

Brunswicks Regulatory News

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Young life cut short through failure to spot risks

Port of Tilbury London Ltd has been fined £100,000 with £157,000 costs, at Croydon Crown Court, after pleading guilty to breaches of sections 2 & 3 HSWA 1974.

On 29 August 2003, a port employee took his son, Harry Palmer, to work. Whilst at the site, Harry was taken for a ride on a forklift truck, which collided with a second truck. Harry was thrown onto the floor and then crushed by a three-quarter tonne paper reel, which rolled off the second truck because it was not clamped in place.

The HSE investigation found work practices at the company, sanctioned by management, which contravened their own training instructions and specific advice given by HSE on carrying paper reels. Whilst the two paper reels that were meant to be transported were clamped to the truck, a third unsecured reel was routinely balanced on top. This practise known as "carrying a rider" had continued for a number of years despite the fact that equipment was available which would have clamped all three.

HSE Inspector, Eddie Scoggins said:

"I hope this tragic incident makes it clear to employers that they need to take positive steps to identify the risks in their workplaces and manage them. Moving the paper reels was a routine part of work at the docks. Had the company undertaken a proper risk assessment and stopped the practice of carrying riders the completely unnecessary death of Harry Palmer would not have happened."

Ed - in addition to the failure to clamp the "rider" what was a 6 year old doing in a work place like this, let alone riding on a forklift truck? I can't imagine he had his booster seat with him or was wearing a seat belt. What about a young persons risk assessment?

Welcome to November's BRN.

This month's digest of cases seems more depressing than usual. That coupled with time pressure has meant I've produced this version without pictures.

Don't forget to check out our website - www.brunswicks.eu and our podcasts which you can access through that website or www.brunswicks.libsyn.com.

Clostridium Difficile at Stoke Mandeville Hospital

The HSE has published its report into two outbreaks of Clostridium difficile (C. difficile) at Stoke Mandeville Hospital between 1 October 2003 and 30 June 2005.

A copy of the report can be found at <http://www.hse.gov.uk/healthservices/hospitalinfect/stokemandeville.htm>

Launching the report Sandra Caldwell, HSE Director of Field Operations, said:

"On the basis of the evidence available, HSE did not find sufficient admissible evidence to be able to bring criminal proceedings against the Trust, alleging a link between management failures and particular deaths. We did find some breaches relating to the requirements to keep documents. However, as these were not directly linked to any of the deaths and were of a relatively minor nature, HSE decided that it would not be in the public interest to bring legal proceedings against the Trust and its managers in relation to these matters."

The HSE investigation did reveal a number of areas where more should have been done. These recommendations have since been implemented by the Trust but are included as key learning points to ensure a robust approach to the prevention and control of C. difficile. Of particular concern to HSE was the fact that the Trust did not have a contingency plan to help managers respond to any outbreak. The consequence was that throughout the two C difficile outbreaks, managers were constantly having to respond to events rather than being able to implement and follow well thought out solutions to foreseeable circumstances."

The evidence HSE obtained was reviewed against the standard laid out in the Code for Crown Prosecutors, which requires that in order for HSE to prosecute for alleged health and safety offences there must be a realistic prospect of securing a conviction on any alleged breach.

The HSE became involved in July 2006 after the Healthcare Commission (HC) published a report into two outbreaks of Clostridium difficile infection at the hospital, part of the Buckinghamshire Hospitals NHS Trust. The HC reported that 334 patients were infected and 33 had died of C difficile infections acquired within the hospital.

Before investigating the outbreaks, HSE inspectors checked the Trust's (then) current level of compliance with health and safety law in relation to infection control and whether they had responded to the recommendations made to them by the HC. HSE found that infection control procedures and supporting governance arrangements were to a satisfactory standard.

The HSE undertook an investigation to examine the extent to which the deaths due to C difficile at Stoke Mandeville could be linked to health and safety offences. HSE's investigation concentrated on the extent to which the Trust and its managers discharged their legal duties under health and safety legislation, prior to and during the outbreaks and whether anyone should be held to account before a criminal court.

It was not the role of the investigation to consider evidence relating to clinical judgements about how individual patients were treated, nor whether the NHS could have expected more of the Trust and its managers, as these issues were considered at length in the HC report.

continued overleaf...

Drinking Water Inspectorate report into Cryptosporidiosis outbreak

On 13th November the Drinking Water Inspectorate published its conclusions of its investigations into the outbreak of Cryptosporidiosis in North West Wales in November 2005. The outbreak led to 231 reported cases of illness.

Professor Jeni Colbourne, Chief Inspector of Drinking Water said:

"Following the recent conclusion of the court process, we are now able to make available the conclusions of our investigation so that local people and other interested parties can understand the circumstances behind the outbreak."

The DWI acknowledged the assistance of consumers, members of staff of the water company and health professionals in Wales with the investigation of this incident. The co-operation enabled a thorough evaluation of the water supply aspects of the outbreak in the context of prior knowledge and guidance issued by the Expert Group on Cryptosporidium in Water Supplies.

The assessment of the incident concluded that this water borne outbreak did not arise as a consequence of any previously unknown factors. Evidence revealed that the raw water quality had deteriorated in Llyn Cwellyn. Due to inadequate monitoring by the water company this deterioration was not recognised. Water treatment processes at Cwellyn were not capable of removing Cryptosporidium from the water.

Section 70 of the Water Industry Act 1991 makes it criminal offence for a water company to supply water which is unfit for human consumption. The DWI investigates all drinking water quality incidents and since the Water Act 2003 can bring prosecutions in the name of the Chief Inspector of Drinking Water.

Prosecutions are taken forward where the Chief Inspector considers that there is reliable evidence that water unfit for human consumption was supplied, and that the company does not have a defence that it took all reasonable steps and exercised all due diligence, and that such a prosecution is regarded as being in the public interest.

Dwr Cymru Welsh Water pleaded guilty to supplying water unfit for human consumption at Caernarfon Magistrates Court on 11th October 2007. The Company was fined £15,000 on each of 4 specimen counts (total £60,000) and ordered to pay £69,399.43 toward prosecution costs.

