LEGISLATION, GUIDANCE & NEWS

New guidance for the self-employed

In 2011, the Löfstedt Review link to external website recommended that those self-employed whose work activities pose no potential risk of harm to others should be exempt from health and safety law. This recommendation was accepted by Government.

So, from 1 October 2015, if you are self-employed and your work activity poses no potential risk to the health and safety of other workers or members of the public, then health and safety law will not apply to you.

We estimate that health and safety law will no longer apply to 1.7 million self-employed people like novelists, journalists, graphic designers, accountants, financial advisors and dress-makers, where their work does not pose a risk to the health and safety of others.

What the law says

HSE issues health warning to the stone industry

The Health and Safety Executive is urging the stone industry to do more to protect workers’ health following findings of a recent inspection initiative in the south of England.

HSE inspectors visited sixty stone businesses, including work surface manufacturers, stonemasons and monumental masons during the initiative, which ran from June to September, and was supported by trade association, Stone Federation Great Britain. The visited businesses were both Stone Federation Great Britain members and non-members.

Worryingly, serious breaches were found at over half (35) of the premises that were visited. HSE issued four Prohibition Notices, 54 Improvement Notices and provided verbal advice to others.

A number of businesses were unaware that in 2006 the workplace exposure limit for RCS was revised from 0.3 mg/m3 to 0.1mg/m3 thereby requiring them to devise more stringent controls.

Key issues in this area were:

- Dry sweeping which can put fine ‘respirable’ stone dust back into the workplace air;
- Extraction systems which are intended to protect workers by removing stone dust from air in the workplace;
- Face masks that were inadequate.

HSE Inspector Tahir Mortuza, who led on the initiative, said:

“HSE intends to visit more stone work businesses in the future to ensure that health and safety is adequately managed. Business owners should review their processes and the materials they use whilst thinking about what might cause harm and whether they are doing enough to protect workers.

“Once the risks have been identified, businesses need to decide how best to control them so they can put the appropriate measures in place. A good starting point is to look at respirable crystalline silica, as it is one of the greatest risks for businesses engaged in stonework, as found in this inspection campaign.”

Chief Executive of the Stone Federation Great Britain, Jane Buxey, said:
“Health and Safety is a top priority for the Federation and we are working closely with the HSE to improve standards in the Industry.

“We hope to run a number of joint events with HSE and they will be sending representatives to Stone Federation Great Britain events and the Federation’s Health and Safety Forum.”

Publications

Work related injury and ill health still costing Britain £14 billion per year

More than a million people are being made ill by their work, costing society £14.3 billion, according to new figures published.

Despite Britain remaining one of the safest places to work in Europe, injury and ill-health statistics released by the Health and Safety Executive show that an estimated 27.3 million working days were lost due to work related ill health or injury in 2014/15.

In the same year 142 workers were killed, and there were 611,000 injuries in the workplace.

Of the estimated 1.2 million people who suffered from a work related illness, 516,000 were new cases.

HSE’s Chief Statistician Alan Spence explains more about the latest findings in this video:

The full statistical report PDF and industry specific data can be found online.

This is the view of HSE’s Chair Judith Hackitt: “It’s encouraging that there have been improvements in injuries and ill health caused by work related activities. But behind the statistics are people, their families, friends, work colleagues, directly affected by something that’s gone wrong, that is usually entirely preventable. Nobody should lose their life or become ill simply from doing their job. These figures show that despite the great strides and improvements made over the last 40 years since Britain’s health and safety regime was established, there is still more that can be done”.

CDM2015 Training

Callsafe currently have two CDM2015 courses accredited by the accredited by the Association for Project Safety (APS), as follows:

**APS Design Risk Management & CDM2015 for Designers**

This 2 day course is aimed at Design Risk Managers and Design Managers who do not lead the Principal Designer team, but who
manage the requirements of design risk and CDM2015 for Designers. The course could be suitable for Principal Designers if they are experienced in the design requirements of CDM2007. This course has been re-accredited, after being amended for CDM2015.

