



Wilkins Safety Group

Monday, 9th June 2014

Inside this Issue

1. Working at Height!
2. York father's near-death fall lands firm in court
3. Shropshire director jailed for illegal supply of asbestos sheeting after worker fell to his death

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 Working at Height again. This is because we are regularly asked questions about the subject;

- “Are you still allowed to use ladders?” -
- “How do you decide if someone is 'competent' to work at height?”

It is also because there are still far too many accidents involving falls from heights as shown by this week's couple of recent HSE cases.

These both look at falls from height through fragile roofing materials:

- **A young father of two suffered life-changing injuries** after he plunged seven metres through an unsafe fragile roof at a farm in Harrogate
- A 56-year-old construction worker, fell through the fragile asbestos cement roof sheets, landing on the concrete floor more than six metres below. **He later died of his injuries in hospital.**

<<< >>>

Working at height!

HSE have revised/improved/simplified their advice on working at height and have also debunked some of the myths surrounding the 2005 regulations.

Falls from height are one of the biggest causes of workplace fatalities and major injuries. Common causes are falls from ladders and through fragile roofs. The purpose of the Work At Heights Regulations is to prevent death and injury from a fall from height.

Work at height means work in any place where, if there were no precautions in place, a person could fall a distance liable to cause personal injury. For example

you are working at height if you:

- are working on a ladder or a flat roof;
- could fall through a fragile surface;
- could fall into an opening in a floor or a hole in the ground
- accessing items stored on high shelves using a stepladder or hop up



Take a sensible approach when considering precautions for work at height. There may be some low-risk situations where common sense tells you no particular precautions are necessary and the law recognises this.

There is a common misconception that ladders and stepladders are banned, but this is not the case. There are many situations where a ladder is the most suitable equipment for working at height.

Before working at height you must work through these simple steps:

- avoid work at height where it is reasonably practicable to do so;
- where work at height cannot be avoided, prevent falls using either an existing place of work that is already safe or the right type of equipment;
- minimise the distance and consequences of a fall, by using the right type of equipment where the risk cannot be eliminated.

You should:

- do as much work as possible from the ground;
- ensure workers can get safely to and from where they work at height;
- ensure equipment is suitable, stable and strong enough for the job, maintained and checked regularly;
- make sure you don't overload or overreach when working at height;
- take precautions when working on or near fragile surfaces;
- provide protection from falling objects;
- consider your emergency evacuation and rescue procedures

Who do the Regulations apply to?

If you are an employer or you control work at height (for example if you are a contractor or a factory owner), the Regulations apply to you.

How do you comply with these Regulations?

Employers and those in control of any work at height activity must make sure work is properly planned, supervised and carried out by competent people. This includes using the right type of equipment for working at height.

Low-risk, relatively straightforward tasks will require less effort when it comes to planning. Employers and those in control must first assess the risks. See our guidance on Risk Assessments at http://www.wilkinssafety.co.uk/pdf/whss/risk_assessment.pdf

Take a sensible, pragmatic approach when considering precautions for work at height. Factors to weigh up include the height of the task; the duration and frequency; and the condition of the surface being worked on. There will also be certain low-risk situations where common sense tells you no particular precautions are necessary.

How do you decide if someone is 'competent' to work at height?

You should make sure that people with sufficient skills, knowledge and experience are employed to perform the task, or, if they are being trained, that they work under the supervision of somebody competent to do it.

So a sensible adult could be deemed competent for low-risk activities where competence requirements may be no more than making sure employees receive instruction on how to use the equipment safely (e.g. how to tie a ladder properly) and appropriate training. whereas erecting a scaffold will require very specific training and qualification

What measures should you take to help protect people?

Always consider measures that protect everyone who is at risk (collective protection) before measures that protect only the individual (personal protection).

Collective protection is equipment that does not require the person working at height to act to be effective, for example a permanent or temporary guard rail.

Personal protection is equipment that requires the individual to act to be effective. An example is putting on a safety harness correctly and connecting it, via an energy-absorbing lanyard, to a suitable anchor point.

What are the most common causes of accidents when working at height?

Roof work is high risk and falls from roofs, through fragile roofs and fragile roof lights are one of the most common causes of workplace death and serious injury. As well as in construction, these accidents can also occur on roofs of factories, warehouses and farm buildings when roof repair work or cleaning is being carried out.

The two cases in this newsletter are prime examples!

What do you need to consider when planning work at height?

