



News from



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RIDDOR change could be backward step

A proposed change under RIDDOR 1995 to report incidents that lead to a worker being incapacitated **for more than seven days rather than three days**, as is currently the case, has been described as a potential retrograde move for health and safety.

Steffan Groch, head of regulatory at DWF, addressed delegates at the SHP Legal Arena on the topic of RIDDOR, a week after the HSE's consultation on the proposal closed.

A recommendation first made by Lord Young last year in his report *Common Sense, Common Safety*, Steffan explained that the Conservative peer had identified a less-than desirable level of compliance with RIDDOR, and that a change in the requirement to report over-three-day (O3D) injuries to over-seven-day (O7D) injuries might increase the level of compliance by being less burdensome on employers. Steffan said the jury is still very much out on whether such a change would increase compliance, warning, as well, that the message the impact of the change could send to directors is potentially harmful.

"The message that this gives to boardrooms is that if an incident results in less than seven days off work, then it is not sufficiently serious to tell the HSE." He added that boardrooms might look at falling RIDDOR rates as evidence that "things are getting better" and a reason for possibly reducing investment in health and safety.

He advised the audience that, regardless of whether the change is brought in, they should continue to investigate over-three day cases to ensure they learn the lessons from all incidents – not least as employers' insurers want as much information as possible about their clients' safety regimes to help them defend potential civil claims.

Oldham company in court over electric shock risk

An Oldham company has been sentenced after it ignored two formal warnings, putting its workers' lives in danger from poorly maintained and dangerous electrics.

Townfield Manufacturing Co Ltd was prosecuted by the Health and Safety Executive (HSE) after inspectors uncovered a series of cracked socket casings, exposed conductors and live wires on a visit to its premises in Mount Pleasant Street. During the same visit on 15 December 2009, inspectors also found that staff at the company were forced to work in gloves and coats because of the near-freezing conditions in the workshop, which had no heating system.

Townfield, which manufactures kitchen equipment for takeaway restaurants, was served with two improvement notices, requiring it to make the electrics safe and provide a reasonable working temperature. But when HSE inspectors revisited the site on 17 February 2010, they found that the wall sockets were still unsafe and the company had only provided workers with one stand alone heater, which had barely lifted the temperature.

Speaking after the hearing, the investigating inspector at HSE, Sarah Taylor, said:

"This is one of the worst cases of dangerous electrics I have ever seen. The employees at this firm were at serious risk of injury or even death.

"The temperature of the factory was also a serious issue. It is simply not acceptable to expect staff to work in conditions so cold that you can see your breath in the air. This is not only bad for their welfare, but also potentially damaging for their health.

"Improvement notices are not intended to serve as a suggestion. They need to be taken seriously and, if companies fail to comply with them, HSE will look to prosecute."

Townfield Manufacturing Ltd was found guilty of two breaches of Section 33(1)(g) of the Health and Safety at Work etc Act 1974, by failing to comply with the improvement notices which had been issued.

The company was fined £10,000 and ordered to pay £3,979 towards the costs of the prosecution following a trial at Trafford Magistrates' Court in Sale on 5 May 2011



Landlord given suspended prison sentence for fire safety failures

A residential landlord has been given a suspended prison sentence and ordered to pay more than £10,000 in costs after pleading guilty to four breaches of the Regulatory Reform (Fire Safety) Order 2005.

Inderjit Singh was given a six month sentence to be served concurrently on each of the four offences, suspended for 18 months. He had previously pleaded guilty to the offences at a hearing in March 2011 at Harrow Crown Court.

Following a fire in March 2009 at a house in multiple occupation (HMO) in Hayes, west London, investigators found there were no fire alarms or detection in the common areas of the property, inadequate fire doors and that no fire risk assessment had been carried out. In the nine month period leading up to the fire, Hillingdon Council had contacted Mr Singh about fire safety and general improvements to the property, according to London Fire Brigade.

"This verdict sends out a clear message that if landlords ignore fire safety then they will face serious penalties," said Steve Turek, assistant commissioner for fire safety regulation. "Mr. Singh was given plenty of time to improve fire safety inside the property but failed to comply. "The London Fire Brigade works hard to make companies and individuals understand their responsibilities under fire safety law and only uses prosecution as a last resort."



Company fined after Crawley employee paralysed

A Hertfordshire-based electrical company has been fined **£120,000** after a man was left paralysed when he was knocked from a scissor lift.

The Health and Safety Executive (HSE) prosecuted Skanska Rashleigh Weatherfoil Ltd after the incident happened on the 25 January 2007 at Manor Royal Industrial Park in Crawley.

Lewes Crown Court heard the company had been subcontracted to design and build the mechanical and electrical systems in a number of new buildings.

A cable installer, who does not want to be named, was working in a scissor lift with two colleagues tying cables into overhead trays when they collapsed, knocking the man out of the lift and causing him to fall eight metres to the floor below. The man, from Hartlepool, suffered severe spinal injuries and is now paralysed from the waist down.

HSE told the court that Skanska Rashleigh Weatherfoil Ltd had failed to ensure the safety of its employees while carrying out the installation of the cable tray systems.

Skanska Rashleigh Weatherfoil Ltd admitted breaching section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974 and was fined a total of £120,000 with full costs of £81,927. After the hearing, HSE's Inspector Denis Bodger said:

"This tragic incident would have been avoided if the company had ensured all parts of the cable tray system had been properly designed and installed, including how it was attached to the building.

Leamington firm fined for unsafe work at height

A Leamington Spa clutch manufacturer has been prosecuted by the Health and Safety Executive (HSE) for putting its staff at risk when working at height.

An employee of Raicam Clutch Ltd was asked by management to investigate a leak on a flat roof at the company's premises in Tachbrook House, Tachbrook Road on 30 July 2009. While walking across the roof the employee caught his foot in a trailing cable and fell approximately three and a half metres to the ground below. Leamington Spa Magistrates' Court heard the roof had no guard rails and nothing to hold onto. There was also no safety protection below the roof such as a birdcage scaffold, netting or soft landing bags to protect him from the fall.

The employee, who does not want to be named, sustained five broken vertebrae and whiplash to his neck. It was four months before he could return to work.

Raicam Clutch Ltd pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005 (as amended) and was fined £5,000 and ordered to pay £4,952 costs.

HSE Inspector Mark Austin said:

"It is fortunate this incident did not end in a fatality. But as if this was not enough the employer sent a second person onto this section of the roof, under the same conditions, to investigate the initial incident.

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