**APS CDM2015 Awareness**

This 1 day 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.

Soon to receive accreditation by the APS is:

**APS Certificate in the Management of Pre-Construction Health and Safety**

This 3 day 'hands-on' course is aimed at anyone wanting become a Principal Designer or CDM Adviser to Clients, Designers or Contractors under the CDM2015 Regulations.

These courses are provided 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. Publicly available courses will be available in 2016.

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

**Position Vacant**

Callsafe Services are looking to recruit an experienced and qualified Principal Designer to work out of our client’s Reading office.

If you are interested or know anyone who may be, contact Dave Carr at: dave@callsafe-services.co.uk.

**PROSECUTIONS**

**Man falls from roof with life changing injuries**

A man was sentenced for safety failings that led to a father-of-three falling from the roof of a house, resulting in horrific head and spinal injuries.

Brian Honeyman fell six metres while helping to re-roof a house in Stenhousemuir and, as a result of his injuries, will likely reside in a care facility for the rest of his life.

Mr Honeyman, now 50, had been brought in by Adam Menzies, a self-employed roofer from Falkirk to help with the job in South View in July 2012.

After an investigation by the Health and Safety Executive (HSE), the Crown Office for the Procurator Fiscal Service (COPFS) charged Menzies with health and safety offences.

It said Menzies failed to ensure the work was properly planned, appropriately supervised or carried out in a manner which was, so far as is reasonably practicable, safe. He also failed to arrange provision of scaffolding or other means to prevent a fall.

Menzies pleaded not guilty to these charges, but was found guilty after a trial and sentenced at Falkirk Sheriff Court. He was fined £8,000.

**Worker fatally injured falling through fragile roof**

A self-employed worker was fined when a casual worker he employed to repair a shed roof fell and was fatally injured.

Ayr Sheriff Court heard how on 26 August
2012, William Sproat had been employed by David William McVey to repair a storm damaged shed roof at Brunton Farm, New Cumnock owned by William and Allison Nairn.

David McVey and William Sproat had accessed the shed roof via ladders to replace roof sheeting. William Sproat fell approximately 18 feet through the roof to the concrete floor below. He sustained serious injuries from which he died on 31 August 2012.

There was no edge protection and neither wore wearing safety harnesses. No measures were taken by David McVey to prevent or mitigate a fall from height.

David William McVey was fined a total of £10,000, after pleading guilty to offences under Section 2(1) and 33(1)(a) of the Health and Safety at Work etc Act 1974.

**Engineering and facilities firms sentenced**

Two companies have been sentenced for safety failings after a worker was electrocuted during work on a data centre in Middlesex.

Balfour Beatty Engineering Services Ltd (BBES) was contracted to carry out multi-million pound infrastructure upgrade works at the data centre in Hounslow, while Norland Managed Services Ltd (NMS) were already contracted to provide mechanical and electrical maintenance and had effective control of the site.

Ipswich Crown Court heard Martin Walton, 27, from Blackhall Colliery, Cleveland was killed on 16 October 2010 at Morgan Stanley’s Heathrow Data Centre.

The court heard the function of some new power distribution units being installed was to provide two potential power supply sources to the centre’s data storage equipment. One source was an existing substation on the site and the other was a new substation installed as part of the works.

The existing power supply was under the control of Norland Managed Services Ltd while the new supply was under the control of Balfour Beatty Engineering Services Ltd.

Connection of the first three of these units to the existing data centre infrastructure was scheduled to take place over the weekend of 16th to 18th October 2010. Last minute modifications to the units required them to be tested with two live supplies to ensure they functioned correctly before being connected to the data centre’s existing infrastructure. The first unit was successfully modified, tested and connected to the existing infrastructure. However, Martin Walton, a cable jointer employed by subcontracted company, Integrated Cable Services Ltd, was electrocuted when his forehead made contact with the 415V live terminals of the second unit.

