



Wilkins Safety Group

Monday, 17th November 2014

Inside this Issue

1. Are you complying with everything you should be?
2. Developer goes to prison after repeatedly flouting safety laws
3. Elderly woman died after suffering burns in nursing home bath!

Welcome to our latest Update E-Newsletter

As ever, please feel free to share this with friends and colleagues. You will also find PDF versions of all our other newsletters on our website: www.wilkinssafety.co.uk with lots more useful information and a wealth of leaflets covering Health and Safety topics.



Over the years we have tried to keep you informed of legislative changes, fines and other actions taken by the HSE. Hopefully some of this has proved useful to you and your company in achieving legislative compliance and a safer working environment. Yet it saddens us to hear from the HSE about other companies and individuals failing to achieve that compliance.

Unlike other organisations who send out newsletters giving you a little 'titbit' of information, then stating that if you want to follow the full link or read the full story or get more information you must pay to subscribe to their service.

- Our newsletter service is FREE,
- the links we supply are FREE,
- the helpline advice is FREE.

If you find this newsletter service of use and you think others might also find it useful, then kindly pass it on and ask them to subscribe for free, so they can continue to receive it in their own right.

This week's 2 recent HSE cases look at accidents that show a complete lack of compliance.

- **Eze Kinsley**, of Edgware, Middlesex, was prosecuted by HSE at Chelmsford Crown Court for serious breaches of the Health and Safety at Work etc Act 1974 (HSW Act).
- **Beatrice 'Betty' Morgan**, a resident at Greencroft Nursing Home in Aston, Queensferry, died of complications caused by her injuries a month after the incident, on 29 August 2012.

As ever, if you have a subject that you would like us to cover one week, please contact us by phone [01458 253682](tel:01458253682)
Email info@wilkinssafety.co.uk or via our [Facebook page](#) or by [Twitter](#)

Are you complying with everything you should be?

We all know that Statutory Health & Safety requirements have to be met and the legal necessity to ensure compliance rests squarely with the Proprietor / Partners / Directors / Trustees of each and every company or organisation.

Legislation

The two main pieces of legislation - The Health and Safety at Work Act [HASAW] 1974 and the Management of Health and Safety at Work Act [MHSW] 1999 govern what is required by each and every business or organisation within the United Kingdom; in order for them to comply with the government legislation on health and safety within the workplace.

Some parts of the legislation are very specific about what you have to do, however some can appear to be very general. They give instruction requiring the company/organisation to do what is 'reasonably practicable' to ensure Health & Safety, unfortunately it is sometimes a grey area as to what is 'reasonably practicable'. The Wilkins Safety Group can give you guidance leaflets to assist you. Go to [http://www.wilkinssafety.co.uk/advice/our leaflets.html](http://www.wilkinssafety.co.uk/advice/our%20leaflets.html)



Health & Safety Policy

Your business must have a health and safety policy, and if you have five or more employees, that policy must be written down.

Most businesses set out their policy in three sections:

1. The statement of general policy on health and safety at work sets out your commitment to managing health and safety effectively, and what you want to achieve.
2. The responsibility section sets out who is responsible for specific actions.
3. The arrangements section contains the detail of what you are going to do in practice to achieve the aims set out in your statement of health and safety policy.

The arrangements section should say how you will meet the commitments you have made in your statement of health and safety policy. Include information on how you are going to eliminate or reduce the risks of hazards in your workplace.

What do we mean by 'hazard' and 'risk'?

A hazard is something in your business that could cause harm to people, such as chemicals, electricity and working at height.

Additional arrangements

The additional actions you take to manage health and safety should be set out in the arrangements section of your policy. They could include:

- staff training;
- using signs to highlight risks;

- improved safety equipment, such as guards or additional personal protective equipment, including goggles, safety boots or high-visibility clothing;
- replacing hazardous chemicals with less harmful alternatives;
- improved lighting;
- anti-slip flooring.

Focus your attention on the activities that could present a risk to people or cause serious harm.

Risk Assessments and Method Statements

A risk assessment is a systematic examination of a task, job or process that you carry out at work for the purpose of;

- Identifying the significant hazards that are present (a hazard is something that has the potential to cause someone harm or ill health).
- Deciding if what you have already done reduces the risk of someone being harmed to an acceptable level, and if not;
- Deciding what further control measures you must take to reduce the risk to an acceptable level.

