



**Callsafe**  
Services Ltd

**CONSTRUCTION HEALTH & SAFETY CONSULTANTS & TRAINERS**

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# callsafetoday



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# CDM 2015 & BIM

THE BENEFITS OF INCORPORATING  
HEALTH AND SAFETY INTO BIM

IDENTIFY AND REDUCE RISKS  
EARLIER IN THE DESIGN PROCESS

ISSUES/CLASHES IDENTIFIED  
BEFORE WE GET ONTO SITE

EFFECTIVE CONTROL OF  
DESIGN INTERFACES

CLARITY OF DESIGN, RISKS AND  
BUILD REQUIREMENTS

PROVIDE PRE-CONSTRUCTION & DESIGN  
INFORMATION MORE EFFICIENTLY

VISUALISATION OF PHYSICAL LAYOUTS  
AND SPACES FOR USE & MAINTENANCE

REMOVE  
RISK AND  
HAZARD  
IN DESIGN

1 DAY  
COURSES  
AVAILABLE  
SOON



"THE CONTENT OF CALLSAFE TODAY IS AN ENHANCED VERSION OF THE CONSTRUCTION HEALTH AND SAFETY NEWS, CONTAINING SIMILAR, BUT ENHANCED, INFORMATION."

## editorswelcome

Dave Carr Managing Director, Callsafe Services

To all of existing readers, who have been enjoying the CONSTRUCTION HEALTH AND SAFETY NEWS over the years, we have decided to modernise the monthly publication as CALLSAFE TODAY.

The content of CALLSAFE TODAY is an enhanced version of the CONSTRUCTION HEALTH AND SAFETY NEWS, containing similar, but enhanced, information.

We have decided not to include the 'Contact details of organisations mentioned in this and other Newsletters' on the final page, as it appears that this was not useful. If you would like

this re-instated, just let us know.

To our new readers, welcome. We hope that you will find the content useful.

As with the CONSTRUCTION HEALTH AND SAFETY NEWS, CALLSAFE TODAY will be posted on our website to enable back-referencing and downloading if the original version has been misplaced/deleted.

If you have any suggestions for improvement to CALLSAFE TODAY, please let us know by posting your comments to enquiries@callsafe-services.co.uk.

We hope that our monthly publication, in its new format will continue to be useful and informative to the most important of people, you, our readers.

**Dave Carr**  
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Callsafe Services



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## ISO 45001 DELAYED FURTHER



**THE** Institution of Occupational Safety and Health (IOSH) reported on 16th June 2016 that the sheer volume and detail of the comments made about the proposed new international standard for occupational safety and health have delayed its publication until June 2017.

When safety and health experts met in Toronto this month, they faced nearly 3,000 individual points from a consultation on the ISO 45001 draft international standard (DIS), with each one needing to be discussed and addressed.

But it's anticipated that resolution can be completed and a further draft reflecting any changes produced by October 2016, the month originally planned for publication, according to ISO PC 283, the committee developing the standard.

The widespread interest in ISO 45001 is because it will give organisations a universally accepted framework for improving employee health and safety, reducing workplace risks and creating healthier, safer working conditions.

Publishing it, however, is proving a longer

process than expected, with representatives from a range of countries raising issues and suggesting changes.

This means work group members will now work through the latest comments, with the committee looking to provide a second DIS for consultation in the New Year. June 2017 has now been pencilled in as the new publication date.

IOSH is a liaison body for ISO 45001 and was represented at the Toronto meeting by its head of policy and public affairs, Richard Jones, and chartered IOSH member Phil Bates.

Richard said: "A great deal of progress has been made and IOSH is pleased to be part of this important development process. The volume and diversity of responses to the DIS shows the keen interest and engagement that ISO 45001 is already generating. Securing agreement and reaching consensus remain vital.

"Extending the timeframe supports achievement of this and helps ensure the overall outcome is a practical, robust and effective standard that can assist organisations worldwide improve health and safety performance."

**Richard Jones**  
IOSH head of policy  
and public affairs



## BREXIT – CHANGES TO HEALTH & SAFETY LAW

**AS** we all know, the Referendum vote has been for Great Britain and Northern Ireland to leave the European Union (EU). Some concerns have been raised as to what effect this will have on Health & Safety law and standards within the United Kingdom.

