

Prosecutions

Providence Healthcare Fined £2,000 for Fire Safety Breach

In October 2009 a residential care home in Suffolk was inspected by Suffolk Fire and Rescue Service (SFRS) under the provisions of the Regulatory Reform (Fire Safety) Order 2005 to ensure the fire safety provisions and management at the premises were suitable and sufficient to protect the 34 elderly residents who lived there. The inspecting officer identified a number of offences under the legislation some of which were serious. The inspection resulted in an Enforcement Notice being issued to the managing company, Providence Healthcare Limited. The management company had 6 months to resolve the relevant issues identified in the Notice.

At the conclusion of the Notice in April 2010, the inspecting officer discovered that not all of the issues had been suitably resolved and, as the company failed to comply with Building Regulations, additional failings placed residents at further risk.

Because of the company's inaction and failure to follow procedures, SFRS conducted a full investigation. A number of offences were identified which included a failure to provide a suitable and sufficient fire alarm system, emergency lighting, fire doors routinely wedged in the open position and obstructed fire exit routes.

The investigation also identified failings in management procedures coupled with inaction by the company to resolve the failings identified in the Notice, which placed elderly and vulnerable residents at risk.

The case was heard at Ipswich Magistrates Court on 13 April 2011.

Providence Healthcare Limited pleaded guilty to 6 offences including the failure to provide; adequate fire detection, suitable emergency routes and exits due to fire doors being wedged in the open position and failure to provide self-closing devices, failure to provide adequate emergency lighting and a failure to provide suitable and sufficient training for staff.

The District Judge recognised that "aged persons were placed at grave risk' and stated that "...residents, and relatives of residents, are at the debt of the Fire Service for bringing this case." Providence Healthcare Limited was ordered to pay fines of £2,000 for each offence and ordered to pay the Fire Authority's costs.

Worker Crushed to Death

An engineering firm has been fined after an employee was crushed to death while working under a plant vehicle.

The Health and Safety Executive (HSE) prosecuted Hydraline Engineering Ltd, of Unit 33 Martindale, Cannock, Staffordshire, following the death of 46-year-old employee Mark Palmer on 7 March 2008 at Wells Farm, Bradley, Stafford.

The company modifies construction equipment such as excavators and wheeled loaders, and Mr Palmer, from Cannock, was working on a wheeled loader at Wells Farm when the incident took place.

Mr Palmer was working under the vehicle's arms when the hydraulic system lost pressure. This caused the loading arm to fall, fatally crushing him against the vehicle frame.

Stafford Crown Court heard how Hydraline had failed to carry out a suitable and sufficient risk assessment, meaning there were insufficient control measures in place to stop the arm falling in the event of a loss of hydraulic pressure.

The HSE investigation also found Hydraline had given Mr Palmer insufficient training with regard to the risks when working with hydraulic machinery. Instead he had picked up knowledge while on the job.

Hydraline Engineering pleaded guilty to breaching Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999 and Section 2(1) of the Health and Safety at Work etc Act 1974.

The company was fined £40,000 and ordered to pay £20,000 costs by Stafford Crown Court today.

HSE inspector Wayne Owen said:

"It is a tragedy for Mr Palmer's family that his death could have been prevented if Hydraline Engineering Ltd had taken the time to properly consider the risks.

"When carrying out work under hydraulically-supported loads, it is vital that a thorough risk assessment is carried out beforehand and that suitable control measures are taken to minimise the significant dangers created by this type of work.

"Had the company provided a suitable load tested support device, this would, in conjunction with a safe system of work, have stopped the loading arm falling onto Mr Palmer - and prevented his death."

Company 'Failed to Consider' Fire and Explosion Risk

A worker suffered serious burns from a flash fire after opening an oven door at a factory unit in Tamworth.

The incident happened at Enviro-Strip (UK) Ltd's premises in Wilnecote. The firm strips paint and coatings from metal parts for the automotive industry.

During the Health and Safety Executive (HSE) prosecution, Burton-on-Trent Magistrates' Court heard the incident happened when a 24-year-old man, who has asked not to be identified, was supervising the opening of the specialised oven, used to remove paint from metal in a low-oxygen environment.

