

Brunswicks Regulatory News

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Offshore Fatality

Talisman Energy UK Ltd has been fined £600,000 after pleading guilty to breaching s3 (1) HSWA and Aker Kvaerner Offshore Partner Ltd has been fined £600,000 after pleading guilty to breaching s2(1) HSWA. These significant fines were discounted by 25% reflecting reasonably prompt plea of guilt.

This court case followed the death of one man and the injury of another. The men were struck by falling steel clamps on the Bleo Holm floating production, storage and offtake installation in the outer Moray Firth offshore Scotland when a lifting operation went wrong.

Matthew Grey of Darlington was killed and Norman Jackson of North Shields was injured while they were working inside a cargo oil tank 20m below the deck on the installation on 6 January 2007. Both men were employed by Aker Kvaerner Offshore Partner Ltd who were in turn contracted by the installation operator, Talisman Energy UK Ltd, to carry out extensive work in the cargo tank. A pneumatic hoist was being used to lift various items out of the tank through a small hatch at main deck level. Two steel beam clamps weighing 21.5 kilograms were among items which fell from the load. These struck the men below.

HSE Principal Inspector Colin Richards said:

"This tragic incident should remind everyone in the offshore industry and elsewhere that lifting operations are hazardous and must be carried out in a safe manner. The system of work must include methods to prohibit personnel from entering the danger zone while the lifting operation is taking place. It must also include an effective and agreed system of communication among the personnel involved. This system must include the final confirmation that the lifting operation has been completed and only then is it safe to allow personnel to enter the designated danger zone. In this case visual signals were being used in conditions which made that inappropriate and when the permit-to-work stipulated the use of radios. The companies involved had not ensured that radios were supplied and used."

Ed - the death and serious injury caused are tragic as, of course is the fact that the incident was entirely avoidable. It is the companies own paper work that demonstrated how the job should be done - in this case the provision of radios to ensure effective communication. The radios were not provided and thus an incident became an avoidable tragedy. This is not the first time, nor will it be the last when the most damning evidence against a defendant turns out to be its own paperwork. They knew how it should be done and the precautions to be taken - but simply did not apply what they said they needed to do.

Worker Falls to death

Lentjes UK Ltd (formally called Lurgi (U.K) Ltd) and Rafako S.A have been prosecuted following the death of a worker at a construction site in Maidstone, Kent.

On the 19 July 2005 3 industrial boilers were being installed at the new waste to energy facilities under construction in Maidstone. Each boiler was situated in a steel structure with platforms and walkways at various heights. A worker was installing floor gratings to one of the boilers. Many of the gratings had not been secured in place and others had been displaced by pipe-fitters who were working on the same boiler. The worker fell 23m to his death when one of the displaced gratings gave way.

A health and safety manager from another sub-contractor visited the boilers earlier on the morning of the incident and expressed concern about the gratings not being properly secured, and about the number of people working on the boilers and the work practices in general. He was in the process of taking his concerns up with Rafako's site management when the incident happened.

Lentjes were charged under s3 (1) HSWA and were fined £45,000 and ordered to pay costs of £25,000. The manufacture and installation of boilers on the site was sub-contracted to Rafako S.A., who pleaded guilty to breaching reg 10 WHR. Rafako had previously pleaded guilty to breaching reg 6(3) WHR and was sentenced for both breaches. Rafako was fined a total of £85,000 and ordered to pay costs of £35,000.

HSE Inspector Peter Collingwood said:

"This death could easily have been avoided. Had the work on site been properly planned so that the pipe fitters had not been allowed to displace gratings at the same time as they were being installed, and if the gratings had been fastened in place as the work proceeded, this incident would have been avoided. Another life has been lost because of the inability to plan and implement simple and basic precautions and employers need to understand that this is simply not acceptable."

Ed - Regulation 10 Work at Height Regulations 2005 states:

- (1) Every employer shall, where necessary to prevent injury to any person, take suitable and sufficient steps to prevent, so far as is reasonably practicable, the fall of any material or object.
- (2) Where it is not reasonably practicable to comply with the requirements of paragraph (1), every employer shall take suitable and sufficient steps to prevent any person being struck by any falling material or object which is liable to cause personal injury.
- (3) Every employer shall ensure that no material or object is thrown or tipped from height in circumstances where it is liable to cause injury to any person.
- (4) Every employer shall ensure that materials and objects are stored in such a way as to prevent risk to any person arising from the collapse, overturning or unintended movement

of such materials or objects.

Regulation 6(3) Work at Height Regulations 2005 states:

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

Its all far too obvious!

Asbestos Removal leads to disqualification

Robert McCart, a director of 2 Eastbourne based companies, Sussex Asbestos Solutions (South East) Ltd and Sussex Asbestos Solutions Ltd pleaded guilty and has been fined £36,000 with £4,000 costs for breaching 7 separate regulations under The Control of Asbestos Regulations 2006. He was also ordered to pay £4,000 compensation to the shop owner.

The court also disqualified Mr McCart from being a director for 4 years.

Mr McCart was charged with health and safety offences following work he carried out to a shop in Gore Park Road, Eastbourne between 17 and 19 November 2007. He was employed by a local businessman to remove asbestos insulation board from his shop. Mr McCart undertook the removal of asbestos insulation board without the required licence for work with asbestos, and without notifying the HSE. Mr McCart failed to carry out the appropriate precautions and left a white sack containing broken pieces of asbestos insulation board outside the shop, and asbestos debris inside the property.

HSE inspector, Amanda Huff, said:

“Robert McCart deliberately ignored the law for financial gain. Mr McCart was aware of the dangers associated with asbestos and yet decided to risk not only his own life but also members of the public. The HSE won’t hesitate to take action against people who breach Health and Safety Law and put others at risk. Asbestos related diseases kill more people than any other single work related illness. It is essential that when any work is carried out which might potentially expose people to asbestos fibres that only competent operatives are used and the appropriate precautions are taken.”

Ed

The press release issued by the HSE does not make it clear whether Mr McCourt was charged personally or whether it was his business(es) that were prosecuted with him being personally penalised with the director’s disqualification.

The 7 breaches of CoAR were

Regulation 8(1): An employer shall not undertake any work with asbestos unless he holds a licence granted under paragraph (2) of this regulation.

Regulation 9: An employer shall not undertake any work with asbestos unless he has notified the appropriate office of the enforcing authority in writing of the particulars specified in Schedule 1 at least 14 days before commencing that work or such shorter time before as the enforcing authority may agree.

Regulation 16: Every employer shall prevent or, where this is not reasonably practicable, reduce to the lowest level reasonably practicable the spread of asbestos from any place where work under his control is carried out.

Regulation 17: Every employer who undertakes work which exposes or is liable to expose his employees to asbestos shall ensure that—

- (a) the premises, or those parts of the premises where that work is carried out, and the plant used in connection with that work are kept in a clean state; and
- (b) Where such work has been completed, the premises, or those parts of the premises where the work was carried out, are thoroughly cleaned.

Regulation 18(2): Asbestos areas and respirator zones shall be clearly and separately demarcated and identified by notices indicating—

- (a) that the area is an asbestos area or a respirator zone or both, as the case may be; and
- (b) in the case of a respirator zone, that the exposure of an employee who enters it is liable to exceed the control limit and that respiratory protective equipment must be worn.

