



# SAFETY UPDATE

Issue 05 May 2019

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## NEWS

### SAFETYCAM VEHICLE TRAPS ERRANT DRIVERS

#### Safer Highways reports on new approaches to roadworks health and safety

The latest quarterly publication by *Safer Highways* includes research which discovered that 57% of motorists admit to breaking the law and speeding whilst in roadworks.

The magazine also features how *SafetyCam* vehicles led to two criminal convictions for errant driver behaviour.

Police have confirmed that two drivers have recently been convicted of motoring offences and have received a fine and penalty points on their license following incursions into road works captured by the system.

#### Incursions detected

Highways England's East Midlands Asset Delivery team requested the deployment of *SafetyCam* on a scheme on the A5 after reports of drivers failing to adhere to signed diversions and trying to drive the wrong way through traffic management closures.

Commenting on the use of *SafetyCam* on the A5, Highways England's Regional Director Catherine Brookes said:

*"We were encouraged that the extensive trials which showed a significant reduction in vehicle incursions and a noticeable increase in traffic compliance with road works speed limits. This gave us the confidence to adopt the system on this scheme, to give increased protection to road workers." Safety Cam utilises two camera systems – one to monitor and report on the speeds of passing site traffic and one to record beginning to end evidence of unauthorised vehicle incursions into road works."*

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## NEW PRE-QUAL SYSTEM LAUNCHED BY MAJOR CONTRACTORS

### Build UK and CECA publish common PQ assessment standard

Build UK and the Civil Engineering Contractors Association (CECA) have announced the launch of the first phase of a new pre-qualification (PQ) system designed to “reduce inefficiencies that are costing the construction industry up to £1 billion a year”.

The industry bodies believe that the existing PQ system is complex and repetitive and a major barrier to improved productivity.

#### **Greater consistency and efficiency**

The new system will ultimately allow for greater consistency and efficiency in how companies become pre-qualified for work at the first stage.

The roll-out of this first phase of the new system includes:

- **Common Standard** – publication of the Common Assessment Standard used to pre-qualify companies. Based on existing PQ questionnaires, including BSI’s PAS 91, this covers 10 key areas and includes desktop and site-based assessment standards; and
- **Assessment Bodies** – confirmation of the first recognised assessment bodies to certify companies against the Common Assessment Standard. These organisations are Achilles, CHAS and Constructionline.

Jo Fautley, Deputy Chief Executive of Build UK, said:

*“The construction industry is making great strides towards more collaborative working and this new PQ system has been developed by industry, for industry, based on standards that clients, contractors and the supply chain have all agreed on.”*

## Section 4: Health and Safety

Question Number	Question	Guidance	Information
147	Do you hold a valid Safety Schemes in Procurement (SSIP) scheme certificate; BS OHSAS 18001 (or equivalent) by a UKAS or equivalent accredited certification body; or a certificate from an assessment provider able to demonstrate that its information gathering process is equivalent to that of PAS 91?  If yes, you do <b>not</b> need to complete questions 151 - 190.	Please answer yes or no.  If yes, please confirm which certification you hold as set out in questions 148 - 150 and whether it is for general health and safety (H&S) or specific to one of the CDM Dutyholder roles to reflect your organisation's activity: <ul style="list-style-type: none"> <li>Principal Contractor</li> <li>Contractor</li> <li>Principal Designer</li> <li>Designer</li> </ul>	
148	You have within the last twelve months successfully completed a pre-qualification application undertaken by an assessment provider able to demonstrate that its information gathering process is equivalent to that of PAS 91.	Please answer yes or no.  If yes, please provide a copy of your certificate.	
149	You have within the last twelve months successfully met the assessment requirements of a construction-related scheme in registered membership of the SSIP Forum.	Guidance can be found here: <a href="https://SSIP.org.uk/">https://SSIP.org.uk/</a>  Please answer yes or no.  If yes, please provide a copy of a valid SSIP Member Scheme certificate.	Document: SSIP scheme certificate
150	You hold a certificate of compliance with BS OHSAS 18001 (or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard e.g. accredited by UKAS.	Please answer yes or no.  If yes, please provide a copy of a BS OHSAS 18001 certificate or equivalent certificate such as ISO 45001.	Document: OHSAS 18001 (or equivalent)
		Please provide a copy of your health and safety policy	Exemption if OHSAS 18001 /

## REPORT CONFIRMS RISING COST OF OFFENDING

### Considerable increases in fines imposed on larger organisations

The Sentencing Council has published a report entitled *Assessing the impact and implementation of the Sentencing Council's Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences Definitive Guideline* which came into force on 1 February 2016.

