

SaferSphere Today



EXPERIENCE
RANGING FROM
MINOR PROJECTS
OF £20K THROUGH
TO MAJOR
DEVELOPMENTS
TO THE VALUE
OF £500M

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OUTSOURCED SAFETY SUPPORT AT A FRACTION OF THE COST

CONTRACTOR SAFETY SUPPORT

Safer Sphere appreciates that the CDM Regulations 2015 and Health and Safety Legislation can be a burden to small and medium sized contractors. Such organisations rarely have the resource to employ internal Health and Safety professionals, meaning the burden is applied to those managing the organisation or supervising construction activities.

Our aim in this department is to reduce that burden by providing compliant Contractor CDM Safety Support, which enables contractors to make Health and Safety a simple process and gives them ability to concentrate their efforts in providing quality and cost effective solutions in their chosen field. Whether you are a "contractor" or acting as "Principal Contractor", Safer Sphere are here to help you!

THE RANGE OF SERVICES AVAILABLE FOR CONTRACTOR CDM SAFETY SUPPORT INCLUDE:

LITE PACKAGE

- Provision of Competent Person in accordance with Regulation 7 of the Management of Health & Safety at Work Regulations 1999.
- Annual audit of client competent health & safety advisor Reg 7 certificate.

- Access to advice by phone and email.
- Monthly safety bulletin

STANDARD PACKAGE *Lite Package Plus*

- Fully compliant Safety Management System.
- Monthly site audit.
- Accident and Incident investigations.
- Annual office / premises risk assessment and fire risk assessment.

PREMIER PACKAGE *Standard Package Plus*

- 1No. additional project site audit per month.
- Development of up to 2No. bespoke risk assessments / method statements / COSHH assessments.
- Assistance in obtaining or maintaining SSIP accreditation.
- Attendance at annual management meeting to review organisational H&S.

If the packages do not suit your particular needs then Safer Sphere can develop a bespoke subscription to suit your requirements, with additional ad-hoc services available when and where you need them.

Please contact Safer Sphere for any health & safety consultancy service
fee quotations on **01744 768023** or email: **info@safer sphere.co.uk**

welcome!!



THIS month's Safer Sphere Today provides an insight into our business and provides topical bulletins. Included is an article on the requirements and applications of Temporary Works under CDM 2015 and BS 5975.

Safer Sphere are happy to welcome on board an additional team member, Shaun Brennan, who has joined us in the role of Associate Director.

Safer Sphere operate nationally from our headquarters in the North West. If you have a need for any business or project support please do get in contact with our team.

Kind Regards

A handwritten signature in black ink, appearing to read "M. Forth".

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IOSH AND HSE BACK NEW 'DESIGN FOR SAFETY' RESEARCH FOR CONSTRUCTION



IOSH is backing a new research project by universities in Scotland and Australia to create a database of “design for safety” ideas that designers can use as part of Building Information Modelling (BIM) process.

The HSE is also giving backing to the project, which aims to give architects and engineers direct access to safety information - via photos, diagrams and video clips - within their BIM design software.

The mixed-media information will fill the “experiential knowledge gap” of designers on construction projects, who are unlikely to have much first-hand site experience.]

The project will also draw up four different hazards tests, each aimed at sub-groups of buildings, to boost designers’ knowledge of health and safety implications.

Improving how designers learn about preventing hazards in their designs through a mixed-media approach is being run by researchers at Glasgow Caledonian University and the Royal Melbourne Institute of Technology, led by GCU construction management professor Billy Hare.

Hare told Health and Safety at Work: “In the olden days

a designer would have to spend time on site, before they got accreditation. It’s a vicarious replacement for site experience.”

“When designers choose various design elements from a BIM library, such as the external wall or foundations, we will be able to attach information on the health and safety implications for building it on site.

“Site workers and end-users are on the sharp end of a designer’s decision making,” Hare added. Examples of “design influenced hazards” that are identified will be classified by industry sub-sectors, injury types, and in relation to specific design elements.

The researchers will first undertake a literature search to identify the types of hazards that can be influenced by designers of buildings and structures.

This will be supplemented by interviewing focus groups of experienced HSE construction division inspectors, and experienced health and safety managers in construction.

Examples of “design influenced hazards” that are identified will be classified by industry sub-sectors, injury types, and in relation to specific design elements.



Strategies to address these hazards will then be classified according to the HSE's "principles of prevention" in the Management of Health and Safety at Work Regulations (1999): elimination, substitution, engineering controls, administration controls, and PPE.