As we noted in our April 2016 Newsletter, there will be minimal changes to the legislation in the short term, if any. As the United Kingdom (UK) exit for the European Union will not commence negotiation until probably October 2016, and it can take up to 2 years for these negotiations to be completed, we will need to comply with the current EU requirements for some time.

On leaving the EU it is likely that some of the legislation will be changed, but not significantly, as even if we had never joined the EU, we would have still had most of the legislation we currently have, as the legislation is just a formalisation of our duty of care to others.

EU technical health and safety requirements, such as the requirements for 'CE Marking' are also very unlikely to change, as we will still need to comply if we are to trade with the EU.

Although the basis of the health and safety regime in the UK was established in 1974, it has been underpinned and extended by EU legislation. The main element of the EU legislation is the Health and Safety Framework Directive (89/391/EEC) which establishes



broad-based obligations for employers to evaluate, avoid and reduce workplace risks.

The 24 main Directives on health and safety cover many of the most important sectors or risk factors that lead to death injury and ill-health in the workplace such as chemical safety, carcinogens, musculoskeletal disorders, machinery safety and personal protective equipment, which means that minimum standards exist across Europe.

In summary, it is our opinion that Brexit will cause no changes in the short term and minimal changes in the longer term.





# PROCUREMENT OF MAINTENANCE SERVICES & HEALTH AND SAFETY AT WORK

**THE** European Agency for Safety and Health at Work (EU-OSHA) have published a new facts sheet providing advice and assistance on the procurement and control of maintenance contracts, E-Facts 63.

This summarises the advantages and disadvantages of contracting in maintenance services, so far as health and safety is concerned, as follows:

ASSUMPTIONS	ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> <li>• maintenance task is separated from the other work in the enterprise / plant, virtually independent and clearly defined</li> <li>• there are competent service providers with their own adequate maintenance solutions, and a good safety management system</li> <li>• there are clear criteria to select the appropriate maintenance contractor</li> </ul>	<ul style="list-style-type: none"> <li>• specialised maintenance service providers have more know-how than clients</li> <li>• good service providers can help to improve the maintenance strategy</li> <li>• specialised service providers might have better preventive solutions to minimise hazards associated with the maintenance tasks</li> <li>• companies (clients) can concentrate on their core business activities</li> </ul>	<ul style="list-style-type: none"> <li>• dependence on the quality of the service provider</li> <li>• contractor's workers are not familiar with the enterprise / plant, might also have a different safety culture</li> <li>• the first time at site contractors will need special and more extensive induction and greater supervision</li> </ul>

Outsourcing of maintenance activities may affect external workers' health and safety:

- if the work environment is unfamiliar;
- if the operations are fragmented (for instance maintenance workers do not know what has been performed prior to their own operations);
- if external personnel are improperly received;
- if there is no adequate monitoring/supervision of contractors' operations;
- if there is no internal contact person with specialist knowledge.

Outsourcing may also affect internal staff due to:

- difficulties in maintaining specialist know-how, and thus in monitoring activities carried out by the contractor;
- incorrect assessment of the condition of equipment or installations because of the many outsourced maintenance operations;
- equipment being repaired in an offhand manner (so equipment is not in optimum condition) because external maintenance services are not immediately available;
- lack of coordination between the client and the contractor and between different (sub contractors, and lack of adequate communication on on-going works.

References are also made to The Framework Directive (89/391/EEC), which lays down the obligation of the employers to cooperate in implementing the safety and health provisions and coordinate their actions in matters of the protection of workers and prevention of occupational risks, where several undertakings share a work place. The Directive also requires the employers to inform one another and their respective workers and/ or workers' representatives of these risks.

The Framework Directive stipulates that the employer ensures that contractors and their workers engaged in work in his undertaking and/ or establishment receive adequate information and appropriate instructions concerning the safety and health risks and protective and preventive measures during their activities in his premises.

The above requirements of the Directive are

implemented within Great Britain as The Management of Health and Safety at Work Regulations 1999. Also relevant is the Council Directive 92/57/EEC, The minimum safety and health requirements at temporary or mobile construction sites. Here the term 'temporary or mobile construction sites' refers to any construction site where building or civil engineering works are carried out, which may include repair and maintenance activities.