During the sentencing hearing and the earlier trial, HSE told the court the underlying cause of the incident was a succession of failures indicative of the complete breakdown of BBES’s management of health and safety in relation to this project, particularly the breakdown of communication.

While NMS had no role in the construction project, the relevant aspect of their undertaking was the management of the impact of the construction project on the existing operational infrastructure under their control.

NMS issued a permit-to-work to Martin Walton allowing him to reroute the existing site power supply through the new distribution unit, in the knowledge it had the potential to receive a supply from a source not under their control and without confirming that the other supply was isolated.

Mechanical and electrical installation contractor, Balfour Beatty Engineering Services Ltd admitted breaches of Section 2(1) and 3(1) of the Health and Safety Work etc Act 1974 and was fined £280,000 in total (£140,000 for each breach) with £42,240 costs.
Facilities management company, Norland Managed Services Ltd was found guilty after an earlier trial of breaching 3(1) of the Health and Safety Work etc. Act 1974 and was fined £100,000 with £106,670 costs.

**Construction client sentenced over multiple safety failings**

A Hertfordshire based care provider engaged in construction works, has been fined after it admitted unsafe working practices, including failure to remove asbestos materials from the old buildings before demolition work.

The HSE received a complaint in March 2014 from a member of the public living close to the former hospital site on Hospital Hill, Chesham, Buckinghamshire concerning activities going on at the premises.

Upon attending, HSE inspectors noted the former Chesham Community Hospital buildings had been partially demolished by a contractor. However, on enquiring with the client, Chesham Care Ltd, it was discovered that removal of asbestos containing materials (ACM’s) had not taken place prior to demolition.

High Wycombe Magistrates’ Court, heard Chesham Care Ltd, a provider of nursing and rehabilitation services, was acting as the ‘client’ for the project, but as it had failed to appoint a principal contractor or a CDM co-ordinator in writing, by law it had assumed the associated legal duties and roles.

When HSE inspectors arrived, among the catalogue of failings, they found the works had been going on for around 2-3 months and observed asbestos containing materials among demolished building debris, demolition arrangements not recorded in writing, the site not securely locked or with relevant warning signs and no welfare facilities present on site.

In HSE’s opinion there was also a serious risk of injury from collapse of partially demolished buildings.

Chesham Care Limited admitted multiple failures of the Construction (Design & Management) Regulations 2007 (CDM) and was fined a total of £35,000 and ordered to pay costs of £1321.60.

**Construction firm sentenced after dumper truck topple**

A construction firm has been sentenced after a worker was injured when a 10 tonne dumper truck he was driving over turned and landed in an open excavation.

Peterborough Magistrates’ Court heard Turner Construction (Midlands) Ltd failed to put in place measures such as stop blocks to prevent vehicles from falling into the excavation, failed to plan and implement a safe system of work, and inadequately trained the dumper truck driver.

The HSE, prosecuting, said the incident could have easily been avoided by putting simple
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safety measures in place.

Turner Construction (Midlands) Ltd admitted a breach of the Construction (Design and Management) Regulations 2007, Regulation 13(2) and Regulation 9 (1) of Provision and Use of Work Equipment Regulations 1998 and was fined £7,000 for each charge (£14,000 total) and ordered to pay full prosecution costs of £1607.

The driver of the truck sustained crush injuries to his wrist.

Builder fined after worker fell through fragile roof
A builder has been fined for safety failings after an employee suffered life changing injuries when he fell through a fragile roof light.

Bristol Crown Court heard how in August 2014 the 25-year-old employee of N C Tucker Limited of Wedmore, fell five metres through a fragile roof light at a farm during roofing work. This was his first roofing job, having only worked for the company for four weeks prior to the incident.

He suffered brain injury, a fractured spine and broken ribs.