Risk Assessments should also be carried out to satisfy the requirements of legislation but above all to ensure the Health & Safety of employees

Risk assessments should always be carried out by a person who is experienced and competent to do so, competence can be expressed as a combination of Knowledge, Awareness, training, and experience. If necessary consult a more experienced member of staff or external professional help to assist with the risk assessment.

A separate risk assessment should be carried out for all tasks or processes undertaken by your organisation, they should be carried out before the task starts, or in the case of existing or long running tasks, as soon as is reasonably practicable.

Risk Assessments should also be reviewed on a regular basis; monthly, annually, bi-annually, depending on risk, or if something changes i.e. a new worker, a change of process or substance etc.

Non Compliance

The penalties for failing to carry out risk assessments can be strict, The Health & Safety Executive can issue improvement or prohibition notices, this is likely to happen where an inspector find a situation with the potential to cause harm, for example an unguarded machine. If you are prosecuted and found guilty for more serious breeches i.e. one of your staff has been seriously injured, then in the magistrate court you can be fined up to £20,000 and imprisoned for up to 6 months, in Crown court fines are unlimited and prison sentences can be up to 2 years. The lack of suitable risk assessments will weigh heavily against you.

What About Method Statements?

A Safety Method Statement, sometimes called a "safe system of work" must be produced for all jobs or tasks that contain some measure of risk, contractors are more and more noticing that Method Statements are being requested by their clients, the request for a Method Statement can come at any time, Pre-Tender, Tender, Pre start of contract and sometimes after the contract has started, so it is best to be prepared. Contact [The Wilkins Safety Group](#) to find out how we can help with method statements.

Health & Safety Poster



You must display the current Health & Safety Law poster; appropriately completed or give out the HSE leaflet, also display a current insurance certificate as required by the 'Employers' liability [compulsory insurance] Act 1969 if they employ anyone. You must have procedures in place to notify on certain types of injury, occupational disease and provide information, instruction and training to eliminate the possibility of accidents or incidents.

Health & Safety Training

It is worth noting that every year about 600 people are killed at work and several hundred more are injured or suffer ill health. Many of these accidents occur because of a lack of knowledge and understanding of good practice and safe working procedures.

Everyone who works for you needs to know how to work safely and without risks to health. You must provide clear instructions and information, and adequate training, for your employees.

Consider how much training is necessary. A proportionate approach is needed, for example a low-risk business would not need lengthy technical training. Providing simple information or instructions is likely to be sufficient.

Don't forget contractors and self-employed people who may be working for you and make sure everyone has the right level of information on:

- hazards and risks they may face, if any ;
- measures in place to deal with those hazards and risks, if necessary;
- how to follow any emergency procedures.

When you provide training, ask your employees what they think about it to make sure it's relevant and effective. Keeping training records will help you to identify when refresher training might be needed.

The information and training you provide should be in a form that is easy to understand. Everyone working for you should know what they are expected to do.

Health and safety training should take place during working hours and it must not be paid for by employees. There are many external trainers who will be able to help you with your training needs but effective training can often be done 'in house'.

Conclusion

Statutory Health & Safety requirements have to be met, but accidents also cost money and time, people off work, material costs and damage to buildings, plants or products. These costs are not normally covered by insurance and can; if serious enough; jeopardise the stability of a business and the future of all concerned.

If you need further information please call us on [01458 253682](tel:01458253682) or send us an email at info@wilkinssafety.co.uk

Now to the latest HSE cases:

Developer goes to prison after repeatedly flouting safety laws



A developer has been sent to prison for 30 months after repeatedly breaching prohibition notices which were put in place to ensure the safety of workers while redeveloping a former office block in Parkeston, Essex.

HSE visited the site last year following complaints from local residents worried about debris falling from upper storeys and of the danger to workers being left without any protection from falling while working at height.

Eze Kinsley, the developer who was found to be in control of workers at the site, verbally abused the HSE inspector who visited. The inspector had to return with Essex police officers later to serve prohibition notices requiring an immediate stop to unsafe work at the site. Mr Kinsley reacted strongly to this, physically assaulting the inspector.

