

**June
2018**

Newsletter

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- Good / Not Good
- Presentations
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- Video(s)
- News / Interesting
- Next event(s)

H & S Risk Profiling
James Stapleton, Deputy H, S & Risk Manager,
Loughborough University

Legal Update including Case Law
Alan Millband, Partner,
Howes Precival LLP



For further information: Liz Prophett Tel: 07881 290238; Email: secretary@bhsea.org.uk



Guests, New Members, New attendees

Guests

- Helen Shaw – Solar Protech
- Mark Griffiths
- Paige Hempshall

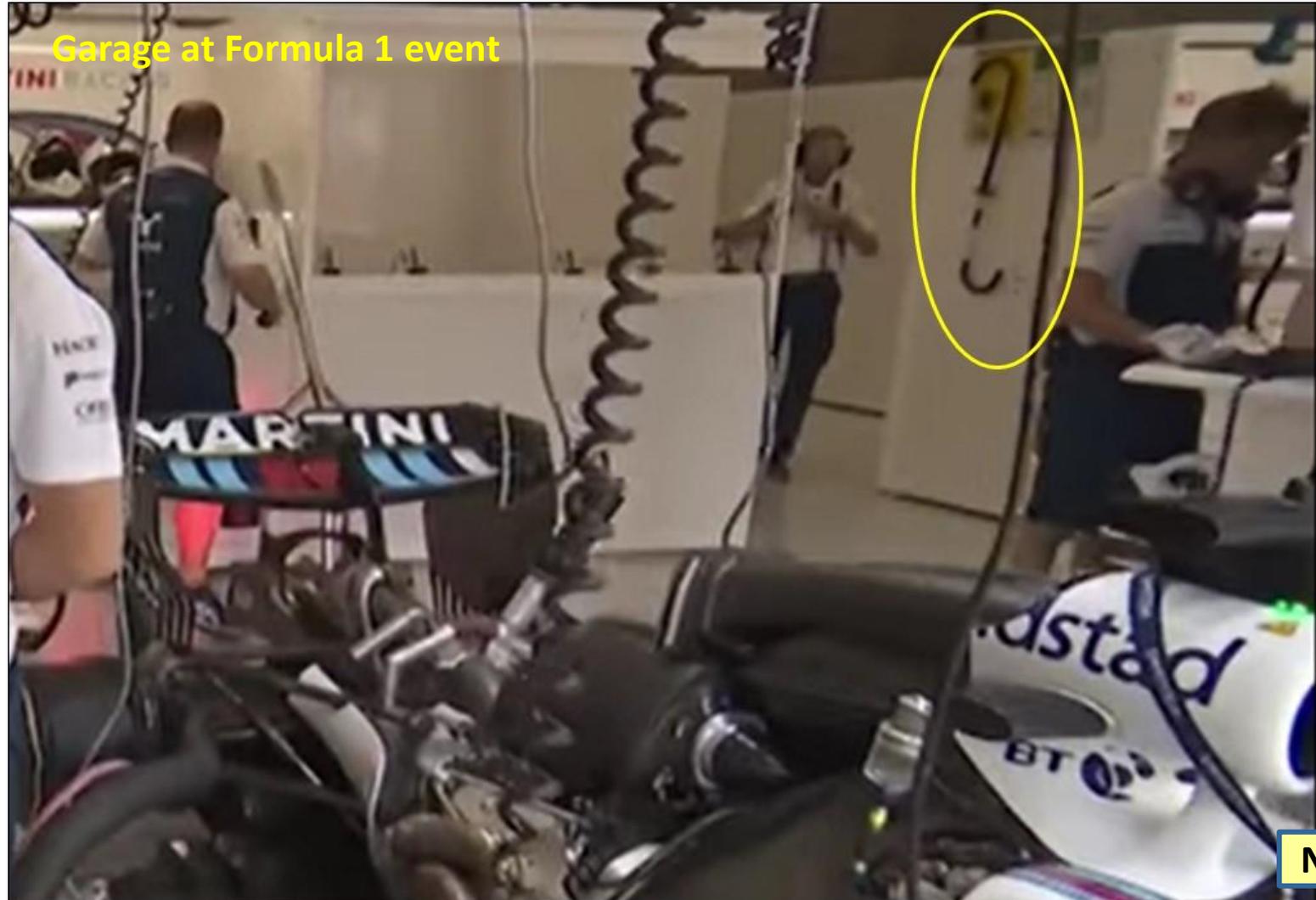
New Attendees

- Emma Burton – Sandwell MBC



What is it?

