

Spring into 2017 with Linco safe (H&S) Ltd



HSE to consult on new FFI disputes procedure ahead of court action

The Health and Safety Executive (HSE) is to consult on proposals for an independent appeals procedure for its fee for intervention (FFI) charging scheme. The move follows a recent application by facilities outsourcing company OCS Group UK for a judicial review of the current procedure. Introduced in 2012, the HSE's FFI scheme inspectors who find material breaches of regulations that fall short of warranting prosecution or enforcement notices are required to issue businesses with notices of contravention, which trigger invoices for the enforcement activity.

Businesses will be charged for all work, including any letters written, any notices drafted and issued, and any checks undertaken. Should the case end up in the courts, all of the HSE's work up to that point will be charged.

Appeals against FFI bills are first judged by the issuing inspector's manager but complainants can move to a second stage where the complaint is adjudicated by a three-person panel consisting of two HSE staff and an independent person. If the panel does not approve the appeal, the complainant must pay the costs of adjudication at £129 an hour.

OCS Group UK launched its application for a judicial review, in which the court rules on the fairness of an administrative action by a public body, after failing to overturn a decision on an FFI bill issued for its management of hand-arm vibration.

It argued the disputes panel does not have the independence required to fairly scrutinise the inspectors' decisions and its complaint will be heard at the High Court on 8 and 9 March. The HSE, which says it has "always kept the dispute process under review", now plans to consult with stakeholders "with a view to making the process fully independent".¹

¹ <https://www.ioshmagazine.com/article/hse-consult-new-ffi-disputes-procedure-ahead-court-action>

Spring has sprung at Linco safe and we are looking forward to working with our new clients that have retained our services.

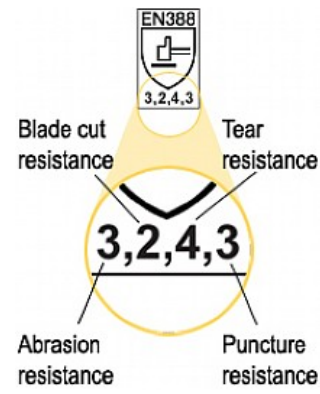
In this newsletter we are looking at industry products that can help improve safe practices onsite and in offices.

A rebar protection product available on the market is the Alti-Shield that is suitable for protecting the ends of exposed rebar on site to prevent impalement.



Hand Protection has recently had a change of glove standards. The revised EN 388 standard, which was released in November 2016, is intended to bring the standard for safety gloves up-to-date with developments in cut resistant fibres.

EN 388 determines a protective glove's performance against four primary hazards:



Performance Level	Abrasion Cycles	Cut Index	Tear Force (N)	Puncture (N)
1 WARNING LOWER CUT PROTECTION	1	1.2	10	20
2	500	2.5	25	60
3 BE AWARE MEDIUM CUT PROTECTION	3	2000	50	100
4	8000	10	75	150
5 SAFE TO GO HIGHER CUT PROTECTION	5	n/a	20	n/a

The results of tests for these factors are then translated into the performance rating of the gloves – a number from zero to four for puncture, tear and abrasion, and zero to five for cut resistance. The standard attempts to reflect the hazards that glove wearers are likely to face in the widest range of handling tasks in the broadest range of industries. Printing the performance level on each glove makes it easier for anyone procuring hand protection to assess the suitability of a glove for a particular task.

² https://www.traffiglove.com/sites/default/files/styles/600_wide/public/fields/basic_page_imgs/EN388-diagram.jpg?itok=pV3UWkP-

HSE

Do not
pass go,



Plant hire boss jailed after platform collapse kills worker

A plant hire boss has been jailed for two years after a worker was killed when a mobile platform collapsed on an office job in Scotland.

Safety net rigger Gary Currie and his colleague Alexander Nisbet were in the basket of the platform removing netting from the facade of the Buchanan House office block in Glasgow when the third main boom section buckled causing the platform's basket to fall 28 metres.

Nisbet was seriously injured and Currie suffered fatal injuries.

After a 16 day trial at Airdrie Sheriff Court, Craig Services manager Donald Craig was found guilty of a breach of health and safety legislation and sentenced to the maximum penalty of two years imprisonment.

Hamilton based Craig Services & Access Limited was also found guilty of three charges relating to the collapse of a mobile elevating work platform (MEWP) and failures in relation to its maintenance and use and was fined a total of £61,000.