Regulation 22(2): Every employer shall ensure that each of his employees who is exposed to asbestos is under adequate medical surveillance by a relevant doctor.

Regulation 24(1): Every employer who undertakes work with asbestos shall ensure that raw asbestos or waste which contains asbestos is not—

- (a) stored;
 - (b) received into or despatched from any place of work; or
 - (c) distributed within any place of work,
- except in a totally enclosed distribution system, unless it is in a sealed receptacle or, where more appropriate, sealed wrapping, clearly marked in accordance with paragraphs (2) and (3) showing that it contains asbestos.

Gas safety certificates

Landlord, Madhu Bhajanehatti from Keston in Kent has been fined £24,840 and ordered to pay £13,481.02 in costs by Great Yarmouth Magistrates Court.

The prosecution followed Mr Bhajanehatti's failure to comply with Improvement Notices which required him to obtain written gas safety records for each of his premises. He owned

12 flats in Wellington Road and Britannia Road, Great Yarmouth.

The Improvement Notices were served under the Gas Safety (Installation and Use) Regulations 1998. Mr Bhajanehatti pleaded guilty to multiple breaches of the Improvement Notices.

HSE Inspector, Martin Kneebone said:

“Anyone responsible for letting a property should ensure gas appliances are tested sufficiently to ensure that they are in a safe condition and working effectively and obtain a landlord gas safety certificate. You cannot see, smell or taste carbon monoxide fumes, and symptoms can be similar to many common illnesses. In the worst situations, carbon monoxide can kill without warning in just hours. The failure to get appliances checked and keep documentation can potentially put tenants at risk and the HSE will not tolerate nor hesitate to take action against those who fall short of the law in such a way.”

Ed

Section 33(1) (g) Health and Safety at Work etc Act 1974 states that it is an offence for a person to contravene any requirement or prohibition imposed by an improvement notice or a prohibition notice.

Section 36(3) (c) Gas Safety (installation and Use) Regulations 1998 states that a landlord must obtain a written record of safety checks by a Corgi registered gas installer dated within the last twelve months.

Shattering Fall

Owners of the Lyric Theatre, Carmarthenshire County Council has pleaded guilty at Llanelli Magistrates' Court to breaching s2(1) and 3(1) HSWA, and a further charge under reg9(1) Lifting operations and Lifting Equipment regulations 1998 (LOLER).

They were fined £20,000 for each breach of HSWA, and a further £5,000 for the breach of LOLER and ordered to pay costs of £7,712. In addition as with all defendants who are fined they had to pay the victim levy of £15.

This prosecution followed an incident in which a man was injured.

The injured man, a secondary school teacher, was acting as stage manager for a production for the Urdd Eisteddfod in May 2007. He stepped backwards on stage and fell into an open lift shaft, suffering multiple fractures, shattering his right arm and his right eye socket.

The subsequent HSE investigation showed that the lift was defective. It was not at stage level at the time of the incident, safety barriers and a board over the opening of the shaft had not been put into position despite the lift not being in use, and visiting staff were not

provided with formal instructions regarding the use of the lift. Following the incident, the lift was inspected by a specialist engineer and defect notices were issued regarding mechanical and electrical defects including the lift platform creeping downwards when left at stage level.

HSE Inspector Clare Owen said:

“Falls from height remain a major cause of workplace injuries, with falls from below or around head height contributing to around 70 per cent of all major fall injuries. It is not necessary to fall far to land hard, and his injuries have affected his life considerably. Our investigation showed that whilst the council has a corporate health and safety policy, the system in place at the theatre was extremely informal, with no written system in place, and reliant heavily on employee experience and common sense. This was an obvious risk for a theatre space and the simple systems needed to prevent incidents such as these should have been in place.”

Ed - Regulation 9 (1) LOLER states:

“Every employer shall ensure that before lifting equipment is put into service for the first time by him it is thoroughly examined for any defect unless either -

(a) the lifting equipment has not been used before; and

(b) in the case of lifting equipment for which an EC declaration of conformity could or (in the case of a declaration under the Lifts Regulations 1997) should have been drawn up, the employer has received such declaration made not more than 12 months before the lifting equipment is put into service;”

Lets not forget local authorities such as Carmarthenshire County Council are health and safety enforcing authorities in their own right.

Man Paralysed by fall

T. J. Myles & Co (Contractors) Ltd of Ickenham, Hillingdon, has been found guilty of breaching s2 (1) HSWA. The company was fined £20,000 and ordered to pay costs of £7,339.20. Crispin & Borst Ltd, of Watford, was found guilty of breaching s3 (1) HSWA. That company was fined £10,000 and ordered to pay costs of £7,155.20 by City of London Magistrates Court.

On the 11 January 2007, the victim involved in the incident, was working on a construction site at Grosvenor Street, London W1, where two buildings were being converted into one. A steel structure was being installed to support the building and being lifted into place by a hoist from the ground floor.

Whilst part of the structure was being moved it became stuck and when freed moved very quickly out of place. The individual was struck and dragged through a hole in the floor, falling 7.3m down two storeys to land on the ground floor and as a result is now paralysed

from the waist down.

HSE Inspector Lisa Chappell said:

“The risks of working at height are well-known, yet falls from height remain a common cause of death in the construction industry. The victim suffered serious injuries, which have left him paralysed, but this incident could well have resulted in his death. This case again highlights the absolute necessity for the creation and implementation of a site-specific assessment of work at height that is fit for purpose in order to identify appropriate measures to prevent injury.”

The Search for Asbestos

Normandie Analytical Services Ltd was instructed to carry out asbestos surveys at Cardinal Newman Comprehensive School in Pontypridd, and Aberdare Boys School, Aberdare.

Both surveys were inadequate in that the company failed to identify the presence of asbestos in a number of areas within the schools.

The HSE’s investigation followed an incident at Cardinal Newman Comprehensive School when asbestos insulation board was unintentionally disturbed by construction workers. This resulted in the construction workers being exposed to a potential risk to their health.

NAS, whose head office is in Guernsey, has branches across the UK including Bridgend. The company was prosecuted for two breaches of s3 (1) HSWA and pleaded guilty at a hearing in Llwynypia Magistrates Court.

They were fined £18,000 and ordered to pay over £21,000 in costs.

HSE inspector Steve Lewis said:

“This case demonstrates a failure by this Company to carry out systematic and comprehensive checks for asbestos. While asbestos is the greatest single cause of work related deaths in the UK, it is present in many public buildings, and poses no threat whatsoever when it remains in a sealed or undisturbed state. Exposure to asbestos can only be prevented if the locations of asbestos materials are known. Asbestos surveys need to be accurate, thorough and comprehensive so that asbestos in buildings can be properly managed. In this case the Company clearly did not have appropriate quality control checks in place, which resulted in the material being disturbed.”

Following the incident at Cardinal Newman Comprehensive School the construction workers were advised on precautions that should be taken and the School engaged an asbestos removal company to make the area safe.