A summary of the main findings regarding health and safety offences has confirmed increases in the size of fines imposed.

### Main findings – Health and Safety Offences

The council concluded that analysis of Crown Court judges' sentencing remarks for a sample of health and safety cases (for both organisations and individuals) suggests that the guideline is generally being applied in the manner intended.

- **Organisations** – there has been a considerable increase in fine amounts for larger organisations since the guideline came into force. Fines also appear to have increased (to a lesser degree) for smaller organisations, which was not anticipated.
- **Individuals** – for individuals sentenced for health and safety offences, there has been an unanticipated increase in higher fines.
- **Corporate Manslaughter** – fine amounts imposed on organisations sentenced for corporate manslaughter may have increased since the guideline came into force (as anticipated).

The Sentencing Council's Guidelines covering health and safety offences, corporate manslaughter and food safety and hygiene offences came into force on 1 February 2016.

Health and safety offences, corporate manslaughter and food safety and hygiene offences guidelines  
Consultation

## GOVERNMENT PUBLISHES 'FUTURE OF MOBILITY' REVIEW

The government has published a review into transport which will pave the way for transforming the way people and goods move around our cities, in its Future of mobility: urban strategy.

The review will explore regulations around new types of vehicles including e-scooters and e-cargo bike trailers, how sharing data can improve services by reducing congestion, and how journey planning and payment can be made simpler. This wide-ranging review will also explore modernising laws from the 1800s that are proving a barrier to innovation.

The strategy, a key part of the government's modern Industrial Strategy, also sets out nine key principles that will guide government decision-making going forward, ensuring that emerging transport technologies are safe, accessible and green.

The government has also published its response to the Last Mile call for evidence, outlining a range of measures to support cleaner and more sustainable last mile deliveries. These include increasing the uptake of e-cargo bikes and e-vans. In addition, working with the Energy Saving Trust, the government is also now inviting expressions of interest for £2 million of funding to support the uptake of e-cargo bikes.

See Publications for links to the reports

## CASES

### FIRM FINED £150K AFTER BOY FELL FROM SCAFFOLD

#### Ladder guard failed to prevent 12-year old accessing scaffolding

A construction company has been fined £150,000 after a 12-year-old boy slipped from a scaffold ladder and fell 10m to the ground in May 2017 in Cwmbran.

Cardiff Magistrates heard how two boys climbed the rungs of a ladder within scaffolding by placing their feet either side of a "ladder guard" which did not cover the rungs of the ladder.

One boy climbed to the top platform of the scaffold and climbed the uppermost ladder to a height of approximately 10m. The ladder slipped and he fell to the ground causing life-changing injuries requiring multiple operations.

## Security arrangements inadequate

HSE investigators found the security arrangements for preventing access to the scaffolding, especially by children from a nearby school, were inadequate.

The company from Askern, Doncaster was fined £160,000. Speaking after the hearing, HSE inspector Michael Batt commented:



*"The death or injury of a child is particularly tragic and a lot of thought must go into securing construction sites. Children do not perceive danger as adults do. The potential for unauthorised access to construction sites must be carefully risk assessed and effective controls put in place.*

*This incident could have been prevented by removal of the ladder completely or installing an appropriately sized ladder guard to cover the full width of the rungs."*

## CONCRETE BLOCK MAKER FAILED TO GUARD MACHINE

### Effective safety precautions absent for a number of years

A concrete block making company has been sentenced after the hand of a workman was crushed by dangerous parts of a machine in April 2018.

Brighton Magistrates heard how an experienced worker was operating a machine making concrete screen wall blocks when his hand became trapped and was crushed by the machine. He suffered three broken fingers and thumb and needed to undergo surgery to stabilise his hand.

### Periodic machinery safety checks required

HSE investigators found the company had failed to ensure that the machine was properly guarded. The machine had been not been properly guarded for a number of years.

The company of Storrington, West Sussex pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 and has been fined £26,667 with £3,560 costs.

After the hearing, HSE inspector Russell Beckett commented:



*"This case highlights the importance of ensuring that dangerous moving parts of machinery are guarded. This incident could so easily have been avoided by having suitable guarding on the machine and systems in place to periodically check machine safety."*

## **CABLE HIT CAUSED BY LACK OF PLANS AND DETECTION**

### **Excavation for sign erection struck live electrical cable**

A sign-fitting contractor has been fined £35,000 after a worker suffered multiple, serious burn injuries when the breaker he was using struck a live electrical cable at a hotel near Rotherham in September 2017.

Sheffield Magistrates heard how the 22-year-old was using the breaker to excavate an opening for the posts of a new sign when the tool struck a mains electricity cable causing a large flash.

