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## NEWS

### NEWS

#### HSE ACCEPT FEE FOR INTERVENTION PROCESS UNFAIR

#### Regulator acts to settle FFI judicial review before hearing

It has been reported by solicitors Fisher Scoggins Waters that HSE has settled a judicial review of its dispute process under its Fee for Intervention Scheme (FFI) out of court before the planned High Court hearing on 8 March 2017.

FFI was introduced in 2012 with the aim of passing the cost of health and safety regulation from the taxpayer to businesses that in the opinion of an inspector are in breach of safety legislation.

#### Independence, fairness and transparency

FSW state that the decision of their client to ask for a judicial review of the FFI dispute resolution process was not about opposing the idea of FFI. The company had concerns about the independence, fairness and transparency of the dispute process in which HSE effectively acted as prosecution, judge and jury.

In the consent order, approved by the High Court on 23 February 2017, HSE has agreed to introduce a revised process for determining disputes on or before 1 September 2017 which addresses these concerns.



A guide to good decision making

The schedule to the consent order sets out the detail of the revised process upon which HSE will now consult stakeholders.

As part of the settlement HSE has also agreed to withdraw the original FFI notification of contravention that led to the judicial review and to pay OCS's costs.

## HSE FFI CONSULTATION

### CD284 – Consultation on a revised process for considering disputes under Fee for Intervention (FFI)

HSE is consulting on a revised and fully independent process for considering disputes in relation to FFI. We are consulting on the details of how the process should operate. In particular, we recognise the need to ensure that the process is accessible to all types and sizes of business and is proportionate to the issues involved and amount of the fees.

**Consultation began on 21 April 2017 and ends on 2 June 2017.**

<http://www.hse.gov.uk/consult/condocs/cd284.htm?ebul=gd-cons&cr=01/apr-17>

## WWT EVENTS

Improve the health and safety of your business by attending a health and safety event near you. Most of the Working Well Together (WWT) events we list are **FREE** and all provide an opportunity to meet like-minded people, see interesting new equipment and get confidential advice

[10th, 17th & 19th May 2017 - FREE Harness Awareness Training, West Midlands](#)

[18th May 2017 - Principal Designer Awareness Day, Cardiff](#)

[Birmingham Working Well Together Group – Free Harness Awareness Training – various dates available](#)

### Other events

[16th June 2017 - International Stress Management Association \(UK\) Annual Conference, London](#)

[20th - 22nd June 2017 - Safety and Health Expo 2017](#)

[NMHSAG – Occupational Health and Safety Young Person of the year Award 2017](#)

We are looking for nominations to celebrate a young person or team of young people (under 25 years of age) who have shown positive interventions, initiatives, actions or documentation relating to Health and Safety in the workplace. The Award is aimed at those in a work placement, apprenticeship or in employment.

[MOSHG - Protect and promote the health and safety of older workers - Manchester, 31 May 2017](#)

[2 May 2017 Northwest Construction Safety Group Meeting: HSE Priorities and Legal Update, Eccles](#)

Visit the [HSE website](#) to find out more about national events, conferences and HSL training.

## HEALTH RISKS AT WORK – DO YOU KNOW YOURS?

The Health Risks at Work initiative provides simple, concise information to help small businesses manage five key health at work risk areas:

- Breathing
- Skin
- Muscles, bones and joints
- Hearing and touch
- Wellbeing

For more information on the Campaign visit [Safety Groups UK](#)

Find your local Safety group by visiting [Local Safety Groups](#)

## CLEAN AIR – TAKE CARE

Clean Air? - Take Care! is a new joint initiative between the British Safety Industry Federation (BSIF) and HSE aimed at reducing occupational lung disease. The initiative is centred on a range of national activities and seminars designed to raise awareness among RPE users, employers, fit testers and advisors on the correct selection, deployment, use, maintenance and storage of RPE. More information including campaign videos, posters and campaign documents visit [British Safety Industry Federation's Webpages](#).

## FREE-TO-DOWNLOAD SAFETY WIZARD APP.

RNF Digital Innovation has developed an app designed to help small and medium sized businesses (SMEs) meet their health and safety requirements. The [free-to-download Safety Wizard app](#), drawn directly from the HSE Toolbox guidance offers SMEs a solution to help navigate a vast array of health and safety information.

## CASES

### MAJOR CONTRACTOR MANAGEMENT FOUND LACKING

#### Fatal dumper truck incident caused by inadequate ‘oversight’

A major UK contractor has been fined £800,000 after workman was fatally injured when he was struck by a site dumper on a project at Heathrow Airport in 2014.

