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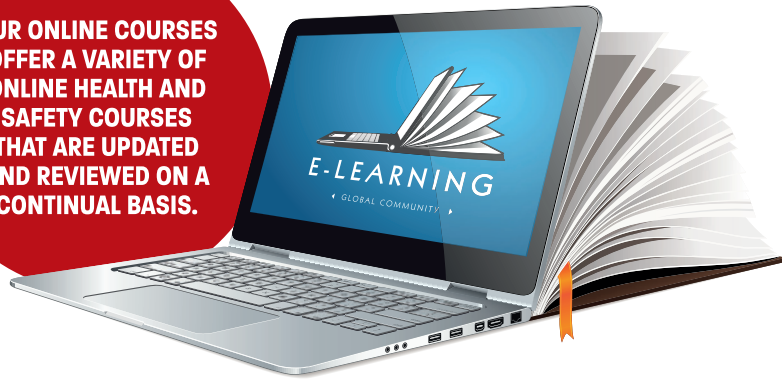
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editorswelcome

Dave Carr Managing Director, Callsafe Services

There has been quite a lot of news provided during February, so we have had to be a bit selective on what we included within Callsafe Today. We hope that we got this judgement correct, and that you are interested in the news articles we selected.

HS2 construction has now been approved to commence, which will be good news for some and bad news for others, depending on where you live and what work you do. We will be inserting a HS2 section into Callsafe Today, commencing in next month's issue. This will hopefully keep our readers abreast of what is happening regarding HS2.

The really good news is that by the time we are writing the next issue of Callsafe Today Spring will have sprung. For those of you who require dates for the seasons, the following has been obtained from the Met office website:

Meteorological spring will begin on 1st March 2017 and ends on 31st May 2017

The astronomical spring begins on 20th March 2017 and ends on 20th June 2017

Well, at least it should get a little warmer, but not necessarily drier!

Best Wishes

Dave Carr
Managing Director
Callsafe Services



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HOUSEBUILDING RED TAPE REVIEW REJECTS CHANGES TO CDM 2015

The government will leave the new CDM Regulations unchanged following a review of “red tape” in the housebuilding sector.

In December 2015, the government launched a call for evidence on the impact that regulation and its implementation – including health and safety laws and the CDM Regulations 2015 – were having on the industry.

On 13 February, the Department for Business, Energy and Industrial Strategy (BEIS) released a report outlining the review’s findings that does not mention health and safety.

Businesses’ concerns were instead concentrated in areas such as planning, highways and connection to utilities.

The report, Cutting Red Tape: Review of housebuilding, says that the findings helped shape the white paper Fixing our broken housing market, which was released on 7 February.

When it announced the review in 2015, the government said that it would review all aspects of regulation in the industry. It singled out the new version of CDM, saying that it was keen to look at how the sector was adapting to the changes.

The white paper says that the government will reform planning processes and increase funding for not-for-profit developers, such as

housing associations. It too does not mention reforming health and safety laws.

The government also said that it held 41 targeted interviews, received 133 comments via the Cutting Red Tape website and received a number of detailed email submissions from key interest groups, including the Home Builders Federation and the Federation of Master Builders.

Housebuilders and trade bodies mainly singled out regulation and enforcement of planning and other consenting regimes as being of the most significant burdens. They said that there are too few skilled staff in local planning authorities and expressed concern about the cost of relocating great crested newts, which one builder put at £2261 per newt.

When it announced the review in 2015, the government said that it would review all aspects of regulation in the industry. It singled out the new version of CDM, saying that it was keen to look at how the sector was adapting to the changes.

The Conservative government led by David Cameron promised to do more to cut red tape when it entered office in May 2015. The housebuilding review formed part of the wider Cutting Red Tape review programme, which was run by the Cabinet Office.

ISO 45001 BACK ON COURSE

ARTICLE FROM IOSH MAGAZINE, WORDS LOUIS WUSTEMANN, EDITOR OF IOSH MAGAZINE

The ISO 45001 OSH management standard appears to be back on track for a 2017 launch after successful discussions in a working group in early February.

The planned international standard, which will replace BS OHSAS 18001, had been delayed by rejection by international standards bodies of a previous draft, known as DIS1. The slow movement to date on a text that was originally due to be finalised in 2016 led some commentators to predict further delays that would have pushed publication into next year.

But a five-day meeting in Vienna of the 60-strong international PC 283 working group to discuss changes to a revised draft, DIS2, made good progress.

The amended DIS2 will be edited by the PC 283 secretariat sent to the national standards bodies for translation. The bodies will then

consult nationally on the new version.

This process is expected to take around four months, so a final draft could be published in the middle of the year.

The next meeting is scheduled for 18 to 23 September in Malacca, Malaysia. If the draft is agreed then, the final text could be published by the end of 2017.

“Overall, there was a great sense of achievement and optimism, given the progress made and level of consensus reached,” said IOSH head of policy Richard Jones, who represented the institution in Vienna.