After further reports that work had not stopped, HSE issued a further prohibition notice, which was breached within just one hour of being served.

Eze Kinsley, of Edgware, Middlesex, was prosecuted by HSE at Chelmsford Crown Court for serious breaches of the Health and Safety at Work etc Act 1974 (HSW Act).

HSE's investigation found that there were no safety measures in place to prevent injury to workers from debris falling from height and that there was also a real risk of injury to members of the public using the road and pavement next to the Parkeston House site.

Mr Kinsley was given a 30 months prison sentence after being found guilty of two breaches of the HSW Act, to be served concurrently with three 12-month prison sentences after being found guilty of three counts of contravening a prohibition notice. He was also ordered to pay costs of £5000.

Mr Kinsley was found guilty of assaulting an inspector from HSE at a separate court appearance.

After the case, HSE inspector Jonathan Elven said:

'Although no one was injured as a result of the woefully inadequate working practices this is nevertheless a serious case.'

'The working conditions on this site were truly appalling with absolutely no provision for workers' safety. The repeated breaching of prohibition notices – without any attempts to put right the reasons why work had been stopped – put workers and the public at risk.'

'Mr Kinsley refused to accept that he had a responsibility to make sure people who worked for him, and any member of the public living or working near his site, were not subjected to unnecessary risks – and vigorously and violently resisted all attempts to make him take actions to protect them.'

'Putting safe working practices in place is often simple and inexpensive and, where this doesn't happen, the costs, both financial and personal, can be immense.'

Elderly woman died after suffering burns in nursing home bath

A nursing home in Deeside has been fined for breaching safety laws after an 88-year-old resident suffered nine per cent burns to her body when she was lowered into a bath of scalding hot water.

Beatrice 'Betty' Morgan, a resident at Greencroft Nursing Home in Aston, Queensferry, died of complications caused by her injuries a month after the incident, on 29 August 2012.

HSE prosecuted the home's owner, Greencroft Care Ltd, which is now in liquidation.

Mold Magistrates Court heard that Miss Morgan, who was unable to walk, was lowered into the bath using a hoist and immediately cried out when she touched the water. Although she was quickly raised from the bath, she suffered nine per cent burns and was taken to Whiston Burns Unit where she later died.

HSE's investigations found that the temperature of the hot water was not properly controlled to prevent it exceeding 44 degrees Celsius. Although mixing valves had been fitted to control the temperature, they had not been maintained and were not of the right standard required in nursing homes.

Although staff had been instructed to check water temperature with a thermometer before baths, no checks were made by management to ensure this was happening. There had been a failure by the company to fully assess risks involving use of hot water and to provide sufficient training, instruction and supervision to staff.

Safety regulations require a Type 3 thermostatic mixing valve to be fitted to hot taps when bathing vulnerable people and these should be regularly maintained.

Greencroft Care Ltd of Larch Avenue, Aston, pleaded guilty to a breach of the Health and Safety at Work etc Act 1974 and was fined £5000. The judge at the hearing said if the firm had not been in liquidation, he would have sent the case to crown court, where the fine would have been at least £100 000.

HSE inspector Katharine Walker, speaking after the hearing, said:

"This tragic incident could easily have been avoided if Greencroft had observed the readily available guidance on bathing vulnerable people. The company fell well short of the desired standards.

Miss Morgan suffered a great deal of unnecessary pain before her death. Nursing homes and other organisations caring for vulnerable people must make sure they fit and maintain the right kind of mixer on hot bath taps and properly supervise their staff".

<<< >>>

A quick note from Jon Wilkins

I write these weekly newsletters to help you keep up to date with changing Health & Safety legislation and to keep health and safety at the forefront of you and your workforces' minds.

Please share these with your colleagues, perhaps by putting them on your Health & Safety noticeboard or by emailing them to everyone at work.



If you know of anyone who would benefit from receiving these then please tell them, or us and we will gladly include them on our mailing list. Remember it is **free of charge!**

Also contact us if you have a particular health and safety subject or question you would like covered



If you have any queries on any health and safety matter, please contact Jon Wilkins on [01458 253682](tel:01458253682) or by email on jon@wilkinssafety.co.uk



Your Business is
Safer in Our Hands