Based on the hazards and corresponding designer actions, the researchers will draw up hazard tests to four industry sub-sectors: commercial buildings; house building; civil engineering; and engineering construction.

The hazards and design responses will also form the basis of collaboratively made videos in which construction teams and buildings' end users discuss how design decisions can impact occupational health and safety during construction, maintenance or subsequent operation of a facility.

The multimedia materials will be embedded in digital modelling software platforms and BIM models developed and used by the designer organisations.

The research team will then recruit a sample of 40 designers, who work in the four industry sectors, via the BIM4H&S working group and the researchers' networks. The group will combine experienced professionals and recent graduates or entrants to the sector.

Designers will then use these multimedia materials in controlled settings, with the researchers evaluating the effects on decision-making.



NEW GUIDE ON GUILTY PLEA SENTENCING

Sentencing Council guidelines may assist corporate H&S offenders

On 1 June 2017, the Sentencing Council brought into effect sentencing guidelines for use in courts in England and Wales, setting out the principles which should be applied to reduce a sentence in the event of a guilty plea.

The Guidelines apply regardless of the date of the offence in cases where the first hearing is on or after 1 June 2017. The guideline applies equally in magistrates' courts and the Crown Court.

Determining level of reduction

Where a guilty plea is indicated at the first stage of proceedings a reduction of one-third should be made (subject to the exceptions in section F). The first stage will normally be the first hearing at which a plea or indication of plea is sought and recorded by the court.

Where a plea is indicated after the first stage of proceedings a maximum one quarter on a decreasing scale from one-quarter to a maximum of one-tenth on the first day of trial having regard to the time when the guilty plea is first indicated to the court relative to the progress of the case and the trial date (subject to the exceptions in section F). The reduction should normally be decreased further, even to zero, if the guilty plea is entered during the course of the trial.

For the purposes of this guideline a trial will be deemed to have started when pre-record cross-examination has begun.

Useful exception for H&S offenders

Exception F of the guide may provide flexibility when it comes to a reduction for guilty pleas in health and safety prosecutions as the defendant will often need to obtain expert evidence and legal advice before realistically being able to enter a plea to any charge. The Exception F states:

“Where the sentencing court is satisfied that there were particular circumstances which significantly reduced the defendant’s ability to understand what was alleged or otherwise made it unreasonable to expect the defendant to indicate a guilty plea sooner than was done, a reduction of one-third should still be made.

In considering whether this exception applies, sentencers should distinguish between cases in which it is necessary to receive advice and/or have sight of evidence in order to understand whether the defendant is in fact and law guilty of the offence(s) charged, and cases in which a defendant merely delays guilty plea(s) in order to assess the strength of the prosecution evidence and the prospects of conviction or acquittal.”

KIRKCALDY COMPANY FINED AFTER MEMBER OF THE PUBLIC DROWNS

A Glasgow based construction company has been fined £110,000 after the death of an 83-year old man in Kirkcaldy.

Kirkcaldy Sherriff Court was told that in early January 2015 an elderly gentlemen, who suffered from a number of age-related illnesses, walked onto the construction site which was closed for the holidays.

While on the site operated by Sandford Park Ltd he fell into a flooded excavation and drowned.

An HSE investigation found that Sandford Park failed to install the appropriate level of fencing around the site to prevent members of the public



– including vulnerable adults and children – from accessing the construction site.

Sandford Park of Glasgow pleaded guilty breaching Regulation 22(1) (l) of the Construction (Design and management) Regulations 2007 and was fined £110,000.

Speaking after the hearing HSE Inspector Gillian Anderson said: “This tragic incident could have been prevented, had the company installed a continuous fence around the site.”

COMPANY RELIED UPON EXPERIENCED WORKERS

Lack of precautions to prevent fall through fragile rooflight

Groundworkers, McKeown Groundworks Limited, has been fined after a worker fell some 7m through a fragile roof in May 2016.

Stranraer Sheriff Court heard that the 42-year-old workman was sub-contracted to carry out roof repairs on an agricultural building in Stranraer.

Whilst walking along the roof he stepped on a translucent rooflight which fractured under his weight resulting in his falling through the roof to the ground below. He suffered a compression fracture of the lower back as a result of this incident.

Failure to plan the work at height

HSE investigators found that the company failed to supervise this work at height adequately and relied on the experience of the workers to avoid injury while working at height.



The company also failed to plan the work at height and no control measures were in place to prevent workers falling from or through the roof.