ISO 45001 will join a suite of management systems standards including ISO 14001 and ISO 9001 for environment and quality systems respectively.



CONSTRUCTION HEALTH - INSIGHT OF THE SUMMIT

ARTICLE FROM IOSH MAGAZINE, WORDS NICK WARBURTON, DEPUTY EDITOR OF IOSH MAGAZINE



One year on from the Health in Construction Leadership Group's inaugural event, the UK's leading construction client and contractor chief executives reviewed the programme's progress in supporting initiatives for dust management and mental health.

"I now walk the streets where I am on the board of one of the biggest hospital trusts in the Rotherham/Sheffield area and I see

those people who were my age going to one of the hospitals that I am involved in with all the problems that unwittingly we made happen way back then," Martin Temple, Health and Safety Executive (HSE) chair, told construction leaders at London's Royal Institution on 26 January. "Those people did not enjoy a good career and they are not enjoying a good retirement, if they have one at all. We must not let that continue."



MARTIN TEMPLE

Recalling his early career at British Steel Corporation, where he was dutyholder for nine brick works, Temple urged the industry not to let 1970s' thinking slow the sector's progress on managing and controlling health risks.

Organised by the Health in Construction Leadership Group (HCLG), the second health summit brought together the UK's major construction and client safety heads, leading professional bodies, including IOSH and the British Safety Council, the British Occupational Hygiene Society (BOHS), trade unions and the HSE. The meeting's purpose was to assess progress made on the industry pledges made a year ago and make new commitments.

Temple identified three headline occupational health challenges for the industry: mental health and stress, musculoskeletal disorders and respiratory risks. In response to the first challenge, the morning session saw the official launch of the Mates in Mind

programme (see p 8), an initiative which aims to raise awareness and understanding of poor mental health in the sector and training for volunteers to help support troubled colleagues.

On respiratory hazards, Temple said that it did not demand "rocket science" to reduce silica dust exposure and its related health impacts, including chronic obstructive pulmonary disease (COPD), lung cancer and silicosis. He also reminded delegates that asbestos continues to kill 2,600 construction workers a year in the UK. As industry leaders, he said it was summit delegates' duty to work with the hard-to-reach small-to-medium-sized businesses to raise standards.

Steve Hails, director of health, safety and wellbeing at London's Tideway sewer project, told the audience that, at a meeting in April last year to firm up the pledges made at the first summit, OSH heads from the signatory companies agreed to focus their efforts on dust and mental health.

DESIGN FOR LIFE

Clive Johnson, group head of health, safety and security at Land Securities and one of HCLG's founders, reminded the construction heads that the group's vision was to make construction the leading industry for occupational health and disease prevention by 2025.

Dylan Roberts, director of health and safety at major contractor Skanska, listed some initiatives since the group's formation.



STEVE HAILS

The HCLG has convened subgroups to examine prioritising health in building design, data gathering, health promotion and mental health. Afternoon workshops for safety heads after the morning summit were intended to support the corporate initiatives that flowed from the chief executives' pledges. One of the subgroups, the Design for Health Task Group, has set up five projects to support designers, one of which is the skills, knowledge, attitude, training and experience (SKATE) programme. Kat Perry, principal engineer at consultancy Atkins, who oversees SKATE, co-presented a workshop with Balfour Beatty's health and safety projects manager Kathy Smith. They outlined the group's progress in investigating the competencies that industry believes designers need to comply with the Construction (Design and Management) Regulations 2015 and how they can best design out hazards or communicate residual challenges.

The Design for Health Task Group is coordinating a series of SKATE workshops with Loughborough University, which will undertake a research project later this year to review the outcomes. Perry said professional institutions will be able to use the findings from the SKATE programme to ensure that undergraduates through to chartered professionals have the core attributes and skills needed to help design out health hazards.

"It's really important that, as designers, we fully understand the impact of our decisions throughout the design," she told IOSH Magazine. "Often the devil is in the detail, and we don't always have the opportunity to see projects through from start to finish, and then actually see what happens on site. Safety hazards are much more widely understood – now we need to raise awareness of health hazards and work out how to reduce them through design and better collaboration." Firm commitments

In the morning session, Clive Johnson also pointed up some of the company-level initiatives by last year's HCLG pledge signatories.

Skanska identified that the UK construction sector lacked hard data on the occupational or environmental monitoring of respirable crystalline silica (RCS) levels. Recognising that some of its operatives could exceed workplace exposure limits for the dust, Skanska consulted an occupational respiratory disease expert to review its health surveillance protocol. As a result,

it carried out environmental and personal monitoring of the most-at-risk workers in its piling and foundation operations to fine-tune surveillance for silica dust exposure and to identify quickly employees with indicators of deteriorating respiratory health.