Ed - it is obviously right that criminal justice comes ahead of investigations and report writing when viewed in isolation. However should the public have to wait a year for the lessons to be learnt? In the aviation industry fact finding and lesson learning comes ahead of criminal justice. Is drinking water purity similarly vital?

In view of the issues raised in the HC's report and the possibility that serious criminal offences had been committed at Stoke Mandeville hospital, HSE invited Thames Valley Police and the Crown Prosecution Service to consider the HC report under the terms of the Work-Related Deaths Protocol. Following meetings with the HC and HSE, the police and CPS concluded that: the report did not contain sufficient evidence of a causal link between the actions of any individual and the deaths of the patients involved; and therefore, a police-led investigation on the grounds of possible manslaughter should not be initiated.

Health & Safety Commission publish annual statistics

The number of people killed in work related incidents has declined nationally - although there are regions such as the North West which have bucked that trend.

In the north west in 2006-07 there were 33 fatalities and 3,445 serious injuries. 236,000 people suffered from an illness they believed was caused or made worse by their current or past work.

Health and Safety Commission Chair Judith Hackitt said:

“Never mind banning conkers or Christmas decorations, look at these figures. This is what health and safety is about. The figures released today show the real risks faced by real people, every day of their working lives and the suffering that occurs when health and safety processes fail. Employers have a legal duty to protect their employees and visible leadership from the top of the organisation can truly influence the health and safety culture in our changing work environments.”

HSE North west Regional Director David Ashton added :

“Many of the 33 North West worker deaths, and much of the ill health, could have been prevented by simple and sensible precautions. I call on all businesses to act now to help stop this toll. It is not a matter simply for HSE to prevent. There are plenty of practical precautions and HSE works with a number of partners to provide free advice and education to those both carrying out and managing work. We need businesses and self-employed people to work with us to help arrest this increase and make the North West a healthier and safer place to work. We must not let ourselves be sidetracked by ‘elf and safety’ stories, myths and trivia.”

A full breakdown of the national and North West regional statistics by local authority can be obtained on the HSE’s website.

There were also 10 fatal and 1,584 non-fatal work-related injuries to members of the public in 2006-07 compared to figures of 16 and 1,560 in 2001-02.

The statistics broken down by region for 2006-07 were:

	Fatal	serious injuries	Less serious injuries
Greater Manchester	9	1,868	5,646
Lancashire	8	806	2,943
Merseyside	8	572	2,785
Cheshire	6	549	2,135
Cumbria	2	267	968

The HSE publishes a full range of workplace health and safety statistics, these can be viewed at: <http://www.hse.gov.uk/statistics/fatals.htm>

Ed - I’ve deliberately chosen to highlight a poorly performing region rather than present the national data.

Darlington quarrying company fined

Dunhouse Quarry Co Ltd of Staindrop, Darlington, County Durham has been fined £3,750.00 after pleading guilty to breaching the Control of Substances Hazardous to Health (COSHH) Regulations 2002 by failing to ensure that employees' exposure to respirable crystalline silica (RCS) was adequately controlled.

The case was brought by HSE. The company was also ordered to pay costs of £8,177.40.

Following a routine, unannounced inspection HSE discovered that an employee had contracted silicosis and that a number of others had been exposed to levels of RCS in excess of the workplace exposure limit.

HSE Inspector Andrea Robbins said:

"Breathing in the very fine dust of crystalline silica can lead to the development of silicosis, which in its most acute form can result in premature death. It is vital employers monitor dust levels to assess the risk of exposure to RCS, and that they put control measures in place to reduce the levels to which employees are exposed, and consequently reduce their risk of developing silicosis.

"What makes this particular situation worse," continued Ms Robbins, "is that the company had previously commissioned the services of an external company to carry out atmospheric monitoring of dust levels, including RCS but did nothing to act upon the findings despite one employee being exposed to levels up to 45 times the maximum exposure limit as it was then, which was three times higher than the current workplace exposure limit."

"This prosecution serves to publicise the need for employers to be vigilant in identifying substances which can affect their workers' health. In particular, companies who generate stone dust, which contains silica, must take precautions to protect the health of their employees. Trades most at risk include stonemasons and quarry workers."

Note:

Regulation 7(1) of the COSHH Regulations 2002 places a duty on an employer to ensure that the exposure of his employees to substances hazardous to health is either prevented or, where this is not reasonably practicable, adequately controlled.

Director fined for company's breach of prohibition notice

Shaun Michael Cosgrove of Gorple Road, Worsthorne, Burnley, has been fined a total of £1,500 and ordered to pay costs of £3,500 at Reedley Magistrates' Court, after pleading guilty to one breach of the Health and Safety at Work etc Act 1974 and two breaches of the Work at Height Regulations 2005.

During a site visit on 1 November 2005, HSE inspectors found Mr Cosgrove and 3 others working on the flat roof of his company's premises at Computatune Car Sales Ltd in North Valley Road, Colne, without a safe system of work in place. He was issued with a Prohibition Notice requiring him to stop all work immediately.

HSE Inspector Phil Strickland said:

"Mr Cosgrove is a director of the company and was among a group of men carrying out work at a height in an unsafe manner. There was no edge protection, no means of preventing objects falling from the roof and no segregation from members of the public who could have been hit by falling materials. Because of this, HSE served a Prohibition Notice requiring proper precautions to be implemented but Mr Cosgrove failed to comply with the notice, putting himself and his colleagues, plus members of the public at sustained risk."

Notes:

Regulation 6(3) of the Work at Height Regulations states:

"Where work is carried out at height, every employer shall take suitable and sufficient measures to prevent, so far as reasonably practicable, any person falling a distance liable to cause personal injury."

Regulation 10(1) of the Work at Height Regulations states: "Every employer shall, where necessary to prevent injury to any person, take suitable and sufficient steps to prevent, so far as reasonably practicable the fall of any material or object".

Under Section 22 of the Health and Safety at Work etc Act 1974, HSE inspectors have the power to serve prohibition notices where they are of the opinion that work activities give rise to a risk of serious personal injury. A prohibition notice specifies the activities which must be stopped and may set out how the matters giving rise to the notice should be remedied. All notices are subject to a right of appeal.