Driver has a Serious Fall

TDG UK Ltd, a logistics company based in London have been fined £10,000 and ordered to pay £2,400 costs, after pleading guilty at Halton Magistrates Court to breaching s2 (1) HSWA.

On 30 November 2007 a driver arrived for work at the company's site in Preston Brook, Runcorn and was sent to collect a trailer from the nearby Acton Grange site, arriving at approximately 4.30am.

After reversing his cab onto the trailer, he was checking the vehicle when he fell down an unguarded and unlit stairwell. There were similar stairwells on the site with steel railings to guard the opening and with operational lights. The driver was taken to hospital and underwent surgery to repair lung damage and was off work for 10 weeks.

HSE Inspector Gill Chambers said:

"Falls from height remain one of the main causes of workplace injuries and the driver suffered serious and avoidable injuries. This incident would not have happened had proper monitoring and maintenance been carried out on site. Since the incident the company has introduced new systems of working."

Forklift fall

Lynwood Products Ltd of Ridings Business Park, Halifax has been fined £10,000 and ordered to pay full costs of £2,089.50 at Halifax Magistrates Court, after pleading guilty to breaching s2(1) HSWA.

The prosecution follows an incident on 14 January 2008 in which an employee was transferring waste from a metal cage into a skip whilst standing on the raised forks of a forklift truck alongside the cage. The employee fell over 2m to the ground and the cage landed on top of him, causing fractures to both of his shoulders.

HSE Inspector Geoff Fletcher said:

"This incident caused serious injuries and could have been much worse. Moreover, it need never have happened if some basic thought and planning had taken place. Work at height must always be properly planned, appropriately supervised and carried out in a safe manner. The company had allowed a practice to develop of employees standing on the raised forks of the forklift truck to transfer materials into skips, and had failed to consider the potential problems by carrying out a risk assessment. The consequences could have been life-threatening. HSE will not hesitate to prosecute in situations where people's lives are put at risk in this way."

Ed - with this level of management stupidity accidents like this will happen.

Fatal Fall from Tanker

Carntyne Transport Ltd of Glasgow pleaded guilty to a charge under s2 (1) HSWA. The company was fined a total of £5,000 by Cupar Sheriff Court.

At 6.30am on 9 February 2007, the driver of the tanker, Mr James Robert Hutchinson from Tillicoultry, Clackmannanshire was found by two farm workers. It appeared that he had fallen 3m from the midpoint of his tanker after setting the valves for a delivery of liquid animal feed. There was no safety rail on the driver's side of the vehicle.

HSE Inspector Robert Fraser said:

“Mr Hutchinson's death was entirely preventable and arose from the clear failure to carry out a risk assessment and ensure there was safe access to the top of the vehicle. Although Workplace Transport injuries form a fairly small part of all accidents at work, they are more likely to result in serious injuries and much more likely to lead to fatalities. HSE figures have shown that every week one person dies from a slip, trip or fall at work and every 25 minutes, someone breaks or fractures a bone at work. This is unacceptable and employers should ensure that they do everything in their power to prevent this type of accident occurring.”

Ed - a remarkably small fine under the circumstances.

Fall from Lorry

European Metal Recycling Ltd has been fined £2,500 and ordered to pay £2,454 costs by Lincoln magistrates after pleading guilty to contravening reg4 (1) Work at Height Regulations 2005, by failing to ensure work at height was carried out safely.

On 17 December 2007, an agency worker was repositioning fridge and freezer units on a curtain-sided trailer at the firm's Beevor Street depot in Lincoln. He was standing on a fridge unit, attempting to move another unit on top of it to prevent it sticking out of the side of the vehicle, when he lost his balance and fell around ten feet to the ground.

The man, who is from Lincoln, dislocated fingers on his left hand, broke his left wrist and fractured vertebrae in his neck. He was in hospital for 5 days and had to wear a neck brace for 3 months.

HSE Inspector Judith McNulty-Green said:

“Three million people work on or near vehicles as part of their regular job. Getting on and off a vehicle to carry out loading or unloading, and working at height on the vehicle, are

often viewed as incidental to the main job. Because of this, the risks involved may not be properly considered by either workers or their managers. Last year 45 people died and more than 3,000 suffered a serious injury after a fall from height at work. It is the most common cause of death at work. All companies must assess the risks from work they are undertaking at height and ensure that the work is planned properly and appropriate measures are taken so that workers are not at risk of falling. This incident could have been avoided, and a man might not have been seriously injured if the company had sufficient procedures in place.”

Ed - Regulation 4 (1) Work at Height Regulations 2005 states:

“Every employer shall ensure that work at height is -

(a) properly planned;

(b) appropriately supervised; and

(c) carried out in a manner which is so far as is reasonably practicable safe, and that its planning includes the selection of work equipment in accordance with regulation 7.”

Exploding pipe stopper causes injury

Galliford Try Construction Limited of Cowley Business Park, Cowley,, Middlesex, the principal contractor involved in this incident pleaded guilty to a breach of s3(1) HSWA. The company was fined £15,000 and ordered to pay costs of £8,788.

A joiner had been sub-contracted to Galliford Try Construction Ltd, working on the construction of a water treatment works at Victoria Road, Holyhead when the incident took place on 16 June 2005. He was constructing shuttering for concrete to be poured into a manhole when he was asked by a colleague to insert an inflatable pipe stopper into a culvert to stop the fluid in the culvert in so it could be lined. The pipe stopper had a maximum inflation pressure of 1.5 bar (approximately 21psi) and was inflated without warning. However the device inflating the pipe stopper was not compatible with it, and had a higher pressure safety cut-off. As a result, the pipe stopper burst with significant force, the joiner sustained a compound fracture of the tibia and fibula, and also suffered damage to his hearing from the noise of the pipe stopper exploding.

The pipe stopper and inflation equipment was provided by Selwood Ltd, of Bournemouth Road, Chandlers Ford, Hampshire, who also pleaded guilty to a breach of regulation 23 PUWER. They were fined £3,000 and ordered to pay costs of £8,798.

HSE Inspector Debbie John said:

“There were a number of failings identified in the investigation into this case, including a failure to provide any rescue equipment for staff working in confined spaces, and a failure to provide safeguards such as markings indicating the incompatibility of equipment. There were a catalogue of errors that led to the incident - incompatible equipment was used, the pipe stopper wasn't used correctly, and Galliford Try did not exercise proper control over the work to be done, resulting in confined-space rescue equipment also not being available.

Fortunately the injured man was able to get into a position where he could be rescued by his colleagues, but he still needed treatment in hospital and is not fully recovered from his injuries more than three years later.”

Management Failures

Chelford Properties Ltd of Balmoral House, Ackhurst Business Park, Foxholes Road, Chorley, Lancashire has been fined £6,000 and ordered to pay £4,500 costs after pleading guilty to 2 health and safety charges at Blackpool Magistrates Court.

The company was charged for breaching Reg 16(1) (c) Construction (Design and Management) Regulations 1994, in that the company failed to take reasonable steps to ensure that only authorised people were allowed onto its construction site and under reg15 Construction (Health, Safety and Welfare) Regulations 1996 in that it failed to organise a construction site to allow the safe movement of pedestrians and vehicles.