CLIVE JOHNSON

By improving referrals to GPs for workers with deteriorating lung function and more accurately determining whether the condition was work related, Skanska was able to avoid standing workers down, improving operational productivity. The project also created a data bank, which Skanska says could be used by the wider industry to inform HSE policy and guidance on RCS.

Balfour Beatty offered an example of eliminating health hazards at the design stage. As subcontractor for mechanical and electrical installation on a project, the firm convinced the principal contractor and principal designer to substitute brackets for cable trays, fixings for which holes had to be drilled into the underside of a concrete floor

slab, with an alternative precast into the slab. Precasting means workers will not be exposed to the large quantities of RCS that is created by drilling, and avoids the associated hand-arm vibration risk. The prefabrication also removes the work at height hazard of drilling into the slab from a work platform. The project's managers reported that precasting the struts reduced the work at height by 75%.

Retail and commercial fit-out specialist MACE Como highlighted its use of inflatable booths to deaden the sound around concrete cutting and drilling work on the refurbishment of finance company ICE Futures Europe's City of London headquarters. The booths cut noise by 20 decibels for nearby workers and contained dust and vapour spread.

At the other end of the construction cycle, Carillion introduced a package of measures during the demolition phase of enabling works for a major regeneration scheme in Birmingham's city centre.

A joint initiative with the company's demolition contractor led to a trial to monitor and measure operatives' personal exposure to dust levels, using a lightweight sampling pump device that used Bluetooth communications technology. Managers could track the operatives remotely and collect real-time data to measure whether dust exposure was above set action levels. A background monitoring station was installed at sensitive areas on site to alert site management when trigger levels had been exceeded. The case study says that at no point were action levels triggered.





Extra face-fit testing and a health surveillance programme to monitor key indicators such as lung function were introduced to raise awareness of airborne dust risks. The project also sought to dampen dust at the source by using high-reach water cannon suppression systems.

IOSH's contribution to the group's work involves a project to transfer health lessons from big-build developments to small businesses. The project was launched with a roundtable meeting in Bristol, which brought together representatives of IOSH's Construction Group, the HSE and industry bodies, including the National Federation of Builders, Hire Association Europe and the Federation of Master Builders. The partners will work with major contractors to distil OH good practice into "bite-size steps" that can be disseminated to smaller firms.

The initiatives are detailed in a library of case studies on the HCLG's website (bit.ly/2hgWiu) where HCLG pledge signatories share successful health improvement projects they have undertaken over the past 12 months.

Meanwhile, at the leaders' summit Temple concluded his address by urging the assembled chief executives and OSH heads to step-up their efforts to combat ill-health.

"Managing and controlling health risk requires some different thinking compared with safety," he said. "Effective management of work-related health needs to be an integral part of our business."

On this note, he ended with a quotation from the playwright Tom Stoppard: "A healthy attitude is contagious but don't wait to catch it from others, be a carrier."

HSE SECTOR PLANS

The HSE's sector plans detail what they are doing to help Great Britain work well. The HSE have split Great Britain's workplaces into 19 sectors, based on industry type and risk profile.

For each sector they have:

- a draft plan covering its health and safety performance
- identified the HSE's top three strategic priorities for the next three to five years
- actions the HSE propose to take

They include health priorities informed by the Health and Work strategy, focusing on work-related stress, musculoskeletal disorders and lung disease.

The HSE propose to:

- lead and engage with others to improve workplace health and safety
- provide an effective regulatory framework
- secure effective management and control of risk
- reduce the likelihood of low-frequency, high-impact catastrophic incidents

To help make further improvements, the HSE have started a discussion with the wider health and safety community before publishing later in 2017.

The 19 sectors that the HSE have split the GB workplaces into are:

- Agriculture
- Bioeconomy
- Chemicals
- Commercial consumer services
- Construction
- Explosives
- Fairgrounds and theme parks
- Film broadcasting, theatre and events
- Gas and pipelines
- Logistics and transport
- Manufacturing
- Mines
- Offshore energy
- Onshore oil and gas wells
- Public services
- Quarries
- Sports and leisure
- Utilities
- Waste and recycling



HSE JUDICIAL REVIEW: A REVOLVING DOOR?

All eyes are on March's judicial review on FFI appeals. But with frustration running high, more dutyholders could form a queue to raise questions.

On 20 September 2016, OCS Group UK was granted permission by the High Court to initiate judicial review proceedings in relation to the lack of integrity in the HSE's Fee for Intervention (FFI) appeal process. The substantive hearing is now scheduled for 8–9 March, with a judgment to be delivered on 9 March.

A legal challenge on the integrity of the HSE's appeals process is unsurprising because the current arrangements present a clear conflict of interest, whereby it is commercially advantageous for the regulator to uphold a disputed invoice. If OCS Group proves successful, it is likely that the FFI appeals procedure will be restructured in some way, although independence will be safeguarded only if the disputes panel is rejigged to comprise non-HSE staff.

