



Wilkins Safety Group

Monday, 1st December 2014

Inside this Issue

1. Health and safety in care homes
2. Architects fined for health and safety failing
3. Plasterer breaks back in fall at Cheshire mansion

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.



Regular readers of this weekly newsletter will have noted that we have highlighted a number of HSE cases recently, involving accidents/incidents in Care Homes. This has prompted a couple of our clients to ask us for guidance to give them a better understanding of the real risks and how to manage them effectively

Social care is a large and complex sector. Social care workers enable people – particularly those who require some extra practical and physical help – to live their lives as comfortably and independently as possible.

It is important that risks to those being cared for, and to their care workers, are sensibly and proportionately managed in ways that respect their rights, freedoms and dignity. **This advice is also of use to you in whatever business you run.**

This week's 2 recent HSE cases look at accidents on construction sites with the first one being a warning to Architects and builders specializing in timber framed buildings.

- **Mario Minchella Ltd** was fined a total of £1,500 after pleading guilty to two breaches of the Construction (Design and Management) Regulations 2007.
- **A 58-year-old from Wrexham** suffered two cracked vertebrae along with damage to his spine, hips and legs.

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](#)

Health and safety in care homes

Care homes differ from other workplaces because they are not only places of work but are also homes for their residents. It is therefore important that they are pleasant places where the freedom and dignity of residents is respected, and where everyone's health and safety is sensibly and effectively managed.



They are owned and managed by a wide range of organisations, including local authorities, the NHS, and those from the private and voluntary sectors. This guidance is aimed at owners, providers and managers. It will also help safety representatives carry out their roles and responsibilities and may be of interest to employees.

Managing Health & Safety

Social care is about people – a large, diverse workforce looking after a predominantly vulnerable population. Employees have the right to work in a healthy and safe workplace, while residents should receive care that is safe, and takes their needs, freedoms and dignity into account.

Managing these different needs will sometimes present unique and complex situations which can, when not effectively managed, result in serious harm to employees or residents. You need to be aware of the different risks and control them effectively.

What you need to do

Good management of health and safety does not happen on its own. You will already have management processes to deal with payroll, personnel and finances.

Managing for health and safety is no different and should be an integral part of the everyday running of your care home, and of the behaviours and attitudes displayed by all.

The core elements that are required to help you manage for health and safety are:

- good leadership and management;
- a trained and skilled (competent) workforce;
- an environment where people are consulted and feel involved.

To help you determine if you are doing enough to manage health and safety, consider the following questions:

- How does the home demonstrate its commitment to health and safety?
- Are your arrangements to control the real risks people are facing working?
- How well do you know what is happening in the home – are there effective checks in place?
- Have you learned from situations where things have gone wrong?
- Is health and safety an integral part of your day-to-day process for running your care home?

Managing for health and safety requires a sustained and systematic approach. While this may not always require a formal health and safety management system, your approach is likely to follow the steps **Plan, Do, Check and Act**:

Plan: say what needs to happen and say how you will achieve it.

Do: profile the risks you identify, organise your activities to deliver your plan, decide on the preventive measures, and ensure there are systems and equipment in place to do the job safely.

Check: monitor the work to see if it's being done safely and investigate the causes of accidents, incidents or near misses.

Act: review your performance and take action on lessons learned, including from audit and inspection reports.

Plan: Say what you want to happen

Write a health and safety policy

Set out your arrangements for managing health and safety in the home to let staff and others know your commitment. Your health and safety policy does not need to be long or complicated, but it should clearly say who does what, when and how.

Decide who will help you with you duties

To help you meet your health and safety duties, you can appoint someone who is competent. A competent person is not someone who simply has the competence to carry out a particular task safely. In general terms, the definition of a competent person is someone who has the necessary skills, experience and knowledge to manage health and safety. You can appoint an outside agency to help with this such as [The Wilkins Safety Group](#)

To help you manage the health risks to employees, using an occupational health service can help you identify risks, advise on suitable precautions and control measures, and provide services such as:

- health surveillance programmes;
- feedback and advice to employers following employee health assessments, e.g. pre-employment, following sickness absence, or rehabilitation and return to work; clinical services such as immunisations; employee information and training in the health aspects of their work.

Consult with your employees

You must consult your employees, in good time, on health and safety issues. This is a two-way process, as it allows staff to raise concerns and influence decisions on health and safety management. Issues you should consult employees on include:

- risks arising from their work;
- proposals to manage and/or control these risks;
- the best ways of providing information and training.

If you recognise a trade union, consultation will be through appointed health and safety representatives. In non-unionised workplaces, you can consult either directly or through other elected representatives or a combination of the two.