The court heard that the prosecutions related to a site at Warbreck Gardens, off Coopers Way, Blackpool where the company was developing new residential properties. The HSE visited the site in February 2007, after the police alerted it to the concerns of local residents about the poor state of the boundary fence and children getting onto the site. They found that not only was the fence along Devonshire Road dilapidated, but also the site itself did not have an adequate traffic management system, putting people walking around the site in danger from construction vehicles.

Two Improvements Notices were served by the HSE to make the boundary fence safe and to improve arrangements for controlling vehicle and pedestrian movements. HSE Inspectors had previously served four Improvement Notices for similar failings on other sites under the company’s control. The company’s own health and safety consultants had also warned it on a number of occasions that improvements needed to be made at the Warbreck Gardens site.

HSE Inspector Alasdair Green said:

“This is a company that has repeatedly put the safety of both the public and its own workforce at risk by not securing sites and by failing to manage pedestrian and vehicle movements. Construction bosses have a duty of care to ensure that their sites are operated in a safe way and to prevent members of the public from gaining access. Putting these matters right was neither expensive nor technically difficult. This company received numerous warnings, both from the HSE and from its own safety experts, about areas where it needed to improve, but it failed to take heed of the warnings. This company must take safety issues seriously. Construction is the country’s biggest industry, but it is also one of the most dan-

gerous. On average, 70 people die every year from injuries they receive as a result of construction work. That is more than one death every week. Many more have been injured.”

Ed - Regulation 16(1)(c) Construction (Design and Management) Regulations 1994 states: “Take reasonable steps to ensure that only authorised persons are allowed into any premises or part of premises where construction work is being carried out.”

Regulation 15 Construction (Health, Safety and Welfare) Regulations 1996 states: “Every construction site shall be organised in such a way that, so far as is reasonably practicable, pedestrians and vehicles can move safely and without risks to health.”

Statements of the obvious perhaps?

Working at Height

Abercorn Homes Ltd, of Hobson Industrial Estate, Burnopfield, Tyne and Wear, was found guilty of breaching reg4 (1) (c) and 6 (3) Work at Height Regulations 2005 and has been fined £6,000 and ordered to pay costs of £17,028 by Sunderland Magistrates’ Court after it failed to ensure that roofing work was carried out safely on an industrial building on Wear-side. The charges relate to work carried out on 3 November 2006, on an industrial roof at Rainton Meadows Arena at Rainton Bridge.

HSE Inspector Michael Brown said:

“Three workers were observed by a HSE inspector carrying out additional cladding work on the roof of the building, about four metres from ground level. Edge protection had not been provided for the eaves of the building, which were approximately 50 metres long, although it had been provided on the gable ends of the building. In addition, a scissor lift had been inappropriately used to gain access to the roof and modified to carry materials. The risks from work at height on construction sites are well known within the industry and HSE statistics show that for the year 2006/07 falls from height accounted for 23 deaths. Abercorn Homes Ltd, who was the roofing contractor for the site, should have been well versed in, and implemented, the necessary safety requirements. The management and control of work at height fell well below those standards expected. I would like to remind those who manage or control work at height of the importance of ensuring that the work is properly planned by a competent person, appropriately supervised and carried out in a safe manner.”

Ed - it bears repetition - Regulation 4 (1) (c) Work at Height Regulations 2005 states:

“Every employer shall ensure that work at height is carried out in a manner which is so far as is reasonably practicable safe.”

Regulation 6 (3) Regulations states:

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

Carrying calamity

Lincoln man Mico Tomic, 34, was cleaning a plasma cutting machine on 13 September 2007 at G.B. Logan Fabrications Ltd, Deacon Road, Lincoln, when he removed the machine's spoil drawer, weighing 40kg, tripped over a pallet of waste material and dropped it onto his foot, resulting in a fracture.

The company has been fined £5,000 and ordered to pay £3,390 costs by Lincoln Magistrates Court after pleading guilty to breaching reg3(1) Management of Health and Safety at Work Regulations 1999 for failing to make a suitable and sufficient assessment of the risks to the health and safety of its employees.

G.B. Logan Fabrications Ltd also pleaded guilty to breaching reg6(2) Control of Noise at Work Regulations 2005 for failing to reduce the noise exposure of employees from machinery, in this case a computer numeric control punch press. This came after an HSE Inspector recorded significantly high noise levels during a visit and noted that previous advice on noise had been given to the company.

HSE inspector Judith McNulty-Green, said:

"A series of errors resulted in one incident which thankfully only caused temporary damage to a man's health, but on-going high noise levels which could potentially damage the hearing of the entire workforce. Mr Tomic suffered an injury that kept him from his work, and which was entirely preventable by taking some very simple measures to properly assess workplace risks and ensure equipment and working practices are safe. This company was aware of the high levels of noise, but took no practical action to reduce workers' exposure, despite there being a range of good practice noise control measures that could have been put in place. In relying on the workers using personal hearing protection, and compounding the problem by failing to provide any training in its use, the company had failed to do enough to protect its workers' hearing. Other employers similarly relying on hearing protection and not properly considering what can be done to reduce noise exposure should take note of this case."

HSE's investigation found that G.B. Logan Fabrications Ltd had not researched any means of controlling noise exposure, and was relying on hearing protection to safeguard individual workers' hearing.

Practical steps that could have been taken to reduce noise exposure from these types of machine are set out in HSE guidance available since 2002, and include organising the work to separate people from noisy machines, and technical measures such as screens, barriers and enclosures. Proper application of these measures would have helped protect the entire workforce, as well as the worker actually operating the machine.

Ed - Regulation 6(2) Control of Noise at Work Regulations 2005 states

“If any employee is likely to be exposed to noise at or above an upper exposure action value, the employer shall reduce exposure to as low a level as is reasonably practicable by establishing and implementing a programme of organisational and technical measures, excluding the provision of personal hearing protectors, which is appropriate to the activity.”

Regulation 3(1)(a) Management of Health & Safety at Work Regulations 1999 states

“every employer shall make a suitable and sufficient assessment of the risks to the health and safety of his employees to which they are exposed whilst they are at work”.

Boiler Maintenance

Mr Soley Fikret, landlord of a block of flats in Mare Street, Hackney, has been fined £4,000 and ordered to pay £1,500 costs at the Old Bailey, after pleading guilty to breach reg 36(2) and 36(3) Gas Safety (Installation and Use) Regulations 1998.

On the evening of 11 January 2007, an ambulance was called to Mare Street, where one of the occupants of one flat, was reported to have symptoms of a heart attack. Paramedics gained access to the flats and took the individual to hospital. Meanwhile other residents of the building were unable to wake another tenant, and another ambulance was called. CO poisoning was diagnosed and all residents and guests of the property and the paramedics (13 people in total) were treated for the effects of CO poisoning.