The Directive establishes that the client or the project supervisor must appoint one or more coordinators for safety and health matters for any construction site on which more than one contractor is present. For instance, during the project execution stage the coordinator must organise cooperation between employers, including successive employers and self-employed persons (or any person whose professional activity contributes to the completion of a project) on the same site, coordinating their activities with a view to protecting workers and preventing accidents and occupational health hazards.

This Directive has been implemented within Great Britain as The Construction (Design and Management) Regulations 2015 (CDM2015). The co-ordinators required under the Directive are identified as the Principal Designer and the Principal Contractor by CDM2015, although the client will always retain health and safety management duties and where there is only one Contractor on a project, and there is no requirement for a Principal Designer and Principal Contractor to be appointed by the Client, the Client will be required to effectively control the work being performed on their behalf.

These requirements on the client and the maintenance service provider are also stated in British law, within the Health and Safety at Work, etc. Act 1974, specifically within Sections 2, 3 and 4.

E-Facts 63 also describes the standards that can be used for procuring and controlling maintenance services and the reasonable checks that should be performed to establish the competence (skills, knowledge, experience and organisational capability) of the potential maintenance service providers.

Copies of E-Facts 63 can be downloaded as a pdf document from: [osha.europa.eu](https://osha.europa.eu)



## TRAINING & EVENTS

### CALLSAFE PUBLIC COURSES

We have programmed a number of public CDM2015 courses as follows. The detailed programme of courses is shown on the next 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.

Further details of these, and other, courses can be found on our website: [www.callsafe-services.co.uk](http://www.callsafe-services.co.uk), or by contacting Gemma Esprey at: [gemma.esprey@callsafe-services.co.uk](mailto: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](http://www.callsafe-services.co.uk), most of which can be customised to a particular customer's needs.



#### APS DESIGN RISK MANAGEMENT AND CDM2015 FOR DESIGNERS

21 & 22 July 2016 London **ADRM160721** £630.00

#### APS MANAGEMENT OF PRE-CONSTRUCTION HEALTH AND SAFETY

26 - 28 July 2016 London **MPHS160726** £840.00

#### APS CDM2015 AWARENESS

16 August 2016 Staffordshire **CDMA160816** £300.00

#### CDM2015 FOR FACILITIES MANAGERS

23 August 2016 Staffordshire **CDMF160823** £290.00

#### APS DESIGN RISK MANAGEMENT AND CDM2015 FOR DESIGNERS

21 & 22 September 2016 London **ADRM160921** £630.00

#### APS CDM2015 AWARENESS

29 September 2016 London **CDMA160929** £310.00

#### APS MANAGEMENT OF PRE-CONSTRUCTION HEALTH AND SAFETY

04 - 06 October 2016 London **MPHS161004** £840.00

#### CDM2015 FOR FACILITIES MANAGERS

11 October 2016 London **CDMF161011** £300.00

#### APS DESIGN RISK MANAGEMENT AND CDM2015 FOR DESIGNERS

11 & 12 October 2016 Staffordshire **ADRM161011** £620.00



## WEST THAMES NATIONAL FLOOD RESILIENCE PLAN



**DUNCAN** Cooper is the Resident Principal Designer working out of the Environment Agency Reading offices.

One of the projects Duncan is working on is the West Thames section of a national flood resilience plan. There are many areas which do not warrant a permanent flood defence project, and within West Thames there are a number of sites where, in the event of a potential flood, a system of temporary defences will be deployed in advance of the predicted flood levels.

The project is currently being designed and planned for construction completion by October (in time for good British winter weather) and will be an advanced works package to facilitate for these temporary defences to be quickly and easily deployed, most likely at night in heavy rain.

Generally, the work is fairly simple civil engineering but complicated by the constraints of the locations which can range from main roads, peoples back gardens, narrow river banks and commercial properties. In all these locations we will be reviewing access routes and deployment alignment so that defences can be quickly installed without the hindrance of ditches, gates, fences, overgrown vegetation, etc.

The photos show a variety of locations including roads, tracks, narrow river banks and boat yard frontages which will be utilised for the defence plans should they be required.