McKeown Groundworks Limited – of King Street, Castle Douglas was fined £12000 after pleading guilty to breaching Regulation 4 of the Work at Height Regulations 2015.

Speaking after the hearing HSE Inspector Helen Diamond said:

“McKeown’s failings resulted in serious injuries which could have easily been prevented had the company planned the work at height.

Planning the work at height would have included an assessment of the risks and ensuring that suitable and sufficient measures were in place to prevent falls from height.”

Work at height is the biggest single cause of fatal and serious injury in the construction industry, particularly on small projects.”

MANAGING TEMPORARY WORKS IN CONSTRUCTION

**There's a common quote attributed to Gautama Buddha that says –
'All life is temporary. Why worry about anything that's only
temporary'**

That's a good philosophy for a calm and happy life but maybe people working in the construction industry should worry rather more about 'temporary' things. Nearly all construction projects require some form of temporary works to ensure the permanent works can be built safely. Temporary works had, until relatively recently, been a largely hidden aspect of the building design process. There were plenty of time and resources allocated during the pre-construction phase to designing parts of a structure that were going to be used and seen for a long time. Temporary works were often regarded as less important and a last minute extra that the contractor could provide if they thought it was needed and if there was money available.

Over the years the lack of thought given to temporary works has been the cause of numerous fatalities, major injuries and significant delays on construction projects as well as some high profile dangerous occurrences. It was also one of the key drivers in the development of the original Construction (Design & Management) Regulations in 1994.

Recent examples of costly temporary works failures include:

- Fines of more than £1m after one worker died and two others seriously injured when a temporary platform collapsed over a stair opening;
- Fine of £120,000 after a worker suffered sprained ankles when a temporary platform collapsed in a riser;
- Fine of £105,000 after a worker was paralysed when a metal decking sheet gave way;
- Fine of £100,00 after a passer-by was seriously injured when a site hoarding failed;
- Fine of £50,000 after a worker suffered back injuries when an overloaded platform collapsed;

- Fine of over £13,000 after workers found excavating in a basement where the sides were inadequately supported.

Maybe it comes as no surprise that the management of Temporary Works has now been given some serious attention from the Health & Safety Executive. So what are temporary works? BS 5975 is the British Standards Code of Practice for Temporary Works Procedures. This defines temporary works as: 'parts of the works that allow or enable construction of, protect, support or provide access to, the permanent works and which might or might not remain in place at the completion of the works' In practice, this means that temporary works are an 'engineered solution' during construction that:

- Supports or protects either an existing structure or the permanent works;
- Supports items of plant or equipment that are used;
- Supports the vertical edges or side slopes of excavations;
- Provides access to work areas.

Typical examples of temporary works might include trenches, pit excavations, slope improvements, access roads and temporary bridges. Other examples include formwork and falsework, propping, façade retention, shoring, access scaffold, edge protection, site hoarding and pedestrian barriers. Temporary Works also includes features associated with short-term installations such as crane bases and supports, anchors and ties for hoists, piling platforms, electrical supplies and site office facilities.

BS 5975 goes on to recommend provisions for the general procedural control of temporary works as well as more detailed arrangements during the design process.





An important part of these arrangements is to establish the background information required and the roles and responsibilities of the people managing the temporary works.

There needs to be an adequate design brief produced that establishes the scheme concept. Competent people have to be appointed to undertake defined roles as Temporary Works Coordinator and Temporary Works Supervisor. A Temporary Works Register has to be established and maintained that records the types and different categories of temporary works required on the project. Particular arrangements must also be developed where the work is sufficiently complex to require input from specialist contractors or suppliers. Finally, there is the role of the Principal Designer in this process. BS 5975 predates the Construction (Design & Management) Regulations 2015 so it's the 'CDM Coordinator' that is named. It's reasonable to assume that the Principal Designer should now take on this role and continue to influence how risks to health and safety are managed and incorporated into the wider management of the project.

Design arrangements in BS 5975 include particular communication and coordination arrangements for people involved in the design of temporary works, especially where different aspects of the design need to integrate. There is also detailed information about how design checks, choosing 'standard' or 'proprietary' solutions and monitoring the installation, alteration and removal of the temporary works should take place.

It is generally accepted that the full requirements of BS5975 may be more

suited to managing temporary works on more complex and better resourced construction projects. That's a fair comment, though the basic principles of BS 5975 should equally be recognised as a good template for smaller, simpler projects. These basic principles include:

- Appointing a competent designer to provide an 'engineered' solution;
- Ensuring adequate communication arrangements are followed;
- Checking designs at an appropriate level to ensure they are suitable;
- Appointing someone to coordinate the whole process.