The HSE attended the next day with British Gas investigators, who put warning notices on the gas appliances in one flat. They returned the property on the 15 January 2007 to test the boiler and found it was emitting high levels of CO. The HSE investigation showed that Mr Fikret had failed to ensure that the three separate boilers and flues in the flats at Mare Street were checked for safety in the previous 12 months

HSE Inspector Gavin Pugh said:

“Landlords must act responsibly. This case should be a warning to landlords who don’t bother to look after their tenants. In this instance it was very lucky that no one was killed. Had the carbon monoxide poisoning happened slightly later in the night, this incident could have resulted in a terrible tragedy. It is the responsibility of every landlord to maintain gas appliances in a safe condition and have them safety checked by a registered gas installer at least once a year, and it is not difficult to arrange for a registered installer to carry out the annual checks. Also, it is essential for any new gas appliances, which includes flues and ventilation systems to be installed by a registered gas installer”.

Ed -Regulation 36 (2) Gas Safety (Installation and Use) Regulations 1998 states

Every landlord shall ensure that there is maintained in a safe condition -

- (a) any relevant gas fitting; and
 - (b) any flue which serves any relevant gas fitting,
- so as to prevent the risk of injury to any person in lawful occupation or relevant premises.

Regulation 36(3) Gas Safety (Installation and Use) Regulations 1998 states:

“ A landlord shall ensure that each appliance and flue to which that duty extends is checked for safety within 12 months of being installed and at intervals of not more than 12 months since it was last checked for safety (whether such check was made pursuant to these Regulations or not).”

Guarding woes

Wilkin & Sons Ltd, of Church Road in Tiptree, has been fined a total of £4,000 and ordered to pay costs of £2,855 by Colchester Magistrates' Court after admitting breaching s2(1) HSWA and reg11(2) PUWER.

On 22 February this year, an employee had been unblocking a machine used for shredding orange peel. The guarding was not adequate and the employee was able to reach into the machine while it was still running. The tip of his index finger touched a rotating bladed roller and was cut off.

HSE Inspector, Kim Wicks said:

“The dangers of using machines without suitable safeguards are well known. This serious incident should have been prevented by the company ensuring that dangerous parts of the machine were adequately guarded. This case illustrates how things can go wrong when risks are not properly controlled and HSE will not hesitate to take action against those who fall short of the law in such a way.”

Agency worker falls

Oil & Gas Systems Ltd has pleaded guilty to a charge under reg6(3) Work at Height Regulations 2005, and have been fined £3,500 and ordered to pay costs of £2,457.80.

James Barker, an agency worker, was asked to go up on to a skid working platform to touch up some paintwork, prior to it being shipped out to a customer. He fell through an aperture and broke his pelvis in two places.

The subsequent HSE investigation identified that OGSL's manager at their Gorseinon site warned him to take care, as there were holes in the floor created by the removal of some panels. This was to allow for the skid to be picked up by a crane soon after. This meant that the company was aware of the risk, but had not put in place any measures to mitigate this.

HSE Inspector Scott McKinnon said:

“Falls from height remain a major cause of workplace injuries, with falls from below or around head height contributing to around 80 per cent of all falls injuries. It is not necessary to fall far to land hard. Our investigation determined that the panels should not have been removed prior to asking Mr Barker to work on the platform, and that his injuries - caused by a fall of over two metres, were avoidable”

Ed - A skid is a large unit which consists of pipe work, filters and valves and is designed to be shipped to its end location in one piece. The skid was approximately 6.7m x 3.35m (22ft long by 11ft wide) with the working platform which overhung from the side of the skid being approximately 2.1m (6'8") off the ground.

Pedestrian dies in tragic incident

Colin Clifford, 50, from Enfield, has been fined £2,500 and ordered to pay costs of £1,500 at the Old Bailey, after pleading guilty to breaching s7(a) HSWA.

On 2 February 2007, Mr Clifford was operating an excavator outside a house in Sutherland Avenue, London W9 and within a fenced off area. The excavator had a number of buckets stored in the front bucket of the machine and while, turning the excavator, Mr Clifford raised the front buckets over the site fence until they were hanging over an unprotected section of public pavement. At that point an 81 year-old pedestrian, Mr Joseph Johnston, was walking past. Mr Clifford then unintentionally operated the wrong lever causing the stored buckets to fall to the pavement. At least one of these struck Mr Johnston, who died soon afterwards.

The HSE investigation showed that Mr Clifford had sufficient space to turn his excavator without the need to lift the front bucket above the public pavement, and also that there were other workers nearby who could have helped in closing the public pavement had it been necessary to do so.

HSE investigating inspector Lisa Chappell said:

“Construction machinery is obviously dangerous, and can cause harm to both site workers and members of the public. Plant operators must take sufficient time and care when manoeuvring vehicles. This case shows the worst case of what can go wrong when operators cut corners.”

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

“It shall be the duty of every employee while at work 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.”

Section 7 prosecutions are rare - could this have been a gross negligence manslaughter?

Voyaging into problems

The owner of a coaster has pleaded guilty to 3 Merchant Shipping safety offences following a collision with the East Goodwin Light Vessel on 27 February 2007.

The Antigua and Barbuda registered coaster Jerome H was on passage from Dagenham in Essex to Belfast in Northern Ireland. In the early hours of the 27 February 2007, the vessel struck the East Goodwin Light Vessel. The collision seriously damaged the light vessel which had to be removed from station for repairs. The Jerome H continued on to Belfast.

Investigations showed that the Mate was alone on the bridge. He had been doing paper-work on a desk in the moments leading up to the collision. It was also discovered that the routine onboard was for the designated lookout to remain below in the mess room. Further investigations showed that the vessel did not have adequate charts onboard for the voyage between Dagenham and Belfast. It also had inadequate charts for the next voyage.

The owners of the Jerome H, Helms Reederai "Jerome H" KG of Wilhelmshaven in Germany, pleaded guilty to a breach of Rule 5 of the Colregs because of a failure to keep a good lookout and two breaches of the ISM Code for failing to provide adequate charts and failure to comply with regulations concerning the provision of lookouts at night. They have been fined £3,700 and ordered to pay costs of £13,000.

Mr. Paul Coley Assistant Director Seafarers and Ships at the MCA said.

"This collision was caused by the failure to keep a good lookout. It resulted in a major navigation aid being severely damaged. The Mate was alone on the bridge of this vessel in contravention of UK, Flag state and International requirements. The regulations are clear that a lookout is required on the bridge at night. Vessels should be manned and operated so that this fundamental requirement is maintained adequately within their maximum allowed hours of work."

Ed - fairly obvious that this sort of rudimentary error will occur if you do not keep a look out or even know where you are!

Fisherman in Hot Water

On 21st March 2007 an Antigua & Barbuda registered coaster was on passage from Rye in Sussex to Brake via the English Inshore Traffic Zone (EITZ). At about 11:05 the Chief Officer on the coaster observed a southbound fishing vessel. It was on a collision course. Attempts to contact the fishing vessel by radio met with no response. Eventually he put the helm hard over to starboard and while manoeuvring the fishing vessel hit the coaster on the port quarter. Shortly before the collision someone ran from below into the wheelhouse of the fishing vessel. The fishing vessel was the Belgian beam trawler Zeldenrust. After exchanging

details the coaster headed into Ramsgate for repairs and the Zeldenrust continued towards the fishing grounds. The arrival of the coaster at Ramsgate with damage was the first the authorities knew of the collision. Attempts to get Zeldenrust to enter a UK port initially met with silence. Later it was reported that her damage was minor and she was continuing to fish on the French side of the TSS.

