



Prosecutions

Roofer Fined for Serious Breach

A roofer has appeared in court after four of his employees were spotted balancing dangerously on a barn roof in Cheshire.

Joseph Jones, 61, was prosecuted by the Health and Safety Executive (HSE) after an inspector visited Norley Bank Farm, on Cow Lane in Norley, on 23 February 2009. **He found Mr Jones giving instructions to the men, who were working approximately four metres above the ground, while they refurbished the roof.**

Halton Magistrates' court in Runcorn heard that HSE Inspector John Ellis immediately requested that the workers come down from the roof. **He then issued a Prohibition Notice requiring work to stop until scaffolding or edge protection had been put up at the eaves of the roof.**

HSE took the decision to prosecute due to the serious nature of the health and safety breach, and the potential risk to the lives of workers.

Mr Jones, of Chester Road in Pentre, South Wales, pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005. He was fined £1,000 and ordered to pay costs of £1,000 on 25 October.

HSE Inspector John Ellis said:

"Any of Mr Jones' four employees could have suffered a serious injury as a result of falling from the barn roof. Each year 11 roofers are killed as the result of a fall. It is only luck that none of the men were injured on this occasion.

"Mr Jones admitted in his interview with HSE that this project was larger than he normally carried out, and that in hindsight it was impossible to carry out the work without scaffolding.

"There is clear advice on the measures needed when carrying out roof work. Mr Jones should have been aware of the expected standards."



News

Latest HSE Figures Reveal Low Rates

New figures released by HSE last week confirm that Britain has the lowest rate of fatal occupational injuries in Europe and one of the lowest levels of work-related ill health.

The statistics show that in Britain between April 2009 and March 2010:

- there were 152 workers fatally injured - down from 179 the previous year. This is the lowest level on record in Britain, with 0.5 deaths per 100,000 workers
- there were 26,061 major injuries, such as amputations and burns, to employees - a rate of 101.5 per 100,000 - compared with 27,894 in 2008/09
- there were 95,369 injuries serious enough to keep people off work for three or more days - a rate of 371.5 per 100,000 - down from 105,261 the previous year
- an estimated 1.3 million people said they were suffering from an illness caused or made worse by their work, up from 1.2 million in 2008/09. Of this, 555,000 of these were new illnesses occurring in-year. A further 800,000 former workers claim they are still suffering from an illness caused or made worse by work.

Judith Hackitt, Chair of HSE said:

"It is encouraging to see further reduction in the number of people being killed and seriously injured at work. We now need to ensure that the improvements which are being made continue. Every statistic represents an individual or a family which is now suffering as a result of health and safety failings at work.

"Britain remains one of the safest places to work in the EU and we are rightly proud of this record. The challenge now is to focus on those areas where improvement is slow to emerge.

"We know what good practice looks like but there remain significant areas of poor practice which still result in serious harm to people at work. These statistics also remind us yet again of the significant gains which are yet to be made in reducing the harm caused to people's health by work."

The construction and agricultural industries continue to report the highest levels of work-related injuries and ill-health, with disproportionately high numbers of incidents.

The toll of injury and ill-health resulted in 28.5 million working days being lost, an average of 1.2 days per worker - 23.4 million to ill-health and 5.1 million to injury.

HSE continues to take a tough line with employers who put workers at risk of injury or illness. It issued 9,734 enforcement notices requiring firms to stop dangerous activities or make improvements to the way they manage safety. It also took court action against the 1,026 most serious offences.



Airport Security Checks

The UK airline industry has backed British Airways chairman Martin Broughton's call for changes to airport security checks.

Mike Carrivick, of BAR UK, which represents more than 80 airlines, said the industry should "step back and have a look at the whole situation".

The Department for Transport said there were no plans to change rules on checking laptops and shoes.

Mr Broughton said some "completely redundant" security checks should go.

