

## School-trips digest to ease bureaucracy burden

The Government has torn up reams of health and safety guidance for schools and condensed them into eight pages of simplified advice.

In a move designed to alleviate teachers' fears of legal action being taken in the event of an incident in which a child suffers harm, as well as encouraging teachers to take children on more school trips, the Department for Education (DE) has slashed 150 pages of health and safety guidance for schools into eight pages.

The fear of prosecution is often cited as a barrier to the organisation of school trips, but the Department emphasises that convictions are rare. In the past five years, the HSE has pursued only two cases for breaches of health and safety law in relation to school visits, and both were taken in the light of evidence of recklessness, or a clear failure to follow sensible precautions.

The revised guidance:

- summarises the legal duties of head teachers, governing bodies and local authorities on health and safety, and covers activities that take place on and off school premises;
- clarifies that a written risk assessment does not need to be carried out every time a school takes pupils on a routine local visit;
- tackles teachers' fears about being prosecuted by making the law clearer; and clarifies that parental consent is not necessary for pupils to take part in the majority of off-site activities organised by a school, as most of these activities take place during school hours and are a normal part of a child's education.

To help schools further, the DE has also developed a 'one-off' parental consent form, which covers activities outside the normal school day. The consent form will cover all activities and will only need to be signed once, when a child enrolls at the school. Rather than filling in forms for every excursion, schools will then only need to inform parents in advance of each activity to give them the opportunity to withdraw their child from the activity if they wish.

**Education secretary Michael Gove said:** "Children should be able to go on exciting school trips that broaden their horizons. That is why we are cutting unnecessary red tape in schools and putting teachers back in charge.

"This new, slimmer advice means a more common-sense approach to health and safety. It will make it easier for schools to make lessons more inspiring and fun."

The HSE has also prepared a myth-busting statement for schools and local authorities, explaining what issues they need to focus on when organising excursions.

**Said Safety minister Chris Grayling:** "Memories of our school trips stay with us. Learning outside the classroom brings the curriculum to life and is essential to our children's development. We cannot let confusion over health and safety requirements deprive them of the opportunities we had.

"I want to dispel the myths and remind schools, teachers and local authorities that a disproportionate fear of prosecution should not get in the way of common sense."



### A cause for concern: workplace fatal injuries up significantly in 2010/11:

Today marks the publication by the HSE of the 2010/11 workplace fatal injury statistics for Great Britain. HSE notes that the underlying five-year trend for workplace fatalities continues downward. The number of such deaths in **2010/11, 171** workers killed, is lower than the five year average.

But despite the downward trend there are a number of aspects that give serious cause for concern. The number of workplace fatalities **rose** from 147 in 2009/10 to 171 in 2010/11. There was a significant increase too in the rate of fatal injury per 100,000 workers – up from 0.5 in 2009/10 to 0.6 in 2010/11.

While the number of workplace deaths in the agriculture sector fell from 38 to 35 there was an increased number of deaths in the construction, manufacturing and service sectors. Construction sector deaths rose from 41 to 50, manufacturing sector deaths rose from to **24 to 27** and service sector deaths rose from **42 to 47**.

**Alex Botha, the chief executive of the British Safety Council**, expressed his concern at the recent announcement, "The grim reality underlying today's news is that 171 workers were killed in workplaces across Great Britain in 2010/11. We pride ourselves on the strength of our health and safety regulatory framework, our competence and our commitment to keeping our workers healthy and safe and yet avoidable deaths are still occurring.

### TK Maxx fined after workers injured at fashion chain

A Staffordshire-based interior design company has been fined after two men were injured while carrying out refurbishment work at a TK Maxx outlet in Hounslow. Three men were pouring concrete to fill in an opening in the first floor of the retail unit, left following the removal of stairs and an escalator.

The Old Bailey heard that on 21 September 2006 the men had only just begun to pour the concrete when the temporary propping erected to support the underside of the decking, installed within the opening, collapsed. This caused the men to fall more than 4.8 metres to the floor below. All three men were taken to hospital, one with a dislocated shoulder, another had a fractured pelvis and elbow, the third worker was unhurt. Bridgford Interiors Limited, of Fradley Park, Lichfield, Staffordshire pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc Act 1974.

The company was fined **£25,000** and ordered to pay costs of **£23,392**. HSE Inspector Viv Neaverson said: "This prosecution arises as a result of Bridgford's failing in their duty as the company responsible for the temporary work. Whilst they had appointed a structural engineering company to execute the permanent works, they had not appointed a temporary works engineer and, as such, this duty fell to them."



## Roofer risks lives at Bolton takeaway

A Bolton roofer has been prosecuted after he put lives at risk on the roof of a fish and chip shop.

The Health and Safety Executive (HSE) took legal action against Alex Morrissey after he and a labourer were spotted balancing dangerously on the roof of the Kearsley Fish Bar on Manchester

Road in the town.