However, in the light of the continued shortcomings of FFI and the HSE's less than proactive approach to restructuring it when faced with dutyholder concerns, the judicial review could become the catalyst for similar actions by other dutyholders.

A key concern of dutyholders is the cost of FFI. Dutyholders either find costs

disproportionate to the breaches identified or consider FFI to be an opportunistic attempt to impose a fine through the back door. Our clients generally do not consider it either fair or equitable to receive an FFI invoice at the end of a health and safety investigation when they have already incurred significant sums of money in carrying out the HSE's recommendations.

RELATIONSHIP ISSUES

FFI has an impact on the relationship between dutyholders and the HSE. We have experience of clients who are deterred from seeking advice from the HSE, in case it conducts an investigation into their operations and subsequently charges them under FFI. Equally, there are HSE inspectors who are uncomfortable with the revenue generating function of completing their investigations. The combined effect is disengagement between the parties.

"If the High Court upholds the OCS Group's challenge, other dutyholders are likely to mount further challenges in relation to other inadequate features of FFI."

At this stage, the health and safety industry is curious to learn of the outcome of this judicial review. However, it is arguable that, regardless of the outcome, we will see further litigation against FFI once the proceedings end. If

the High Court upholds the OCS Group's challenge, other dutyholders are likely to mount further challenges in relation to other inadequate features of FFI. But in the event that the High Court dismisses the challenge, this is unlikely to deter other dutyholders from seeking judicial review as discontent with FFI remains.

CHALLENGING TIMES

The HSE is at risk of being challenged in several ways. First, a future FFI challenge could focus on unfair targeting for inspection. By way of example, a class action may arise from construction dutyholders who collectively allege that they have been unfairly targeted for inspection and are therefore more susceptible to FFI after the annual "construction blitz". Alternatively, a dutyholder may question whether they have been discriminately targeted for inspection due to historic offences that they have committed.

Second, the threshold for FFI cost recovery of "material breach" may be disputed by dutyholders who think that FFI should only be applicable on the issuance of an enforcement notice or prosecution.

Third, there could be a challenge in relation to inconsistent applications of "material breach" by HSE inspectors. This will involve questioning the credibility of inspectors applying enforcement decision-making frameworks consistently, particularly where there is a financial incentive in finding "material breach". Fourth, with revenues from FFI being lower than anticipated and

the recent increase in the FFI hourly rate, it is plausible that the fees will increase again at some point soon, which may be a further ground for challenge.

Equally, a challenge may relate to the broader integrity of HSE's regulatory priorities, focusing on the conflict between the regulatory function of the HSE and its revenue generating activities. Because equivalent fee structures for conducting investigations are not imposed by the police or other regulatory authorities, it is questionable why FFI should exist at all and this may be a ground for challenge.

To limit the risk of further litigation, the HSE should acknowledge dutyholders' concerns now and respond by restructuring FFI. Elliott Kenton is a solicitor in the dispute resolution team at law firm Fieldfisher.



HSE AVOIDS ITS DAY IN COURT WITH SURPRISE PLAN TO OVERHAUL FFI DISPUTES PROCESS

The HSE last week announced that it will consult on plans to make the process for disputing Fee for Intervention (FFI) notices “fully independent”.

The move means that the regulator has voluntarily taken up a position that it might have been forced into if a scheduled judicial review hearing – now almost certainly cancelled – had gone ahead.

The HSE issued a statement on 9 February outlining its plans to hold a consultation on the make-up of the panel that adjudicates on disputed FFI invoices, the issue at the centre of the planned judicial review brought by facilities management company OCS Group.

Health and Safety at Work understands that the statement followed a meeting between OCS Group and the HSE where the two sides came to an agreement to halt the legal proceedings.

A “consent order” setting out the terms the two parties have reached was submitted to the court on 7 February. If it is accepted, the hearing will be cancelled.

Currently, any dutyholder seeking to challenge a notice of contravention – the trigger for an FFI invoice – will have its case heard by a panel of three, made up of two HSE staff and

an independent person drawn from industry or a trade union.

Health and Safety at Work revealed in October that facilities outsourcing company OCS Group UK had launched the judicial review, a legal process to challenge the lawfulness of decisions made by public bodies, after it had unsuccessfully queried an FFI bill it had received for its management of hand arm vibration.

OCS was to argue in the High Court on 8–9 March that the HSE amounted to “prosecutor, judge and jury” when deciding whether a notice of contravention is legitimate, because the review is carried out by a panel where the majority works for the HSE.

The HSE had looked set to defend the disputes procedure, but in the press statement last week



the regulator said that it now plans to “review the current process ... [and] consult with relevant stakeholders with a view to making the process fully independent”.

A spokesperson added: “The HSE has always kept the dispute process under review and following a recent application for a judicial review we believe the time is right to move to a dispute process which is completely independent of the HSE.”

The regulator has not announced its proposals for the new disputes process, what form the consultation will take or when it will be launched.

