

INSIDE QUARTER 1 NEWSLETTER:

- > Legislation – 2007 and 2008
- > Statistics update
- > Site Waste Management Plans
- > HSE ladder exchange
- > HSE Myth of the Month
- > Slips, Trips and Falls from Height Campaign
- > What could go wrong?
- > CQMS news
- > Dates for your diary

LEGISLATION – 2007 AND 2008

Welcome to the first quarter newsletter of 2008, which begins with an overview of the main legislation introduced in 2007 and a look ahead to what is expected to come into force in 2008.

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2007

6th April 2007 saw the amalgamation of the CDM Regulations 1994 and the Construction (Health, Safety and Welfare) Regulations 1996, and with the change came the demise of the 'Planning Supervisor' as the role was replaced by the CDM Coordinator, and 'Pre-Tender Plan' by the Pre Construction Information.

The intention was to intensify the focus on the effective planning and management of construction projects and to reduce bureaucracy, thereby simplifying and clarifying the law for dutyholders.



WORK AT HEIGHT (AMENDMENT) REGULATIONS 2007

These Regulations amended the Work at Height Regulations 2005 to include provisions to bring workers paid to lead or train others in climbing and caving activities in the adventure activity sector within their scope.

HEALTH ACT 2006 AND ASSOCIATED REGULATIONS

From 1st July 2007, virtually all public places and workplaces became smokefree in England.

Failure to comply could result in individuals receiving a fixed penalty notice of £50 and also possibly prosecution and face a fine of up to £200 and a criminal record.

Management or the person in control of the premises could be issued with a fixed penalty notice of £200 and also face a fine of up to £1000 for failing to display statutory warning notices. If they fail to prevent people smoking, the fine rises to a possible £2500.

CORPORATE MANSLAUGHTER AND CORPORATE HOMICIDE ACT



Due to come into effect on 6th April 2008, the Corporate Manslaughter and Corporate Homicide Act means that companies and organisations can be found guilty of corporate manslaughter as a result of serious management failures resulting in a gross breach of a duty of care.

Prosecutions will be of the corporate body and not individuals, but the liability of directors, board members or other individuals under health and safety law or general criminal law, will be unaffected. The corporate body itself and individuals can still be prosecuted for separate health and safety offences.

STATISTICS UPDATE

Published at the end of December, the quarterly fatal injury figures for the period April-September 2007 provide one indication of the possible trend for deaths and major injuries to workers and members of the public in the workplace in 2007/8.

FATALITIES

Provisional figures indicate that there were 241 workers fatally injured in 2006/7, and this corresponds to a rate of fatal injury of 0.80 per 100,000 workers. This is an increase on the 2005/6 figures which were 217 and 0.72 respectively.

Although the longer-term trend in the fatal injury rate is downwards, there has been little change over the last five years.

Of the main industrial sectors, construction and agriculture have the highest rates of fatal injury. In 2006/7, these two sectors together account for 46% of fatal injuries to workers, with 77 and 34 fatalities respectively.

NON-FATAL INJURES (REPORTED)

28,267 major injuries to employees were reported in 2006/7. The rate of injury was 107.0 per 100,000, down 3% on the previous year. Over one third were caused by slipping and tripping.

There were 113,083 other injuries to employees causing absence of over 3 days. This is equivalent to a rate of 428.1, which is 6% lower than 2005/6. Two fifths were caused by handling, lifting or carrying.

SITE WASTE MANAGEMENT PLANS

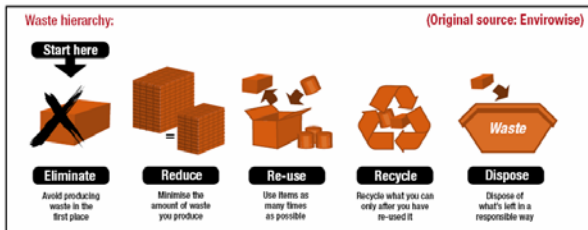
As of April 2008, construction projects over £250,000 in value will have to produce and implement a Site Waste Management Plan (SWMP), under changes to the Clean Neighbourhoods and Environment Act 2005.

Call 01476 566665 / 564242.

The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

UK construction sites use approximately 360 million tonnes of resources each year and generate some 100 million tonnes of waste. This is equivalent to a third of all UK waste.

Furthermore, it has been estimated that 10-30% of the materials which end up as waste on site have never been used. SWMPs will be made a legal requirement to reverse this trend by implementing the 'waste hierarchy':



- **Eliminate:** Avoid producing waste in the first place.
- **Reduce:** Minimise the amount of waste produced.
- **Re-use:** Use items as many times as possible.
- **Recycle:** Recycle what you can only after it has been re-used.
- **Dispose:** Dispose in a responsible manner.