He suffered acute burns on his face, arm, neck and left hand when the resulting flash fire from the 400 degree oven caught his upper body, on 19 March 2010. He was airlifted to hospital and put into an induced coma and kept on a high dependency ward for four days. He is back at work but cannot stay out in sunlight as his skin is now too sensitive.

The HSE investigation found a safety device designed to prevent the door from being opened at temperatures above 260 degrees had been deliberately bypassed.

The court heard the company failed to consider the risk of fire and explosion from the paints inside the oven, the effect of introducing additional oxygen by opening the oven door, and at what temperature it was safe to open the oven.

Enviro-Strip, whose registered office is at Cross Keys, Lichfield, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and Regulation 5(1) of the Dangerous Substances and Explosive Atmospheres Regulations 2002. The company was fined £20,000 in total and ordered to pay £6,491 costs.

Speaking after the hearing, HSE inspector Gail Pannell said:

"This was a very serious, entirely preventable incident that could easily have been fatal and left a man on a life support machine. He is extremely lucky to have recovered from his injuries.

"When working with potentially dangerous substances at high temperatures, companies must carry out proper risk assessments and set up a safe system of work.

"This includes checking that safety devices are fit for purpose and suitably maintained."

Unsafe Roof Work Leads to Fine

A Hampshire roofing boss has been fined after workers were spotted removing roof tiles without scaffolding or safety barriers to prevent them falling.

Dan Shea, who also traded as Blackmoor Roofing, of Liss bought used roof tiles from a demolition company dismantling a house in Esher, Surrey on the understanding his firm would remove them before the building was dismantled.

The Health and Safety Executive (HSE) told Staines Magistrates' Court that on 8 February 2010, a neighbour who lived opposite the property in Waynelete Tower Avenue, witnessed workmen removing roof tiles from the house in an unsafe manner and alerted HSE.

One man was reportedly standing on the wet roof with no safety barriers or scaffolding, another was in the raised bucket of a digger taking tiles from the roof, while a third was on top of a long ladder throwing wall tiles down to ground level.

HSE discovered Mr Shea had sent three Polish labourers to the property to remove the tiles, though he later claimed they started work earlier than agreed. HSE has been unable to contact any of the workers since the incident.

The court heard HSE attempted to reach Mr Shea on more than five occasions to discuss the incident but he failed to answer correspondence, phone calls or attend interviews to discuss the matter.

Mr Shea of Blackmoor Roofing, based at Petersfield Road, Greatham, Liss, Hampshire pleaded guilty to breaching regulation 25(1) of the Construction (Design and Management) Regulations 2007. He was fined £10,000 and ordered to pay costs of £6,497.

Denis Bodger HSE's Inspector said:

"It is incredible that Mr Shea's workers were using an excavator bucket to get onto a wet roof and were allowed to remove tiles without anything to prevent them from falling. In this instance the risk of falling was also increased by the fact that it was wet from rain and sleet.

"Falls from height are among the biggest causes of workplace deaths in the UK. Roofing firms should have safe systems in place to protect employees and sub-contractors. HSE will not hesitate to prosecute companies that workers or members of the public at risk."

News

World Day for Safety and Health at Work – 28 April 2011

The 2011 World Day for Safety and Health at Work focuses on the implementation of an Occupational Safety and Health Management System (OSHMS) as a tool for continual improvement in the prevention of workplace incidents and accidents.

This year the World Day for Safety and Health at Work focuses on a systems' approach for the prevention of workplace accidents and the management of OSH with a logical and useful tool for the promotion of the continual improvement of OSH performance at the organization's level.

The ILO has produced a report, which discusses the application of an Occupational Safety and Health Management System (OSHMS) for the effective management of hazards and risks in the workplace. It has been prepared to serve as a background to the 2011 World Day for Safety and Health at Work campaign. [Click here \[272073\]](#) to read it on Barbour's Health and Safety service.