Investigations found that at the time of the collision the Zeldenrust was not fishing and en-route for new fishing grounds. It was also found that the skipper of the Zeldenrust, Robbert van Belzen, was working on the vessels computer and had not seen the coaster. The mate was working on deck repairing nets when he saw the coaster. He rushed into the wheel-house and put the vessel astern. It was too late to avoid the collision.

Robbert van Belzen (age 48) of Arnemuiden in the Netherlands pleaded guilty to a breach of Rule 5 of the Colregs as he failed to keep a good lookout. Belzen has been fined £2700 and ordered to pay costs of £8000

The Chairman of the Magistrates said

“We took into account the serious damage that was sustained by the other vessel and that the incident had taken place in an area of busy shipping”.

Mr. David Fuller Principal Fishing Vessel Surveyor for Eastern Region of the MCA said.

“The cause of this collision was simple. A lookout was not being kept. It was fortunate that no one was harmed in this incident and no vessels lost. Skipper and crew of fishing vessels must keep a good lookout and not allow them selves to become distracted or complacent.”

Ed - whenever a collision happens at sea the question arises whether both vessels were at fault as, in the final analysis, each has the responsibility to avoid collisions. As can be anticipated the Colregs provide a comprehensive code for managing vessels' movements with reference to each other. The account of this collision intrigues me as there did appear to be an opportunity for the stand-on vessel to avoid the collision, although in the congested narrows around our South East coast freedom of movement is restricted.

VAT Fraudsters Jailed

Two men have been jailed for a total of five years and nine months at Winchester Crown Court for evading £1.2 million in VAT.

Following a detailed investigation by HMRC Officers, Gary Fernihough (48) of Stoke on Trent has been sentenced to 3 years in jail. Ian Jones (48) of Southampton, who pleaded guilty last year and decided to give evidence against Fernihough, received a prison sentence of 2 years 9 months.

Peter Hollier, Criminal Investigation Assistant Director at HMRC said:

“Tackling VAT fraud is a priority for HMRC. This calculated attack on the VAT system not only robbed the exchequer, and therefore honest UK taxpayers, of public funds, but is also unfair to those respectable businesses that diligently abide by the rules. Today’s sentencing is the culmination of hard work by dedicated HMRC officers who will not hesitate to pursue those who commit this type of offence, so they can be prosecuted by the Revenue & Customs Prosecutions Office. Anyone who has information about suspected tax fraud can call our 24-hour Customs’ hotline on 0800 59 5000 or email customs.hotline@hmrc.gsi.gov.uk”

The VAT fraud involved the pair, along with Gary Fernihough’s brother who was sentenced last year, setting up three wholesale businesses on the premise of selling animal feed, straw and hay. In fact this was just a scam to reclaim VAT. Two business premises were leased to make the operation look legitimate, in fact the companies never traded. The fraudster’s submitted false invoices and records to reclaim VAT they were never entitled to.

On sentencing His Honour Judge Barnett said,
“You are a disgrace to the commercial world. This fraud took place over a period of time and required application, sophistication and determination.”

Jones used his ill-gotten gains to purchase property in France. He also took flying lessons, purchased a £68,000 mobile home and bought a share of a newly built catamaran.

Ed - A 3 month discount on sentence is little of an inducement to turn Queen’s evidence!

No prosecution in Crane fatality

Following a thorough investigation by Merseyside Police and HSE, assisted by the Health and Safety Laboratory (HSL), the HSE has concluded that there is insufficient evidence to bring proceedings against any of the parties investigated. These included the crane manufacturer; the crane hirer; the principal contractor running the site; the sub-contractor using the crane at the time of the incident; and the crane driver.

A crane collapsed when the slew ring bolts failed and the slew ring fractured, allowing the main crane assembly to fall from its tower and land upside down on top of the building being constructed. Mr Zbigniew Swirzynski, a Polish site worker, was killed and the crane driver was injured.

Mike Cross, HSE Head of Operations for construction in the North West said:

“This decision was reached after a lengthy and exhaustive investigation into the causes of the collapse which involved interviews with numerous witnesses and the extensive involvement of HSE and HSL specialists. No effort was spared in determining the cause of this tragic incident, which involved visits to the crane manufacturers in Spain and full engagement with

the tower crane community in GB. We have already contacted Mr Swirzynski's family to let them know our decision. As a result of this investigation HSE has written to all tower crane hirers and suppliers in GB providing them with HSE's technical conclusions as to the cause of the incident. We have asked them to consider what, if anything, they need to do in the light of these findings.

The companies have been asked to consult with tower crane manufacturers (none of which are GB-based) as necessary to inform their considerations and communicate the message to the users of their cranes. The HSE is monitoring their responses and stands ready to take any necessary follow-up action. We are also engaging with a number of other key stakeholders including the Strategic Forum for Construction and the Crane Plant Hire Association and with European colleagues to ensure that lessons learnt from this incident are acted upon."

Widow tells of Asbestos dangers

The HSE is keeping up the pressure regarding the dangers of asbestos. This story comes from the East Midlands although the campaign described is nationwide.

The HSE has announced that, every week, around 20 tradesmen die from asbestos-related diseases, and this number is set to increase.

Between 1981 and 2005 1,420 men died in the East Midlands from asbestos related diseases. In Nottinghamshire there were 276 deaths.

These figures were released as the HSE launched Asbestos: The Hidden Killer campaign, which is running throughout October and November and aims to reduce the rising death rate by educating today's tradesmen about the danger that asbestos presents to them.

Anne Clark, who lives in Woodborough, Nottingham was devastated when her husband of 36 years died from mesothelioma just before his 70th birthday and has given her support to help highlight the importance of the HSE Asbestos: The Hidden Killer campaign, which is running throughout October and November and aims to reduce the rising death rate by educating tradesmen about the danger that asbestos presents to them.

Ann was married to Claude Clark, a well known figure in Nottingham who had lectured in carpentry in a Nottinghamshire college for 29 years. He died on 24 January 2007 at his home in Woodborough, just one month before his 70th birthday, after being diagnosed with the asbestos illness mesothelioma only three weeks earlier. Mesothelioma is a form of cancer mainly found in people who worked on jobs where they inhaled asbestos dust.

Better known as Nobby, he worked in carpentry and joinery after leaving school. Starting as an apprentice in his home town of Exeter and working in odd carpentry and building jobs, he was eventually promoted to a foreman, after taking various college courses. He finished working in the trade in his early 30s to begin lecturing in Nottingham. After retiring he con-

tinued to create and restore furniture at home. Nobby would most certainly have inhaled the dust that caused his death during the time he spent at work as a joiner. Based on his detailed work record it's obvious to his wife that the disease took at least 40 years to develop.

Anne said:

"He had undertaken work throughout his life in repair and restoration where no one had mentioned the possibility of coming into contact with asbestos and no preparation or protection was offered. In his later years as a lecturer he became very aware of the dangers of contact with asbestos and was a keen promoter of health and safety. As foreman Nobby stopped a job that would have put his workers at risk of exposure to the material. Since we got the diagnosis and since he died I think I have been in post-traumatic shock. The speed with which everything happened has been terrible. My three daughters have been devastated - perhaps because they are all older it makes it worse. I didn't have the energy to support them, I was in total shock. The doctor says it was lucky he didn't have a lot of time to know before he died - which it is for him, but I'm not sure about for us. It happened so quickly I realised after the diagnosis in January that I'd not even told our closest friends he was ill."