(From BHSEA 16th April Event and Newsletter)





Electrical Safety Rescue Stick



Safety Rescue Hook

1KV Safety Rescue Hook

Safeguard Yourself!

Remove the Safety Rescue Hook from the Station and hold firmly on the curved part of the hook marked 'HOLD THIS END'. Do not place your hands beyond the rubber hand stop. Make sure the hook is securely around the casualty and no part of your body is within 300mm of any metal object. Use the hook to pull the casualty clear of all live parts, and once in a safe position assess the casualty.

First Aid for High Voltage Electric Shock

Do not put yourself at risk. Isolate supply if possible. If this is not possible, remove casualty with the Safety Rescue Hook. Do not touch casualty or any metal until it is safe to do so. Once it is safe, assess casualty.

Basic Life Support

The procedure outlined below covers the most common scenario when dealing with a casualty who has collapsed due to sudden cardiac arrest.

- 1. Check response:** The casualty could be unconscious. Always assume there may be a neck injury. Gently shake the shoulders and ask "Can you hear me?". Speak loudly and clearly.
- 2. If casualty responds:** Gently move them into the recovery position. Dial 999 for an ambulance, monitor and record breathing every 10 minutes or until medical assistance arrives.
- 3. If there is no response:** Shout for help. If possible, leave the casualty in the position you found them and open the airway. If it is necessary to move the casualty, turn them onto their back to open the airway.
- 4. Check for normal breathing:** Keep the airway open and look, listen and feel for breathing. Feel for breath on your cheek. If the casualty is not breathing, and has no signs of circulation, dial 999 immediately and commence CPR.
- 5. Commence CPR:** Alternate 30 chest compressions with two rescue breaths. Repeat this sequence until medical help arrives or the casualty responds.

To open the airway place one hand on the forehead and gently tilt the head back. Remove any obvious obstructions from the casualty's mouth, including dislodged dentures.

In an emergency contact: _____

Rescue Stick

Lightweight extendable-reach rescue stick for the extension of personal rescue/retrieval range. The design incorporates a rugged 3 sections extension handle with a simple but efficient, independent clamp lock between each section.

- Compact and transportable
- Quick Deployment
- 4.5 meter reach
- Depth markers included on the rescue pole
- High visibility
- Hook design ideally suited for hook/lift/drag applications
- Minimal training, servicing and maintenance costs



Rescue sticks also available for other applications



Good / Not Good?