As may readily be envisaged it is an offence to contravene a prohibition notice.

Trench death

The HSE has prosecuted George Wimpey (North East) Ltd and A W Cowan (Groundworks) Ltd at Teesside Crown Court in connection with the fatal incident on a housing site at Springfields, Church Hill, Skelton on 8 March 2004.

An unsupported trench collapsed injuring two workers, one of them fatally. Neil Dunstan, aged 41, from Lingdale, died as a result of his injuries and Karl Buck, then aged 28 from Boosbeck, suffered serious injuries and was in hospital for several weeks.

HSE Inspector Michael Brown:

"This fatality and the serious injury could easily have been prevented if the appropriate safety measures had been taken. Trench collapses are entirely avoidable. Without suitable support, any vertical face of an excavation will collapse; it's just a matter of when. If heavy machinery is operated on the edge of the excavation, as happened in this case, an earlier collapse is inevitable. Excavation work has to be properly planned, managed, supervised and carried out to prevent accidents."

George Wimpey (North East) Ltd, of Bowesfield Lane, Stockton-on-Tees the principal contractor on the site, was fined £300,000 under s3 Health and Safety at Work etc Act 1974 for failing to ensure the safety of persons not in their employment. The company admitted the offence and was also ordered to pay £28,367 costs.

A W Cowan (Groundworks) Ltd, of Middleton Lane, Middleton St George, Darlington, which employed the two workers, was fined £20,000 following prosecution for breaching their s2 Health and Safety at Work etc Act 1974 duty for failing to ensure the safety of its employees. The company admitted the offence and was ordered to pay £5,000 costs.

Failure to maintain equipment penalised

Aggregate Industries UK Ltd, of Bardon Hall, Copt Oak Road, Markfield, Leicestershire, have been fined £10,000 and ordered to pay £5,000 costs by Leicester Crown Court after pleading guilty to breaching regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 and regulation 9 (3) (b) of the Lifting Operations and Lifting Equipment Regulations 1998. Glen Whitelock, from Market Harborough, was cleaning out a cement mixer at Aggregate Industries' cement works on Marion Way, Coventry Road, Croft, on 16 December 2006 when the hook securing the lid failed, crushing his hand.

HSE inspector Elizabeth Hornsby said: ***"This was an entirely avoidable accident which resulted in man losing the use of one of his hands. Injuries from poorly-maintained equipment remains a significant and regular problem nationwide and companies must ensure that equipment is regularly inspected and maintained so workers aren't exposed to this kind of risk."***

Notes:

Regulation 5 (1) of the Provision and Use of Work Equipment Regulations 1998 requires work equipment to be maintained so that it is safe.

Regulation 9 (3)(b) of the Lifting Operations and Lifting Equipment Regulations 1998 requires the persons who determine the nature of the inspections required and who carry out the inspections are competent to do so.

Working at Height breach

Jaysee Glass and Glazing Ltd of Lye, Stourbridge has been fined £4,500 and ordered to pay costs of £1,278 at Dudley Magistrates Court on Thursday 22nd November 2007 after pleading guilty to breaching Regulation 5(1) of The Provision and Use of Work Equipment Regulations 1998, Regulation 13 of The Management of Health and Safety at Work Regulations 1999 and Regulation 8(e) of The Work at Height Regulations 2005.

On 5 February 2007, Michael Norton was working as part of a three-man team replacing vandalised windows in the Next Generation Leisure Centre, Brierley Hill. He was using half of a double ladder set that had been split to allow two men to work at height. The ladders were not secured and the one being used by Mr Norton slid sideways, causing him to fall approximately two metres to the ground. He fractured his wrist and received a puncture wound to the back of his hand when part of the glazing unit that he was carrying up the ladder fell onto the back of his hand.

The ladder in use was damaged, the feet were missing and it was being used without stability devices. The company was aware of the damage to the ladder and suitable stability equipment was not available in the van taken to site. Totally insufficient training was given to employees and, immediately following the fall of Mr Norton, another employee on site, although not a glazier, use the same unsecured, damaged ladder to complete the task of installing the glazing unit.

HSE inspector, Karl Raw, said:

"Each year people lose their lives or suffer injury due to failures to provide the right equipment for working at height or maintaining equipment. Underlying this is failure to assess risks, plan for safety or train employees. In this case, working from an improvised ladder set-up with damaged and inadequate equipment was completely unacceptable and could have resulted in much more serious injury, or even death. For this type and level of work, scaffold towers should have been loaded into the van and used correctly. This would have allowed the work to be completed safely without risk of falls resulting in injury. It was gratifying to see that the magistrates also clearly recognised that there is absolutely no substitute for proper training."

Ed - It is worth considering the broad ambit of the regulations:

Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 states: "Every employer shall ensure that work equipment is maintained in an efficient state, in efficient working order and in good repair"

Regulation 8(e) of The Work at Height Regulations 2005 states: " Every employer shall ensure that a ladder is used for work at height only if a risk assessment under regulation 3 of the Management Regulations has demonstrated that the use of more suitable work equipment is not justified because of the low risk and the short duration of use or existing features on site which he cannot alter"

Regulation 13 of the Management of Health and Safety at Work Regulations 1999 states: "(1) Every employer shall in entrusting tasks to his employees, take into account their capabilities as regards health and safety. (2) Every employer shall ensure that his employees are provided with adequate health and safety training on their being recruited into the employer's undertaking and on their being exposed to new or increased risks because of their being transferred or given a change of responsibilities within the employer's undertaking, the introduction of new work equipment into or a change respecting work equipment already in use within the employer's undertaking, the introduction of new technology into the employer's undertaking or the introduction of a new system of work into or a change respecting a system of work already in use within the employer's undertaking. The training referred to in (2) shall be repeated periodically where appropriate, be adapted to take account of any new or changed risks to the health and safety of the employees concerned and take place during work hours.

