



Wilkins Safety Group

Monday, 12th May 2014

Inside this Issue

1. The reporting of accidents within the workplace has been revised. The new RIDDOR regulations simplify the reporting procedure for employers.....
2. Manchester care home in court over vulnerable resident's injuries
3. Company in court after workers suffer nerve damage.....

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 thought we would look at the **Reporting of Injuries, Diseases and Dangerous Occurrences Regulations RIDDOR** and which has been revised twice in less than two years. We look at the changes and what they mean to you

We also look at a couple of recent HSE cases for you to consider. These look at:

- The case of a 63-year-old man, who suffers from dementia, who was able to fall from his first floor window in his care home. He told staff he had wanted to get some fresh air.
- The three men, who were exposed to high levels of hand arm vibration (HAV) caused by using tools such as hedge cutters and strimmers for long periods

<<< >>>

The reporting of accidents within the workplace has been revised. The new RIDDOR regulations simplify the reporting procedure for employers.....

A second set of revisions were made to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations



(RIDDOR), the second such in less than two years, in October 2013.

These changes are based on the 2011 Löfstedt regulatory review Reclaiming Health and Safety for All. They build on the first revision to RIDDOR in April 2012 which raised the time off work that triggers the duty to report an accident causing incapacity for work from three days to seven.

The main point of the amendments is to simplify the reporting of workplace injuries and reduce the number of incidents which will be required to be reported in the future.

Changes

The previous classification of "major injuries" to workers which fall to be reported under RIDDOR is being replaced with a shorter list of "specified injuries", namely:

- a fracture, other than to fingers, thumbs and toes;
- amputation of an arm, hand, finger, thumb, leg, foot or toe;
- permanent loss of sight or reduction of sight;
- crush injuries leading to internal organ damage;
- serious burns (covering more than 10 per cent of the body, or damaging the eyes, respiratory system or other vital organs);
- scalpings (separation of skin from the head) which require hospital treatment;
- unconsciousness caused by head injury or asphyxia; and
- any other injury arising from working in an enclosed space, which leads to hypothermia, heat-induced illness or requires resuscitation or admittance to hospital for more than 24 hours.

Occupational disease

In addition, the existing schedule detailing 47 types of occupational disease is being replaced with eight categories of reportable work-related illnesses, namely:

- carpal tunnel syndrome;
- severe cramp of the hand or forearm;
- occupational dermatitis;
- hand-arm vibration syndrome;
- occupational asthma;
- tendonitis or tenosynovitis of the hand or forearm;
- any occupational cancer; and
- any disease attributed to an occupational exposure to a biological agent.

"Dangerous occurrence"

There are to be fewer types of "dangerous occurrence", 27 in total, which will require reporting. The guidance gives examples of:

- the collapse, overturning or failure of load-bearing parts of lifts and lifting equipment;
- plant or equipment coming into contact with overhead power lines; and
- the accidental release of any substance which could cause injury to any person.

For a full detailed list, please see the HSE's online guidance at www.hse.gov.uk/RIDDOR

Scope of change

The HSE originally proposed a more radical set of changes including the removal of most occupational diseases from the reporting requirements but this was overturned by the HSE's own board.

Another of the reversals was the board's insistence that non-fatal accidents to members of the public should still be reportable.

The HSE believe that the changes will facilitate improved reporting of such information, while not requiring businesses to provide information that is either not used or could be better obtained from other sources. But not everyone is confident the changes' impact will be as envisaged.

Less work?

The first concern expressed by safety bodies is that the overhaul will actually increase employers' work in the short term, as managers and supervisors have to be briefed and reporting systems adjusted to accommodate the changes.

The British Safety Council has welcomed the fact that the HSE issued guidance before the changes but still thinks the requirements are complex and hard to navigate.

There is also the risk that every time the reporting rules change, we lose the ability to monitor injury trends, since we are no longer comparing like with like.

More reporting?

It is unclear whether the new rules will help reduce the problem of under reporting of incidents — the HSE estimates news of as many as 40 per cent of reportable incidents never reaches it or local authorities, and the shortfall is believed to be most serious in the lost time, accident and ill health categories.

Employers and managers may fear that reporting will set off a costly chain of events, where reporting leads to investigation, investigation to evidence of non-compliance, ending with an unwelcome invoice for inspectors' time at £124 per hour, even where enforcement action such as notices and prosecution is not warranted.

Do the changes present a missed opportunity?

Several safety organisations believe the changes have missed a key opportunity to address fundamental flaws of the old rules, meaning that some key risks are not being given the priority they deserve.

Occupational road risk is one such example. RIDDOR 2013 remains almost silent on the road risk issue, with only very specific types of road accident being reportable, such as those involving road works, dangerous goods and loading and unloading.

There has also been the removal of some major injury categories such as dislocations, of which there are 1300 a year, as well as electric shocks and "any other injury leading to resuscitation or hospitalisation". This may lead to loss of this data, as such incidents may not be caught under the specified injuries headings.