Do: Make sure systems are in place to provide the tools and equipment to do the job safely

Control the risks

Assess the risks and decide whether you are doing enough to prevent harm to people. Decide what the priorities are and identify the biggest risks.

Risk assessment is not about creating huge amounts of paperwork, it's about:

- identifying the significant hazards;
- deciding who might be harmed and how;
- evaluating the risks and deciding on precautions;
- recording your significant findings;
- reviewing assessments and updating as necessary.



You may need to consider different elements of risk, including:

- the common risks to everyone on the premises, e.g. risks from legionella, asbestos, electrical equipment, challenging behaviour and moving vehicles;
- common risks to residents, e.g. risks from falls from height or scalding, and general precautions capable of preventing harm to the most vulnerable;
- risks to workers arising from the tasks they undertake, e.g. moving and handling residents, responding to challenging behaviour, using hazardous substances, maintenance activities etc.;
- risks to particular staff, e.g. expectant mothers, young employees, or those with pre-existing injuries which may impact on work;
- risks to particular residents, e.g. the risk of them falling out of bed or needing help with bathing or to move around safely.

Individual risk assessments may be integrated into 'care assessments' or 'support plans' that may be required by other regulators. The important point is to ensure that you have considered the individual's needs and how these can be delivered safely.

Making sensible risk assessment decisions

When considering the care needs of an individual, everyday activities are often identified that will benefit their lives, but also put them at some level of risk. This requires a balanced decision to be made between the needs, freedom and dignity of the individual and their safety – with the aim of enabling residents to live fulfilled lives safely, rather than providing reasons for restricting them.

A person-centred approach, working with the resident, family and professionals involved, may help achieve the outcomes that matter to the resident.

Discussing capacity will help the resident think through the possible consequences, positive or negative, of any action or inaction. This enables everyone involved to explore the issues, make informed choices and accept responsibilities.

Arrangements can then be provided which go as far as possible towards meeting the individual's aspirations, while recognising their limitations and managing any risks to themselves and others.

Key points to consider when balancing risk include:

- concentrating on real risks that could actually cause harm;
- close liaison with the resident, carer and family/representative when carrying out risk assessments, which is essential to achieve outcomes that matter to them;
- how the risks flowing from a resident's choice can best be reduced, so far as reasonably practicable, by putting sensible controls in place, e.g. when organising group activities, thinking how the most vulnerable can be protected without unnecessarily restricting the freedoms of the most capable.

Provide information and training

Provide clear instructions, information and adequate training for your employees. Everyone who works for you needs to know how to work safely and without risks to health. Pay particular attention to:

- the induction and training of new employees (permanent and temporary), young workers, and nightshift employees;
- those given specific responsibilities under your health and safety arrangements;
- the need to review training, if tasks/equipment change or staff are changing jobs or taking on extra responsibilities.



Check: Make sure the work is being done safely

Check that you are controlling the risks in your organisation. This is a vital, sometimes overlooked step. It will give you the confidence that you are doing enough to keep on top of health and safety, and may show you how you could do things better in the future.

Check that staff are following arrangements you have set up, as well as investigating and analysing incidents.

Act: Learn from problems and successes, and make improvements

Revisit your plans to confirm whether your health and safety arrangements are still appropriate and are achieving what you wanted them to achieve. This should enable you to see:

- what has changed;
- what you can stop doing;
- any new things you need to start doing.

Other considerations

Employment status

If you use temporary (agency) workers, it is important to be clear about their employment status, as employers have particular health and safety duties to their employees. Although the employment business may be their legal employer, you will also have responsibilities for them while they are on your premises.

In practice, employment businesses should ensure that health and safety responsibilities are clearly assigned and based on the particular facts of the employment relationship. Where different organisations share responsibility for managing staff, the temporary worker's employer is responsible for ensuring adequate arrangements are in place for health and safety.

Migrant workers

If you employ migrant workers in your care home, you will need to consider:

- language, communication and cultural differences;
- basic competencies, such as literacy and numeracy;
- general health, and relevant work experience;
- whether vocational qualifications are compatible with those in Great Britain;
- the possible effects of the attitudes and assumptions of workers new to work in Great Britain, or of British workers or residents towards them.



As well as the duty to ensure that risks to migrant workers are being managed, care homes must also take steps to ensure that the safety of residents is protected, for example by ensuring:

- competence in new and unfamiliar equipment and procedures;
- that work instructions and different clinical practices are understood;
- that there is effective communication, both between employees and between employees and residents.

Young or vulnerable workers

If you employ young people under 18, you should take account of:

- inexperience, lack of awareness of risks and immaturity of young people;
- the workplace and equipment;
- the nature and degree of exposure to harm;
- organisation of processes and activities;
- the level of training they have received;
- risks from specified processes and chemical, physical or biological agents



Key points to consider

Plan

- Have you thought about what you want to achieve, how to do this and who will be responsible for what?
- Does everyone understand their roles and responsibilities towards health and safety?
- Do you have access to competent advice?
- Do you understand the risks in your workplace?