Andrew Katzen, partner and head of regulation at law firm Hickman & Rose, said: “It looks as if the HSE has accepted it cannot realistically contest the judicial review of its FFI system brought by OCS UK, which is due to be heard early this year.

“The current system creates a costs incentive for inspectors to find material breaches and an independent dispute resolution system is therefore vital to ensure the whole HSE inspection process maintains its credibility. “At the moment the HSE essentially decides internally whether its inspectors made the right decision and it will not be able to shake accusations of bias until this is reformed.”

Elliott Kenton, a solicitor in the disputes resolution group at law firm Fieldfisher, said that dutyholders will support any move to staff the disputes panel with independent people. He added: “Although this is an encouraging development, the HSE should extend any FFI

consultation to such issues as the financial impact that FFI has on stakeholders in light of the recent increase in the FFI hourly rate and the impact of FFI on the relationships between inspectors and dutyholders.”

When Health and Safety at Work interviewed HSE chair Martin Temple in September, he pointed to the low number of appeals against notices of contravention as evidence that the cost recovery scheme was targeting poor performance.

However, lawyers have expressed misgivings over the current system, with one telling Health and Safety at Work that “the FFI review process is very arbitrary and most [appeals] are rejected for the flimsiest of reasons, ie that’s what the inspector recorded so that’s what we will charge”.

The FFI scheme was introduced in October 2012 with the aim of shifting the cost of regulation from the public purse to businesses that break the law. It required inspectors to issue businesses found to be in “material breach” of the law with a notice of contravention

Dutyholders wanting to query a notice of contravention can raise a “query”, which will be examined by a member of the HSE’s FFI team. If they are not satisfied with the response, they can raise a “dispute”. A panel of HSE staff and an independent representative will consider whether the invoice should be upheld, varied or cancelled. However, there is no right for dutyholders, their representatives or HSE inspectors to appear before the panel.

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TRAINING & EVENTS

CALLSAFE PUBLIC COURSES

We have programmed a number of public courses as follows. The detailed programme of courses is shown on the previous page.

MANAGEMENT OF PRE-CONSTRUCTION HEALTH AND SAFETY 3 DAY COURSE

This APS accredited course is aimed at those persons who will be performing the duties of the Principal Designer on behalf of their employer, who has been appointed to this role by the Client.

It provides knowledge on the requirements, methods that could be used to achieve these requirements and the personal qualities necessary. The course also provides for the additional services that could be offered by the Principal Designer, or as a separate commission, for advising and assisting the Client with the Client's duties.

DESIGN RISK MANAGEMENT AND CDM2015 FOR DESIGNERS 2 DAY COURSE

This APS accredited course is aimed at Designers and Design Risk Managers, providing a full understanding of the Designers' duties under CDM2015 and the options that are available for achieving these obligations.

The course could also be suitable for Principal Designers if they are experienced in the design requirements of CDM2007. Discussions and debates are encouraged throughout this course.

CDM2015 AWARENESS 1 DAY COURSE

This APS accredited course is designed to provide all persons involved in construction projects, including current and potential clients, project managers, principal designers, designers, principal contractors and contractors with a broad overview on the CDM Regulations 2015.

CDM2015 FOR FACILITIES MANAGERS 1 DAY COURSE

This non-accredited course is designed to provide Facilities Managers, and designers and contractors working for Facilities Managers, with an understanding of their duties under the CDM Regulations 2015. Larger fit-out and refurbishment projects will be discussed as well as planned maintenance and reactive repair activities.

MANAGING SAFELY IN CONSTRUCTION 5 DAY COURSE

This IOSH accredited course has been developed to provide managers, designers, etc. the knowledge and skills necessary to enable them to recognise the hazards likely to be present in the construction industry and the actions needed to control and manage them.



The course is suitable for Principal Designers, Designers, Project Managers, Facilities Managers and Managers of any construction-related organisation.

Further details of these, and other, courses can be found on our website: www.callsafe-services.co.uk, or by contacting Gemma Esprey at: gemma.esprey@callsafe-services.co.uk or by phone on: 01889 577701

IN-HOUSE COURSES

The above public courses, and many other CDM and other health and safety courses are offered as 'in-house' courses, where the trainer presents the course at a venue provided by the delegates' employer, and are priced at a daily rate.

Details of all courses offered can be found at: www.callsafe-services.co.uk, most of which can be customised to a particular customer's needs.