In 2005/06 a total of 46 workers died and a further 3351 employees suffered major injury as a result of a fall from height in the workplace. Many of these incidents could have been avoided using the right equipment for the job and using it safely. HSE has been working closely with ladder retailers and hirers in an effort to remove an estimated 4,000 dodgy ladders from workplaces throughout the UK. More information falls from height can be found on HSE's website at: <http://www.hse.gov.uk/falls/index.htm>

Tragic death of old soldier

Jack Taylor, a 90-year-old former World War II soldier fell 1.5 metres into an unguarded excavation on Victoria Avenue, East End Park, Leeds on 29 November 2005. Mr Taylor died from head injuries in hospital two weeks later.

Mark Sheard and Wayne Hirons, both from Barnsley and employed by Balfour Beatty Power Networks, pleaded guilty to health and safety charges at Leeds Magistrates Court today. Mark Sheard was fined £250 plus £250 costs, and Wayne Hirons was fined £400 plus £400 costs.

HSE Inspector Nicola Allbut said:

"This was a tragic accident which was completely preventable. I am satisfied that the defendants had received appropriate training and had access to barriers to erect around the excavation. They chose not to use these barriers, walking away and leaving the excavation unguarded. As a result, this elderly gentleman lost his life."

Mark Sheard and Wayne Hirons were charged with breaching Section 7 (a) of the Health and Safety at Work Act 1974.

Ed - Section 7(a) of the Health and Safety at Work Act 1974 states:

"It shall be the duty of every employee while at work (a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work."

NHS Trust prosecuted

Stockport NHS Foundation Trust has been prosecuted and fined after a patient was injured after he climbed out of a window!

The Trust pleaded guilty to breaching s3 HSWA and reg 3(1) b of the Management of Health and Safety at Work Regulations 1999 at Trafford Magistrates Court on 22 November 2007. The Trust was fined £5000 and ordered to pay £1965.58 costs

Patient Paul Newell was admitted onto a first floor ward at Stepping Hill Hospital, Stockport, for treatment for alcohol use. He opened an unsecured window, climbed onto the sill and dropped to the ground, fracturing his ankle.

HSE Inspector Thomas Merry said:

"This case graphically illustrates that hospitals need to ensure that vulnerable patients in their care are not put at risk. This patient's injuries were entirely avoidable. The hospital had not assessed the risk of someone getting out of an unsecured window. They had no system in place to ensure that, where fitted, window restrictors were properly applied or in use. This is a well known risk in the care sector with a number of prosecutions being taken every year in relation to people falling from windows. Hospitals deliver important services to some of the most vulnerable members of society. This makes it essential that effective assessment of the risks to health and safety are undertaken in order to ensure the necessary preventive measures are put in place."

Ed - at Brunswicks we often receive instructions about such matters. It is, regrettably a very common state of affairs - and as such prosecution is increasingly inevitable.

The HSE have identified that there are three broad categories of falls on hospital premises: accidental falls; falls arising out of a confused mental state; and deliberate self-harm.

Accidental falls are a minority, but can occur where a person is sitting on a window sill, or where the sill height is low and acts as a pivot, allowing them to fall out.

A significant number of reports refer to the mental state of the patient. Senility, dementia, mental handicap or illness, the effect of drink and drugs can all cause anxiety and confusion. Patients are inclined to try to escape from a perceived hostile environment, or to use a window believing it to be a door, possibly unaware that they are not at ground level. Other influencing factors include patients being unfamiliar with new surroundings, often exasperated by uncomfortable temperatures, anxiety, broken sleep and medication effects.

Deliberate self-harm is a recognised risk for patients with certain medical conditions. Suicides can be a matter for HSE, although they are not reportable under RIDDOR. The propensity to self-harm should be considered as part of the initial clinical assessment, particularly for psychiatric patients, and actioned as appropriate. In this and other cases, falls from windows are reasonably foreseeable.

Manslaughter charges

In a prosecution brought by the Crown Prosecution Service, Steven Christopher Smith a director of Wrexham Roof Services Ltd, Rhostyllen, Wrexham, pleaded guilty to manslaughter, and a breach of s2 of the Health and Safety at Work etc Act 1974. He also pleaded guilty to a charge of committing acts intending to pervert the course of justice.

Smith was jailed for a total of two and a half years following a sentencing hearing at Mold Crown Court.

Smith's prosecution follows an incident in which one of his employees sustained serious injuries, and later died, after a 25ft fall through a skylight on the roof of the Comet store in Wrexham. The deceased, Paul Christopher Alker, 33, required surgery for a broken collar bone after the fall, just days after starting work with Wrexham Roof Services Ltd. He died shortly after his operation. The HSE assisted the North Wales Police investigation. HSE inspector Debbie John said it was not acceptable for employers to cut corners.

"Mr Smith clearly knew that he should have provided safety harnesses for people working on roofs, but chose only to do this after the incident which led to the death of Mr Alker.

Figures show that in 2006/07, 45 people have died and more than 3000 suffered a serious injury after a fall from height in the workplace. It remains the most common cause of fatal injury in the workplace, but the risk does not just apply to those working at great height. Many fatal and serious injuries are caused by people falling from below head height too.

Health and Safety rules are not there to inconvenience employers or to wrap employees or others in cotton wool - they are in place to ensure incidents like this are prevented, and the risk of this incident happening would have been significantly reduced had appropriate safety equipment been provided."

Environment Agency Chairman to stay on for 6 months

Sir John Harman has agreed to remain as Chair of the Environment Agency until 30 June 2008. The decision made by Environment Secretary Hilary Benn to extend his tenure was taken in light of the Environment Agency's ongoing role in dealing with the summer floods and, according to the Minister for his desire to find the best possible choice of candidates to replace Sir John on his departure. Sir John had been due to stand down at the end of his current term on 31 December 2007.

Welcoming Sir John's agreement to remain in post for another six months, Mr Benn said:

"The Environment Agency is playing a major part in the independent lessons learned review of this summer's flooding, and is also still heavily involved in dealing with the after effects of the floods. It's important to maintain stability during this period, and I know that Sir John Harman will provide this. I am most grateful to him for agreeing to stay on."