Do

- Have you assessed the risks?
- Have you put suitable control measures in place?
- Are there arrangements for consulting with employees and their representatives?
- Are staff suitably trained?

Check

- Are you checking how well risks are being controlled in practice?
- Do you monitor health and safety performance, actively (eg spot checks) and reactively (e.g. accident and near-miss investigations)?

Act

- Have you reviewed your health and safety performance?
- Have you taken action on lessons learned from incidents, inspections and other monitoring?
- Have you revisited your policies and plan to see if they need updating?

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:

Architects fined for health and safety failing



Magistrates have fined a firm of architects for safety failings in the construction of a new timber frame care home in Hemlington.

Mario Minchella Ltd was fined a total of £1,500 after pleading guilty to two breaches of the Construction (Design and Management) Regulations 2007

Teesside Magistrates' Court yesterday heard that Mario Minchella Ltd had not given contractors relevant information about the flammability of the timber frame used in the construction of the new building in October 2012.

A routine inspection of the work by a Health and Safety Executive (HSE) inspector found that the separation distance between the new timber frame building under construction and an adjacent occupied care home was insufficient.

As a result, had the timber frame caught fire there was a serious risk that the radiant heat would cause the fire to spread to the care home, putting the lives of residents and staff inside at risk.

HSE found that there was nothing in the design specification produced by Mario Minchella Ltd to alert construction workers erecting the timber frame to the additional fire risk it created, and the need to take action accordingly.

The court was told that it would have been reasonable for Mario Minchella Ltd to have specified in its design that fire-resistant timber be used or that it considered the sequence of construction so that the timber frame of each floor was clad before the next one was constructed, reducing the amount of timber exposed at any one time.

Mario Minchella Ltd, of Swallow House, Parsons Road, Washington, Tyne and Wear, was fined a total of £1,500 after pleading guilty to two breaches of the Construction (Design and Management) Regulations 2007. The company was also ordered to pay £816 costs.

Speaking after the case, HSE inspector Andrea Robbins said:

“Timber frames will burn faster and more completely when the panels are incomplete and not yet protected by the usual internal fire-resistant plasterboard and external cladding.

“When burning, exposed timber frame structures generate a lot of radiant heat and there have been a number of large and serious fires which have affected neighbouring properties with devastating consequences, though thankfully without loss of life.

“There was a real danger here that had there been a fire it could have spread to the adjacent care home, putting the lives of the residents and staff inside at risk. Mario Minchella Ltd failed to consider this risk in its design and failed to provide sufficient information to the contractors to enable them to carry out the construction safely.”

Plasterer breaks back in fall at Cheshire mansion

A Cheshire building firm has been fined after a plasterer broke his back when he fell three metres during the construction of a six-bedroom house.

CB Homes Ltd, which was the main contractor for the development in Little Budworth, was prosecuted by the Health and Safety Executive (HSE) after an investigation found the company had failed to make sure adequate guard rails were in place on the first floor landing to prevent falls.

Trafford Magistrates' Court heard today (28 November 2014) that the 58-year-old from Wrexham, who has asked not to be named, had been fitting plasterboard when he fell from the open landing on 22 May 2013. He suffered two cracked vertebrae along with damage to his spine, hips and legs.

The court was told CB Homes had been managing a project to build seven new homes at Mondrem Green on Chester Road. The company had hired a plastering firm to plaster the inside of the houses but failed to make sure this work could be carried out safely.

The plasterer had needed to use a ladder to reach the first floor, and there was no guard rail in place along the open edge on the landing. He was carrying a piece of plasterboard when he lost his footing and fell to the ground floor below.

CB Homes Ltd, of High Street in Tarporley, was fined £10,000 and ordered to pay £1,376 in prosecution costs after pleading guilty to two breaches of the Work at Height Regulations 2005.

Speaking after the hearing, HSE Inspector Laura Moran said:

“A plasterer suffered serious injuries in the fall which could, and should, have been prevented.

“As the principal contractor on the site, CB Homes was responsible for making sure work at height could be carried out safely. If the company had planned and supervised the work properly then it could have made sure guard rails were in place.

“Companies who take on big construction projects have a legal duty to make sure the tradesmen they bring onto the site can do their job safely. CB Homes fell well below that legal requirement on this occasion.”

Falls from height are the biggest cause of workplace deaths in the construction industry. Information on improving safety is available at http://www.wilkinssafety.co.uk/pdf/hse/height_safe_essential_height_safety.pdf

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Remember

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



This photo shows the landing AFTER a guard rail had been fitted

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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



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