



Wilkins Safety Group

Tuesday, 26th August 2014

Inside this Issue

1. PAT - Portable appliance testing FAQs
2. NHS Board sentenced after safety failings led to mental health patient suicide
3. Brothers given custodial sentence for exposing workers to asbestos

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.



This week we are looking at PAT – Portable Appliance Testing.

A note from Jon Wilkins - Last week I was attending a new client. They run a Holiday Chalet business and they told me of a recent incident. A holiday maker awoke in the night to the smell of burning and found the battery charger that he had left on, had burst into flames and set the curtains alight.

Thankfully he was able to put out the fire before it did much damage and nobody was hurt. It would appear that he may have bought a cheap battery charger from a local market.

Our client is now getting two members of staff trained in PAT testing as well as buying PAT Testing equipment and advising all future holiday makers of the risks of faulty electrical goods and offering a PAT Testing service for all equipment brought onto site.

So I thought it might be a good time to cover the topic in this newsletter

We also have 2 recent HSE cases for you to look at and think about:

- NHS Ayrshire and Arran **admitted health and safety breaches** over the death of 33-year-old Nicola Black at Crosshouse Hospital on 31 August 2010.
- Two brothers put at least seven lives at risk of asbestos poisoning by trying to clear the dangerous material themselves – to avoid paying the £55,000 cost of having it done professionally.

PAT - Portable appliance testing FAQs

There are many common myths about portable appliance testing (PAT) - find out the key facts about the inspection and testing of portable electrical equipment here.

What is portable appliance testing?

Portable appliance testing (PAT) is the term used to describe the examination of electrical appliances and equipment to ensure they are safe to use. Most electrical safety defects can be found by visual examination but some types of defect can only be found by testing. However, it is essential to understand that visual examination is an essential part of the process because some types of electrical safety defect can't be detected by testing alone.

A relatively brief user check (based upon simple training and perhaps assisted by the use of a brief checklist) can be a very useful part of any electrical maintenance regime. However, more formal visual inspection and testing by a competent person may also be required at appropriate intervals, depending upon the type of equipment and the environment in which it is used

I've been told that, by law, I must have my portable electrical appliances tested every year. Is this correct?

The Electricity at Work Regulations 1989 require that any electrical equipment that has the potential to cause injury is maintained in a safe condition. However, the Regulations do not specify what needs to be done, by whom or how frequently (i.e. they don't make inspection or testing of electrical appliances a legal requirement, nor do they make it a legal requirement to undertake this annually).

How frequently do I need to test my electrical appliances?

The frequency of inspection and testing depends upon the type of equipment and the environment it is used in. For example, a power tool used on a construction site should be examined more frequently than a lamp in a hotel bedroom. For guidance on suggested frequencies of inspection and testing, see: [Maintaining portable and transportable electrical equipment](#).

Do I need to keep records of testing and should I label any appliances tested?

There is no legal requirement to label equipment that has been inspected or tested, nor is there a requirement to keep records of these activities. However, a record and / or labelling can be a useful management tool for monitoring and reviewing the effectiveness of the maintenance scheme – and to demonstrate that a scheme exists.

Do I need to test new equipment?

New equipment should be supplied in a safe condition and not require a formal portable appliance inspection or test. However, a simple visual check is recommended to verify the item is not damaged.

I have been told that I have to get an electrician to do portable appliance testing work. Is that correct?

The person doing testing work needs to be competent to do it. In many low-risk environments, a sensible (competent) member of staff can undertake visual inspections if they have enough knowledge and training. However, when undertaking combined inspection and testing, a greater level of knowledge and experience is needed, and the person will need:

- the right equipment to do the tests
- the ability to use this test equipment properly
- the ability to properly understand the test results

I run a tool hire business? What do I need to do and are there additional responsibilities for the person hiring my tools?

It is strongly recommended that equipment suppliers formally inspect and test the equipment before each hire, in order to ensure it is safe to use. The person hiring the equipment should also take appropriate steps to ensure it remains safe to use throughout the hire period. The question 'What is portable appliance testing?' above gives guidance on what this will entail.

Is Portable Appliance Testing (PAT) compulsory?