The SWMP will require input and commitment from all levels, and ideally everyone working on a construction site will be involved in the Plan. The SWMP will need to address the following areas:

- **Who** will be responsible for resource management.
- **What** types of waste will be generated;
- **How** the waste be will managed, e.g. reduce, reuse, recycle;
- **Which** contractors will be used to ensure the waste is correctly recycled or disposed of responsibly and legally;
- **How** the quantity of waste generated from the project will be measured.

Implementing a SWMP has many benefits, including:

- Greater resource efficiency in the construction sector;
- Improved re-use and recycling materials;
- A reduction in fly-tipping;
- A reduction in site accidents through better standards of housekeeping;
- Reduced cost of waste management.

Further information and a blank format SWMP is available from CQMS Ltd upon request.

HSE LADDER EXCHANGE

From June 2007 the HSE have been doing a lot of work with local authorities, hirers and ladder retailers to get unsafe ladders out of the workplace.

This initiative followed the release of figures which indicated that of the 3,409 serious injuries from falls from height in 2006/07, around a third resulted from a fall from a ladder.

The aim was to take 4000 substandard ladders out of the workplace to help prevent falls from height but this figure was surpassed, and by the end of 2007 4194 ladders had been removed.

The HSE are planning to run a new Ladder Exchange initiative in the autumn of 2008, working with partners to give those using unsafe ladders the chance to replace them before an accident occurs. For more information, or to sign up, visit the HSE website at <http://www.hse.gov.uk/falls/ladderexchange.htm>

MYTH OF THE MONTH

The myth:

"Safety Experts' New Year resolution is to make the life of business people as miserable as possible."



The reality:

Not according to businesses. Those who have had contact with the HSE were asked about HSE's helpfulness:

- > 90% of employers and chief executives/senior directors rate the HSE as helpful.
- > 90% of chief executives/senior directors consider that health and safety requirements benefit their company as a whole.

SLIPS, TRIPS AND FALLS FROM HEIGHT CAMPAIGN

The HSE have announced that they will be running a new campaign in February and March 2008 focusing on slips, trips and falls from height in the workplace.

The campaign is aimed primarily at those most at risk of a slip, trip or fall at work and those best placed to take action, including construction workers, electricians, gas fitters, other tradespeople, and site managers, kitchen managers and chefs, food retail staff, area and store managers, food operatives and their shift managers.

Call 01476 566665 / 564242.

The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

One of the most effective ways of preventing slips and trips is to ensure that the working area is clean and tidy at all times. Management should ensure that all operatives are aware of the policy for movement and storage of goods and the disposal of waste. Minimum amounts of materials should be held to assist with maintaining good order.

Simple precautions must be taken when working at height. These include taking the time to properly plan the work and undertake a risk assessment which applies the hierarchy of controls, and selecting the appropriate equipment and using it correctly.



Everyone has a part to play in maintaining good order; from keeping work areas tidy and storing materials safely, to complying with arrangements for removing waste and reporting any problems to management.

In 2007 the HSE ran a similar campaign on falls and trips in construction. The inspectors found almost 1 in 3 sites, and 1 in 4 contractors, were working below the acceptable standard.

- 220 Prohibition Notices and 26 Improvement Notices on work at height were issued.
- 24 Prohibition Notices and 13 Improvement Notices on good order were issued.
- 143 Notices were issued on other serious areas of concern.

WHAT COULD GO WRONG?

HSE WARNING AFTER OVERTURNED TRUCK INJURED EMPLOYEE

Stockport Metropolitan Borough Council were fined £6000 and ordered to pay £3,343.38 costs after pleading guilty to failing to ensure the health and safety of an employee under the Health and Safety at Work etc Act 1974 Section 2(1).

The accident occurred in February 2006 when a dumper truck driver suffered leg injuries after his vehicle overturned while carrying out landscaping work. The HSE have warned of the need to ensure that the operators of equipment are suitably trained and risks fully assessed before they start work.

HSE Inspector Helen Fuller said:

“Anyone involved with workplace transport should be aware of the operational limitations associated with the use of plant and should not underestimate the risks of improper equipment use. Employers have a duty of care to ensure that drivers are suitably trained;

risks are assessed when planning work; and that adequate safety measures are in place.”