Sir John Harman became Chair of the Environment Agency on 1 January 2000, having been Deputy Chairman since March 1999. Sir John has been a member of the Environment Agency Board since 1995, and before that served as a member of the Environment Agency Advisory Committee set up to oversee the creation of the Agency after the passing of the Environment Act 1995.

Fire safer cigarettes

Fire safer cigarettes look set to be stocked on the UK's shop shelves. The Government is supporting an agreement across the EU to a set of standards that will enable the manufacture of these cigarettes which if dropped or left unattended will soon go out. The EU Commission announcement has been welcomed by both the Fire Minister and the Chief Fire and Rescue Adviser.

Fire Minister Parmjit Dhanda said:

"We all know that both the safest and healthiest action is to stop smoking altogether. But the Government also has a duty to keep looking for ways to cut the numbers of fires and fire deaths. Dropped or poorly extinguished cigarettes are a major cause of accidental fires - every year they cause hundred of deaths and injuries - so this new standard of cigarettes should provide extra protection to the public. We estimate that having fire safer cigarettes as standard in the UK could save up to 120 lives per year. Across Europe this could amount to up to 1,000 lives saved and 11,000 injuries avoided. And fire safer cigarettes would also help in the drive to reduce the £90million per year cost of fire in the UK. We have been pushing for a long time fire safer cigarettes to be the norm across the European Union and this should now become reality, so this is excellent news. But setting a European standard can be quite a long process, which is why the government is also to consult on fire safer cigarettes being introduced as soon as possible in the UK. The government will also keep on getting out the Fire Kills messages telling smokers to 'put it out, right out'."

Cigarettes burn at hundreds of degrees Celsius and as currently manufactured they usually continue burning down to the filter - whether being smoked or not. A dropped or poorly extinguished cigarette can start a devastating fire, and smoking materials (predominantly cigarettes) are the single biggest cause of both fires and fire deaths.

Fire safer cigarettes are produced differently - bands of thicker paper placed down the length of the cigarette act as 'speed bumps' will extinguish it if it's not being smoked and therefore provide greater - but not total - protection against accidental fires. These are also known as Reduced or Lower Ignition Propensity cigarettes.

Speaking today at the European Commission the Government's Chief Fire and Rescue Adviser Sir Ken Knight said:

"The decision in Europe today is a major step forward towards reducing the unnecessary loss of life from fire. It is the most vulnerable in society who die in fire, and 30% of all fire deaths in the home in the UK are caused by smoking materials. I look forward to playing an active part with European colleagues to produce a new standard for fire safer cigarettes through the European standards body (CEN) to reduce the risk of fire across the EU."

Notes -

Fire deaths are at their lowest level since the late 1950s, and between 1995 and 2005 fatal casualties from accidental fires dropped by 36%, from 481 to 310 deaths. But the government is committed to keep driving this down and to keep looking for new and innovative ways of achieving this. Between 1995 and 2005 32% of fatal fires were smoking related and it is clear that this is an area where fires deaths can fall further and contribute significantly to the overall reduction in accidental fire deaths.

The European Union Commission's Committee of the General Product Safety Directive met on 29 November 2007 - and agreed to mandate CEN, the EU's standards making body, to develop a pan-European standard for production of fire safer cigarettes. Once agreed this standard will be the norm for all cigarettes in EU member states. Both the government and the fire and rescue service in the UK have long supported this work and have pushed for the safest possible standards for cigarettes to further drive down fire deaths.

Canada, Australia plus 22 States in the USA have introduced fire safer cigarettes and early signs from New York State are that accidental fire deaths have fallen.

The government says it is also committed to seeing fire safer cigarettes as the standard for all cigarettes bought and sold as quickly as possible. Although the European standard setting process is likely to take several years, the government says it will shortly be consulting on the introduction of an early standard for the UK based on the USA model. Consultees will include the Chief Fire Officers' Association, the Fire Brigades Union, anti-smoking groups and tobacco manufacturers.

The need for edge protection

Copelare Limited of Derby Buildings, Wavertree Road, Liverpool was fined £5,000 and ordered to pay costs of £6,783 after pleading guilty at Bootle Magistrates' Court to a breach of Section 3(1) of the Health and Safety at Work etc Act 1974. On 13 October 2004, Darren Lawler, a roofing sub-contractor from Leyland, Lancashire was working at a construction site in School Lane, Knowsley when he slipped and fell from the roof. He narrowly missed a spiked fence, some piles of bricks and landed on a trestle at the bottom of the building. Mr Lawler sustained serious head and facial injuries.

HSE inspector Wayne Crumpton said:

"Copelare, as principal contractor was responsible for the management of the site. Whilst Copelare did not fit the edge protection, it did appoint the sub-contractors but failed to ensure that they erected satisfactory edge protection that would have prevented Mr. Lawler from falling. A barrier should have been constructed around the perimeter of the roof. The barrier should have been fastened securely to the structure so that there were no gaps between the barrier and the roof edge through which a person could fall, which is what happened in this case. Copelare should have ensured a permanent management presence on site for controlled access. They should have followed their own health and safety plan and reviewed all risk assessments and method statements in advance of work starting and agreed safe systems of work with individual contractors. The company should have inspected the edge protection before anyone was allowed on the roof and should have engaged a person who was competent to do so and required him or her to record their observations. Such inspections would have revealed the sub-standard edge protection and enabled remedial action to be taken before roof work commenced."

Offshore Industry has more to do says HSE

A 3 year investigation and the inspection of nearly 100 offshore installations has resulted in the offshore industry receiving a stark warning from the HSE - "more must be done!"

This stark message came at the launch of the KP3 report - a major investigation carried out by the HSE's Aberdeen based Offshore Division into the safety and integrity of offshore installations and the equipment on them. Speaking at the launch of the KP3 report, Health and Safety Commission Chair, Judith Hackitt said:

"The KP3 report is an incredibly thorough investigation into the integrity of the assets in the offshore industry and was wide ranging in its scope. Whilst the sector has co-operated fully with us over the last three years, there can be no mistaking our message to those in the board rooms of the oil and gas offshore companies - there is still much more to do and those in a position of leadership must ensure that systems, procedures and best practice is adopted to achieve the goal of the UK continental shelf becoming the safest offshore sector by 2010.