Another company, J M Access Solutions Ltd, was fined £30,000 for its failure to carry out a systematic and detailed thorough examination of the platform and its safety-critical parts.

This was following an earlier incident, in May 2011, involving the platform after which Craig Services & Access Limited had instructed a repair to the damaged section of the main boom.

The repair had been incorrectly carried out and J M Access Solutions Ltd subsequently failed in their duty to carry out an adequate thorough examination of the platform.

Gary Aitken, Head of Health and Safety Division said: "This incident, which resulted in the death of Gary Currie and caused serious injury to Alexander Nisbet, could have been avoided had Donald Craig and Craig Services & Access Limited heeded advice and taken measures to maintain the platform in a safe condition.

"At the centre of this all was the decision to instruct this repair. It was a decision that left Gary Currie and Alexander Nisbet exposed to an unacceptable risk

and was essentially an accident waiting to happen.

"A MEWP is a safety critical piece of equipment and it was highly foreseeable that such a repair would risk the lives of those using the equipment.

"This incident has left family and friends devastated at the loss of a loved one.

"Hopefully this prosecution will remind other employers that failure to fulfil their obligations can have tragic consequences and that they will be held to account for their failings."

HSE Principal Inspector Graeme McMinn stated: "The death of Gary Currie was entirely preventable.

"Craig Services and Access Ltd and Donald Craig were advised by the manufacturer to replace the damaged boom. Instead, they chose a much cheaper repair that left the boom in an unsafe condition.

"Guidance in the British Standard "Safe Use of MEWPS" advises that repairs to any parts of the MEWP structure should be in accordance with the procedure specified by the manufacturer.

"At the time of the accident the MEWP had a catalogue of defects some of which were safety critical demonstrating that Craig Services and Access Ltd did not have an adequate proactive maintenance and reactive repair system in place within the company.

"For a complex piece of equipment such as the MEWP, that system should have included daily pre-use checks, intermediate inspections and maintenance based on manufacturer recommendations and six monthly thorough examinations carried out by a competent person independent of the MEWP owner.

"The competence and diligence of a thorough examiner is vital as it is they who declare the MEWP safe to use. JM Access Solutions Ltd failed to carry out a diligent thorough examination and declared the MEWP safe to use.

"This tragic accident should highlight the absolute duty for owners of MEWPS to maintain them to ensure continued safe operation."¹

¹ <http://www.constructionenquirer.com/2017/01/09/plant-hire-boss-jailed-after-platform-collapse-kills-worker/>

Fencing business owners receive suspended sentences after worker injury

The two owners of Kidderminster based fencing firm Hoo Farm Fencing have been given suspended sentences after a worker was hit by timber posts and frames which fell from a fork lift truck.

Forty-nine year old Raymond Lainsbury suffered injuries that still require regular physiotherapy sessions following the incident on 12 February 2016.

Worcester Magistrates' Court heard how Hoo Farm Fencing's method of working was unsuitable for the task they were carrying out at the time of the incident. Mr Lainsbury was helping to dip timber posts and frames in preservative, when they fell from the metal frame on the fork lift truck, striking him.

A Health and Safety Executive (HSE) investigation found that the company had not been using suitable equipment for the task. The operator had not been properly trained to operate a fork lift truck. The company also failed to have the fork lift truck in question thoroughly examined up to required standards.

Balfour Beatty fined for safety failings

Newcastle Crown Court heard how a worker was on the first floor of a new build domestic property when the floor gave way at one side. The worker approximately 70 building blocks slid 2.4 metres, vertically, to the ground. He suffered fractures to bones in his foot.

Balfour Beatty Regional Construction Limited (Balfour Beatty) was running the site at Richmond Park, Croft, Sheffield, where the incident occurred. The injured person was one of a three-man brick laying team instructed to work on the first floor of an incomplete property.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on 2 March 2015, found that the supporting joists of the first floor had not been fully installed as per the house designer's instructions, leaving it unstable.

Employee prosecuted for dangerous work at height

An employee of a steel erection firm has been sentenced at Manchester Magistrates Court after admitted working unsafely at height on a hotel development in central Manchester.

Manchester Magistrates Court heard on the 21 January 2015 a member of public contacted HSE claiming that a man had been seen balancing on scaffold tubes in the rain while working on the roof of the multi-storey hotel. HSE Inspectors found David Mulholland working on the roof.