LACK OF SEGREGATION PUBLIC AND CONSTRUCTION SITE LEADS TO FATALITY

A self-employed property developer from Greater Manchester, Anthony Broderick, pleaded guilty to failing to ensure the health and safety of people not employed by him from risks arising from construction work. He was fined £17,500 and ordered to pay £9,500 costs.

The prosecution followed the death of John Jones in March 2005. Mr. Jones stepped out of his home into an alleyway when the bucket of an excavator, driven by Mr. Broderick, unintentionally hit a wall that collapsed onto Mr. Jones, resulting in fatal injuries.

HSE Principal Inspector Anna Bliss said:

“This tragic accident could very easily have been avoided had Mr. Broderick taken time to fence off the footpath and make arrangements for access to the flats at safe times only.

“Construction activities that create risk outside of an existing site perimeter must be managed to ensure that members of the public are safe during the work. For short term work a banksman may be sufficient to ensure work stops as people pass. For high risk or longer term activities, the site perimeter should be temporarily extended a safe distance, with clear fencing and warning signs.”

CONTRAVENTION OF IMPROVEMENT NOTICE RESULTS IN FINE

Presswarm Double Glazing Co Ltd was prosecuted at Hertford Magistrates Court for contravening a requirement of an improvement notice. They were fined £9000 and ordered to pay full costs of £840.80.

The company failed to arrange for tests of examinations of electrical systems and equipment, failed to have adequate remedial works undertaken, and failed to take any other effective means of complying with the Improvement Notice.

Investigating HSE Inspector, Stephen Manley, said:

“It is important that companies comply with improvement notices. They are served to remedy breaches of Health and Safety legislation and achieve a safer working environment – and failure to comply continues to put workers, and others, at risk.”

DECEPTION LEADS TO 2 YEARS IN JAIL FOR ROOFING BOSS

The owner of a roofing company was successfully prosecuted by the Crown Prosecution Service following the death of an employee, resulting in 2 ½ years in jail for manslaughter.

The conviction follows an investigation by North Wales Police which found Mr. Steven Smith had failed to provide workers with safety harnesses until after one of his employees was fatally injured in a 7.6m fall through

Call 01476 566665 / 564242.

The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

a skylight. Mr. Smith misled investigators, insisting that the equipment had been supplied earlier.

Mr. Paul Alker was working for Mr. Smith's company in Wrexham when he fell through the skylight. Police investigators found that Mr. Smith had let his employee work on the roof without adequate training and experience to work at height and without a harness.

Mr. Smith was charged with gross negligence manslaughter, conspiring to pervert the course of justice and failing to protect Mr. Alker and his coworker on the roof, contrary to Section 2(1) of the Health and Safety at Work etc Act 1974.

MAJOR HOUSEBUILDER FINED £300K FOR TRENCH COLLAPSE

A major housebuilder and subcontractor have been heavily fined following a trench collapse which resulted in one fatality and another serious injury.

In March 2007, employees of A W Cowan were working at a housing site where George Wimpey was acting as the Principal Contractor. The two men were fitting a pipe 2.5m down in a 12m long drainage trench when a colleague shouted a warning after noticing a crack appearing in the earth above. The two men tried to escape but were caught in the collapsing clay.

HSE Inspector, Michael Brown, said:

"They had screeded the sides at the very top but it certainly wasn't up to the job. Wet weather and an excavator working close to the edge of the trench on the day of the accident made the collapse more likely."

"Both Wimpey's Site Manager and assistant had seen workers in the bottom of the trench but they had done nothing about it."

Judge Bowers said:

"The accident was due to a very serious lapse in the safety procedures carried out by the Site Managers. They ignored their own safety manual, their own common sense and experience."

Wimpey was fined £300,000 plus costs of £28,367 for failing to ensure the safety of people not in its employment under Section 3(1) of the Health and Safety at Work etc Act 1974. A W Cowan admitted failing to ensure the health and safety of employees under Section 2(1) of the same Act and was subsequently fined £20,000 with £5000 costs.

£250,000 FINE FOLLOWING WORKER CRUSH

Mr. Vijay Vara, a Director of Gargreen and Euro's (London) has been ordered to pay penalties totalling £250,000 within 6 months, or face 22 months in prison following serious injuries to an immigrant worker when a 2 tonne slab fell on him.

Gargreen was the project developer and Euro's (London) the contractor on a construction project to build a warehouse in London. Euro's (London) decided late in the construction process to use precast concrete planks rather than pour the upper floor.

The project was not properly planned, and workers were left to devise their own makeshift system of lifting the planks.

When a slab became jammed in the frame, Mr. Szczotka got underneath it in an attempt to free it. It then fell on him, crushing his pelvis and legs. He remains seriously disabled.