## CDM2015 AND BIM

Dave Carr is currently developing a new 1-day training course to provide guidance on how the requirements the Construction (Design and Management) Regulations 2015 (CDM2015) can be incorporated into the Building Information Modelling (BIM) requirements.

This course is aimed at clients, designers, principal designers, contractors and principal contractors performing duties under the Construction (Design and Management) Regulations 2015 (CDM2015) and are likely to perform these duties on projects that will comply with the Building Information Modelling (BIM) requirements. This course would also be useful to facilities and asset managers

who may be considering the benefits of BIM and software designers developing the BIM software.

The learning objectives are that on conclusion of the course, delegates should:

- Have an increased understanding of BIM;
- Have an increased understanding of CDM2015;
- Appreciate the synergy between BIM and CDM2015;
- Be capable of incorporating the requirements of CDM2015 into the BIM processes, creating a more efficient, safer and healthier project and completed facility.





## **CHRISTMAS EVE TRAGEDY AFTER MAN CRUSHED BY HYDRAULIC RAMP**

A general haulage company from Dumfries has been fined after the tragic death of a man who was crushed by a failed hydraulic ramp on Christmas Eve.

Ayr Sheriff Court heard how J. & J. Currie Limited was delivering and offloading a vehicle from a trailer at Arnimean, Galloway Forest.

One of the trailer hydraulic ramps failed to lower and Andrew Adams, aged 61, attempted to carry out a repair. He removed a hoseburst valve, resulting in a catastrophic release of hydraulic pressure and the ramp collapsed onto him as the ratchet strap, which had been used to secure the ramp, failed. He died from severe crushing injuries.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on 24 December 2014, found that there was an absence of effective planning, and failure to realise that the repair was more complex than initially thought, and the risks were higher than was envisaged. Neither Mr Adams, nor the delivery driver, had the required competence to undertake the hydraulic repair. The method of securing the upright ramp was unsuitable due to the condition of the strap.

J. & J. Currie Limited pleaded guilty to breaching Sections 3(1) and Section 33(1)(a) of the Health and Safety at Work etc. Act 1974 and was fined £45,000.

## **WORKER CRUSHED BETWEEN TWO VEHICLES**

A waste management and plant hire company in Derbyshire has been fined after a worker was fatally crushed between two vehicles

while refuelling.

Derby Crown Court heard how 39-year-old Matthew Lambert was refuelling his road sweeper at the yard of Leedale Limited. The refuelling point on the vehicle was at the rear, and it was while he was refuelling that a tipper lorry reversed into him. Matthew Lambert was crushed between the two vehicles and died of catastrophic head injuries.

The investigation by the HSE into the incident, which occurred on 26 November 2013, found there were no marked or identified vehicle and pedestrian routes. There were no rules for control of reversing manoeuvres, and the lighting at the site was poor and below the required standard.

Leedale Limited pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974, and was fined £300,000 and ordered to pay costs of £50,737.

## **SCOTTISH POWER FIRM FINED £1.75M AFTER WORKER SERIOUSLY SCALDED**

A Scottish energy company was fined after a worker was seriously scalded at Longannet Power Station in Alloa.

Dunfermline Sheriff Court heard how a plant controller working for Scottish Power Generation Limited (SPGL) was injured when he opened a faulty valve which emitted high pressure, high temperature steam. He sustained serious burns to his chest and legs.

An investigation by the HSE into the incident, which happened on 12 October 2013, found that SPGL were aware of the defect but did not ensure appropriate steps were taken to either repair or remove the valve from use.

Scottish Power Generation Limited pleaded

guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £1.75million.

## **BRITISH TELECOMMUNICATIONS PLC FINED £600,000 AFTER WORKERS INJURED**

British Telecommunications PLC has been fined after two of its employees were seriously injured in falls from height.

Teesside Crown Court heard how two British Telecommunications (BT) Open Reach engineers had been given a job at BT's Darlington Automatic Telephone Exchange.

One of the engineers was installing a cable through a hole on the first floor along a ceiling level cable tray to the Main Distribution Frame (MDF) on the ground floor. In order to carry out this work he was working on a stepladder in amongst the lighting system. He felt a pain in his right arm and fell from the step ladder. He was taken to hospital with head and back injuries.