Southwark Crown Court heard that the brother of the deceased reversed into his 38-year-old sibling when the two men were trying to move a broken-down scissor lift.



The scissor lift was being towed away using a dumper truck under the direction of managers when the driver's foot became stuck between the brake and the accelerator and the truck reversed crushing his brother between the two machines.

#### Operators unauthorised to use truck

HSE investigators found that neither workman was authorised with the appropriate certificate to use the dumper truck. In addition, HSE found that the operation was not properly overseen or managed.

The company pleaded guilty to breaching Regulation 22(1)(a) of the CDM Regulations 2007 and fined £800,000 with an order to pay £10,000 in prosecution costs.

Speaking after sentence, HSE Inspector Jack Wilby said:

*“This incident was a tragedy for all concerned and, as revealed by our investigation, entirely avoidable. The company did nothing to address the trend of these workers carrying out tasks they weren’t trained or authorised for. Had there been appropriate supervision, then better segregation between these two vehicles*

## **SITE MANAGER CONVICTED OF MANSLAUGHTER**

### **Member of the public died because of ‘gross negligence’ by manager**

A site manager has been found guilty of manslaughter by gross negligence after a woman walking past a construction site died when three window frames weighing more than half a ton fell on her in August 2012 in London.

Amanda Telfer, a freelance intellectual property and media lawyer, died at the scene from massive crush injuries.



The manager, aged 64, was convicted at the Old Bailey on Thursday, 23 March 2017, of manslaughter by gross negligence. He was the on-site project manager for a major contractor. A second employee and the company were convicted of health and safety offences

### **Frames insecure with no barrier**

The window frames – one around 3.2m square and two approximately 3.3m x 1.8m – had been delivered the previous day as scheduled but could not be fitted immediately due to other delays on site.

The frames were left on the pavement overnight, leaning against the building. No efforts were made to secure them and no barrier placed around them. No checks were made on them when the individual defendants arrived on site the next morning.

Detective Chief Inspector Andrew Chalmers said:

*“The individuals and company who were convicted in this tragic case had a laissez-faire attitude to health and safety and did not take their obligations seriously.*

*Each had a responsibility for the safety of the construction site but failed to deal with a basic task that very obviously then presented a serious hazard.*

## **PUBLIC ‘TIP OFF’ TO HSE LANDS PC IN DOCK**

### **Contractor fined £52,000 following HSE complaint investigation**

A firm of North London contractors and engineers has been fined £52,000 after widespread site safety failings were found by HSE inspectors investigating complaints from the public.

Basildon Magistrates heard the company was working at a site in Essex in 2016 when concerned members of the public contacted the HSE.



The company was the appointed CDM 2015 Principal Contractor for the development of a public house and 24 flats. In response to the public concerns HSE carried out three site inspections. At each visit the inspectors found “numerous breaches of health and safety legislation”.

### **Compliance with enforcement action is essential**

The company was fined a total of £52,000 after pleading guilty to an offence under Regulation 13(1) of The Construction Design and Management Regulations 2015.

Speaking after the hearing HSE inspector David King said:

*“This case highlights the importance complying with enforcement action. Duty holders have the responsibility to provide their workers with appropriate training and equipment so they can work safely. In this case Malik Contractors failed to do so.*

*It is essential those responsible for construction work understand they are also responsible for the health and safety of those on and around the construction site, and ensure suitable and sufficient arrangements are in place to plan.”*

## **INTENDED SYSTEM NOT FOLLOWED... OR USED**

### **Principal contractor and partner failed to protect from roof fall hazard**

Two specialist roofing companies have been ordered to pay over £150,000 in fines and prosecution costs after a workman fell 9m through a fragile roof light in December 2015 suffering life changing injuries.

Coventry Magistrates Court heard how the firms were Principal Contractor and contractor engaged to complete re-cladding work. At the time of the fall safety nets or guard rails were not being used.

The mobile elevating working platform provided as an anchor point for the fall arrest equipment did not have sufficient capacity. In any event, the harness was not attached to any sufficient anchor point.



## Planning and supervision essential

HSE investigators found the principal contractor failed to have in place effective management systems to control the risk associated with working at height and on fragile roofing.

The company pleaded guilty of breaching Section 13(1) of the Construction (Design and Management) Regulations 2015 and was fined £112,000. The contractor pleaded guilty of breaching Section 4(1) of the Work at Height Regulations 2005 and fined £35,000.