Practices such as forcing passengers to take off their shoes should be abandoned, he added. He also criticised the US for imposing increased checks on US-bound flights but not on its own domestic services, saying the UK should stop "kowtowing" to US security demands. And he questioned why laptop computers needed to be screened separately.

Mr Carrivick, of BAR UK, which represents scheduled airlines such as Virgin Atlantic and BMI, said airport security seemed to be a "layered approach".

He added: "Every time there is a new security scare, an extra layer is added on to procedures.

"We need to step back and have a look at the whole situation. Standards change fairly regularly and this puts pressure on airports and airlines. We need to decide what we are trying to do and how best to do it."

BAA's chief executive Colin Matthews said security at Heathrow and its other airports was "defined by the authorities" and consisted of "one requirement laid on top of another".

He added: "There's European requirements, there's UK requirements and... US requirements laid on top of that".

"We could certainly do a better job for customers if we could rationalise all of that into a single, coherent process, and I'd love to have the chance to do that."

The US stepped up security in January in the wake of an alleged bomb plot.

It introduced tougher screening rules, including body pat-down searches and carry-on baggage checks, for passengers arriving from 14 nations which the authorities deem to be a security risk. Passengers from any foreign country may also be checked at random.

Speaking at the UK Airport Operators' Association annual conference, Mr Broughton said that no-one wanted weaker security. But he was quoted by the Financial Times as telling the conference: "We all know there's quite a number of elements in the security programme which are completely redundant and they should be sorted out."

The UK's overall threat level, set by the Joint Terrorism Analysis Centre, remains at severe, which means that an attack is highly likely.

Transport Secretary Philip Hammond said: "Security is, and will remain, a continuing challenge to the industry and the delivery of effective aviation security must be at the heart of the aviation policy debate.

"I intend to develop a new regulatory system - one where the government concentrates on setting the security outcomes that need to be achieved, and frees up operators to devise the security processes needed to deliver them in line with EU requirements."

Mr Hammond also said that further announcements would be made "in due course".



Guidance

The Law on Clearing Snow and Ice from Public Spaces

With colder months approaching fast, new guidance has been issued by Directgov on clearing snow and ice from public places. It states that there is no law stopping you from clearing snow and ice on the pavement outside your property, pathways to your property or public spaces.

Last winter, although there were many people who helped keep pavements and public spaces around their homes clear of snow, others were put off doing so because of fears of being sued. If an accident did happen, it's highly unlikely that you would be sued as long as you:

- are careful
- use common sense to make sure that you don't make the pavement or pathway clearly more dangerous than before.

People using areas affected by snow and ice also have responsibility to be careful themselves.

Tips and advice on clearing snow and ice

- start early - it's much easier to clear fresh, loose snow compared to compacted ice that has been compressed by people walking on it
- don't use hot water - this will melt the snow, but may replace it with black ice, increasing the risk of injury
- be a good neighbour - some people may be unable to clear snow and ice on paths from their property
- if shovelling snow, think where you are going to put it so that it doesn't block people's paths or drainage channels
- make a pathway down the middle of the area to be cleared first, so you have a clear surface to walk on
- spreading some salt on the area you have cleared will help stop ice forming - table salt or dishwasher salt will work, but avoid spreading on plants or grass as they may be damaged by it
- pay particular care and attention to steps and steep gradients
- use the sun to your advantage - removing the top layer of snow will allow the sun to melt any ice beneath; however you will need to cover any ice with salt to stop it refreezing overnight
- if there's no salt available, sand or ash are good alternatives.

Reports

Worker Involvement in Health and Safety: What Works?

This is a report of an investigation into the extent of worker involvement in health and safety (WISH) in non-unionised workplaces in Scotland, undertaken by RoSPA on behalf of HSE Scotland.

The project, which aimed to find out what worker involvement looks like in practice, built on evidence that organisations with 'properly involved' unionised safety representatives achieved better health and safety performance than those without such representation. It comprised a telephone questionnaire survey of 240 individuals, a series of eight interactive workshops, and the preparation of several good-practice case studies.