Occupational Safety and Health Management System: A tool for continual improvement

The essence of occupational safety and health (OSH) is the management of occupational risks. An OSHMS is a preventive method to implement safety and health measures which consists of four steps and incorporates the principle of continual improvement. Its principles are based on the PDCA Cycle: PLAN, DO, CHECK, ACT. Its purpose is to establish a comprehensive and structured mechanism for joint action of management and workers in the implementation of safety and health measures. A system's approach allows for the assessment and improvement of performance in the implementation of preventive and control measures. OSHMS can be an effective tool for the management of hazards specific to a given industry, process or organization. Its application can be adapted to a range of situations, from the simple needs of a small scale enterprise to the multiple needs of hazardous and complex industries such as mining, chemical manufacturing or construction.

OSHMS cannot function properly without the existence of effective social dialogue, whether in the context of joint safety and health committees, or other mechanisms such as collective bargaining arrangements. Key elements for its successful application include ensuring management commitment and active participation of workers in its joint implementation.

During the last decade, occupational safety and health management systems have been widely implemented in both industrialized and developing countries. Their implementation has varied from incorporating legal requirements in national legislation, promoting national guidelines and introducing voluntary certification initiatives. The incorporation of an occupational safety and health management system in the application of preventive and protective measures at the workplace has proven to be essential for the improvement of working conditions and the working environment. As its principle of continual improvement allows for a periodic review of performance, it has been critical in the ultimate scope of preventing occupational accidents and diseases.

The OSH management systems' approach has retained the attention of enterprises, governments and practitioners, both at national and international levels, for more than a decade. It is expected that more and more countries integrate OSHMS into national OSH programmes as a means to strategically promote the development of sustainable mechanisms for OSH improvements in the organizations.



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Workforce Involvement in Safety – Poster Pack

The Energy Institute has highlighted the importance of good practice in safety across all sectors of the energy industry. It notes that it is generally accepted that engagement with the workforce can lead to safer workplaces as staff become more aware of and involved in mitigating health and safety issues.

With good workforce involvement (WFI), staff, including contractors, are encouraged to take part in the decision making process about managing health and safety in the workplace, however, achieving good WFI requires planned and sustained effort. To support safety managers and leaders in their efforts to implement effective WFI programmes, the Energy Institute (EI) has developed a series of posters to encourage colleagues to contribute to safety in the workplace.

This new poster pack can be used as part of a wider WFI campaign and these resources are supported by Guidance on running a WFI campaign and using the WFI poster pack to help in proactive health and safety management. The posters tackle a number of themes, such as: What stops you from communicating safety issues? What if you are the only person in your team who sees the risk? and What ideas do you have to improve safety? The posters are designed to challenge general perceptions and provoke discussion amongst workers. To support the sharing of ideas, the series also includes space to capture comments to contribute to WFI schemes.

The UK Health and Safety Executive (HSE) was involved in EI's Human and Organisational Factors Committee (HOFCOM) which developed these new resources. Commenting on the posters, Rob Miles, Head of Human and Organisational Factors, Offshore Division, HSE, says: "HSE believes that effective involvement of the workforce in how work is planned and executed is a fundamental part of achieving safety goals. The workforce are closest to the risks and have so much valuable experience to contribute on how tasks can be done safely. This is particularly true on some older installations where the operators and management may have changed several times and some unique operational experience can only be found through workforce involvement. We also know that engagement of the workforce through effective involvement underpins the creation and maintenance of a good safety culture."

Guidance

New Labelling Guidance

The European Chemicals Agency (ECHA) has published new labelling and packaging guidance. It is a stand-alone guidance on the labelling and packaging rules for substances and mixtures as set out in the CLP Regulation.

The new document is aimed at manufacturers, importers, downstream users and distributors of chemical substances and mixtures. It gives more details on labelling and packaging, in particular:

- what aspects to consider when estimating the label size needed
- what types of supplemental information are possible, and where to place this information on the label
- the conditions for small packaging exemptions
- the interaction between CLP and the transport labelling rules
- how to select the most appropriate set of precautionary statements for the label
- the transitional provisions for substances and mixtures already on the market.

The new stand-alone guidance document replaces the Guidance on the Application of the CLP Criteria.

Reports

Smoke Detection in High Spaces using ASD

The Fire Industry Association (FIA) has published Fact File No: 45 in its series of information bulletins. This document summarises the results of research undertaken by BRE Global (jointly funded by the BRE Trust and the FIA) into the applicability of Optical Beam Smoke Detectors (OBSD) and Aspirating Smoke Detectors (ASD) as an effective means of detecting smoke in high ceiling spaces. Both of these systems use integrating technology whereby smoke is detected over an area, as opposed to simply at a point source.