Conclusion

At the time of public consultation on the HSE's proposed RIDDOR reforms, there was a lot of opposition to the planned removal of the requirement to report occupational diseases other than those due to biological agents.

The executive had to backtrack on diseases, but there is still concern about the lack of data being collected on diseases such as silicosis.

There are a lot of questions as to whether the changes will either save a lot of time for employers or make real a difference to under-reporting, and whether this was the “fundamental” review of RIDDOR that Löfstedt called for. Only time will tell.

For more help with RIDDOR and to be sure you are fully compliant contact [The Wilkins Safety Group](#) on 01458 253682 or info@wilkinssafety.co.uk

<<< >>>

Manchester care home in court over vulnerable resident's injuries



A Manchester care home has been fined for safety failings after a vulnerable resident was badly injured when he fell from a first floor window.

The privately-run Nada Residential and Nursing Home was prosecuted by the Health and Safety Executive (HSE) following the incident at its premises on Cheetham Hill Road on 1 December 2012.

Trafford Magistrates' Court today (2 May 2014) heard the 63-year-old man, who suffers from dementia, was found on the ground under his bedroom window with fractures to his leg, knee and back. He told staff he had wanted to get some fresh air.

The court was told the risk of patients falling from open windows was well known in the care home sector, and restrictors should have been fitted to the windows to prevent them from opening more than ten centimetres.

The HSE investigation found the care home had failed to properly assess the risk of residents falling from windows, or take suitable action to prevent this from happening.

Nada Residential and Nursing Home was fined £8,000 and ordered to pay prosecution costs of £597 after pleading guilty to single breaches of the Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work etc Act 1974.

Speaking after the hearing, HSE Inspector Lorna Sherlock said:

“The care home looks after people with dementia or mental health conditions and so many of its residents are particularly vulnerable.

“The 63-year-old man was badly injured in the fall but it could easily have been much worse. It simply should not have been possible for him to be able to push open his bedroom window to a point where there was a risk of him falling out.

“Nada has now fitted restrictors to all of its windows to stop them opening more than a few centimetres. If these had been in place at the time of the incident then the resident's injuries could have been avoided.”

The Wilkins Safety Group regularly advise on improving safety in care homes and our guidance leaflet can be downloaded from http://www.wilkinssafety.co.uk/pdf/whss/residential_care_homes.pdf

<<< >>>

Company in court after workers suffer nerve damage.....

A company responsible for maintaining the grounds of a naval base in Cornwall has been fined after three workers were diagnosed with a debilitating condition that left them with permanent nerve damage.

The three men, who do not wish to be named, were employed by Babcock Flagship Ltd to maintain the extensive grounds at HMS Raleigh in Torpoint where they were exposed to high levels of hand arm vibration (HAV) caused by using tools such as hedge cutters and strimmers for long periods.

Truro Magistrates Court heard yesterday (6 May) that all three were diagnosed with Hand Arm Vibration Syndrome (HAVS) or Carpal Tunnel Syndrome (CTS) by occupational health providers in January 2012.



Library picture of man using hedge trimmer

An investigation by the Health and Safety Executive (HSE) revealed the company was aware each worker had vibration-related conditions or health issues that could be aggravated by vibration, having had health surveillance reports between 2009 and 2011.

The court was told, however, that Babcock Flagship Ltd failed to put control measures in place before or after the condition was identified in the workers.

HSE said the company did not properly assess the vibration risks faced by staff using hedge cutters, strimmers and other tools and failed to implement suitable controls, such as limiting their exposure to such machinery or providing alternatives. Grounds maintenance staff could regularly work eight hours a day using the same tools.

The court heard the permanent damage caused to the three men's health had a significant impact on their ability to work and their quality of life.

Babcock Flagship Ltd, Wigmore Street, London, was fined a total of £10,000 and ordered to pay £10,000 in costs after admitting two breaches of the Control of Vibration at Work Regulations 2005.

Speaking after the hearing, HSE Inspector Emma O'Hara said:

“Almost half of all the ill-health reports sent to HSE relate to Hand Arm Vibration and Carpal Tunnel Syndrome associated with working with vibrating tools, many from the horticulture industry.

“Babcock Flagship Ltd failed to take action – despite the warning signs raised in earlier health surveillance reports – to prevent the physical damage caused by prolonged use of such tools, causing these three workers pain and discomfort.

“Babcock Flagship Ltd should have properly assessed the level of vibration to which these workers were exposed and limited the amount of time they spent using tools such as hedge cutters and strimmers.”

Almost two million people in the UK work in conditions where they are at risk of developing vibration-related ill health such as Hand Arm Vibration Syndrome and Carpal Tunnel Syndrome. Information on preventing the condition is available at http://www.wilkinssafety.co.uk/pdf/whss/hand_arm_vibration.pdf

<<< >>>

For further information about health and safety in your industry, please go to <http://www.wilkinssafety.co.uk>



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