Having now realised that for their entire marriage he was at risk of developing the disease Anne is keen to ensure trades people ensure they are not exposed to asbestos.

She continued:

"If you think there might be asbestos present seek advice and where required bring in a licensed contractor, if you don't you're at high risk. I would hate to think of people in the trades being ignorant to the dangers of asbestos and the high risk to your life and would urge everyone to take care. Asbestos is still present in thousands of buildings and tradesmen are at risk of breathing the dust in when they work"

Currently six joiners die every week as a consequence of exposure to asbestos dust while at work. Asbestos is a real and relevant risk to today's tradesmen, any building built or refurbished before the year 2000 could contain the deadly substance. Since Nobby's death Anne has received a great deal of support from the Derbyshire Asbestos Support Group and friends and family in the village they've lived in for 37 years. Although she's still grieving she is trying to get on with her life and stick to the routines they had in the hope of restoring some normality back into her life.

Neil Craig, and HSE Inspector for the East Midlands explained why a major campaign has been launched to raise awareness of the real risk that tradesmen face:

"Exposure to asbestos is the biggest single cause of work-related deaths, with around 4,000 people a year dying from asbestos-related disease. The overall number of deaths is rising because a large number of workers who have already been exposed to asbestos dust around 40 years ago will go on to develop mesothelioma, a terminal cancer or other asbestos related diseases."

1,000 (25%) of the 4,000 now dying each year are tradesmen and while the number of deaths in traditional industries has plateaued, deaths in trades continue to rise.

Research shows that many workers, particularly tradesmen, think that they are not personally at risk of exposure to asbestos and the diseases it can cause. They think that since asbestos was banned many years ago, the problem has been dealt with and therefore it is not relevant to them. The reality is very different.

Even today asbestos presents a real and relevant risk to plumbers, joiners, electricians and many other maintenance workers. Asbestos may be present in any building constructed or refurbished before the year 2000, and it is estimated that around 500,000 non-domestic buildings could contain asbestos. These buildings all need repair and maintenance work from time to time and when the asbestos fibres are disturbed e.g. by drilling or cutting, they are likely to be inhaled as a deadly dust.

If asbestos-containing material is in good condition and in a position where it cannot be disturbed or damaged, it is safer to leave it where it is and ensure that the risks are managed. Those responsible for managing building maintenance and repair of non-domestic buildings, have a duty to inform tradesmen if asbestos is present in a building they are working in. Depending on the type of asbestos-containing material, and providing they have been trained and the proper controls are in place, they may be able to work on the project. Asbestos sprayed coatings, board or lagging on pipes and boilers - should only be tackled by licensed workers.

Health and Safety Offences Act 2008

The Health and Safety Offences Act 2008, which will increase penalties and provide courts with greater sentencing powers for those who flout health and safety legislation has been welcomed by DWP Ministers.

The Act raises the maximum penalties that can be imposed for breaching health and safety regulations in the lower courts from £5,000 to £20,000 and the range of offences for which an individual can be imprisoned has also been broadened.

DWP Minister Lord McKenzie said:

“It is generally accepted that the level of fines for some health and safety offences is too low. These changes will ensure that sentences can now be more easily set at a level to deter businesses that do not take their health and safety management responsibilities seriously and further encourage employers and others to comply with the law. Furthermore, by extending the £20,000 maximum fine to the lower courts and making imprisonment an option, more cases will be resolved in the lower courts and justice will be faster, less costly and more efficient. Jail sentences for particularly blameworthy health and safety offences committed by individuals, can now be imposed reflecting the severity of such crimes, whereas there were more limited options in the past. I am delighted that this legislation is now on

the statute book and very grateful to my colleagues Keith Hill MP and Lord Bruce Grocott for introducing the Bill and for the support received from all sides of both Houses of Parliament.”

The Act amends Section 33 of the Health and Safety at Work etc Act 1974, and raises the maximum penalties available to the courts in respect of certain health and safety offences. Amongst other things it will increase the maximum fine in the magistrate’s courts to £20,000. It received Royal Assent on 16 October 2008 and will come into force in three months time, in January 2009.

Remember Health and Safety

To mark World Architecture Day 2008, the HSE has reminded building designers in Scotland to plan in health and safety, as well as creativity and innovation, when working on new projects. Designers are reminded of their obligations under the new Construction (Design and Management) Regulations 2007 (CDM 2007).

Having been developed over the last 4 years in consultation with the industry and stakeholders and by consolidating the duties imposed on those in the construction process, CDM 2007 provides a powerful and compelling focus for change, according to the HSE at any rate.

The responsibilities on an architect extend beyond the construction of a building. Architects need to consider the safety of those who use the building and those who will repair, clean and maintain it throughout its life. Clients are also encouraged to play a major part in improving the industry’s health and safety performance. At the same time they should benefit from better project costs, time and quality control.

HSE Principal Construction Inspector Jim Skilling said:

“World Architecture Day is held to encourage and inspire better more creative architecture, and an improved built environment for future generations. CDM 2007 aims to encourage and develop this innovative thinking, so that health and safety is incorporated in all new buildings, from construction to eventual demolition. Simple things can make a difference - how safe will it be to build this new structure? How easy will it be to clean the windows? HSE hope that safety can be incorporated into all of Scotland’s new buildings and structures without stifling great design or innovation.”

Safe Winter Working

Just when you thought the HSE were not so much into nannying - now that the clocks have gone back, and winter is approaching, the HSE has offered guidance to ensure workers remain safe during the colder, darker months ahead.

HSE Principal Inspector of Construction Peter Black said:

“For those working outdoors, the winter months bring additional challenges to keeping safe. Cold weather and shorter periods of daylight mean there is more potential for accidents to happen. With a little planning, and common sense, these can be avoided. Operators of construction plant, such as diggers, telehandlers, cranes etc must ensure they regularly clean their windows so they can safely see all around. This should be combined with constant use of mirrors and a banksman where appropriate.

Lights on all vehicles should be cleaned regularly to ensure vehicles are visible at all times, and vehicle depots should be well lit to avoid slip and trip hazards - workplace transport accidents account for many of the deaths and injuries we investigate every year.

Farms and other outdoor enterprises must always ensure they have a suitable, robust procedure in place to make sure lone workers are safe. In winter this is even more vital - if a worker fell and broke a leg in a remote location in the dark, how would they summon help? And who would be responsible for ensuring they had returned home safely at the end of the day? Recent cases, including the tragic death of a gamekeeper have highlighted the vital importance of ensuring lone workers are protected and have the communications they need.

Companies have a responsibility to provide adequate welfare facilities:

In winter it is important to ensure that water supplies do not freeze and that any gas heaters provided have adequate ventilation - Carbon Monoxide is a silent killer.

Where appropriate provision should be made for drying rooms for wet clothing; and hot water for washing is even more important than usual.