Some of the main findings include:

- the extent of worker involvement in safety and health (WISH) in non-unionised participant organisations is determined in part by organisation size, sector, history, location, culture and parent companies and in part, by human drivers, notably from senior managers and an individual manager who not only understands the need to engage all levels of the workforce in occupational safety and health (OSH) but has the commitment and skill to implement it
- WISH, as a concept, is low down on the agendas of most of the employers
- there is some very good practice in around 10% of the participating organisations, with a further 20%–30% doing something positive
- without an individual who constantly drives WISH – to the board, managerial colleagues, employees and contractors – strategic involvement is unlikely to take place to any significant extent
- WISH needs the support of the MD or a senior director
- benefits of WISH include increased near-miss reporting and improvements to health and safety, helping staff through the recession (limited evidence), reduced injury and absence data and improved morale
- the participants that had attempted to engage their workforce cited the most common barrier as line management; many said they would appreciate help with how to address line managers.

Construction Related Procurement: Prequalification Questionnaires

A simpler way of pre-qualifying for construction contracts was announced by Business Minister Mark Prisk on 18 October.

A standard prequalification questionnaire has been designed to streamline the process so businesses do not have to fill out a different set of questions every time they bid for new government contracts. It is hoped the move will save time and money.

This publicly available specification (PAS) provides a set of questions to be asked by buyers of potential suppliers to enable prequalification for construction related procurement. This PAS also specifies requirements for the consistent use of those questions, irrespective of the size or nature of the contract. It is intended that the questions are also used by assessment providers in their intermediary role between buyers and suppliers.

This PAS provides construction sector stakeholders with prequalification questions (PQQs) that:

- are the common questions that are relevant to construction-related procurement
- increase the scope for recognition between various types of PQQ activity, helping to significantly reduce duplication, unnecessary paperwork and cost for both buyers and suppliers.



The Business End of the Telescope

Published by the Local Better Regulation Office, this report highlights how local regulation and enforcement can play a major part in either increasing or alleviating the regulatory burden on business. Different businesses and the major business federations have some differences in their views about local regulation, but also a great deal that they share.

This document brings together current business perspectives on local regulation, and explores the ways in which a better understanding of the needs of business could improve outcomes and efficiency both for the regulators and those who are regulated, and also for consumers and communities. It will provide a resource to business, local and national regulators, and policy makers when considering the future shape of local regulation and enforcement.

A summary of issues

Listening to business: the burden of regulation remains a significant concern for UK businesses and needs to be addressed at both national and local level. The regulatory system as a whole and local regulators individually need to tailor their approaches to be accountable to businesses in ways that meet their needs. Business organisations and trade bodies could play a useful role in helping regulators gain a solid understanding of business concerns and barriers to compliance.

Inspections: businesses welcome a risk-based approach to inspection, which is informed by effective inter-agency working and recognises their investment in compliance. Where appropriate, visits should be pre-booked, with communication channelled through one local authority contact and regulators should provide useful feedback on compliance performance.

Advice and guidance: guidance should be accessible, practical and legally defensible, with a 'twin-track' structure to support preferences for both rules and principles-based approaches. Regulatory advice needs to be tailored to meet businesses' needs and clearly distinguish between minimum requirements and best practice. This approach enables enterprise and improves outcomes.

Culture: businesses welcome a strengthened relationship with local regulators. Such 'progressive partnerships' should be founded on mutual trust and understanding and aim to achieve compliance in a way that is cost and time effective for both parties.

Enforcement: businesses want consistent and targeted enforcement, ensuring a fairer playing field for the businesses that do invest in compliance and proportionate sanctions against non compliant businesses.

The way ahead: businesses are keen to ensure that shrinking local resources result in innovative approaches with increased focus on business needs, rather than simply reduced levels of activity. Approaches should be designed with local business partners and delivered at a level that balances the benefits of local contact against efficiency, consistency and effective management of risk.