There's a lot more to the management of temporary works than can be covered in a short article like this, so if you would like any further reading on the topic of temporary works then you are recommended to have a closer look at a copy of the BS 5975:2008+A1:2011 Code of Practice.

Another good source of information is the Temporary Works Forum who have a helpful website with links to various publications produced on the topic. The Health & Safety Executive has also issued Operational Guidance (SIM 02/2010/04) on their website about the management of temporary works in the construction industry.

Perhaps there is one final thought - maybe Gautama Buddha would have spoken differently about 'temporary' things if he had followed a career in construction rather than becoming a respected and enlightened teacher.

SHAUN BRENNAN

Associate CDM and Health & Safety Advisor

With 17 years' experience in the construction industry, Shaun has presented professional services as site agent, site manager, training manager and more recently in the role of Construction Design & Management and Health & Safety Advisor.

In this latest role, Shaun is responsible for organising and managing multiple teams and projects simultaneously and is renowned for going that extra mile to establish project H&S Compliance. He is a Chartered Member Chartered Institute of Building (MCI OB); Certified Member Association of Project Safety (CMaPS) and a Graduate Member Institution of Occupational Safety & Health (GradIOSH).

Shaun's notable successes include the implementation of a £63M state of the

art Machining facility within BAE Systems, which involved building a purpose-built facility to house five axis machines, CMM booths and 1000 tonne presses for the manufacture of aircraft parts.

He was also nominated and shortlisted for CDMC of the Year for involvement in a £7M environmental green building project.





IS YOUR PROJECT COMPLIANT?

CDM CLIENT SUPPORT SOLUTIONS

SAFER SPHERE HAS AN ARRAY OF EXPERIENCE IN DELIVERING CDM SUPPORT IN ACCORDANCE WITH THE CDM REGULATIONS 2015.

We pride ourselves on delivering above and beyond the call of the CDM Regulations, our integration with the client project delivery teams and support provided to enable best practice solutions. Our delivery model ensures a superior service, competent advice and ultimately a project that meets with the very best practices of Construction Health & Safety.

CDM 2015 PROJECT CDM CONSULTANT SERVICES INCLUDE:-

Acting as adviser to the Client in discharging their duties including:-

- Notify the HSE of the project via an online applications.
- Advise on and or collate the project Pre Construction H&S Information Pack on behalf of the client for issue to the project team.
- Assist with preparation of and advise the client as to the adequacy of the Construction Phase H&S Plan and welfare facilities developed by the

Principal Contractor.

- Monitoring of Principal Designer and Principal Contractor compliance.
- Advise on and or collate the project H&S File.

ADDITIONAL SERVICES WHICH A CLIENT MAY ALSO WISH TO CONSIDER:-

- Stage 1 & Stage 2 Competence Assessments of duty holders against the requirements of PAS 91.
- PQQ / ITT H&S question setting for framework and or project tender enquiries.
- Independent Site Inspection and or Safety Audits of operations on site to ensure compliance.
- Liaison support with the Health & Safety Executive on behalf of the client.
- Client CDM training to assist client representative in understanding their duties under the CDM Regulations.
- Preparation of model contract / appointment clauses to hold designers and contractors to their duties and compliance.

Please contact Safer Sphere for any health & safety consultancy service fee quotations on **01744 768023** or email: **info@safersphere.co.uk**

YOUR LEADING FULL SERVICE CDM & CONSTRUCTION HEALTH & SAFETY CONSULTANTS

CONTRACTOR CDM SAFETY SUPPORT

CDM CLIENT SUPPORT

E-LEARNING

PRINCIPAL DESIGNER CONSULTANCY

MONTHLY SAFETY BULLETIN

Safer Sphere are the provider of choice for competent, professional and holistic Construction Health & Safety Solutions with a difference. We are specialist CDM Consultants in all areas of health and safety in construction including Construction Design & Management (CDM) and Project Health and Safety (H&S).

Our focus is to assist the industry in compliance through best practice, to provide simple and innovative solutions to a clients needs. As one of the leading CDM consultants and Construction Health & Safety consultants we are driven by our commitment to clients, our belief that we can always improve on what has gone before and that we can truly deliver the ability for us all to operate within a Safer Sphere.

"Our focus is to assist the industry in compliance through best practice, to provide simple and innovative solutions to a client's needs."

MIKE FORSYTH
MANAGING DIRECTOR

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