Next 



Slips – Trips - Falls



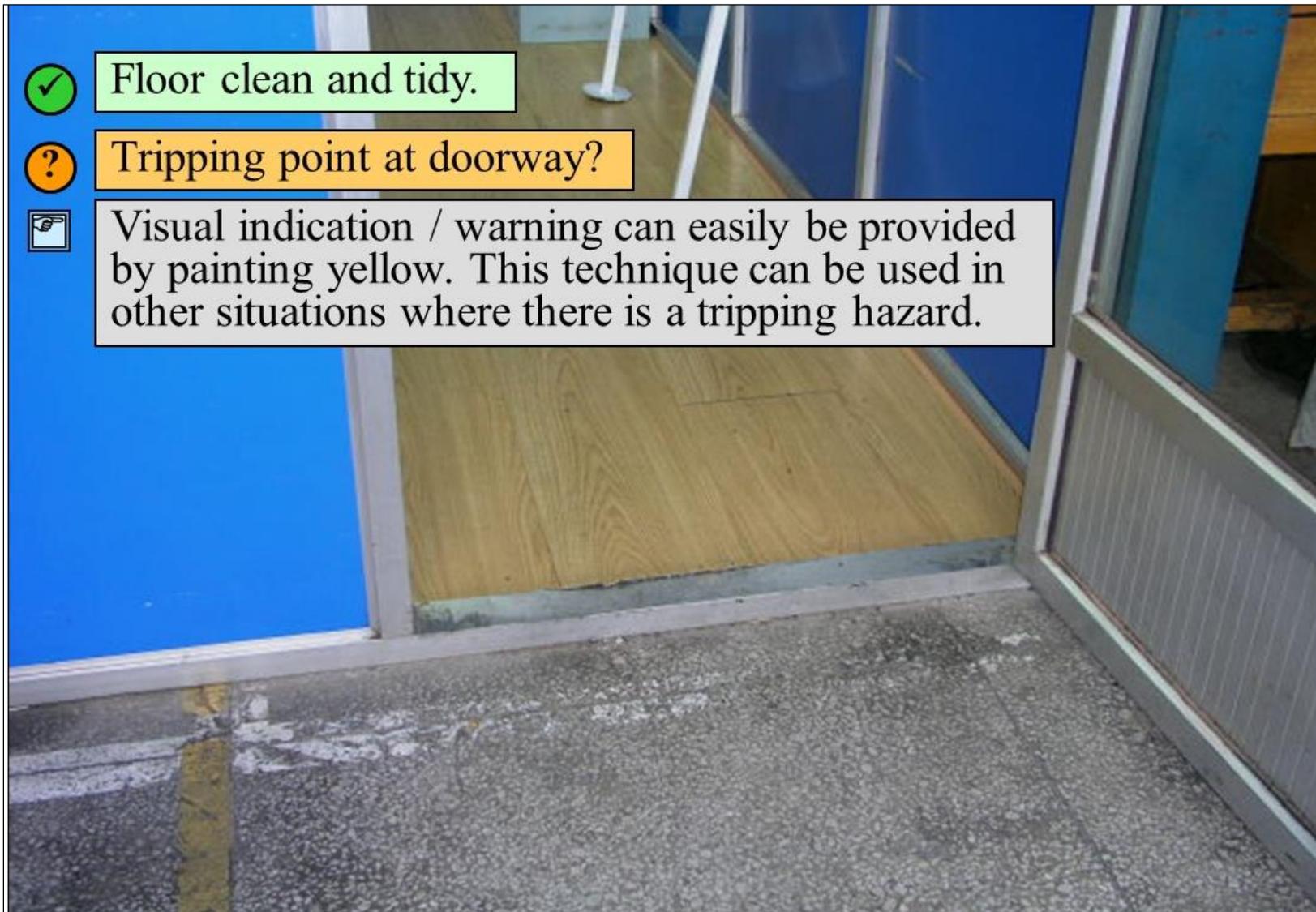
Floor clean and tidy.



Tripping point at doorway?



Visual indication / warning can easily be provided by painting yellow. This technique can be used in other situations where there is a tripping hazard.





Good / Not good?



Next



Good / Not good?



Clean staircase with handrail



Very few people holding hand rail. However in most situations, particularly away from the factory floor, there is little or no evidence of this being a key or critical safety behaviour.





Office – Checklist - Visual



Checklist in conference room to show how the room should be left after use e.g. windows shut, projector switched off etc



Health and Safety Risk Profiling

James Stapleton, Deputy Health and Safety Risk Manager, Loughborough University



Key Points:

- Health and Safety Risk Registers help organisations understand the risks they face and become pro-active in managing/controlling those risks - rather than being reactive.
- After joining the staff at the University, James was keen to change the University's culture and so contacted a criminal lawyer who gave a presentation to senior management outlining their legal health and safety responsibilities. To some it was a revelation that the responsibilities did not stop with the health and safety team.
- From this point, James was able to initiate a three stage plan. Firstly, he put in place a series of 2½ hour workshops for each of the 10 schools, to which 10 delegates from that school were invited – with the dean of that school/director also in attendance (critical to the credibility of the programme) – the aim being for each group to identify their significant health and safety risks. These workshops were held over an 18 month period in conjunction with a consultant.
- Each of the schools has now completed their own Health and Safety Risk Register, which has a 'traffic light' rating system – red, amber, green to indicate the severity of the risk - together with an Action Plan to manage/control the risk.
- Their most significant risk related to control of chemicals/substances followed by lone working.
- A template for the Risk Register which James devised is available on the BHSEA website.

