe roof work
 11/11/11: Firm fined after roofer fall
 10/11/11: Leading health firm sentenced after worker loses finger
 09/11/11: Company fined after worker's finger amputated
 09/11/11: Worker's injuries lead to fine for Nottinghamshire firm
 07/11/11: Worker's injuries lead to suspended sentences for roofers
 07/11/11: Birmingham tradesman fined over asbestos release
 04/11/11: Vehicle recovery firm fined for breaking prohibition notice
 04/11/11: Gas engineers fined over carbon monoxide poisoning in Cardiff

04/11/11: Industrial waste firm in court after forklift hits worker
 03/11/11: Firm fined for unsafe roof work
 02/11/11: Engineering firm fined for safety breaches
 02/11/11: Firm fined for not insuring itself

October

31/10/11: Suffolk firm fined after worker crushed to death
 31/10/11: Merthyr company fined over Legionella risk
 31/10/11: Trafford contractor fined £145k over worker's death
 28/10/11: Property firm sentenced after worker exposed to asbestos
 28/10/11: Plastic bag firm prosecuted over worker's finger loss
 27/10/11: Leicester firm fined after death of worker
 27/10/11: Workers exposed to

06/10/11: Bromley building contractor fined for working without asbestos licence
 05/10/11: Landlord fined for taking risks with gas safety
 05/10/11: Perthshire malt company fined after worker loses part of leg

September

30/09/11: Worker's fingers severed by wood cutting machine
 30/09/11: County Durham firm fined after worker crushed to death
 30/09/11: Forklift worker suffers head injury in Leigh
 29/09/11: Company fined after worker's fingers are crushed
 29/09/11: Kent factory fined after worker suffers severe head injuries
 27/09/11: High street retailer fined £1 Million for safety failings.
 26/09/11: Demolition firm fined for Maesteg site asbestos failings
 23/09/11: Chorley pub landlords prosecuted for failing to protect employees
 19/09/11: Scaffold firm fined after putting workers at risk
 16/09/11: Building site manager fined for ignoring safety notices
 15/09/11: Construction company fined after worker suffers severe burns from electrical explosion
 14/09/11: Cannock firm fined after worker dragged into machine
 13/09/11: Bus builder fined after Falkirk worker hit by steel platform
 13/09/11: Worker exposed to dangerously high levels of asbestos
 09/09/11: Disregarded safety warnings cost Bolton firm
 09/09/11: NE Lincs firm in court after

Worker's arm dragged into industrial conveyor belt

Date:

1 December 2011

Release No:

HSE/NW/66Amcol

A Cheshire factory worker could have lost his arm when it was dragged into an industrial conveyor belt, a court has heard.

The 56-year-old from Northwich suffered a broken elbow, crush injuries to his left hand and bruising down the left-hand side of his body in the incident at Amcol Minerals Europe Ltd's plant on Weaver Valley Road in Winsford.

The chemical firm was prosecuted by the Health and Safety Executive (HSE) after an investigation found the conveyor belt had not been fitted with a suitable guard.

deadly
asbestos fibres

26/10/11: Cardiff gas fitter fined for working without registration
 26/10/11: Animal feed firm in court over worker's hand injury
 25/10/11: South Tyneside manufacturer fined after workers exposed to hazardous fumes
 25/10/11: Stonemason 'as seen on TV' is prosecuted
 21/10/11: Food firm sentenced over Wigan worker's injuries
 20/10/11: Illegal gas fitter receives two-year prison sentence
 18/10/11: Company fined after scaffolding tube hits passer by
 17/10/11: Cemex fined after man killed in explosion
 17/10/11: Dorset manufacturing firm fined after worker injured
 14/10/11: Unregistered gas fitter fined after putting lives at risk
 14/10/11: Chemical firm in court over major incident in Cheshire
 14/10/11: Asbestos checks reveal compliance picture at non-LA schools
 12/10/11: Firm fined after worker hit by forklift
 11/10/11: Builder given community service order for unsafe gas work
 06/10/11: Stourbridge builder fined for illegal gas work