An investigation by the Health and Safety Executive found it was David Mulholland in the photograph provided to HSE. He had climbed up the scaffold to hammer the steel beams into place and had not used the tower scaffold that had been made available for him. There was also a full time scaffolder on site available for any of the contractors to utilise to ensure safe working platforms were in place.

David Mulholland, Victoria Road, Walton le Dale, Preston, pleaded guilty to breaching Section 7 of the Health and Safety at Work etc Act 1974 and was sentenced to 6 months imprisonment, suspended for 18 months, fined £1,400.00 and was ordered to pay costs of £2,939.18.

Maurice James Blackford of Minster Road, Stourport, Kidderminster pled guilty to breaching section 2 (1) of the Health and Safety at Work Act 1974 and Susan Hawthorne of Blackthorne House, Hartlebury Road pled guilty to the same breach.

Both were sentenced to 18 weeks imprisonment suspended for two years and fined £10,000 each. Full Prosecution costs of £4318 split between the two defendants, were awarded to the Health and Safety Executive (HSE) that prosecuted the case.

Speaking after the hearing HSE inspector Tariq Khan said "The seriousness of the safety failings could have resulted in much more severe injuries to Mr Lainsbury who was lucky to walk away from this incident.

"This case highlights the importance of maintaining proper safety practices and also all duty holders will be held accountable for failing to do so."¹

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<http://press.hse.gov.uk/2017/fencing-business-owners-receive-suspended-sentences-after-worker-injury/>

Balfour Beatty Regional Construction Limited of Wilton Road, London, 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.

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 a number of 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." ¹

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<http://press.hse.gov.uk/2017/balfour-beatty-fined-for-safety-failings/>

HSE inspector Matt Greenly said after the case:

"This case dealt with a serious work at height risk which could have led to a fatal incident. David Mulholland failed in his duty to protect his own safety while at work and also placed others at risk had he dropped any tool from the position he was seen in some 27 metres above street level. During HSE's investigation he said that he did not appreciate how high he was.

"Never before in my career as an HSE Inspector have I seen such a staggering disregard for personal safety. It is a matter of pure luck that no-one was injured or killed.

"My thanks go to the member of the public who reported their concern to us as they have been instrumental in saving the life of Mr Mulholland and arguably anyone below him at that time."¹

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<http://press.hse.gov.uk/2016/employee-prosecuted-for-dangerous-work-at-height/smiler-crash/>

Need to Know news...

Whats new in 2017

Please find the Lincsafe (Health & Safety) latest training dates for 2017, at our offices in Lincolnshire between Lincoln & Scunthorpe. All prices inc Books and Certification; if you would like further information on Lincsafe (Health & Safety) courses please contact our office.

Asbestos Awareness Cat A UKATA – Initial in the Morning and Refresher in the afternoon.

24th April – Initial £65per person – Refresher £50per person.+VAT

6th November – Initial £65per person – Refresher £50per person.+VAT

IOSH Managing Safely 4 day course

January 12,13,19,20 – 2017 £465pp + VAT

May – 4,5,11,12 – 2017 £465pp + VAT

IOSH Managing Safely Refresher 1 day

13th Feb £150pp+VAT

14th July £150pp+VAT

20th October £150pp+VAT

IOSH Working Safely 1 Day course

30th June – £120pp+VAT

24th November – £120pp+VAT

CSkills SMSTS 5 Day course

January 23,24,30,31 and 6 Feb. £500pp+VAT

June 1,2,8,9,16 – £500pp +VAT

September 4,5,11,12,18 – £500pp+VAT

CSkills SMSTS Refresher 2 Day course

3rd & 4th – April – £290pp+VAT

12th & 13th July – £290pp+VAT

September 28th & 29th – £290pp+VAT

CSkills SSSTS 2 day Course

5th & 6th January – £290pp+VAT

19th & 20th June – £290pp+VAT

27th & 28th November – £290pp+VAT

CSkills SSSTS Refresher 1 day Course

9th May £180+VAT per person

11th July £180+VAT per person

IOSH Safety for Executives & Directors 1 day course.

15th February 2017 - £140pp +VAT.

14th June 2017 - £140pp + VAT.

All prices inc Books and Certification; if you would like further information please contact our Lincolnshire office on:-

01673 876 150

or

djl@lincsafe.co.uk

If you use the Checklists and forms from the CITB / Cskills GE700 booklet and would like to download them for free please find them here on the following link from the CITB website:-
<http://www.citb.co.uk/publications/companion-websites/ge-700-companion/checklists-and-forms/>