[Link to presentation slides](#)



Legal Update – Breathing New Life into Law

Alan Millband, Partner, Howes Precival LLP



Overview of Presentation:

- Some of the last 12 months' activity in health and safety law
- Several interesting cases on sentencing
- A particularly important case regarding enforcement notices
- The latest in ISO
- What's happening on the health and safety consultation front
- Classic cars
- Drones

Key Points:

- New sentencing guidelines effective from 1 February 2016 focus on culpability and likely harm associated with the risk and not just when harm has occurred.
- Sentencing is in accordance with the law in force when the case comes to court, not when the offence occurred.
- Financial penalties have increased significantly and are now set according to an organisation's turnover.
- International organisations can become repeat offenders as they have wide and diverse operations.
- The HSE would likely address cases of low culpability/low level of resultant harm with a prohibition notice.
- The courts take a dim view where an organisation persistently fails to enforce their own safety procedures, prosecuting accordingly.
- In a case brought to the Court of Appeal, Tata Steel claimed in their defence that *"The period of operation of the machine without incident is persuasive authority against the finding of a high likelihood"*. The Appeal Judge felt it was also an "accident waiting to happen". Where there is a breach over a long period of time the offence will likely put the organisation into a higher culpability category.
- Organisations need to ask the question "where am I looking at high culpability and what is the likelihood of a high level of harm?"

[Link to presentation slides](#)



Posters / Reminders: Safe v Unsafe (Correct v Incorrect)

Example

**Lifting Operations:
Common issues associated
with use of Eyebolts**

- Tool changing, Chucks, Heads etc
- Maintenance activities
- Contractor activities
- Unloading new machinery
- Lifting machine parts,
e.g. Motors, Cabinets, Conveyors

I didn't think
I didn't see
I didn't know

SAFE	UNSAFE
Collared design for angled lifting (Manufacturers charts to be consulted)	Non-Collared design not for angled lifting (Correct load plane)
Manufactured to recognised standard + traceability & periodic examination	Self-made/ repaired (Bolt welded to Eye)
Thread in good condition	Worn/ Damaged Thread
Eyebolt screwed into load all way to collar	Eyebolt not screwed in properly / fully
Straight threaded shafts	Bent shaft

Blank

**Risks / causes of accidents, incidents
and near misses in this area / on this site**

Main risks / causes of accidents / safe and unsafe behaviours identified by 'team members' to be listed here and shown with photos

I didn't think
I didn't see
I didn't know

SAFE	UNSAFE



HSE: Register of Prosecutions and Notices

<http://www.hse.gov.uk/enfor/ce/prosecutions.htm>

Health and Safety Executive

Home News Guidance About you About HSE Contact HSE

HSE > About HSE > How HSE regulates > Register of prosecutions and notices

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Register of prosecutions and notices

The following registers contain HSE enforcement information on notices and prosecutions for Great Britain. Information for Northern Ireland or the Republic of Ireland authorities is not available on this site.

- Public register of prosecutions - up to 5 years old

This site provides details of prosecutions taken by HSE, which resulted in a successful conviction within the last five years. To account for the appeals process, and quality assurance, we allow 9 weeks to elapse following conviction before a case is added.

- Public register of prosecutions history - over 5 years old

This site provides a history of convictions HSE has taken against corporate

Case Number	Defendant's Name	Offence Date	Local Authority	Main Activity
4536326	Central England Municipals Limited	05/06/2017	Birmingham	82990 - BUSINESS SUPPORT SERVICE NEC
4501874	Mark Titmus	23/12/2016	Birmingham	43220 - INSTALL PLUMB/HEAT/AIR-CON
4524392	Mercian Recycling Limited	22/11/2016	Birmingham	38210 - TREAT/DISPOSE NON-HAZARD WASTE
4517196	Euro Packaging UK Limited	05/12/2016	Birmingham	46900 - NON-SPECIALISED WSALE TRADE
4523472	Birmingham Airport Limited	04/09/2016	Birmingham	52230 - SERVICES INCIDENTAL 2 AIR TSPT
4500243	Demolition Services Limited	13/05/2016	Birmingham	43110 - DEMOLITION
4465021	Anixter Limited	07/12/2015	Birmingham	96090 - OTHER PERSONAL SERVICE NEC