The accident was not properly investigated and later that day the work was allowed to continue. The second engineer continued with the work himself, from a different ladder. However, he too fell to the ground and was taken to hospital with serious skull and back injuries.

A year after the accident, the first engineer returned to work for BT, however, he had lost his sense of smell and taste and required physiotherapy for a number of years. The second engineer received serious multiple fractures of the skull and spine, his sense of smell and taste had been affected, he was blinded in one eye, and has long term memory problems.

The investigation by the HSE into both incidents, which occurred on 1st April 2010, found that the work had not been properly assessed or planned, despite workers being exposed to such serious risks as working at height close to an electrical system.

Serious failings were also found within the electrical lighting system in that area, where workers were exposed to live metal parts, some at 240 volts. The system was poorly constructed and had not been properly maintained or tested. It is most likely that both engineers received electric shocks which threw them from the ladders.

British Telecommunication PLC pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974, and was fined £600,000 and ordered to pay costs of £60,000.

## **BT ALSO FINED £500,000 AFTER ENGINEER BREAKS HIS BACK IN FALL**

British Telecom plc (BT) has been fined £500,000 after an engineer fell seven metres from a loft in London, breaking his back and his ankles.

The Old Bailey heard how a BT engineer, David Spurgeon, was fixing a telephone fault in the roof void of a residential block of flats in Tower Hamlets, East London.

Mr Spurgeon was working alone when he lost his balance and fell through the ceiling, landing on a concrete stairwell, sustaining his serious injuries.

The investigation by the HSE into the incident, which occurred in May 2011, found there were a number of management failures by BT, including inadequate planning of work taking place near fragile surfaces and checking that



it was carried out safely.

British Telecom PLC was found guilty of breaching Section 2(1) of the Safety and Health at Work etc Act 1974 and was fined £500,000 and ordered to pay costs of £98,913.51. In his sentencing remarks the judge criticised BT for attempting to blame its own engineers for the incident. He described their approach as being 'not necessary, misplaced, and unfortunate'.

HSE inspector Kevin Smith said: "David Spurgeon is lucky to be alive. There were a number of failures of health and safety management by BT which related to planning the work, supervision, and checking it was being carried out safely. Work at height needs to be properly planned, and this incident could have been prevented."

## **NHS FOUNDATION TRUST FINED £200,000 FOR SAFETY FAILINGS**

An NHS Foundation Trust has been fined for safety failings in its management of the use and maintenance of Anetic Aid QA3 trolleys.

An investigation by the HSE followed an incident that happened in March 2011 when a patient at Royal Berkshire NHS Foundation Trust, 90-year-old Major James Fyfe, suffered a broken neck and a cut to his head as a result of a fall from a QA3 trolley. He died 26 days later.

Reading Crown Court heard that although HSE did not conclude that in this case Mr Fyfe's incident was caused by the hospital's failings, the investigation found that there was a lack of maintenance to the QA3 trolley and a lack of training in an essential aspect of its use.

Maintenance of equipment is an essential part of keeping both patients and staff safe.

If the organisation had had a comprehensive system for servicing and maintenance of QA3 trolleys, then it would have picked up the issues surrounding maintenance. For the effective maintenance of equipment and the use of that equipment, suitable training needs to be implemented appropriately.

HSE Inspector Sharron Cripps said: "This incident could have been prevented. It is especially important in large organisations that they have effective systems in place to control risks and to check that the systems are working."

Royal Berkshire NHS Foundation Trust pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974, and was fined £200,000 and ordered to pay costs of £76,305.62

## **RECYCLING COMPANY FINED AFTER WORKER WAS INJURED IN MACHINERY**

A recycling company in Nantwich has been fined after a 24-year old worker was seriously injured when he was dragged into machinery.

Chester Crown Court heard how a worker for Nick Brookes Recycling Limited was dragged into the unguarded conveyor resulting in his right arm having to be amputated up to his shoulder.

The investigation by the HSE into the incident which occurred on 8 August 2013 found the conveyor belt was in extremely poor condition and access to the belt was possible as it was unguarded.

The employee was working on an 'infeed conveyor' which transfers waste brought by skip wagons onto a picking line.