Speaking after the hearing HSE inspector Edward Fryer said:

*“This incident could have been fatal; the worker has suffered life changing injuries due to the company failing to properly plan and supervise work at height.”*

*This case highlights the importance of proper planning, supervision and implementation of work at height*

## MAJOR CONTRACTOR FINED OVER OPENING FALL

### Workman fell whilst installing fall protection holes in floor

A major UK construction has been fined £400,000 after a worker fell from height.

Westminster Magistrates heard how the workman was installing plywood boards covering holes on the third floor of the building when he fell 3.95m to the floor below.

Steps had not been taken to prevent him falling through the opening as he installed the plywood boards and he suffered fractures to his pelvis and arm. He has been unable to work since the accident.

### Company safe system not implemented

The company from Bedfordshire pleaded guilty to breaching section 4 (1) of the Work at Height Regulations 2005, has been fined £400,000 and ordered to pay



Speaking after the case HSE inspector Owen Rowley said:

*“This incident could have been a lot worse.”*

*The system in place to control the risk from installing the protection for openings was not implemented on site, ultimately resulting in the accident.*

*The risks of working at height are widely recognised throughout the construction industry. This case highlights the importance of ensuring that all work at height is properly planned and carried out safely.”* costs of £1,534.

## UNSUITABLE FALL ARREST CONTRIBUTED TO DEATH

### Workman drowned whilst cleaning grain store in 'quicksand' like effect

A Norfolk farming company has been fined after an employee died at a grain storage facility near Kings Lynn in July 2014.

Norwich Crown Court heard that the 21-year-old workman was cleaning the inside of grain bins and standing directly on the stored grain. He used a broom to clean down the exposed inner surfaces of the bin.

He was wearing a harness fitted with a fall-arrest lanyard secured to a fixed ladder inside the bin when he began to sink into the grain discharging through an opening at the bottom of the bin.

### Fall-arrest component of lanyard unravelled

The forces involved caused the fall-arrest component of the lanyard to unravel and extend and he therefore sunk deeper into the grain. He became engulfed in the grain and subsequently drowned.

HSE found the employer failed to identify and manage the risks. There was no safe system of work in place for this task and suitable training had not been provided. The company pleaded guilty to breaching the Health and Safety at Work etc. Act 1974 S.2 and was fined £50,000.

Speaking after the hearing HSE Inspector Paul Unwin said:

*"This tragic incident led to the avoidable death of a young man. This death could easily have been prevented if his employer had acted to identify and manage the risks involved, and to put a safe system of work in place.*

*There should be little need for anyone to enter such grain bins as it may be reasonably practicable to clean them remotely from outside".*

## LEG OF PRE-CAST WORKER CRUSHED UNDER BLOCKS

### Concrete firm fined £300,000 after employee has leg amputated

A producer of concrete blocks, has been fined £300,000 after an employee had to have a leg amputated in Burton-on-Trent in June 2015.

Newcastle-under-Lyme Magistrates' Court heard the 42-year-old man was working near a trailer as large concrete blocks were being unloaded onto the outside yard.



The workman was removing wooden struts on which the concrete blocks had been resting whilst the concrete blocks were unloaded by a forklift when one of the blocks slipped from the forklift and fell onto the workman.

He was taken to hospital for treatment to serious crush injuries to one of his legs. The leg was eventually amputated below the shin.

### Lifting operation not carried out in a safe manner

HSE investigators found the unloading operation was not properly planned. The forklift truck weight capacity of 5 tonnes was insufficient to cope with the weight of the blocks, and the worker should not have been in the vicinity while the concrete blocks were being lifted.

The firm pleaded guilty to breaching the Lifting Operations and Lifting Equipment Regulations 1998, was given a £300,000 fine.

After the hearing HSE inspector Lindsay Bentley said:

*“The injured man suffered life-changing injuries. This incident was entirely avoidable, had the lifting operations been properly planned, appropriately supervised and carried out in a safe manner.”*

## **WORKMAN ‘SET ON FIRE’ AFTER CABLE STRIKE**

### **Information on electric underground cables proved inadequate**

A large contractor has been fined £600,000 after a workman was seriously injured during an underground electric cable strike in May 2015.

Gloucester Crown Court heard that the 61-year-old man was replacing a traffic light pole when he encountered a live underground cable causing an electric shock which “set him on fire”. He received burns to his hands, arms, stomach, face, legs and chest.



HSE investigators found that it was the first time this group of individuals worked on a project for this company. However, they were not providing adequate information on the location of underground services in the area. The inquiry also revealed supervision of the work was inadequate and that risks from the underground services was not properly managed.

### **Reminder to LAs and contractors**

The contractor pleaded guilty to breaching Regulation 25 (4) of the Construction (Design and Management) Regulations 2015 and was fined £600,000.