roofers caught on camera
 09/09/11: Derby firm fined for unsafe roof work
 08/09/11: Liverpool dock workers injured in high voltage shock
 08/09/11: Company fined after man dies in machine incident
 08/09/11: Man fined after worker injured on Huddersfield site
 08/09/11: West Yorkshire firm fined over worker injury
 07/09/11: Asbestos exposure leads to fine
 06/09/11: Pitmachie garage worker fatally injured
 05/09/11: Company fined after scaffolding collapse at wedding
 05/09/11: Somerset employer prosecuted after teenage employee loses fingers
 05/09/11: Council in court over workers exposed to asbestos
 01/09/11: Liverpool boss in court over workers' facial burns



CONSULTATIVE DOCUMENTS

There are currently no active consultative documents.



Lofstedt Report

As I have explained to delegates on my training courses for years, the safety requirements are sensible as they contain the phrase reasonably practicable.

This is the fundamental requirement to strike a balance between the size of a risk and the time, trouble, effort and cost expended in controlling it. Silly safety can only exist where this principle is not applied.

Professor Lofstedt appears to have come to the same conclusions following his review. His summary is as follows:

The focus of this review has been on the 200 or so regulations and the 53 Approved Codes of Practice (ACoPs) owned by the Health and Safety Executive (HSE). I have concentrated on areas where the evidence and contributions to my review have indicated that regulations are putting undue costs on business whilst doing little to improve health and safety outcomes.

In general, the problem lies less with the regulations themselves and more with the way they are interpreted and applied. In some cases this is caused by inconsistent enforcement by regulators and in others by the influences of third parties that promote the generation of unnecessary paperwork and a focus on health and safety activities that go above and beyond the regulatory requirements. Sometimes the legislation itself can contribute to the confusion, through its overall structure, a lack of clarity, or apparent duplication in some areas.

He concludes:

The general sweep of requirements set out in health and safety regulation are broadly fit for purpose but there are a few that offer little benefit to health and safety and which the Government should remove, revise or clarify, in particular the duties for self-employed people whose work activities pose no potential risk of harm to others.

The much bigger problem is that regulatory requirements are misunderstood and applied inappropriately.

The changes I am recommending seek to address where this arises by:

- a. streamlining the body of regulation through consolidation;
- b. re-directing enforcement activity towards businesses where there is the greatest risk of injury or ill health;
- c. re-balancing the civil justice system by clarifying the status of pre-action protocols and reviewing strict liability provisions.

This will help to ensure that all key elements of the regulatory and legal system are better targeted towards risk and support the proper management of health and safety instead of a focus on trying to cover every possible risk and accumulating paperwork.

The key recommendations arising from the report were as follows:

Exempting from health and safety law those self-employed whose work activities pose no potential risk of harm to others.

That HSE should review all its ACoPs. The initial phase of the review should be completed by June 2012 so businesses have certainty about what is

planned and when changes can be anticipated.