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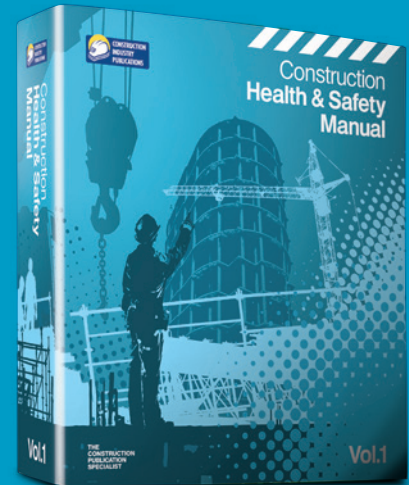
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BURY DEMOLITION CONTRACTOR IMPRISONED FOR FAILING TO PREVENT EXPOSURE TO ASBESTOS

A demolition contractor has been sentenced after admitting illegally removing asbestos from a building he was working on. David William Briggs, trading as Briggs Demolition was found to have ignored an asbestos survey while demolishing the former Oakbank Training Centre in Chadderton, Oldham. Manchester Magistrates' Court heard also failed to prevent exposure to asbestos to workers and others on site.

The firm from Bridge Works, Wellington Street, Bury, was contracted to demolish the former education centre off Chadderton Park Road and advised the site owners to have the site surveyed for asbestos before demolition could begin.

Mr Briggs recommended a suitable surveyor and the site owner paid for a full asbestos survey to be carried out on Mr Briggs' recommendation.

The Health and Safety Executive (HSE), prosecuting, told the court that Mr Briggs then chose to ignore the asbestos report which identified approximately 230 square metres of asbestos materials throughout the buildings, and began demolition without having any of it safely removed.

HSE first visited the site in 2015, and met Mr Briggs on site. They found that approximately half of the buildings had been demolished or partly demolished. When Mr Briggs was asked if the asbestos had been removed he denied there was any on site.

A HSE Prohibition Notice (PN) was served on Mr Briggs and on the site owners, stopping work until the extent of the asbestos

disturbance could be established. HSE visited with scientists from the Health and Safety Laboratory (HSL) and confirmed the findings of the original asbestos survey report and identified hazardous asbestos in the remaining buildings.

The court heard that three workers were potentially exposed to deadly asbestos fibres. They also heard that local residents and passers-by to the site were also at risk due to the uncontrolled method of demolition where large amounts of asbestos were present.

David Briggs was charged with failing to protect the safety of his employees, failing to protect the safety other persons not employed by him, i.e. members of the public, failure to prevent the spread of asbestos and one count of illegally removing asbestos materials without a license.

David William Briggs, pleaded guilty at Manchester Magistrates' to breaching Section 2(1) & Section 3(1) of the Health and Safety at Work etc Act 1974 and Regulations 8(1) and 16 of the Control of Asbestos Regulations 2012 and was sentenced to 24 weeks imprisonment.

HSE inspector Matt Greenly said after the case: "Mr Briggs wilfully ignored a professional asbestos survey, instigated by himself, and in doing so failed in his duty to protect his workers and anyone else around this site from a foreseeable risk of serious harm. Asbestos related diseases are currently untreatable and claim the lives of an estimated 5,000 people per year in the UK.

"The costs of removing this asbestos safely were saved by Mr Briggs which allowed him to undercut his competitors. This act of putting profit before safety is wholly unacceptable. "Anyone who worked on this site at this time, due to the lack of care taken by Mr Briggs,

could possibly face a life shortening disease at some point over the next 30 years from an exposure which was totally preventable. This case sends a clear message to any individual or company that it does not pay to ignore known risks on site, especially to increase profits at the expense of people's lives".

OVERHEAD CRANE WORKER SUFFERS LIFE THREATENING INJURIES

A Cleckheaton engineering firm was sentenced today for safety breaches after a worker suffered life changing injuries.

H E Realisations Ltd (now in liquidation, formerly Hogg Engineering Ltd) of pleaded guilty to breaching Section 2(1) of the Health and Safety at Work Act 1974 and Reg 8(1) of the Lifting Operation and Lifting Equipment Regulations 1998.

Gateshead Magistrates' Court heard that on 24th February 2015, Kevin Tait was using equipment to lift an 18 tonne steel roll at the company's premises at Carlington Court, Factory Road, Blaydon-on-Tyne. The equipment being used was not suitable for the lifting operation due to the fact that the load being lifted exceeded the equipment's safe working load.

During the lift, part of one of the shortening clutches sheared causing the load to swing and strike Mr Tait on the head. The HSE, prosecuting, told the court the lifting operation had not been suitably planned and the equipment in use was poorly maintained.

H E Realisations Ltd was fined £40,000 and ordered to pay £2230 costs.

After the hearing, HSE inspector Laura Catterall commented: "Lifting operations are hazardous and require a competent person

to properly plan and supervise them to ensure that suitable and properly maintained equipment is used in the right configuration to avoid exceeding safe working loads.

"Kevin is incredibly lucky that he was not killed in this incident and he has suffered permanent life changing injuries as a result. This workplace accident has changed the lives of Kevin and his family irrevocably."

FENCING BUSINESS OWNERS RECEIVE SUSPENDED SENTENCES AFTER WORKER INJURY

The two owners of Kidderminster based fencing firm Hoo Farm Fencing have been given suspended sentences after a worker was hit by timber posts and frames which fell from a fork lift truck.