No. The law simply requires an employer to ensure that their electrical equipment is maintained in order to prevent danger. It does not say how this should be done or how often. Employers should take a risk-based approach, considering the type of equipment and what it is being used for. If it is used regularly and moved a lot e.g. a floor cleaner or a kettle, testing (along with visual checks) can be an important part of an effective maintenance regime giving employers confidence that they are doing what is necessary to help them meet their legal duties. HSE provides guidance on how to maintain equipment including the use of PAT.

Selling safe second-hand electrical goods

Sellers of second-hand electrical goods are responsible for ensuring the goods meet legal safety requirements and sellers may be liable to pay compensation if they sell unsafe goods and they cause injury or damage. If the equipment you are selling complies with an acceptable standard - for example, a British/European Standard - it will normally meet safety requirements.

Distributors and retailers, including second-hand dealers and auctions, must only sell appliances that are correctly fitted with an approved plug with sleeved neutral and live pins and the correct fuse. Electric fires for use in the home must have a fireguard that meets British Standards, or the European equivalent.

If you sell second-hand electrical goods that are unsafe or incorrectly labelled and you haven't taken reasonable precautions to avoid this, you may be prosecuted.

Fire risk from cheap phone and laptop chargers

Trading standards officers in Wandsworth carried out an investigation recently. They visited 25 shops across the borough and have netted a haul of nearly 1,000 phone chargers and over 200 laptop computer chargers that are believed to be unsafe.

Among defects found by the investigators were:

- Inadequate insulation between the input and output circuits.
- Internal components not properly secured and poorly soldered - increasing the risk of loose wires which could cause fires or electric shocks.
- Incorrect size and positioning of live and neutral pins in cheap plugs.

The council's consumer safety spokesman Cllr Jonathan Cook said:

"Our trading standards team have acted swiftly and decisively to protect residents from these dangerous chargers.

"These items may look like a bargain, but the sad fact is that their true cost could be far greater. Our message is to only buy from reputable retailers and don't be tempted to buy electrical items like this on the cheap.

"It also goes without saying that people should try and avoid leaving chargers like this unattended or leaving them on overnight while you're asleep."

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

<<< >>>

Now to the latest HSE cases:

NHS Board sentenced after safety failings led to mental health patient suicide



Nicola Black died at Crosshouse Hospital in Kilmarnock on 31 August 2010

A health board has been fined £50,000 after a vulnerable patient took her own life at a hospital in Kilmarnock.

NHS Ayrshire and Arran **admitted health and safety breaches** over the death of 33-year-old Nicola Black at Crosshouse Hospital on 31 August 2010.

Kilmarnock Sheriff Court heard she was put in a room where previously identified risk had not been addressed.

Sheriff Brian Murphy said Ms Black's death was **"entirely avoidable"**, adding: **"I regard these failures as serious."**

The court heard that Ms Black, who had a history of mental health problems, was airlifted from the Isle of Arran after an earlier attempt to take her life.

After recovering in a high dependency ward, she was transferred to the hospital's psychiatric ward but was noted only as being at risk of absconding, not taking her life.

She later found unconscious by a healthcare assistant, having hanged herself, and could not be revived.

'Systematic failure'

Sheriff Murphy extended his sympathy to Ms Black's parents in court, telling them that despite the passage of four years it could not have been easy to hear how their daughter's death was avoidable.

He described the "systemic failure" that reached up into management.

Outside court, Ms Black's parents Ian and Janette, formerly of Eaglesham, Renfrewshire, but now of Kent, paid tribute to their daughter, a qualified Steiner schools teacher who taught yoga to children worked in the US and was **"creative and full of energy"**.

Ms Black's father, Ian, 65, former human resources director at Glasgow University, said:

"As the hearing found, there was inadequate communication. Procedures were in place but not followed through.

"Nobody seemed to communicate to the healthcare assistants and I think there should have been closer observation from qualified staff."

Ms Black's mother, Janette, 68, a retired social services team leader with East Renfrewshire Council, said:

"No amount of fine will bring our daughter back but the important thing is for lessons to be learned, and I'm not entirely confident that will happen.