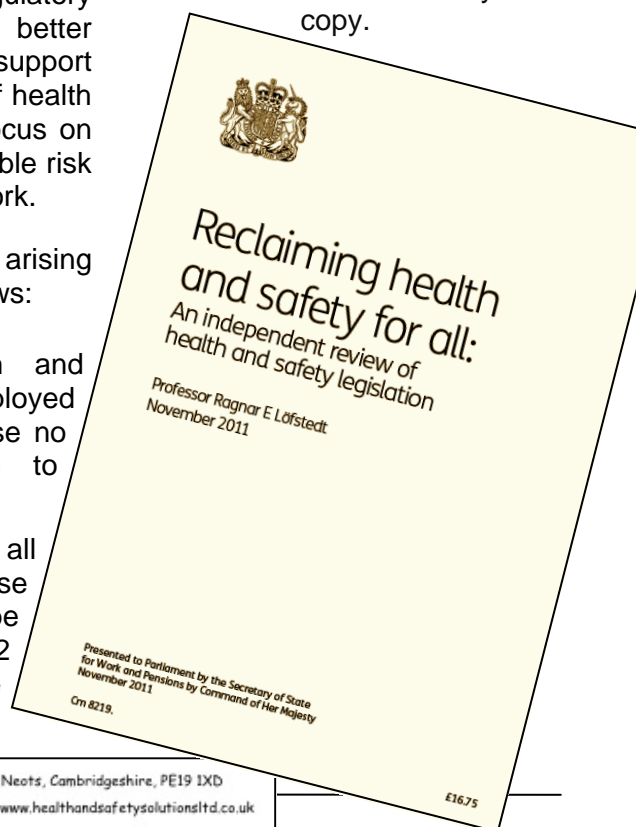
That HSE undertakes a programme of sector-specific consolidations to be completed by April 2015.

That legislation is changed to give HSE the authority to direct all local authority health and safety inspection and enforcement activity, in order to ensure that it is consistent and targeted towards the most risky workplaces.

That the original intention of the pre-action protocol standard disclosure list is clarified and restated and that regulatory provisions that impose strict liability should be reviewed by June 2013 and either qualified with 'reasonably practicable' where strict liability is not absolutely necessary or amended to prevent civil liability from attaching to a breach of those provisions.

A full copy of the report and the governments response can be downloaded at: <http://www.dwp.gov.uk/policy/health-and-safety/#review>.

Alternatively if you contact us at the office we will e-mail you a copy.



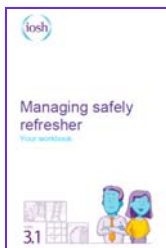
COMPANY NEWS

IOSH Pay Us a Visit

Eight years after our last audit, IOSH sat in our new IOSH Managing Safely refresher course.

They were pleased with the training style, the facilities and the training materials.

However, their time was not completely wasted, they did notice that we had Version 3.0 printed on the covers of the hand out where it should have been 3.1



I am pleased to report that we have now rectified the issue and normal service has been resumed.

Film, Camera, Action!

One issue that affects all of our customers is providing induction to new starters. Those that utilise agency staff will be even more aware of the frustration associated with training a new employee on day one that then fails to turn up on day two.

Over the years we have produced powerpoint induction presentations, which whilst an improvement on one to one instruction, still require a significant amount of input from managers or supervisors.

So whilst we have Kevin working with us we thought we would try and combine his camera skills with his health and safety qualifications. We are going to have a go at producing customer specific induction training packages.

We have invested in some equipment and we have our first customer lined up. Assuming they are happy with the end product (to the extent they will pay us for it) we intend to offer it as a new service to all of our customers.



2012 OPEN TRAINING COURSES



2012
Training
Dates

- Working Safely - 25th Jan 2012
- SPA Food & Drink: Full Course - 25/26 Jan 2012
- Managing Safely : Full Course - 15/16 & 22/23 Feb 2012
- SPA Food & Drink: Refresher - 29th Feb 2012
- Managing Safely: Full Course - 14/15 & 21/22 March 2012
- Managing Safely: Refresher - 25/26 April 2012
- Working Safely - 16th May 2012
- SPA Food & Drink: Full course - 16/17 May 2012
- SPA Food & Drink: Refresher - 20th June 2012
- Managing Safely: Full Course - 4/5 & 11/12 July 2012
- Managing Safely: Refresher - 12/13 Sept 2012
- Working Safely - 19th Sept 2012
- SPA Food & Drink: Full Course - 19/20 Sept 2012
- SPA Food & Drink: Refresher - 17th Oct 2012
- Managing Safely: Full Course - 14/15 & 21/22 Nov 2012
- Managing Safely: Refresher - 5/6 Dec 2012



Course booking information is available on our website:

www.healthandsafetysolutionsltd.co.uk