The court heard how the conveyor was jamming frequently in the run up to the incident and there was a lack of information, instruction, training and supervision provided by the company to its employees.

Nick Brookes Recycling Limited pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974, and was fined £80,000 and ordered to pay costs of £13,000.

## **FIRM FINED AFTER TWO WORKERS SUFFER SEVERE ELECTRICAL BURNS**

An engineering company based in Birmingham has been fined after two workers suffered severe electrical burns.

Walsall Magistrates' Court heard how CISM Limited of Birmingham were contracted to dismantle and remove redundant electrical cable and equipment at the former McKecknie Brass site, Middlemore Lane, Aldridge, Walsall.

An employee and a sub-contract electrician began work at one of the substations. While carrying out an electrical check inside a switchgear, the electrician accessed the live bus bar. There was an electrical arc and discharge with both men suffering severe electrical burns.

An investigation by the HSE into the incident, which occurred on 11 September 2014, found that the current at the terminal was 6,600 volts. The tester in use by the electrician was only suitable for use on 240-410 volt equipment. The electrician was not suitably qualified to carry out work on high voltage systems.

CISM Limited pleaded guilty to breaching Regulation 13(2) of the Construction (Design and Management) Regulations 2007, and was fined £50,000 and ordered to pay costs of

£7,863.

## **DEATH OF ROAD WORKER PROMPTS HSE WARNING TO HGV DRIVERS**

HGV drivers are frequently putting lives at risk by not following basic safety procedures when coupling and uncoupling vehicles, the HSE warned today.

The workplace health and safety regulator urged drivers to apply parking brakes and use (or retrofit) warning alarms to avoid a repeat of an incident in January 2015 when a 20-year-old man died.

Road worker, Dale Pentney, was crushed by an HGV tractor unit which unexpectedly rolled backwards as driver Anthony Steven Smith was in the process delivering materials for repairs to the A21 in Kent.

On 24 May, at Sevenoaks Magistrates' Court, Smith was given a suspended prison sentence. He pleaded guilty to causing death by careless driving and a breach of Section 7 of the Health and Safety at Work Act.

The court heard that Smith, 48, was an experienced HGV driver and was in the process of connecting his tractor unit to another parked trailer when it rolled backwards.

Two men working with Mr Pentney were able to jump out of its way, but Mr Pentney was unable to do so and was trapped between the two vehicles. He sustained major head injuries and died at the scene.

A joint investigation by Kent Police and the HSE found that Smith failed to apply the parking brake of the tractor unit before he left it. He also failed to follow recognised industry coupling procedures.



Smith was sentenced to 12 weeks' imprisonment (suspended for 12 months) and disqualified from driving for 12 months.

HSE inspector Melvyn Stancliffe, speaking after the hearing brought by the Crown Prosecution Service (CPS), said: "This was a tragic and wholly avoidable accident and HSE's sympathies are extended to the Pentney family. Sadly, it shows how dangerous situations can develop very quickly. These coupling/uncoupling incidents, known as 'runaways' or 'rollaways', are all too common.

"Many vehicles are fitted with visual and audible parking brake warning alarms, and if they are not fitted, hauliers should consider retrofitting them to their tractor units as HSE considers it reasonably practicable to do so. These alarms must never be ignored. Drivers must ensure they correctly apply the tractor unit parking brake before exiting the cab and then follow safe decoupling and coupling procedures."

Nigel Pilkington, head of CPS South East complex casework unit, said: "Although Dale died whilst he was at work, it was important to charge Anthony Smith with the serious offence of causing Dale's death by careless driving. The sentence rightly reflects the fact of his careless driving on that day."

Guidance on safe coupling and uncoupling of vehicles is available at [www.hse.gov.uk/workplacetransport/information/coupling.htm](http://www.hse.gov.uk/workplacetransport/information/coupling.htm)

## **SUSPENDED PRISON SENTENCE FOR UNREGISTERED GAS WORKER**

A man who fitted central heating boilers at two houses in Greater Manchester has received a suspended prison sentence, after

he admitted he did not have the required safety registration to do the work.

Christopher Dignam, trading at Blue Flame Plumbing and Heating Services, has never been on the Gas Safe Register, the body which ensures those who carry out gas work are competent to do so.