An inspector visited the premises on 30 July 2010 after receiving a report that Mr Morrissey had allowed materials, including bits of tiles and wood, to be dropped onto the pavement below.

When the inspector arrived at the property, he found scaffolding had been put up at the front but there was nothing at the back to stop the workers slipping and falling to the ground below.

Trafford Magistrates' Court was also told today that Mr Morrissey had not put up any protective mesh guarding to prevent materials falling to the ground, despite members of the public still entering the fish and chip shop during part of the day.

Alex Morrissey admitted two breaches of the Work at Height Regulations 2005 by failing to take action to stop workers being injured in a fall, and by not preventing materials falling to the ground below.

Mr Morrissey, of Trafford Street in Farnworth, was fined £1,000 and ordered to pay £800 in prosecution costs.

After the hearing, HSE inspector Ian Betley commented:

"This was a basic error that could have resulted in someone being seriously injured or even killed. Not only did Mr Morrissey put himself in danger, he also risked the life of the labourer he employed. "He also failed to do anything to prevent members of the public being injured by falling materials. Some of the pieces of wood that were dropped from the scaffolding had nails in them so they could have caused a nasty injury. "Falls from height are a major cause of workplace deaths and injuries in the UK. It's therefore vital that roofers take the risks seriously."



## Firm pays more than £100,000 after workers engulfed in fireball

An international packaging film manufacturer has been fined £90,000 after two workers suffered life-threatening injuries when they were engulfed by a 'fireball' at a factory in Cumbria.

Innovia Films Ltd was prosecuted by the Health and Safety Executive (HSE) following an investigation into the cause of the fire at the plant in Wigton on 13 September 2006.

Carlisle Crown Court heard that on the previous day there was a small fire in a circuit compartment of an electrical distribution box at the factory. Workers put out the flames with a CO2 extinguisher and then re-routed the power supply to an undamaged switch so that cooling equipment, which is used to maintain production quality, could continue to operate.

The following day, an engineer and an apprentice were asked to plate over the damaged circuit compartment to prevent it from being accessed until it had been properly inspected. They were removing debris from the compartment when an explosive arc of electrical energy engulfed them, setting their clothes on fire.

They ran into an adjacent room where colleagues used a fire hose to extinguish the flames. The engineer, who suffered burns to 47% of his body, was in a coma for four weeks, remained in hospital for five months and will never be able to return to work. The apprentice suffered 42% burns to his hands, arms and torso, and spent nine weeks in hospital. The court was told that a suitable risk assessment had not been carried out for the work, and that management at the company had allowed it to go ahead without the electricity supply being isolated. Mark Dawson, HSE principal inspector for Cumbria, said: **"It was an astonishing decision to allow work to go ahead without the live electricity supply being switched off, and even went against the company's own work procedures."** If the factory had been shut down for just a day-and-a-half, then neither of the workers would have suffered severe burns."

## Marks Spencer and two contractors found guilty of safety failings

Marks and Spencer plc and two of its contractors have been convicted for putting members of the public, staff and construction workers at risk of exposure to asbestos-containing materials during the refurbishment of two stores.

Asbestos is the biggest single cause of work-related deaths in the UK, with an estimated 4,000 people dying every year.

The Health and Safety Executive (HSE) prosecuted Marks and Spencer plc, Willmott Dixon Construction Ltd and PA Realisations Ltd (formerly Pectel Ltd). The work was carried out between 2006 and 2007 on shops in Reading and Bournemouth.

Winchester Crown Court heard construction workers at the two stores removed asbestos-containing materials that were present in the ceiling tiles and elsewhere. The court heard that the client, Marks and Spencer plc, did not allocate sufficient time and space for the removal of the asbestos-containing materials at the Reading store. The contractors had to work overnight in enclosures on the shop floor, with the aim of completing small areas of asbestos removal before the shop opened to the public each day. The HSE alleged that Marks and Spencer plc failed to ensure that work at Reading complied with the appropriate minimum standards set out in legislation and approved codes of practice. The company had produced its own guidance on how asbestos should be removed inside its stores, and the court heard that this guidance was followed by contractors inappropriately during major refurbishment. The contractor, PA Realisations Ltd, failed to reduce to a minimum the spread of asbestos to the Reading shop floor. Witnesses said that areas cleaned by the company were re-contaminated by air moving through the void between the ceiling tiles and the floor above, and by poor standards of work. The principal contractor at the Bournemouth store, Willmott Dixon Construction Ltd, failed to plan, manage and monitor removal of asbestos-containing materials. It did not prevent the possibility of asbestos being disturbed by its workers in areas that had not been surveyed extensively. After the hearing, **Charles Gilby, HSE Principal Inspector, said:** "This prosecution exposed serious failures by Marks and Spencer and its contractors that we hope others will learn from. This verdict is a wake-up call for the retail industry. Client accountability and responsibility is at the heart of this case, because asbestos can and does kill."

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