Hurst Setter & Associates Ltd

Health Safety & Environmental Newsletter January 2021

Hurst Setter would like to wish all of our clients a very Happy New Year!

Hurst Setter aims to provide commercially sound health and safety advice, practical on-site assistance, and training services to help clients to improve their overall health, safety and environmental performance and business efficiency. Health & safety is no longer a business where you just find fault and try to 'stop the job', it is now a role where a common sense approach needs to be applied to ensure a job can be completed safely ensuring that everyone returns home from work to their families at the end of the working day.

At the same time as being an external consultancy who are used for expert advice, we also work really hard to ensure they are part of the team for all clients. Hurst Setter pride themselves in being able to use expert knowledge of the industry and legislation to be a cog in the wheel to help our clients achieve their health & safety goals.

The company was established in 1992, we have an experienced team of professional staff throughout the UK with our Head Office in Burton upon Trent, subsidiary offices in Yorkshire and Wiltshire, along with field staff working throughout the UK. In this way we can offer a national coverage to large national based clients.

Our mission is to provide competent health, safety & environmental advice to our clients. We focus primarily on construction, project management and property management sectors.

We provide an extensive range of training including CITB accredited training courses as well as inhouse courses.

Health & Safety Services

At Hurst Setter we provide a range of services that covers the entire spectrum of health and safety provision. Our services include:

- Audits & Inspections
- Retainer Service & Assistance with SSIP Accreditation
- Support with H&S Documentation, Risk Assessments & Policy
- H&S Management Systems
- Training Courses including CITB, First Aid, Mental Health, and In-House Training Courses, including remote courses during COVID 19.
- NEBOSH General (online) in association with another training provider.
- Environmental Services
- CDM 2015 Advice & Support

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The HSE website www.hse.gov.uk is gratefully acknowledged as a primary source for information

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Bats

Did you know?

- ***In the UK all species of bat are protected by law***
- They tend to return to the same roosts each year, and these sites are also protected whether bats are present or not.

Where can they be found?

- They can be found in holes/cracks in trees, roofs, walls of houses and buildings, under bridges, in underground caves and old railway tunnels. Bats can crawl into holes only 15 millimetres wide
- Look out for bat droppings – dark brown/black, about four to eight millimetres in length – crumble easily
- A strong odour and large numbers of moth wings discarded by feeding bats may also be present near a bat roost
- They are commonly found under railway bridges, in viaducts and signal box roofs

Why does this matter?

It is a criminal offence for anyone without a licence to:

- Kill, injure or handle a bat
- Be in possess of a bat (whether alive or dead)
- Disturb a roosting bat
- Damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not

This can lead to fines of up to £5000 per bat and/or up to six months in prison

Do

✓ If a bat or a roost is found stop all works in the area immediately and report it

Don't

× Touch or handle a bat as they are very delicate, and this can cause them serious harm – it is also against the law

× Disturb any place used by bats, whether they are present or not

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A Building Contractor was sentenced after a subcontractor sustained significant head injuries in a fall from height.

Brebner and Williamson Limited has been fined following an incident where John Niven, a self-employed subcontractor fell 15 feet from a youngman board, which had been used to create a temporary platform. He sustained multiple fractures and a brain injury.

Perth Sheriff Court heard that on 29 July 2016 Mr Niven was working on a new build at Plot 1, Station Road, Crook of Devon, Kinross. A youngman board was used to create a temporary platform to give access to the roof in an area without scaffolding. Mr Niven was standing on the youngman board when it slipped, causing him to fall onto a concrete floor slab below.

An investigation by the Health and Safety Executive (HSE) found Brebner and Williamson failed to properly supervise the work at height, to ensure scaffold surrounded the full perimeter of the house under construction, and to ensure a suitable working platform and fall protection measures were in place.

Brebner and Williamson of St David's Drive, St David's Business Park, Dalgety Bay, Fife pleaded guilty to breaching the Work at Height Regulations 2005, Regulation 4 and Section 33(1)(c) of the Health and Safety at Work Etc. Act 1974 and were fined £5,000.

After the hearing, HSE Inspector Gillian Anderson said: "Falls from height remain one of the most common causes of work-related fatalities and severe injuries in this country and the risks associated with working at height are well known.
"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

Construction company fined after worker suffers multiple injuries in fall from height.

Construction company, Sir Robert McAlpine Ltd was sentenced for safety breaches after worker, Mark Smith, fell 4.8 metres through an unprotected opening.

Leeds Magistrates' Court heard how, on 28 April 2016, Mr Smith, aged 36, was working at Stone Gappe Hall, Lothersdale, Keighley, owned by Richard McAlpine, a director of the McAlpine group of companies. Mr Smith was attaching straps to a water tank whilst preparing to move it to a lower floor of a water tower at the property, in order to paint the floor.

An investigation by the Health and Safety Executive (HSE) found that Mr Smith fell through an opening that did not have fixed edge protection. As a result, he sustained serious injuries including: a right tibial shaft fracture, a distal fibular fracture, a fracture to the left patella, orbital and nasal fractures, lacerations to the face, a concessional head injury, injury to his ribs and he was hospitalised for nine days. Mr Smith continues to suffer from psychological damage and has been unable to return to work.

Sir Robert McAlpine Ltd of Eaton Court, Maylands Avenue, Hemel Hemstead, Hertfordshire pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £260,000 and ordered to pay £38,299 in costs.

After the hearing, HSE inspector Paul Thompson commented: “Falls from height often result in life-changing or fatal injuries. In most cases, these incidents are needless and could be prevented by properly planning of the work to ensure that effective preventative and protective measures are in place such as edge protection or barriers built to the correct standard.