One of the two boilers fitted by him in November and December 2014 was found by a Gas Safe investigator to be 'at risk', meaning that faults were present which could constitute a danger to life or property.

Advertisements for Blue Flame Plumbing and Heating in two local publications showed a Gas Safe Register logo and a registration number which does not belong to Dignam, confirming that he knew he should be Gas Safe Registered, the court heard.

Speaking after the hearing, HSE inspector Caroline Shorrocks said: "Dignam showed a reckless and flagrant disregard for health and safety requirements. He knew he should be registered with Gas Safe and he exposed customers to a risk of serious injury or death."

Dignam pleaded guilty to two breaches of Regulations 3(3), and for breaching 3(7) and 26(1) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to 12 months custody, suspended for two years. He was ordered to pay £460 and £400 compensation to the two homeowners and £3,000 costs.

## **SUSPENDED PRISON SENTENCE FOR ANOTHER UNREGISTERED GAS FITTER**

A gas fitter from Walsall has received a suspended prison sentence after he fitted a hob at a house in Tamworth when not on the Gas Safe Register.

Alan Nicholas Price's work came to the attention of HSE after a registered fitter subsequently carried out repairs on the gas hob.

Price was charged with breaching Gas Safety (Installation and Use) Regulations. He failed to appear in court on two separate occasions and was arrested. At Stafford Crown Court, he pleaded guilty and was given a nine-month prison sentence, suspended for two years.

He was also ordered to complete 100 hours of community service and pay £100 towards HSE's costs.

Gas Safe Register maintains the register of businesses and operatives who are competent to undertake gas work. Under the Gas Safety (Installation and Use) Regulations, for a gas engineering business or operative to legally undertake gas work within the scope of the regulations, they must be on the Gas Safe [Register here](#)

## **ANOTHER GAS ENGINEER SENTENCED FOR PUTTING TENANTS AT RISK**

A gas engineer has been sentenced to 120 hours of community service for putting tenants at risk in rented homes in Chelmsford.

Chelmsford Magistrates' Court heard that James Wilkinson was Gas Safe registered for some types of gas appliances, but had been carrying out work for which he was not competent.

Wilkinson was contracted to work on gas warm air units at five rented homes, including a house in Bouchers Mead, Chelmsford. He did not hold the required qualification to undertake the work. Wilkinson twice left the gas installation at Bouchers Mead in an immediately dangerous condition. He left a

gas leak following a repair and then failed to service the warm air unit correctly, leaving the tenants exposed to carbon monoxide. They were only alerted to the danger by their carbon monoxide alarm.

Carbon monoxide is a colourless, odourless and toxic gas that can cause unconsciousness and death at high concentrations. About seven people die each year as a result of exposure to carbon monoxide from poorly maintained gas appliances.

An investigation by the HSE found that Wilkinson worked on warm air units when he was not competent to do so and not Gas Safe registered to do the work.

HSE inspector Susan Matthews said: "It is essential for public safety that gas appliances are only maintained by gas engineers who are competent to work on them and registered with Gas Safe Register for that work."

James Douglas Wilkinson pleaded guilty to breaches of Section 3(2) of the Health and Safety at Work etc. Act 1974, and Regulation 3(1) of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to 120 hours community service and ordered to pay costs of £2,527 and a victim surcharge of £60.

## **ROOFER FINED FOR UNSAFE ROOF WORK**

A Bracknell based roofer has been fined for safety failings after a complaint was made to HSE regarding unsafe roof work.

No-one was injured in the incident at Sabine Gates, Old Bracknell Lane, Bracknell on 27 August 2014, however members of the public were endangered by the potential for falling objects.



Reading Magistrates' Court heard that Terry Colwell, trading as T Colwell Roofing, from Bracknell, had been contracted to undertake roof repairs to the property by Grosvenor Court (Bracknell) Management Company Limited (Grosvenor Court).

Terry Colwell chose to carry out the work without a scaffold, working at heights of up to eight metres with no fall protection or falling object protection to protect members of the public.

An investigation by the HSE established that Terry Colwell undertook the work for £650. The price of a scaffold would have been between £1400 and £1500.