Example of Prosecutions - Birmingham

Notice Number	Recipient's Name	Notice Type	Issue Date	Local Authority	Main Activity
308931354	CED Fabrications Ltd	Improvement Notice	28/04/2018	Hyndburn	MF FABRICATED METAL PROD NEC
308931789	CED Fabrications Ltd	Improvement Notice	28/04/2018	Hyndburn	MF FABRICATED METAL PROD NEC
308921939	Creative Joinery (Chorley) Limited	Improvement Notice	27/04/2018	Chorley	MANUFACTURE OF OTHER FURNITURE
308921994	Creative Joinery (Chorley) Limited	Improvement Notice	27/04/2018	Chorley	MANUFACTURE OF OTHER FURNITURE
308922106	PLATINUM PLUS CONSTRUCTION LIMITED	Prohibition Notice Immediate	27/04/2018	Brent	OTHER BUILDING COMPLETION
308922134	Trident Design & Fabrication Ltd	Improvement Notice	27/04/2018	Warwick	MF FABRICATED METAL PROD NEC
308922175	Trident Design & Fabrication Ltd	Improvement Notice	27/04/2018	Warwick	MF FABRICATED METAL PROD NEC
308922185	Trident Design & Fabrication Ltd	Improvement Notice	27/04/2018	Warwick	MF FABRICATED METAL PROD NEC
308922801	MIS North East Limited	Improvement Notice	27/04/2018	Durham County UA	TREATMENT AND COATING METALS
308923446	Flatley Construction Limited	Prohibition Notice Immediate	27/04/2018	Dartford	JOINERY INSTALLATION

Example of Notices - Birmingham

Next

- defendant's name
- case summary
- location of offence
- local authority where offence occurred
- industry where offence occurred
- main work activity where offence occurred
- resulting from a fatality?
- case number
- defendant's address
- defendant's Status
- type of location
- activity code
- offence date
- total fine
- total costs awarded to HSE
- HSE directorate
- HSE group
- HSE area
- HSE division
- UK region
- country
- custodial sentence

Wide range of search and sort criteria



HSE: Register of Prosecutions and Notices

Example (Birmingham)

Details for Case No. 4524392			
Defendant	Mercian Recycling Limited		
Description	Failure to put in place a safe system of work for the maintenance of machinery so far as is reasonably practicable so that persons in employment were not exposed to risks to their health and safety.		
Offence Date	22/12/2016		
Total Fine	£80,000.00	Total Costs Awarded to HSE	£2,498.34
Breach involved in this Case			
Location of Offence			
Address	24 Ebury Road/Mercian	Region	Midlands

Notice 307692103 served against Mercian Recycling Limited on 22/12/2016			
Notice Type	Immediate Prohibition Notice		
Description	Prohibition Notice served regarding the operation of the "M & K Waste Recycling Solution" comprising FBS1200 Feeder, STS920 Trommel, bay recovery system and picking platform without being in possession of the essential documents for its safe operation; namely operations manual and instructions. Company failed to demonstrate that they were in possession of the essential information required to operate their "M & K Waste Recovery System" safely as they had no operations manual and no safe system of work.		
Breaches involved in this Notice			
Prosecution resulting from non-compliance of an Improvement Notice			
Location of Offence			
Address	24 Ebury Road/Mercian Recyclin 24 Ebury Road Birmingham West Midlands B30 3JJ England	Region	Midlands
		Local Authority	Birmingham
		Industry	Extractive and utility supply industries
		Main Activity	38210 - TREAT/DISPOSE NON-HAZARD WASTE
		Type of Location	Fixed
HSE Details			
HSE Group	CENTOP2GP7	HSE Directorate	Field Operations Directorate
HSE Area		HSE Division	West Midlands

Company fined after worker crushed by machinery

Date:
19 December 2017

A waste and recycling company has been fined after a young worker was paralysed after becoming trapped in machinery.