“This incident could have easily been prevented if the company had undertaken a thorough risk assessment and installed adequate edge protection around the opening to prevent falls.”

Work at Height & The Law

The purpose of The Work at Height Regulations 2005 is to prevent death and injury caused by a fall from height. If you are an employer or you control work at height (for example facilities managers or building owners who may contract others to work at height) the Regulations apply to you.

Employers and those in control of any work at height activity must make sure work is properly planned, supervised and carried out by competent people. This includes using the right type of equipment for working at height. Low-risk, relatively straightforward tasks will require less effort when it comes to planning.

Employers and those in control must first assess the risks.

Employees have general legal duties to take reasonable care of themselves and others who may be affected by their actions, and to co-operate with their employer to enable their health and safety duties and requirements to be complied with.

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A Brief Guide

Falls from height are one of the biggest causes of workplace fatalities and major injuries. Common causes are falls from ladders and through fragile roofs. The purpose of WAHR is to prevent death and injury from a fall from height. Work at height means work in any place where, if there were no precautions in place, a person could fall a distance liable to cause personal injury.

Before working at height you must work through these simple steps:

- Avoid work at height where it is reasonably practicable to do so.
- Where work at height cannot be avoided, prevent falls using either an existing place of work that is already safe or the right type of equipment.
- Minimise the distance and consequences of a fall, by using the right type of equipment where the risk cannot be eliminated.

You should:

- Do as much work as possible from the ground.
- Ensure workers can get safely to and from where they work at height.
- Ensure equipment is suitable, stable and strong enough for the job, maintained and checked regularly.
- Make sure you don't overload or overreach when working at height.
- Take precautions when working on or near fragile surfaces.
- Provide protection from falling objects.
- Consider your emergency evacuation and rescue procedures.

What measures should you take to help protect people:

- Always consider measures that protect everyone who is at risk (collective protection) before measures that protect only the individual (personal protection).
- Collective protection is equipment that does not require the person working at height to act to be effective, for example a permanent or temporary guard rail.
- Personal protection is equipment that requires the individual to act to be effective. An example is putting on a safety harness correctly and connecting it, via an energy-absorbing lanyard, to a suitable anchor point.

What are the most common causes of accidents when working at height?

Roof work is high risk and falls from roofs, through fragile roofs and fragile roof lights are one of the most common causes of workplace death and serious injury. As well as in construction, these accidents can also occur on roofs of factories, warehouses and farm buildings when roof repair work or cleaning is being carried out.

The following are likely to be fragile:

- Roof lights.
- Liner panels on built-up sheeted roofs.
- Non-reinforced fibre cement sheets.
- Corroded metal sheets.
- Glass (including wired glass).
- Rotted chipboard.

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- Slates and tiles.

What do you need to consider when planning work at height?

The following are all requirements in law that you need to consider when planning and undertaking work at height. You must:

- Take account of weather conditions that could compromise worker safety.
- Check that the place (e.g. a roof) where work at height is to be undertaken is safe. Each place where people will work at height needs to be checked every time, before use.
- Stop materials or objects from falling or, if it is not reasonably practicable to prevent objects falling, take suitable and sufficient measures to make sure no one can be injured, e.g. use exclusion zones to keep people away or mesh on scaffold to stop materials such as bricks falling off.
- Store materials and objects safely so they won't cause injury if they are disturbed or collapse.
- Plan for emergencies and rescue, e.g. agree a set procedure for evacuation. Think about foreseeable situations and make sure employees know the emergency procedures. Don't just rely entirely on the emergency services for rescue in your plan.

Can you **AVOID** working at height in the first place?

If **NO**, go to **PREVENT**

Do as much work as possible from the ground.

Some practical examples include:

- using extendable tools from ground level to remove the need to climb a ladder
- installing cables at ground level
- lowering a lighting mast to ground level
- ground level assembly of edge protection

Can you **PREVENT** a fall from occurring?

If **NO**, go to **MINIMISE**

You can do this by:

- **using an existing place of work that is already safe, eg a non-fragile roof with a permanent perimeter guard rail or, if not**
- **using work equipment to prevent people from falling**

Some practical examples of collective protection when using an existing place of work:

- a concrete flat roof with existing edge protection, or guarded mezzanine floor, or plant or machinery with fixed guard rails around it

Some practical examples of collective protection using work equipment to prevent a fall:

- mobile elevating work platforms (MEWPs) such as scissor lifts
- tower scaffolds
- scaffolds

An example of personal protection using work equipment to prevent a fall:

- using a work restraint (travel restriction) system that prevents a worker getting into a fall position

Can you **MINIMISE** the distance and/or consequences of a fall?

If the risk of a person falling remains, you must take sufficient measures to minimise the distance and/or consequences of a fall.

Practical examples of collective protection using work equipment to minimise the distance and consequences of a fall:

- safety nets and soft landing systems, eg air bags, installed close to the level of the work

An example of personal protection used to minimise the distance and consequences of a fall:

- industrial rope access, eg working on a building façade
- fall-arrest system using a high anchor point

Using ladders and stepladders

For tasks of low risk and short duration, ladders and stepladders can be a sensible and practical option.

If your risk assessment determines it is correct to use a ladder, you should further **MINIMISE** the risk by making sure workers:

- use the right type of ladder for the job
- are competent (you can provide adequate training and/or supervision to help)
- use the equipment provided safely and follow a safe system of work
- are fully aware of the risks and measures to help control them

Follow HSE guidance on safe use of ladders and stepladders at **www.hse.gov.uk/work-at-height/index.htm**

For each step, consider what is reasonably practicable and use 'collective protection' before 'personal protection'