"The risks were self-evident. If you helicopter a patient from Arran unconscious, having taken a massive overdose, to me and to the man in the street, that shouts 'risk.'"

A spokeswoman for NHS Ayrshire and Arran passed condolences to the family and said:

"We regret the failures of services and systems that led to the sad death of Nicola.

"We take seriously any failures in care and have made numerous changes to our processes.

"We have undertaken a significant training programme with our staff since this incident - a point noted by the sheriff in his judgement today."

<<< >>>

Brothers given custodial sentence for exposing workers to asbestos



BROTHERS Akram and Inam Hussain have been jailed after admitting putting at least seven people in danger by exposing them to asbestos.

And Akram has also been hit with a £43,000 fine following the potentially fatal health and safety breach at a former print works on Scotia Road, Burslem.

The 52-year-old, of City Road, Fenton, who admitted failing to ensure the health and safety of non-employees, has been sent to prison for 22-weeks while his brother Inam, aged 47, of Boughey Road in Shelton starts a 14 week jail sentence. Inam pleaded guilty to aiding and abetting the same offence, which occurred while the pair were overseeing refurbishment at the

building.

Judge Mark Eaves, sentencing at Stafford Crown Court, said:

"Anyone at the print works was placed at the highest level of exposure to asbestos. The possibility for a future fatality is real."

The brothers put at least seven lives at risk of asbestos poisoning by trying to clear the dangerous material themselves – to avoid paying the £55,000 cost of having it done professionally.

The Health and Safety Executive (HSE) prosecuted **Akram, right, and Inam Hussain, left**, following an investigation into works that had been carried out at a derelict former print works on Scotia Road.

Officers discovered the refurbishment was done without a legally required asbestos survey or a Construction, Design and Management Co-ordinator (CDM).

Despite repeated visits from HSE inspectors and numerous enforcement notices warning them of their failings, the brothers continued to refurbish the building and disturb asbestos material – putting workers' lives at risk.

Stafford Crown Court heard a Prohibition Notice was issued to Akram – the owner of the building – on 25 February 2011 stopping all work with, or liable to disturb, asbestos.

He was advised to carry out an asbestos survey on the former print works, which is more than 100 years old.

But he waited until August to have the survey carried out – which came back with 14 positive test results for asbestos in the building.

He was quoted a price of £55,020 to have the asbestos removed from the dilapidated building. Work continued on the print works for several months before a second survey was ordered by Inam, who is a taxi driver, and works to remove the asbestos at a cost of £30,000 was carried out in July 2013.

Timothy Pope, prosecuting, said:

"It's quite clear that having obtained the quotation for the works and seeing the amount of money that was going to be required that Akham, assisted by Inam, set about removing that asbestos so that they could then have a second survey conducted in the hope that it would show there was no asbestos in the building."

Kristin Beswick, mitigating for Akram, told the court:

"It is my submission that his failure to give up the information obtained by the survey are more to do with his character. He doesn't appear able to act quickly in relation to matters which the HSE and this court may well feel require some urgency."

Timothy Harrington, mitigating for Inam Hussain, said:

"This case has already had a detrimental affect on his life."

Akram, aged 52, of City Road, Fenton, was fined £43,000 and given a 22-week jail term while Inam, aged 47, of Boughey Road, Shelton, was handed a 14 week sentence.

Inam pleaded guilty to aiding and abetting the same offence, which occurred while the pair were overseeing refurbishment at the building.

Sentencing the brothers, Judge Mark Eaves said:

"Failure to deal with asbestos is a most serious offence and we simply don't know today what the long term effect might be. People were working in the premises from time to time, and there were probably people working on the site outside that may be affected. There's a risk that some of these people in 30 or 40 years time will suffer a deadly disease as a result of what you two did."

Speaking after the hearing, HSE inspector Lindsay Hope said:

"The Hussains have shown a willful disregard for the health and safety of workers and others. This was an appalling case of failing to properly plan, manage and resource this project, which led to workers being exposed to risks to their health from asbestos."

Guidance on working with asbestos is available at <http://www.wilkinssafety.co.uk/pdf/whss/asbestos.pdf>

<<< >>>



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