Birmingham Magistrates' Court heard how the 24-year old Mercian Recycling Limited employee, who was undertaking routine maintenance work inside a conveyor, fell approximately four metres to the floor when the machine was switched back on with him inside.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on 22 December 2016, found that the company had insufficient controls in place for the management of these risks at their premises.

Mercian Recycling Limited of Ebury Road, Kings Norton, Birmingham pleaded guilty to breaching Sections 2 (1) and 3 (1) of the Health and Safety at Work Act 1974 and has been fined £80,000 and ordered to pay costs of £2,498.34.

Speaking after the hearing, HSE inspector Paul Cooper said: "This is a case where the company failed to have in place any controls whatsoever for ensuring routine maintenance operations were carried out without risks to safety. It reinforces to companies in the waste industry the need to identify risks to their employees and others and to put the necessary control measures in place.

"The waste industry is a known high-risk industry and for this reason HSE is currently targeting the sector with an inspection initiative to ensure effective management and control of risk".

Press release on HSE website apparently not linked with the Register but found using a Google search



WHODUNNIT

Testing your powers of observation

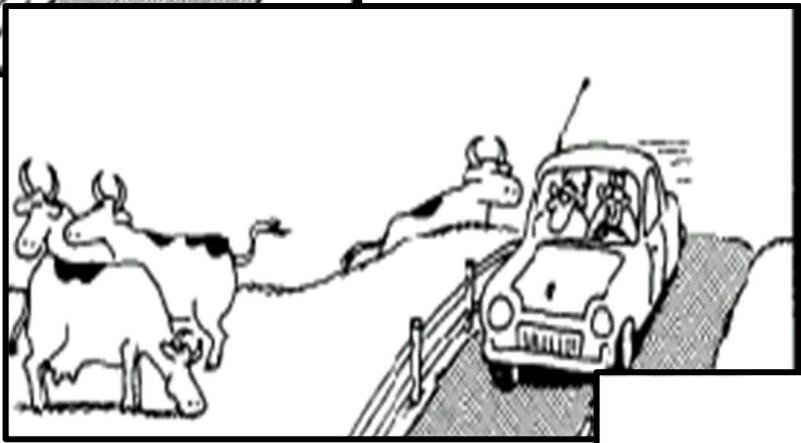
<https://www.bing.com/videos/search?q=visual+safety+in+the+workplace+uk&&view=detail&mid=9F162BF6C6BCD0E89C5B9F162BF6C6BCD0E89C5B&&FORM=VRDGAR>





Behaviour

(Next meeting / event preview)