The report highlights a number of examples of good practice, but there is still a need for better learning and sharing. There were wide variations in performance across the sector and within companies. In the light of the findings from the KP3 report, asset integrity will continue to be one of the main priorities for HSE's Offshore Division in 2008 and for the foreseeable future, but it must also be clear that it is for the industry itself to show leadership and face up to its responsibility."

Ian Whewell, Head of HSE's Offshore Division added:

"To prevent major accidents it is vital that companies have effective process safety systems to ensure plant and equipment is properly maintained and working as intended. Our advice to the industry is clear - when looking at and testing systems and procedures on installations, companies must take an holistic approach and ensure that all those parts that need to work together to prevent a major incident do precisely that. This naturally applies to those parts of the process that are safety critical - but that does not mean that things that are not classified as safety critical should be ignored. In a major accident, degraded non safety critical plant or utility systems could seriously impact on the performance of safety critical plant.

The report identified that significant improvements in the sector could be achieved without major capital expenditure but through better planning, improved training and clear statements of performance standards in testing and maintenance routines. The advantages of better safety in the sector are obvious. However, ensuring the offshore infrastructure is well maintained also makes good business sense as its not just the industry that benefits - the whole economy benefits and it will help ensure that there is a long term sustainable future for the offshore industry."

The KP3 investigation involved targeted inspections of nearly 100 offshore installations of all types, including fixed, manned and normally unattended installations, floating production, floating production storage and offloading vessels and mobile drilling rigs.

Among the main findings, HSE revealed:

Many senior managers are not making adequate use of integrity management data and are not giving ongoing maintenance sufficient priority;

The role of asset integrity and concept of barriers in major hazard risk control is not well understood.

Companies need better key indicators of performance available at the most senior management levels to inform decision-making and to focus resources. Many management-monitoring systems tend to be overly biased to occupational risk data at the expense of major hazard precursors.

Evidence of a decline in integrity performance which may hamper future field development and long term sustainability, with an adverse impact on morale in the workforce.

Ed - there are many industries that, when examined closely, would produce similar findings. I fear that what the HSE have really noted is that management are behind the game.

Notes

Asset Integrity can be defined as the ability of an asset to perform its required function effectively and efficiently whilst protecting health, safety and the environment. Asset integrity management is the means of ensuring that the people, systems, processes and resources that deliver integrity, are in place, in use and will perform when required over the whole lifecycle of the asset.

Essential for the integrity of any installation are the Safety Critical Elements (SCE's). These are the parts of an installation and its plant (including computer programmes) whose purpose is to prevent, control or mitigate Major Accident Hazards (MAH) and the failure of which could cause or contribute substantially to a major accident. KP3 focused primarily on the maintenance management of SCEs i.e. the management systems and processes which should ensure that SCEs would be available when required.

Leadership among Chief Executives in the major hazard sector is a key theme for HSE next year. As a result, HSE will be inviting personally 250 senior managers and other industry, regulatory, trade union and government leaders to discuss how top level commitment and leadership is essential in securing the strong, positive safety culture so important if major incidents are to be avoided. The conference is being held at the QEII Conference Centre in London on 29 April 2007.

Accident with glass brings horrific injuries

Vizor Tempered Glass Ltd, of Baglan Industrial Estate, have pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974, and Regulation 3(1)(a) of the Management of Health and Safety at Work Regulations 1999. The company were fined a total of £50,000 and ordered to pay costs of £11,171 at a hearing in Swansea Crown Court.

The prosecution followed an accident to a Mr Ricky Waters. Mr Waters, 38, from Cw-mavon, was disposing of waste glass at the company's premises when the incident happened on the morning of 25 October 2006. Mr Waters was riding on a stillage being used to carry the glass, which was itself being carried by a forklift truck into the company's yard. The stillage, with Mr Waters still on it, was then raised by the forklift truck over a skip in order for Mr Waters to begin putting in the waste. A gust of wind caught a pane of glass Mr Waters was about to place in the skip, which resulted in him falling into the skip, and the glass falling in after him. He needed major reconstructive surgery on his face, suffered a fractured skull and lost the sight in one eye.

HSE inspector Alan Strawbridge said:

"The company has admitted a failure to carry out proper risk assessments and a failure to have safe systems of work in place, which ultimately resulted in this incident. Companies - especially those dealing with potentially hazardous materials such as glass - need to ensure that they implement and maintain safe systems of work to avoid incidents like this occurring. In spite of the terrible injuries suffered by Mr Waters, the consequences of this case could have easily been much worse."

Lucky escape for school children

Clegg Building Limited of Wall Hill Farm, Acton Bridge, Northwich, was fined £ 3,200 and ordered to pay costs of £4,407 at Chester Magistrates' Court after pleading guilty to a charge under Regulation 9 (1) of the Construction (Health Safety & Welfare) Regulations 1996. On 1 December 2006 at St Winifred's Catholic Primary School in Little Neston employees of Clegg Building Limited were instructed to take down a section of wall, which had been incorrectly built of blocks 140mm wide which collapsed onto a two metre high section of steel mesh perimeter fencing. The fencing in turn struck the cloakroom area window of an occupied classroom, smashing the window and showering glass into the classroom.

HSE Construction inspector Neil Jamieson said:

"Cleggs should have assessed the work activities in a systematic way, so that potential hazards were identified and controlled. They should have had better arrangements in place to monitor and supervise the work on site, risk assessed the demolition of the wall and provided clear instructions to the men undertaking the work. The wall should have been propped during its construction and demolition and the company should either have carried work out outside school hours or they should have reviewed the public protection they had provided prior to starting. Had the company acted in a responsible manner and planned the job properly this incident would not have occurred. Fortunately the teacher, her assistant and her 26 year seven pupils were in the middle of the room so nobody was injured by the slivers of glass,"

Campaigning to reduce falls from vehicles

Stockport builders' merchants Travis Perkins have joined forces with the HSE to help reduce the risk of customers injuring themselves in falls from vehicles. The Workplace Transport Campaign 2007 aims to increase the standards and awareness of risks involved in falling from vehicles amongst all those involved in materials delivered to construction sites.