Forty-nine year old Raymond Lainsbury suffered injuries that still require regular physiotherapy sessions following the incident on 12th February 2016.

Worcester Magistrates' Court heard how Hoo Farm Fencing's method of working was unsuitable for the task they were carrying out at the time of the incident. Mr Lainsbury was helping to dip timber posts and frames in preservative, when they fell from the metal frame on the fork lift truck, striking him.

A HSE investigation found that the company had not been using the suitable equipment for the task. The operator had not been properly trained to operate a fork lift truck. The company also failed to have the fork lift truck in question thoroughly examined up to required standards.

Maurice James Blackford pled guilty to breaching section 2(1) of the Health and Safety at Work Act 1974 and Susan

Hawthorne pled guilty to the same breach.

Both were sentenced to 18 weeks imprisonment suspended for two years and fined £10,000 each. Full Prosecution costs of £4318 split between the two defendants, were awarded to the Health and Safety Executive (HSE) that prosecuted the case.

OXFORDSHIRE BASED COMPANY FINED FOR SAFETY FAILINGS

An Oxfordshire based, ground engineering company has been fined after a worker contracted severe hand-arm vibration syndrome (HAVS).

Cheltenham Magistrates' Court heard how an employee, who was working at the company's earth retaining division, known as Phi Group, was eventually diagnosed as suffering from HAVS after repeatedly flagging his symptoms to the company for over five years.

Symptoms of HAVS can include tingling, numbness and pain in the hands. This affects sleep when it occurs at night and sufferers have difficulties in gripping and holding things, particularly small items such as screws, doing up buttons, writing and driving.

An investigation by the HSE found the company did not have the right system in place to manage the workers' health as it did not have a suitable health surveillance programme in place to monitor for the early onset of HAVS and to prevent the irreversible condition from developing.

Keller Limited pled guilty to breaching Regulation 7(1) of the Control of Vibration at Work Regulations 2005 and were fined £6,000 and ordered to pay costs of £2,263.45.

Speaking after the hearing HSE inspector

Mehtaab Hamid said: "This was a case of the company completely failing to grasp the importance of HAVS health surveillance.

"If they had understood why health surveillance was necessary, it would have ensured that it had the right systems in place to monitor worker's health and the employee's condition would not have been allowed to develop to a severe and life altering stage".

CONSTRUCTION COMPANY DIRECTOR IMPRISONED AFTER SAFETY FAILINGS

The director of a construction company has been imprisoned for eight months after failing to take appropriate action which resulted in a young worker receiving serious burns.

Cardiff Crown Court heard the young worker was instructed to stand on top of a skip and pour a drum of flammable thinners onto the burning waste to help it to burn. The fireball that resulted when the thinners ignited caused the worker to be blown from the skip and he suffered substantial burns to his arms and legs.

The investigation by the HSE found the company director did not ensure the burning of the waste material was being carried out in a safe or appropriate manner. He failed to administer any first aid to the young injured worker and did not send him to hospital, the most appropriate response given the severity of the injuries suffered. He failed to inform HSE of the incident, a legal requirement, and the incident was only reported sometime later by a third party

David Gordon Stead pleaded guilty to breaching Section 37 of the Health and Safety at Work Act 1974 and also pled guilty to breaching Section 4(1) of The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) and was sentenced to 32 weeks imprisonment,

half on release under licence. He has also been disqualified from being a company director for seven years.

Speaking after the case HSE inspector Adele Davies said “David Stead failed his employees. His actions could have resulted in the death of this worker. The young man suffered unnecessary life threatening injuries due to poor working standards.

“We hope this sentence sends out a message that directors of businesses must take their health and safety responsibilities seriously.”

BUILDING CONTRACTOR JAILED AFTER WORKER'S FATAL FALL

A Manchester building contractor has been jailed following the death of a casual labourer who fell nearly seven metres through a fragile roof.

The 45-year-old labourer from Manchester had been carrying out repair work at Witney Mill, Manchester when the incident occurred on 23th November 2013.

Saleem Hussain had been engaged by the warehouse owner, who believed him to be a competent building contractor, to carry out repair and maintenance work on the warehouse roof. He then hired two people to do the work.

The HSE investigation found that both workers were not qualified to carry out work at height. They had accessed the roof via a ladder in order to repair and seal leaking guttering. No safety precautions were in place to protect the two men from the danger of falling through the fragile roof.

Manchester Crown Court heard that Mr Hussain failed to assess the risks or put a

safe working method in place. No suitable training or equipment to work on the roof had been provided.

Saleem Hussain pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc. Act 1974 and was sentenced to 8 months immediate imprisonment.

Speaking after the hearing HSE Principal Inspector Mike Sebastian said: “The dangers of falls through fragile roofs and working at height are well known. Simple steps such as removing the need to access the roof directly by using mobile working platforms, or boarding out the roof, or using safety harnesses, can and should be used to prevent accident and injury.