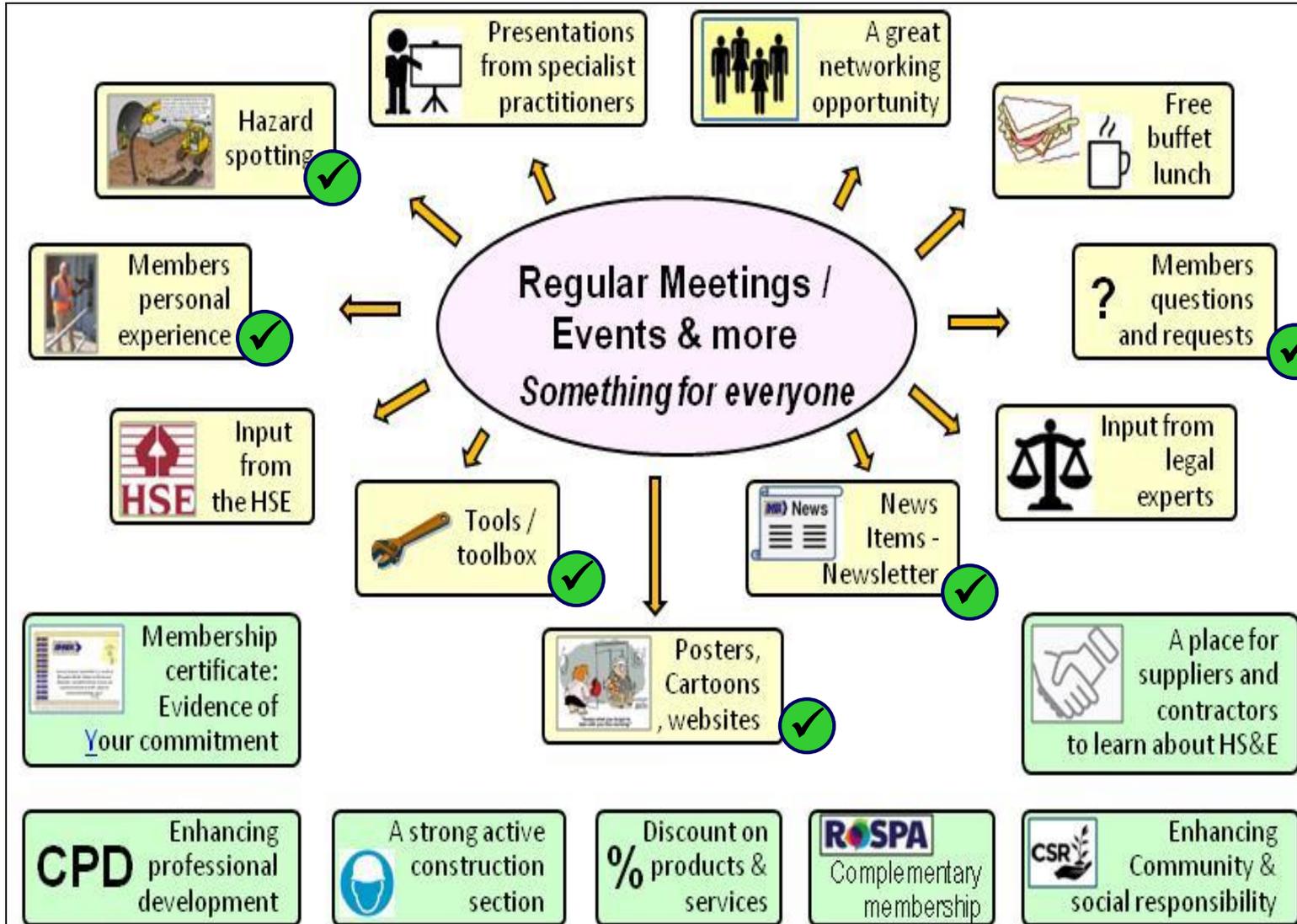
Programme of Events 2018

Date	Main Topics / Titles
8 Jan	AGM; HSE Progress Report, Plans & Priorities - Jane Lassey, HSE Div. Director, Wales, Mids & SW
12 Feb	Managing Health Risks and Data Protection
12 Mar	HS2: Challenges & Opportunities - Carole Bardell, Head of Health, Safety & Security, HS2 Ltd
16 Apr	Management of on-site and off-site Transport
1 May	Working at Height - Mock Trial (Annual Seminar) - Tony Mitchell, HSE; Alex Hudson, Pinsent Masons
14 May	Machinery Safety - Anthony Bowmer, EEF; Kanwal Kanda, HSE
11 Jun	Legal Update including Case Law
10 Sep	Behavioural Safety and Occupational Health
8 Oct	CDM Review & Topical Issues incl. TG20 - Tony Mitchell, HSE
12 Nov	Environmental Update
10 Dec	The duty to maintain - Work Equipment etc



✔ You can help!

Please email secretary@bhsea.org.uk





Sharing > Learning > Improving
10th September 2018 12.45pm for 1.30pm – 3.45pm
 National Metalforming Centre - B70 6PY (1 min from M5 j1)

Links via icons or arrows

> Introduction

> Hazard Spotting

> Presentations

> Toolbox

> News / Stop Press

> Next event(s)

Members Corner

Behavioural Safety and Occupational Health

Everyone welcome



If possible please confirm your attendance by contacting Liz Prophett
 Tel: 07881 290238; Email: secretary@bhsea.org.uk