Travis Perkins tried to get this message across over breakfast at its Haigh Avenue premises in Stockport on Tuesday 13 November. HSE Health and Safety Awareness Officers Lynn Morgan and Karen Nicholson were present giving advice on the campaign to customers.

Travis Perkins branch manager Andy Woodier said:

"Three million people in UK work with or near vehicles in UK and annually there are 2,000 people seriously injured as a result of falling from a vehicle. 90% of the injuries are from low falls, i.e. from below head height and on average there are five people killed each year as a result of a fall from a vehicle. Travis Perkins are thus delighted to support HSE in getting safety messages across to our customers to try to prevent such incidents."

HSE's Karen Nicholson responded saying :

"The estimated economic and human cost of falls from vehicles is about £36.7 million."

The construction industry usually accounts for 20% of all fatalities, 10% of all major injuries and for about 15% of 3-day injuries every year. Falls From Vehicles (FFV) accidents occur mostly when operatives are working on and loading/unloading the vehicle and getting on and off and a high proportion of construction accidents are occurring on flat bed vehicles and HGV's, which in the construction industry are mostly our delivery vehicles."

The campaign aims to raise awareness of the risk of falling that workers are exposed to when accessing and/or working at height on vehicles and the actions that should be taken to minimise these risks and will stress the planning for the safe unloading of goods before a site becomes active, and that responsibilities are clear. In all other industries it would appear that three-quarters of those injured are delivery drivers, in particular HGV drivers. However in Construction, 70% of all FFV injuries occur to non-drivers, i.e. those who are involved in the unloading of delivery vehicles."

We need to get our message across to site managers or persons who are directing the activities undertaken on the vehicles and in control of how they are carried out and those operatives who may access a vehicle to load or unload it on site."

To find out more about the campaign subscribe to the campaign e-bulletin on the HSE web site campaign page at <http://www.hse.gov.uk/fallsfromvehicles/>

Excavation fatality

On 13 July 2004 T G Beighton Ltd of Holmewood, Chesterfield, was working as the principal contractor building 11 industrial units in Sheffield. During the course of this work a tank was being installed and the excavation collapsed.

Two employees of the company men were crushed in the collapse. John Morton sustained fatal injuries whilst his colleague, Daniel Thompson, sustained serious crush injuries from which he recovered. The area of the excavation in which the men were working was approximately three metres deep and had no precautions in place to prevent the sides from collapsing.

Following a joint investigation by the Police and the HSE a manslaughter charge was brought against site foremen, Mark Winter of Chesterfield, whilst health and safety charges were brought against the company, its health and safety director, Richard Palmer of Sheffield, and Mark Winter.

Following a six day trial at Sheffield Crown Court, Mark Winter was found not guilty of manslaughter, whilst fines of £35,000, £2,500 and £750, plus costs of £10,000, £1,000 and £150, were imposed respectively against T G Beighton Ltd, Richard Palmer and Mark Winter for the health and safety charges to which they all pleaded guilty.

The HSE inspector who investigated the accident, Dave Bradley, said:

"This tragic incident was entirely preventable. The precautions to be taken at excavations are well known in the construction industry. Each job needs to be properly planned to ensure that the appropriate controls are identified and provided on site, and thereafter, they are communicated to the persons undertaking the work. Equally, where circumstances change on site as the work progresses, risk assessments and method statements need to be revised accordingly. It is also important that both directors and individuals on site realise that they too can be prosecuted if they fail to discharge their responsibilities relating to health and safety."

Notes:

TG Beighton Ltd pleaded guilty to a charge of breaching s2 HSWA.

Richard Palmer pleaded guilty to a charge under s37 HSWA.

Section 37 states: "Where an offence under any of the relevant statutory provisions committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

Mark Winter pleaded not guilty to manslaughter, but guilty to a charge under Section 7 of the Health and Safety at Work etc Act 1974. Section 7 states: "It shall be the duty of every employee while at work (a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work".

Who's afraid of the drunken sailor?

On 2 November 2007 at Lincoln Crown Court, Zbigniew Krakowski was imprisoned for a 12 months for allowing his vessel to collide with an unmanned gas platform which led to the sinking of his vessel.

His vessel, MV Jork, was a 1922 gross tonne coaster and registered in Antigua and Barbuda. On the 3rd August 2007 she was enroute from Germany to the Humber with a cargo of grain. At about 1800 she collided with an unmanned gas platform in the Viking field approximately 24 miles off Skegness. At the time of the collision the Master of the Jork, Captain Zbigniew Krakowski, was on watch. The vessel began to list heavily and the crew abandoned the vessel. All of the crew were rescued and taken ashore by helicopter. Jork sank the following day.

On arrival ashore the crew were breathalysed by Officers from Norfolk Police. Krakowski failed and later, evidential, tests showed that he was approximately three times over the limits set out in the Railway & Transport Safety Act 2004.

Krakowski pleaded guilty to one charge brought under the Railway & Transport Safety Act 2004 for being over the alcohol limits and to another charge brought under the Petroleum Act 1974 for breaching the 500 metre zone around the gas platform. He was sentenced to 6 months for the former and 12 months for the latter, to run concurrently.

Subsequently two hatch covers were found floating off Holland and in the Dover Straits. Until recovery was affected these hatch covers constituted a major hazard to shipping.

In passing sentence His Honour Judge Milmo QC said:

"The collision could have caused a gas cloud or explosion. The fact that there was no loss of life or injury is not mitigation."

Mr Murray Milligan, Regional Operations Manager (SAR), stated:

"It was fortunate that the platform was unmanned, that rescue vessels were close at hand to quickly rescue the crew and that the weather was excellent. I would like to thank all those involved in the rescue operation for their rapid and professional response. Being drunk in charge of a vessel can be as dangerous as driving a car while over the legal alcohol limit. The sentencing reflects the serious nature of this offence."

Framework for waste pilot schemes published

The framework that will allow a small number of local authorities in England to pilot incentives for people to reduce, reuse and recycle waste has been set out by Waste and Recycling Minister Joan Ruddock on 15 November 2007. Up to 5 local authorities will be granted permission to pilot the schemes that is, if the government can find up to 5 Councils willing to risk the wrath of their residents!