Background

The research, which commenced in 2008, was undertaken to:

- review existing recommendations for the protection of spaces with high ceilings
- investigate the value of computational methods for predicting performance in such spaces
- perform some full scale fire tests to determine the potential for the limits specified in the 1996 FIA Code of Practice (CoP) for ASD systems to be amended and the maximum ceiling height restrictions for such systems to be increased.

Report findings

The research identified that:

- smoke from quite small fires can travel up to 43m vertically, leading to associated temperature differentials of 8°C and 12°C between floor and ceiling
- OBSD and ASD systems, both of which employ integrating technologies, are able to detect small amounts of smoke at the aforementioned height, subject to their featuring the required sensitivity
- integrative type smoke detection (aspirator and beam systems) is an effective means of detecting smoke in high ceiling spaces
- to be effective, the minimum sensitivity of OBSD at 40m should be 35% obscuration, or even better 25% obscuration. Obscuration levels of 50% would render these systems ineffective
- ASD sensitivity requires a Class C aspirator with many sampling holes, or preferably use of the more sensitive Class B system
- although the study did not set out to compare the efficacy of OBSD and ASD systems, tests revealed that a Class B ASD system is more effective than an OBSD system with an alarm threshold sensitivity of 35% obscuration
- in practice, the results suggest that the performance of a 4-pipe Class C ASD is comparable with the performance of a ceiling mounted OBSD set to 35% obscuration
- the versatility of ASD systems enables their sensitivities to be set with ambient levels of airborne particulates in mind, thus facilitating different sensitivity thresholds being set for periods for when a building is unoccupied and during working hours
- in fact, integrating technology deployed over an area (as in the case of a multi-pipe ASD system) is more effective than single pipe ASD, or beam detector systems that integrate along a line – historically this factor has not been considered when establishing ceiling height limits
- the ceiling height limits specified for ASD should be based on those for beam detectors and not point detectors.

Conclusion

The findings from this research will result in changes to the FIA CoP for ASD systems, the new edition of which is due to be published in summer 2011. They confirm that integrative type smoke detection systems are very effective at detecting smoke in high ceiling spaces but that the minimum length of a beam, or the minimum number of sampling holes for an ASD, should be specified. The updated CoP will also recommend the fitting of multi-pipe ASD systems wherever possible, in preference to a single run of holes to achieve the required



integration over an area. In addition, ceiling height limits specified in earlier editions of the FIA CoP (based on the performance limits for point smoke detectors) can be increased slightly if 'enhanced' (Class A) or 'very high sensitivity' (Class B) ASD holes are fitted. The revised CoP will also emphasise the importance of performance testing and will include some revisions of existing testing procedures.

Workplace Noise – Emission Testing

Hearing loss that can occur in response to excessive exposure to noise in the workplace is permanent. Therefore, health surveillance has an important role in trying to prevent this. The standard technique for monitoring hearing as part of health surveillance, puretone audiometry, only detects changes once hearing loss has occurred. However, the measurement of otoacoustic emissions (OAE) from the ear is a simple, quick technique that may be useful in picking up early changes in hearing function before hearing loss occurs. Detection of early markers of hearing damage may be more useful in preventing permanent irreversible effects. There are two main ways of stimulating OAEs by delivering sounds in the form of clicks (transient-evoked or TEOAE) or tones (distortion-product or DPOAE) to the ear.

This study, detailed by this HSE research report, investigates issues important for the potential usefulness and practical application of OAE testing within an occupational health surveillance programme.

The key messages from the report are as follows:

Otoacoustic emission testing (OAE) has good reliability and repeatability in individuals with normal hearing. It should be borne in mind that this study did not investigate the impact of noise exposure or hearing difficulties on OAE, both of which would be important factors in occupational health surveillance.

The smallest difference that can be detected using the technique appears to be small enough to be able to pickup changes that may be expected with noise-induced hearing loss over time, but this would need to be verified by future research work.

The room in which the measurements are performed (quiet room versus audio booth) has little influence on the reliability of the technique. Thus, a soundproof room may not be necessary to obtain good quality information.