The worker suffered burn injuries to the inside of his right arm, the top of his right hand, the inside of his left arm, and the right-hand side of his face. He also had burns to his hair, eyelashes, eyebrows and beard.

### **Planning and safe system of work missing**

HSE investigators found that the company failed to use cable diagrams and a ground scanner to determine the presence of the electrical cable. In addition, no training had been given in the use of the breaker tool.

After the hearing, HSE inspector Sarah Robinson commented:



*"This wholly avoidable incident was caused by the failure of the company to appropriately plan and execute a safe system of work whilst fitting the signs."*

*"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."*



## **HOTEL REFURBISHMENT DISTURBED ASBESTOS**

### **Firm failed to act on well-founded asbestos concerns expressed by employee**

A hotelier has been fined £80,000 after asbestos containing materials (ACMs) were disturbed during a major refurbishment at The Park Hotel in Barnstaple, Devon between Oct 2016 and May 2017.

Newton Abbot Magistrates heard that construction work was undertaken to refurbish the hotel. Parts of the hotel were originally constructed during the 1960's and 1970's when asbestos was a popular building material.

HSE investigators found that at an early stage of the work an employee raised concerns about the potential presence of ACMs within the rooms under refurbishment. Enquiries were made but no physical testing of the materials being disturbed was undertaken.

### **Further incident**

Whilst the HSE investigation was in progress a further incident occurred in May 2017 where ACMs were disturbed during bathroom refurbishment works being undertaken.

The company from Barnstaple pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 and was fined £80,000. Speaking after the hearing HSE inspector Jo-Anne Michael said:



*"Duty holders should not undertake any work which either exposes or is liable to expose their employees to asbestos unless they have carried out a suitable and sufficient assessment as to the presence, location and condition of asbestos in the premises. Those persons tasked with undertaking the assessment should have the necessary skills."*

## **BUILDER GIVEN PRISON TERM OVER WORK AT HEIGHT**

### **Unsafe working platforms and lack of silica dust control punished severely**

A building contractor has been given a suspended prison term after exposing workers to danger of falls from height and silica dust on a house in Altrincham in July 2018.

Manchester Magistrates heard that whilst carrying out repointing work the employees worked on unguarded platforms 6m in height. The men were not provided with adequate protection from silica dust during the removal of mortar.

## Public raised concerns with HSE

HSE investigated the matter after receiving information from members of the public. The investigation revealed that a deliberate decision was made not to provide the correct scaffolding or means of dust capture "in order to save money".

The builder from Salford pleaded guilty to breaches of Section 3 (1) And Section 2 (1) of the Health and Safety at Work etc. Act 1974 and Section 1 (1) of the Employers Liability (Compulsory Insurance) Act 1969 and received a 26-week prison sentence suspended for two years, 180 hours community service and ordered to pay £2,000 in costs.

After the hearing HSE inspector Matt Greenly said:



*"HSE receives thousands of concerns from members of the public each year and we investigate those which show serious risk. Corners must not be cut when dealing with employees' safety, such as working at height."*

## WORKER FELL THROUGH STAIRWELL OPENING

### Basic fall protection precautions not taken on home build project

A CDM 2015 Principal Contractor has been prosecuted after a workman suffered a serious injury when he fell some 3m through a stairwell opening which was unprotected in August 2017.

Folkestone Magistrates heard that the contractor was laying bricks for the second storey of a new build house in Ash, Canterbury near an opening in the floor where the stairs were scheduled to be installed.

The workman "slipped and fell" through the opening, landing on his feet which shattered the heel of his left foot requiring surgery.

### Injury avoidable by simple measures

HSE investigators found that measures had not been taken to prevent workers falling from height through the stairwell opening.

The contractor from Maidstone, pleaded guilty of a breach of Regulation 4 (1) of the Working at Height Regulations 2005 and fined £17,333.

Speaking following the hearing, HSE inspector Ross Carter commented:





*"In this case a worker suffered serious injuries which could have been avoided by taking simple measures, such as installing guardrails around the opening, to prevent workers falling from height."*

## **PUBLICATIONS**

### **FUTURE OF MOBILITY URBAN STRATEGY:**

<https://www.gov.uk/government/publications/future-of-mobility-urban-strategy>

### **THE LAST MILE: DELIVERING GOODS MORE SUSTAINABLY**

<https://www.gov.uk/government/consultations/the-last-mile-a-call-for-evidence>

### **HSE Short Course on Machinery Directive:**

[https://www.hsl.gov.uk/health-and-safety-training-courses/machinery-series---machinery-directive?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www.hsl.gov.uk/health-and-safety-training-courses/machinery-series---machinery-directive?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=)