After the hearing HSE Principal Inspector Helena Tinton said:

*“Had the company given adequate information to the team working on site, and ensured the work was properly planned and supervised, this incident could have been avoided.”*

*This case should act as a reminder to local authorities and their contractors of the risks of working underground and the danger of severe electric shocks.”*



## INSECURE DECKING LEAVES WORKMAN PARALYSED

### Temporary works failure caused scaffolder to fall 4m through opening

A contractor has been fined £105,000 after a scaffolder was left paralysed following an accident at a building site in Kilsyth, Scotland. He suffered injuries to his spinal cord and is now paralysed from the neck down following the incident in April 2015.

Airdrie Sheriff Court heard the firm was contracted to lay metal deck flooring at a new health centre. The scaffolder was moving components when he stood on a section of metal decking which gave way, slid open and subsequently closed again causing him to fall 4m through the opening to the ground below.



HSE investigators found that the metal deck sheets were not secured properly and that access to the first level of the decking was inadequately controlled.

### Decking sheets not properly secured

The company pleaded guilty to breaching Sections 3 (1) and 33 (1) of the Health and Safety at Work Act 1974 and were fined £105,000.

Speaking after the verdict, HSE Inspector Graeme McMinn said:

*“This is a tragic incident, which has had a devastating effect on a young man’s life.*

*The accident could have been avoided if the Structural Metal Decks Ltd had taken appropriate safety precautions and ensured the decking sheets were properly secured.”*

## CONTRACTOR FINED OVER FLOOR COLLAPSE

### Failure to implement joist support design put workers at risk

A major UK contractor has been fined £230,000 after flooring at a house-building development gave way, injuring a worker in Sheffield in 2015.

Newcastle Crown Court heard how a worker was on the first floor of a new build domestic property when the floor gave way and the worker and approximately 70 building blocks fell to the ground. He suffered fractures to bones in his foot.

The injured man was one of a brick-laying team instructed to work on the first floor of an incomplete property.

HSE found that the supporting joists of the first floor had not been fully installed as per the house designer's instructions, leaving it unstable.

### **Vital that design instructions followed**

The firm pleaded guilty to breaching Regulation 28 (1) of the Construction (Design and Management) Regulations 2007 and was fined £230,000 and ordered to pay costs of £11,915.

CDM 2007 Regulation 28(1) required that steps to ensure that structures which may become unstable or in a temporary state of weakness or instability due to the carrying out of construction work do not collapse.

HSE Inspector Alan Sheldon, said:

*“It is vital that companies following design instructions and ensure that structures are stable.*

*This incident could have been much more serious for several workers and should act as a reminder to everyone within construction—that protecting workers' health and safety is vital in such a potentially dangerous industry.”*



## **PUBLICATIONS**

### **HEALTH AND SAFETY LABORATORIES (HSL) CREATE NEW EBULLETIN**

HSL have created a monthly eBulletin to inform you of their work in the areas of exposure assessment and control. Visit HSL's Subscriber Page to sign up.

<http://www.hsl.gov.uk/online-ordering/analytical-services-and-assays/ebulletin---exposure-assessment-and-control?ebul=gd-cons&cr=38/apr-17>

### **SCOPING STUDY ON MULTI-SITE DELIVERY ISSUES FOR HEAVY GOODS VEHICLES**

The purpose of this study was to establish whether there were specific safety issues relating to multi-site deliveries, and how widespread these were within the UK road haulage industry. This study builds on previous work carried out on load securing of goods transported by road. More information on this study can be found on **HSE's Research Webpages**.

<http://www.hse.gov.uk/research/rrhtm/rr1088.htm?ebul=gd-engineering&cr=6/Apr17>

### **HSE FORESIGHT REPORT 2016**

HSE's Foresight Centre conducts horizon scanning and a range of other futures techniques that contribute to the strategic themes. The Foresight Centre identify and analyse trends and emerging issues with the potential to affect occupational safety and health. In this first annual report, the HSE Foresight Centre have identified ICT as a significant theme with which to demonstrate the importance of thinking about future risks.

<http://www.hse.gov.uk/horizons/assets/documents/foresight-report-2016.pdf?ebul=hsegen&cr=13/16-mar-17>

**MEN'S  
HEALTH  
FORUM**



Absence from work for stress, anxiety or depression has increased 29% in 3 years

**WE CAN WORK IT OUT**

Life is very short and many of us are making it shorter:  
20% of men still die before they are even 65 years old.

[menshealthforum.org.uk](http://menshealthforum.org.uk)