The councils will be able to come forward with schemes to fit local circumstances but they must be approved by the Environment Secretary and follow the guidance set out in legislation - including having checks and balances in place for residents. The schemes must be cost neutral overall so the Councils will have to pay back to residents overall any money they collect from them as part of the pilots. Thus those throwing away the least could receive a rebate and those throwing away the most could pay more.

Ed- as a father of 3, with a wife and dog and already dealing with alternate week collections I'm intrinsically suspicious of these moves!

Ms Ruddock said when launching the scheme:

"The case for reducing the amount of waste we all produce is clear - it is damaging the environment and contributing to climate change. Furthermore it makes no financial sense to keep dumping it into holes in the ground. We need to work out the best way to achieve this. Local authorities have asked for incentive schemes as one of their options. Indeed, responses to the Government's consultation showed strong support for these powers from within a wide range of local authorities across the whole political spectrum. But we realise that, while such schemes are common overseas, this is new ground for this country and that is why we want to pilot them first - to ensure the right checks and balances are in place for residents who participate. This is a new power for England. We therefore want to give a number of councils the chance to pilot incentive schemes to help monitor impacts and learn valuable lessons."

Defra has committed up to £1.5 million per year over three years to help support the pilots. Ms Ruddock confirmed that under the pilots rebates could be deducted from council tax payments.

The checks and balances that will back up the schemes include:

- * A requirement that local authorities provide good kerbside recycling services so that residents have ample opportunity to recycle.
- * A requirement that local authorities take account of the needs of any potentially disadvantaged groups when piloting the schemes.
- * A requirement to have a fly-tipping prevention strategy in place. While evidence from overseas does not point to an automatic increase in fly-tipping, prevention strategies are a sensible precaution.

Experience from other countries shows that incentivising schemes can boost recycling and reduce waste overall. In this context it is surprising that the UK is currently the only member of the EU15 to have a ban on schemes which give households financial incentives to reduce and recycle their waste!

Joan Ruddock's statement to Parliament, a factsheet, the impact assessment and summary of consultation responses are available at

<http://www.defra.gov.uk/environment/waste/strategy/incentives/index.htm>

The Climate Change Bill is at : <http://www.defra.gov.uk/environment/climatechange/uk/legislation/index.htm>

Positive public attitude to the environment ?

According to a survey most people claimed that being 'green' is now the socially acceptable norm, a survey into public attitudes and behaviours found, rather being an alternative lifestyle. And the main motivation for an environmentally friendly lifestyle is guilt about harming the environment.

The 2007 Survey of Public Attitudes and Behaviour toward the Environment is the sixth in a series of surveys that Defra and its predecessors have conducted since 1986.

Of the 3,600 people in England polled, when asked about waste 87% said they give away things they no longer want to charity shops or friends and family, and 78% said they sometimes reuse empty bottles, jars, envelopes and paper. Many respondents agreed they do try to influence others to be more environmentally friendly, with a third saying they talk to friends and family about things they can do to change their behaviour.

Environment Minister, Joan Ruddock, commented:

"The most encouraging finding in this survey is the majority of people believing that its up to individuals to accept responsibility by making lifestyle changes. This is vitally important as 40% of climate change emissions come from our actions as individuals. Government is determined to make it possible for people to choose greener lifestyles and to provide advice and encouragement through our Act on CO2 campaign."

The survey also covered modes of transport for getting to work, school/college, or going shopping. Overall, for journeys of one mile or less 45% drove, six per cent took public transport and 46% walked or cycled. For journeys of three miles or less 58% drove, nine per cent took public transport and 28% walked or cycled.

When looking at satisfaction with individual aspects of people's lives, satisfaction with day to day activities, achieving goals, standard of living and personal relationships seemed to contribute most to overall satisfaction with life. 79% of respondents generally felt positive about themselves and a similar proportion felt that what they do is valuable and worthwhile. Seven in ten people were optimistic about their future but 44% found it hard to be hopeful about the future of the world.

The full report, completed for Defra by BMRB, follows National Statistics releases of headline survey results released on 14 August 2007, and results of questions on wellbeing on 27 July 2007. <http://www.defra.gov.uk/environment/statistics/pubatt/index.htm>

Ed - I'm not so sure about these reported findings. Money talks - financial incentives is the way to go in my view!

Eight metre plunge

Animal feed manufacturer B Tickle and Sons Ltd of Woodend Avenue, Speke were fined £2,500 and ordered to pay costs of £1,828 at Liverpool Magistrates Court on 16 November 2007 after pleading guilty to breaching section 2(1) HSWA.

On 11 June 2006, John Dyer went onto the roof of the company's building with a colleague to repair a gutter. They accessed the roof via a fire escape, climbing through the handrail onto the fragile roof where Mr Dyer fell through a skylight, fell 8m and broke his arm.

HSE Inspector Martin Paren said:

"This was an avoidable incident and the consequences could have been far worse. On average one person dies every month at work after falling through a fragile roof or skylight and many others sufferer permanent disabling injury. Contractors and building owners or occupiers have a joint legal responsibility to ensure that construction, repair or cleaning is planned properly and carried out safely. If your company does not have the specialist knowledge for this type of work, it should not be attempted. Repairing a fragile roof is potentially high risk. Before work starts, ensure that a competent person assesses the roof using a safe system of work. All those carrying out the repair work must be suitable trained and supervised and follow a method of work based on a risk assessment."

Asbestos Exposure

Galamast Ltd, from Bromley in Kent has been prosecuted for breacing s2 & s3 HSWA before Bedford Magistrates Court on Thursday 1st November 2007.

The company was carrying out a 'stripout' of an old Littlewood's store in Bedford's Harpur Centre in March 2006 when verbal instructions were misunderstood, leading to its employees, sub contractors and health and safety inspectors for the client being exposed to asbestos.

The company was fined £20,000 and penalised £16,140 in costs. The work was being carried out on behalf of Primark who took over several Littlewood's stores during 2005/6.



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