Portable chemical toilets should only be used to support workers for short durations

People who are exposed to vibration from power tools should improve their blood circulation by keeping warm and dry, where necessary wearing gloves, a hat, waterproofs and heating pads if available. Stopping smoking improves blood circulation, as does massaging and exercising fingers during work breaks.”

Doctors Check up

The Department of Health has announced that revalidation for all doctors moved a step closer as the Chief Medical Officer, Sir Liam Donaldson, confirmed the formation of the implementation team for England and £1 million of funding to support them.

The team comprises a panel of senior doctors who will provide professionally informed leadership, support and advice to the NHS, patients and doctors representatives for the design and delivery of the process, ensuring that all doctors meet the standards expected of them

Speaking on the appointment of the team, CMO Liam Donaldson said:

“The news that the NHS Revalidation Support Team is now in place marks an important step forward in the process of introducing revalidation for doctors in England. Their expertise

and experience will be a critical source of advice and support in making that happen. This is good news for the profession and good news for patients.”

Maurice Conlon, head of the new team said:

“We believe that, for revalidation to work, organisations must step outside their normal boundaries. We are proud of our track record of building consensus and are enthusiastic about working cooperatively for the benefit of patients and doctors alike.”

Supporting today’s announcement, President of the GMC, Professor Sir Graeme Catto said:

“We look forward to working with the new Revalidation Support Team on developing local processes and systems that will meet the needs of the medical profession, employers and patients and welcome their appointment.”

The team will work closely with stakeholders and colleagues in Scotland, Wales and Northern Ireland to ensure that professionals, employers and commissioners of NHS services are involved in the design and roll out of the new processes.

Ed - about time too?

Gas Troubles

A joint initiative between the HSE and Gateshead Council has resulted in two care homes being told to take action over potential dangerous boilers.

In one residential care home the team discovered a potentially dangerous back boiler with insufficient ventilation and a dangerous flue. The boiler was condemned and its use prohibited. The owner of the home had to make temporary arrangements to provide hot water and heating for the residents before replacing the outdated boiler with a brand new combination boiler.

In a second nursing care home, it was found they had been running large commercial boilers which had been identified as being “at risk” at the annual safety check. The burners were damaged and needed to be replaced but the home had continued to run the boilers for two months. After the intervention by HSE and the council, the boilers were replaced.

HSE Inspector, Fiona MacNeill, said:

“During our visits we found that the residential and nursing care homes all had annual safety checks done on their gas appliances but they had not always acted upon the defects identified. The competence of those carrying out the gas safety checks was also an issue. In one case a registered engineer who was only qualified to work on small domestic appliances had worked on large commercial boilers. The visits to private properties found that the majority of landlords were complying with their duties to ensure that an annual safety check was being done on gas appliances by a registered installer. However landlords did not

always act on the information in the CP12 gas safety certificate. Our message to landlords and care home owners is to heed the warning - don't just file the gas safety certificate away. Look at it and take immediate action on the areas requiring attention."

Industry Spot Checks

The HSE tells us that during the last 5 years 10 workers have died in the Greater Manchester area as a result of industrial related incidents.

Now the HSE in partnership with Trafford MBC, is piloting a project at premises in Trafford Park which it hopes will reduce the death toll. A similar pilot is taking place in Poulton, Lancashire.

HSE Health and Safety Awareness Officers have teamed up with the local authority's Environmental Health Officers to carry out a week-long series of spot checks on businesses operating within the park.

The inspection teams will be on the look-out for causes of the most common industrial fatalities and, if the project proves successful, other industrial parks across the North West can expect to receive similar spot checks in the future.

- The three biggest killers nationally in industry are:
- Workplace transport - Over the last six years an average of 45 employees have been killed annually and over 4000 (more than three day) were injured during 2006/07 alone.
- Falls from height - An average of 13 people each year die at work as a result of falling from a ladder and nearly 1,200 suffer major injuries.
- Asbestos - Around 4,000 die every year through exposure to its fibres in the workplace and each week 20 tradesmen die from asbestos related disease.

Businesses that receive the visits can expect advice on matters as diverse as how to carry out a transport risk assessment and the importance of taking damaged ladders out of service.

Partnership Officer for the North West, Anne Gregory, said:

"Around a dozen inspectors from both the HSE and Trafford Council will be visiting premises in the area throughout the week. We'll be knocking on doors and keeping our eyes peeled for potential hazards in the workplace. If it proves to be a good way to drive the safety message home, we will look at rolling the programme out across the region. Our hope is that we can prevent some of the serious and yet completely unnecessary incidents which the HSE and local authorities investigate on a routine basis. These incidents don't just leave workers injured and unable to work; as the figures show, in some cases they can be fatal."

Watch your warranties

Action to make the supply of extended warranties on domestic electrical goods more com-

petitive has saved consumers money, but there is evidence that some stores are still not fully complying with legislation, according to an OFT report that's been published.

Extended warranties are policies which provide additional cover over and above the manufacturer's warranty on goods such as televisions and refrigerators. A market study carried out by the OFT in 2001 led to a Competition Commission inquiry, following which the Government made the Supply of Extended Warranties on Domestic Electrical Goods Order 2005. This obliges retailers to provide clear information about extended warranties which they provide, as well as requiring certain cancellation and termination rights.

In this first evaluation of the Order, today's report concludes that although there have been a number of benefits for consumers, some outlets are still not complying with the rules.

The report found that:

- * 15% of consumers now shop around for extended warranties compared to 4% in 2002,
- * fewer consumers are purchasing extended warranties at the point of sale, and this has fallen from 82% in 2002 to 68% in 2008, and
- * since the introduction of the Order, consumers have benefited by around £51 million.

However, the report also highlighted that:

- * leaflets were not always 'prominently displayed' as required in shops,
- * 5 out of 13 leaflets examined had pieces of required information missing,
- * in around 45% of the stores visited by mystery shoppers, retailers had not provided required relevant information about extended warranties, and
- * there was also evidence that up to one third of sales staff failed to provide to consumers the correct information concerning consumer rights as specified in the Order.

As a result of these findings, the OFT has written to stores that do not comply with the Order, and is working closely with the Radio, Electrical, and Television Retailers' Association (RETRA) and the British Retail Consortium (BRC), to ensure that stores that sell domestic electrical goods are aware of their obligations. The OFT will also continue to monitor the market, and consider further 'mystery shopper' exercises which may include testing sales staff on consumers' rights when purchasing extended warranties.

Tony Donaldson, OFT Director of Economics said:

"This is an important market for UK consumers, who spend around £24.3 billion a year on domestic electrical goods such as fridges, TVs, and washing machines, and we are concerned that there is a lack of compliance by a number of sellers. The OFT continues to monitor the sector to ensure that consumers know their rights and are given the correct information when buying extended warranties."

HSE's Myth of the Month

Myth: Health and safety laws ban bonfires

The reality

Despite the story of a rugby club showing a film of a bonfire instead of lighting a real one, health and safety legislation doesn't ban them.

Over the coming months, millions of people will be enjoying Diwali and Guy Fawkes Night celebrations. So if you're organising a public event, now or at any other time, don't let it go up in smoke - take practical steps to manage the risks responsibly, and sensibly.



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