N C Tucker Limited was fined a total of £26,000, and ordered to pay £3,738 in costs after pleading guilty to an offence under Section 2(1) of the Health and Safety at Work etc. Act 1974.

Concrete pumping company fined after worker injured
A concrete pumping company has been fined after a worker was injured when his foot got trapped by the paddles in the hopper of a concrete pump.

The HSE told Llandudno Magistrates’ Court that on 1 October 2014 a worker was cleaning out a pump following a concrete pour at a construction site on Colwyn Bay promenade.

He lifted the interlocked safety grille and sat on the hopper with his feet inside removing the concrete residue. The safety interlock failed causing the paddles to start moving trapping his left foot resulting in partial amputation.

Reilly Concrete Pumping admitted breaching Regulation 5(1) of the Provision and Use of Work Equipment Regulations, and was fined £8,000 with costs of £1746.

Company director fined for failing to comply with enforcement notices
The managing director of a Hertfordshire company specialising in recycling of wood waste has been prosecuted for safety failings.

Stevenage Magistrates’ Court heard how Janbor Limited was served with three Improvement Notices in October last year relating to work activity at its plant, but failed to comply with them.

The HSE served the notices and then prosecuted the firm’s director, rather than the company, for its failure to comply.

Jan Willem Boruch (sole director of Janbor Limited), was fined a total of £8,000 and ordered to pay £2,089 in costs after pleading guilty to an offence under Section 37(1) of the Health and Safety at Work etc Act 1974.

Staffordshire construction firm fined after agency worker fall
A construction company has been fined after an agency worker suffered life threatening chest injuries when he fell three and a half metres through a gap in a new floor.

Kevin Quinn fractured his collarbone and ribs and suffered a collapsed lung in the fall, at Swanwick Marina, Hampshire on 3 July 2014. He required further surgery earlier this year and has been unable to return to work.

Southampton Magistrates’ Court heard on 14 October that F&S Freeman Limited was
installing a concrete plank floor at first-floor level of a building under construction.

Employees of F&S Freeman Limited were carrying out grouting and asked for Mr Quinn’s assistance. A large gap had been left in the new floor to allow materials to be lowered to the unfinished ground floor and Mr Quinn fell through the gap on to airbags below.

A HSE investigation found the airbags being used as a fall protection measure below the gap in the floor were not kept properly inflated and failed to break Mr Quinn’s fall.

F&S Freeman Limited of Lichfield, pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and was fined £5000 and ordered to pay costs of £855.

Recycling firm fined £200,000 after employee struck by vehicle

A national recycling firm was fined after an employee was struck by a 7.5 tonne telehandler.

Preston Crown Court heard Sita UK Limited failed to provide adequate segregation between pedestrians and moving vehicles at a waste transfer station in Darwen, Lancashire.

As an employee walked across an outside plastics hand sorting area, he passed behind a stationary telehandler. The telehandler began to reverse and struck the worker who was knocked to the ground and then run over by the rear wheel of the vehicle. His resulting injuries caused him to be hospitalised for two months.

The HSE, prosecuting, told the Court the company had identified the risks but failed to put in place suitable controls to stop people being hit by vehicles.

HSE inspector Stuart Kitchingman said after the hearing: “Employers need to look carefully at their workplaces regularly to make sure that pedestrian routes are clearly marked and physically separated from vehicle routes wherever possible.

“The employee could have easily been killed and still has severe mobility problems as a result of the accident. He is unlikely to be able to work in the near future.”

Sita UK Limited pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 and was fined £200,000 with £11,998 costs.

Logistics company fined after man injured at work

A logistics company was fined £20,000 after a worker was hit by a fork-lift truck in a busy yard and suffered head injuries.

The HSE investigated and prosecuted UCH Logistics Limited over its failure to segregate vehicles and people in a yard where the danger of such an incident happening was entirely foreseeable.

CCTV footage from the site, in Staines, Middlesex, showed fork-lift trucks loading and unloading vans, with pedestrians routinely weaving between them.