Mr Hussain’s failure to take any such actions resulted in a tragic and needless loss of life”.

COMPANY FINED FOR SAFETY FAILINGS RESULTING IN WORKERS DEATH

A Midlands based construction equipment hire company has been fined after a worker’s death.

Warwick Crown Court heard how 49-year-old Mark Seward had only been working for AGD Equipment Limited for 16 days when the fatal incident happened. The court heard how Mr Seward was testing a hydraulic cylinder when it cracked under pressure causing a piece of metal to strike Mr Seward violently in the head.

An investigation by the HSE found the company had failed to have adequate supervision in place for this task and they failed to inform Mr Seward of the safe working pressure for the cylinder he was testing. The investigation also found that AGD Equipment Limited also failed to have protective screens in place to prevent projectiles injuring staff.

They also did not exclude other people from the test area.

AGD Equipment Limited pleaded guilty of breaching regulation 12(1) of the Provision & Use of Work Equipment Regulations 1998 and regulation 3(1) of the Management of Health and Safety at Work Regulations 1999. The company also pleaded guilty to breaching section 3(1) of the Health and Safety at Work Act 1974.

The company have been fined £800,000 and ordered to pay costs of £28,711.

EMPLOYER PROSECUTED AFTER EMPLOYEE FALLS FROM ROOF

A self-employed businessman has been prosecuted after his employee fell from the flat roof of a building and died from his injuries.

Manchester Crown Court heard how, on 22th December 2013, father of two, Jason Fogarty, a casual employee of Roy Hardaker (trading as 9 to 5 Roofing), was working on a flat roof replacement project. He was working alongside Hardaker.

The roof replacement was complete and the men were installing cladding and flashing around the top of the building to seal the edges of the roof. Mr. Fogarty was holding the cladding sheets in position from a ladder footed by his colleague, while Hardaker secured the sheets and the flashing from the roof.

Mr. Fogarty climbed up onto the roof and subsequently fell from the edge and was pronounced dead at the scene. The reason for him climbing to the roof was not discovered. A joint investigation carried out by Greater Manchester Police and the Health and Safety Executive (HSE) found that the work was not properly planned in order to ensure it could be carried out safely. As a result, there were

no measures in place, such as scaffold edge protection, to prevent falls from the edges of the roof.

HSE inspector Laura Moran said after the hearing: "The dangers associated with working at height are well known.

"Mr. Hardaker is an experienced roofer, who completely failed in his duties to properly plan the roof work and to ensure it was carried out safely. By failing to have suitable edge protection installed around the building, Mr. Hardaker put himself and his employees at risk, ultimately costing Mr. Fogarty his life."

Roy Hardaker, 9 to 5 Roofing, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was sentenced to nine months imprisonment, suspended for two years and 200 hours of unpaid work.

LONDON CONSTRUCTION FIRM FINED AFTER WORKERS INJURED

Leyland SDM (LSDM) Limited has been fined after four workers fell more than three and a half metres whilst carrying a ventilation unit.

Westminster Magistrates Court heard how LSDM had been in the process of redeveloping a warehouse in Wembley. However, when four workers tried to move a ventilation unit into position, the working platform became overloaded and gave way. Neither the work at height nor the lifting operations were planned properly. Two of the four injured men suffered leg fractures, while a broken collar bone were among the other injuries caused by the incident.

A HSE investigation found the company failed to manage the risks when working at height and carrying out the lifting operation. The

company also failed to have the right level of trained personnel and supervision in place to carry out these tasks safely and effectively.

LSDM pleaded guilty to breaching Regulations 6(3) of the Work at Height Regulations 2005 and Regulation 4(1) of the Manual Handling Operations Regulations 1992 they have been fined £450,000 and ordered to pay costs of £1,038.

OLDHAM BUILDING CONTRACTOR IN COURT OVER FALL FROM HEIGHT RISK

An Oldham based building firm has been fined for exposing its workers to dangerous work at height.

An Inspector from the HSE issued an immediate Prohibition Notice, ordering Select Quality Homes Ltd to stop work at a site at Newmarket Road, Ashton under Lyne until workers had protection against falling from height.

Manchester City Magistrates Court heard that an unannounced inspection took place in April 2015. During the visit the Inspector found that edge protection on the scaffolding was absent or inadequate in several places and as a result a prohibition notice was issued. Upon a return visit from HSE to the site the scaffolding was still inadequate.

The court also heard if Select Quality Homes Ltd had carried out their duty to plan, manage, and monitor the site properly, and subsequently followed the advice outlined by HSE's Inspector, the defects in the scaffolding would have been resolved without the need for any formal enforcement action.

Select Quality Homes Ltd pleaded guilty to breaches of Regulation 6(3) of the Work at Height Regulations 2005 and Section 22 of the Health and Safety at Work etc. Act 1974, and was fined £6,600 and ordered to pay costs of £646.70.

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