HSE Inspector, Simon Hester, said:

"There was no risk assessment, no method statement, no health and safety policies covering anything, let alone this operation." He also noted that the site had already been closed down by the HSE because Euro's (London) had failed to provide washing or toilet facilities for the workers.

Furthermore, Mr. Szczotka had no training and had never worked on a construction site before. Euro's (London) did not report the accident and, when the HSE commenced its investigation several weeks later, denied it had taken place.

Vijay Vara was fined £99,000 for breaching Section 37 of the Health and Safety at Work etc Act 1974 for his failures as a Director of the companies, and ordered to pay £150,000 costs. In addition, Gargreen was fined £10,000 plus the same in costs for breaching Regulation 6 of the CDM Regulations 1994 for having no Planning Supervisor. Euro's (London) was only fined £100 under Section 2(1) of the Act, as Mr. Vara had transferred its assets to another firm before the case was heard.

It emerged after the warehouse was completed that Mr. Vara had never gained planning permission for the project. The building now faces the possibility of being demolished.

CQMS NEWS

CORPORATE MEMBERSHIP OF APS

We are pleased to announce that CQMS have been accepted as a Corporate member of the Association of Project Safety (APS) following our application two weeks ago.

In addition to holding corporate membership, our Managing Director and head of the CDM Coordination team, Tony Schofield, is also an individual member of the APS.

Membership of APS is stated in the CDM 2007 Approved Code of Practice as an example of evidence of competency to undertake the role of CDM Coordinator. In conjunction with our extensive experience, we are therefore well placed to act as CDM Coordinator on a wide range of projects including demolition, remediation, infrastructure, and the construction of residential/commercial/retail units.

BRITISH SAFETY COUNCIL AWARDS

CQMS have always been committed to helping Clients achieve higher standards of health and safety in the workplace through the provision of relevant training.

Call 01476 566665 / 564242.

The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH

We are delighted to announce that, in conjunction with the British Safety Council, we are offering a limited number of free examinations leading to the Level 1 Certificate in Health and Safety at Work.

The syllabus is based on national occupational health standards which covers the basics of health and safety in the workplace. Delegates will be provided with a day's training at CQMS offices, undertaken by one of our qualified and experienced Safety Advisers.

Upon completion of the training, delegates will be required to undertake a multiple choice test consisting of 40 questions.

The answer papers will be returned to the British Safety Council for marking, and successful delegates will receive a certificate within 2 weeks.

The course establishes a progression route to a range of British Safety Council Awards Level 2 qualifications in health and safety, and requires no former knowledge on the part of those who aim to attain it. Candidates could come from diverse educational and employment backgrounds and could work for employers ranging from large multinationals to small businesses.

The first course has been scheduled for **Thursday 20th March 2008**, from 09:00 to approximately 17:00, to be held at our offices in Grantham.

Only 10 places are available on this date, so for further information and to take advantage of this fantastic offer please contact CQMS' offices as soon as possible on either:

- > Tel: 01476 566665 / 564 242
- > Email: training-events@cqms-ltd.com

DATES FOR YOUR DIARY

The series of Free of Charge* training events held at CQMS offices have gone down very well with all attendees; and we are happy to advise of further planned dates.

20 March 2008

BSC LEVEL 1 CERTIFICATE IN HEALTH AND SAFETY AT WORK

The first scheduled training day for the BSC Level 1 certificate as detailed in the CQMS News section. Places are limited to 10 on this course.

26 March 2008

CDM 2007 AWARENESS SEMINAR

Enabling delegates to understand the CDM Regulations, roles, duties & responsibilities and identity the duties of various parties together with the practical duties.

This is ideal as an overview for all Clients who have not yet had the opportunity to undertake training on the revised Regulations, and also as refresher training for those who attended the CDM seminar last year.

28 May 2008

H&S AWARENESS FOR SENIOR MANAGEMENT

This course will provide delegates with the necessary overview and understanding of the way in which Health and Safety plays an integral part in a successful workplace. Delegates will learn how an understanding of current legislation will help to minimise the risk of accidents, prosecution and costly fines and compensation claims.

Courses run bi-monthly on the last Wednesday of the month at 10am – 1pm.

To book your place on any of the above seminars please contact CQMS' offices on either:

- > Tel: 01476 566665 / 564 242
- > Email: training-events@cqms-ltd.com

** Courses detailed are free for CQMS clients.*

Call 01476 566665 / 564242.

The Annexe, The Maltings, Wharf Road, Grantham, Lincolnshire NG31 6BH