Andrew Elliss, an employee of UCH Logistics, was hit by a reversing fork-lift truck in September 2014.
now 53, from Isleworth, sustained head injuries that continue to have an effect on him to this day.

UCH Logistics Limited told HSE the yard had been resurfaced a few years earlier and no markings were put in place to segregate vehicles and people.

Russell Beckett, the HSE inspector who investigated and prosecuted this case, said after the hearing: “Workplace transport incidents are the third highest cause of workplace fatalities, and accidents can be prevented if companies implement simple control measures.

“The need to walk through this area was clearly foreseeable and the risk from vehicle traffic was high. When I saw the CCTV footage, it was clear this was an accident waiting to happen.”

UCH Logistics Limited pleaded guilty to breaching the Workplace (Health, Safety and Welfare) Regulations 1992 – specifically Regulations 17(1). It was fined £20,000 and ordered to pay HSE costs of £942.40.

**Contractor’s neglect of safety leads to £16,000 in fines**

A specialist piling contractor has been fined after it was found to be operating a powerful rig without a safety guard around the rotating auger.

Sevenoaks Magistrates’ Court heard how HSE inspector, Melvyn Stancliffe, made an inspection of a site in Maidstone, Kent, in December 2014 and witnessed the piling rig in operation without a safety guard.

HSE had previously visited three sites where the same company, Southern Piling Limited, had been carrying out work and had raised concerns about the guarding standards on each occasion. After this latest visit, HSE was told that the machine had been in use for at least two-and-a-half weeks, without the guard.

Southern Piling Limited was fined a total of £16,000 and ordered to pay nearly £5,000 in costs after pleading guilty to breaches of Regulation 11(1)(a) of PUWER 1998 and Regulation 13(2) of the Construction (Design and Management) Regulations 2007.

**Steel frame company fined for safety failings**

A company that erects steel frames has been fined for safety failings while cladding a steel framed building.
Swindon Magistrates’ Court heard how on 15 May 2015, Industrial Steel Frames Limited, of Derby was inspected by a Health and Safety Inspector who found that the company was not taking suitable measures to prevent falling from height, putting their workers at risk of serious injury.

On Monday 5 October 2015, Industrial Steel Frames Limited was fined a total of £15,000, and ordered to pay £580 in costs after pleading guilty to an offence under Regulation 6(3) of the Work at Height Regulations 2005.

**Global firms sentenced after worker killed**

Two global companies have been sentenced after a worker was killed and another seriously injured during construction of an offshore wind farm.

The incident happened when a team of engineers were loading wind turbine blades onto a sea barge for delivery to Greater Gabbard Wind Farm, off the Suffolk coast, on 21 May 2010.

During the loading of wind turbine components at Pakeston Quay, Harwich, a 2.11 tonne part of the blade transport arrangement fell off, crushing and fatally injuring one worker and seriously injuring another.

Chelmsford Crown Court heard both workers were employed by Siemens Windpower A/S (SWP) but were working for Fluor Ltd, the principal contractor.

The injured man, Frank Kroeger, was airlifted to Addenbrookes hospital in Cambridge where he was resuscitated twice. He suffered a ruptured spleen, lacerations to his liver, a collapsed lung collapsing, multiple rib fractures on his left side, and significant crush injuries to his right arm and hand, with nerve damage to his thumb and fingers.

His injuries were life-changing and required almost three weeks in hospital in the UK, followed by a long period of rehabilitation and treatment near his home in Germany.

The family of the fatally-injured man have asked that his name not be released.

The investigation carried out by HSE found serious safety failings in the two firms’ management systems for the loading operation, which allowed vital parts of equipment to go unchecked before being lifted.

Following a four-week trial in July, prosecuted by the HSE, Fluor Ltd was found guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and was ordered to pay £275,000 in fines and £271,048 costs.