Terry Colwell, trading as T Colwell Roofing, was fined a total of £2,000 and ordered to pay £1,966 in costs after pleading guilty to a single breach of the Health and Safety at Work etc Act 1974.

## **WORKER SUFFERS SERIOUS INJURY FROM CONTACT WITH OVERHEAD POWER LINE**

A stonemasonry company in Perth has been fined after an apprentice stonemason was seriously injured from contact with an overhead power line.

Perth Sheriff Court heard how 20-year old apprentice, Rodd McFarlane, was working for T&M Stonemasonry, carrying out repairs at Waulkmill Cottage in Perth.

During this work, McFarlane erected a tower



scaffold to carry out some re-pointing work.

While on the scaffold he came into contact with overhead 240volt electricity power lines that were supplying the cottage. The wind caused the power line to brush against his back causing him to turn around instinctively and grab the live wire. The flow of the current meant he was unable to let go for a few seconds until he jumped down from the board on the tower scaffold. His weight broke the wire and interrupted the flow of current.

He received an electric shock and suffered burns to both hands requiring graft surgery and a possible future amputation of a little finger.

The investigation by the HSE into the incident, which occurred on 2 August 2012, found that the stone masonry company should have developed a safe system of work.

T&M Stonemasonry pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974, and was fined £16,000.

Worker fatally crushed by refuse collection vehicle – firms fined £815,000  
Date:10 June 2016

## **TWO COMPANIES WERE FINED A TOTAL OF £815,000 AFTER A WORKER AND FATHER-TO-BE WAS CRUSHED TO DEATH IN LANCASHIRE BY A REFUSE COLLECTION VEHICLE.**

Veolia ES Sheffield Limited (Veolia) and John Fowler and Son (Blacksmiths and Welders) Limited (JFS) both pleaded guilty and were sentenced at Preston Crown Court, after an investigation by the HSE.

The court heard that, on 17 May 2014, during a refurbishment task at JFS in Chorley, an

operative using the controls within the RCV's cab closed the tailgate on Rick Calsen who was at the rear of the vehicle, fatally crushing him to death.

The RCV was supplied with in-cab controls for raising and lowering the tailgate. The system was designed such that it should not have been possible to completely close the tailgate using the in-cab controls, with a minimum gap of 1m being left between the bottom edges of the body and the tailgate. Examinations revealed a fault with the safety limit switch – it was found to be jammed in the actuated position resulting in it being possible to completely close the tailgate using the in-cab controls.

The HSE investigation found the fatal injury occurred due to a poor system of work at JFS, derived from a lack of a suitable and sufficient assessment of the risks, including failure to prop the tailgate adequately.

In addition, Veolia failed in its inspection regime, which did not systematically review the functionality of the 1m safety limit switch (a designated safety function) on relevant RCVs. Had the fault with the 1m safety limit switch been identified and rectified at Veolia, the poor system of work employed at JFS would have been unable to result in the closure of the tailgate causing the entrapment of the worker.

Veolia ES Sheffield Limited was found guilty of breaching Regulation 6(2) of the Provision and Use of Work Equipment Regulations 1998 and Section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £750,000 with £11,981 costs.

John Fowler and Son (Blacksmiths and Welders) Limited was found guilty of breaching Section 2(1) of the Health and Safety at Work

etc. Act 1974 and was fined £65,000 with £12,443 costs.

## **FIRM FINED FOR SAFETY FAILINGS AT PROPERTY DEVELOPMENT**

A company based in Cardiff has been fined for safety failings during a property development.

Pontypridd Magistrates' Court heard Ziman Trading Limited, formerly Ziman Investments Limited (Ziman), was acting as the principal contractor at the property development of the former New York Hotel, York Street, Porth.

An investigation by the HSE found that the company failed to ensure that appropriate measures were in place to control risks onsite, including falls from height, exposure to asbestos and the risk from fire.

The company failed to effectively plan and manage the work which put workers at risk. Ziman did not cooperate with the investigation and failed to comply with enforcement action taken by the HSE.

Ziman Trading Limited pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 and Section 33(1)(G) of the Health and Safety at Work etc. Act 1974. The company was fined £50,000 and ordered to pay costs of £5,478.





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