Siemens Windpower A/S (SWP) were charged with the same offence and also a Section 2(1) breach of the same act, but pleaded guilty at an earlier stage. They were also sentenced and ordered to pay £375,000 in fines with costs of £105,355.

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To find out more about what’s going on, up and coming training and events or for useful snippets of information why don’t you “like us” on Facebook!

Be Safe & Keep Safe

From all of us at Callsafe Services Ltd
Contact details of organisations mentioned in this and other Newsletters

Ai Solutions Ltd
PO Box 5025, Leighton Buzzard LU7 1ZN
Tel: 01525-850080
www.aisolutions.co.uk

Association for Project Safety (APS)
12 Stanhope Place, Edinburgh EH12 5HH
Tel: 0845-6121-290
www.associationforprojectsafety.co.uk

British Approvals for Fire Equipment (BAFE)
 Bridges 2, The Fire Service College, London Road Moreton in Marsh, Gloucestershire GL56 0RH
Tel: 0844-335-0897
Email: info@bafe.org.uk
www.bafe.org.uk

British Occupational Hygiene Society (BOHS)
Tel: 01332-298101

British Safety Council (BSC)
70 Chancellors Road, London W6 9RS
Tel: 020-8741-1231
Email: mail@britsafe.org
www.britsafe.org/

BSI Customer Services
BSI Standards
389 Chiswick High Road, London W4 4AL
Tel: 020-8996-9001
http://shop.bsigroup.com

CITB ConstructionSkills
www.cskills.org

Construction Industry Publications (CIP)
c/o BTB Mailflight Ltd
28 Viking Industrial Estate, Hudson Road, Bedford MK41 0QB
Tel: 0870-078-4400
Email: sales@cip-books.com
www.cip-books.com

Construction Plant Hire Association
27/28 Newbury Street, Barbican, London EC1A 7HU
Tel: 020-7796-3366
www.cpa.uk.net

Department for Communities and Local Government
PO Box 236, Wetherby, West Yorkshire LS23 7NB
Tel: 0870-839-7099
Email: odpm@twoten.press.net

Engineering Employers’ Federation (EEF)
Tel: 020-7222-7777
www.eef.org.uk

Electrical Contractors Association (ECA)
Tel: 020-7313-4800
www.eca.co.uk

F-Gas Support
P O Box 481, Salford, M50 3UD
Tel: 0161 874 3663
www.defra.gov.uk/fgas

Fire Industry Association (FIA)
Tudor House, Kingsway Business Park, Oldfield Rd, Hampton, Middlesex TW12 2HD
Tel: 020-3166-5002
Email: info@fia.uk.com
www.fia.uk.com

Health and Safety Executive (HSE)
Incident Contact Centre Tel: 0845-300-9923
www.hse.gov.uk

Health and Safety Executive for Northern Ireland (HSENI)
www.hseni.gov.uk
info4fire.com
www.info4fire.com

International Institute of Risk and Safety Management (IIRSM)
Suite 7a, 77 Fulham Palace Road, London, W6 8JA
Tel: 020-8741-9100
Email: info@iirsm.org
www.iirsm.org

Keeleys Solicitors
28 Dam Street, Lichfield, Staffordshire WS13 6AA
Tel: 01543-420000

National Underground Assets Group (NUAG)
www.nuag.co.uk/

Office of Public Sector Information
www.opsi.gov.uk

Occupational Safety and Health Consultants Register (OSHCR)
www.oshcr.org

The Fibre Cement Manufacturers Association
Ghyll House, Cock Road, Cotton, Stowmarket IP14 4QH
Tel: 01449-781577

The Loss Prevention Council
Tel: 020-8207-2345

The Stationery Office Ltd (TSO)
Tel: 0870 600 5522
www.tsoshop.co.uk

TUC Publications
Tel: 020-7467-1294

National Access and Scaffolding Confederation (NASC)
Tel: 020-7397-8120
www.nasc.org.uk