The following are all requirements in law that you need to consider when planning and undertaking work at height. You must:

- take account of weather conditions that could compromise worker safety;
- check that the place (e.g. a roof) where work at height is to be undertaken is safe. Each place where people will work at height needs to be checked every time, before use;
- stop materials or objects from falling or, if it is not reasonably practicable to prevent objects falling, take suitable and sufficient measures to make sure no one can be injured, e.g. use exclusion zones to keep people away or mesh on scaffold to stop materials such as bricks falling off;
- store materials and objects safely so they won't cause injury if they are disturbed or collapse;

- plan for emergencies and rescue, e.g. agree a set procedure for evacuation. Think about foreseeable situations and make sure employees know the emergency procedures. Don't just rely entirely on the emergency services for rescue in your plan.

How do you select the right equipment to use for a job?

When selecting equipment for work at height, employers must:

- provide the most suitable equipment appropriate for the work;

take account of factors such as:

- the working conditions (e.g. weather);
- the nature, frequency and duration of the work;
- the risks to the safety of everyone where the work equipment will be used.



What must employees do?

Employees have general legal duties to take reasonable care of themselves and others who may be affected by their actions, and to co-operate with their employer to enable their health and safety duties and requirements to be complied with.

For an employee, or those working under someone else's control, the law says they must:

- report any safety hazard they identify to their employer;
- use the equipment and safety devices supplied or given to them properly, in accordance with any training and instructions (unless they think that would be unsafe, in which case they should seek further instructions before continuing).

You must consult your employees (either directly or via safety representatives), in good time, on health and safety matters. Issues you must 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.

Employers can ask employees and their representatives what they think the hazards are, as they may notice things that are not obvious and may have some good, practical ideas on how to control the risks.

What must architects and building designers do?

When planning new-build or refurbishment projects, architects and designers have duties under [The Construction \(Design and Management\) Regulations](#), to consider the need for work to be carried out at height over the lifespan of a building, e.g. to clean, maintain and repair it. They should design out the need to work at height if possible.

York father's near-death fall lands firm in court

A young father of two suffered life-changing injuries after he plunged seven metres through an unsafe fragile roof at a farm in Harrogate, magistrates have been told (4 June).

His employer, a Tockwith-based agricultural engineering company hired to work on the building, had failed to provide any precautions to protect workers from falls.

The incident, on 4 June 2013, left 22-year-old Daniel Telford with multiple injuries. **He broke his neck and suffered shattered vertebrae, broken shoulder blades, several cracked ribs, a collapsed lung, broken arm, fractured pelvis, broken right hip, tendon damage to a foot and both hands, and serious nerve damage.**

Mr Telford, of Long Marston, York, whose wife was then pregnant, was in hospital for four weeks and had to use a wheelchair for some three months after being discharged. He is still unable to return to work.

The Health and Safety Executive (HSE) investigated and prosecuted Mr Telford's employer, Spruce and Hawe Ltd., and its director Michael Spruce, from Wetherby, for serious safety failings.

Harrogate Magistrates were told the firm had been contracted by the farm's owner to extend one of the buildings, as it had built the original building several years earlier.

Mr Telford was working with Mr Spruce on the roof of the property replacing rooflights when the fragile roof-sheet he was standing on gave way. He fell through and crashed down on the concrete floor below.

HSE found the company, and Mr Spruce as director, had failed to take any steps to prevent falls through the roof. Measures could have included netting underneath, safe working platforms, or newer ways of working such as from a platform underneath.

HSE served an immediate prohibition notice on the company stopping any further work at height until precautions were taken to protect from falls or to mitigate the dangers.

Spruce and Hawe Ltd, of Blind Lane, Tockwith, York, was fined £12,000 after admitting breaching the Health and Safety at Work etc Act 1974. Michael Spruce, of Second Avenue, Wetherby, Leeds, was fined £3,000 after pleading guilty to breaching Section 37 of the same Act in his capacity as a director. Costs of £513 were also imposed.

After the hearing, HSE Inspector Julian Franklin said:

"This young man could have been killed by a simple failure to follow well-known systems of work when on a fragile roof. As it is, he sustained severe and multiple injuries that have changed his life.

"A year on, he is struggling to come to terms with the physical and psychological after-effects of this horrendous accident."

Daniel, now 23, described how the fall had changed his life for ever:

"After I fell, I was lying on the floor in horrendous pain, but because of fluid building up in my throat, I was shouting for someone to put me in the recovery position. If they hadn't, I know I could have choked to death.



Photo shows the height of the roof from which Daniel Telford fell, narrowly escaping death.

“Later in hospital, I remember my family coming to see me when I was in resuscitation and can still remember how devastated they all were. “I had a number of operations and lots of different surgery. I’d broken my neck, both shoulder blades, several ribs and had a collapsed lung. When I could get off my back in the hospital bed, it was absolutely agonising.

“I also developed hyposensitive skin from the broken neck which meant that the slightest touch, even water or wind on my skin, was painful. It still is, a year later.

“When I came home in a wheelchair, my self-esteem was totally gone as I couldn’t do anything for myself. I felt like a complete wreck. People had to feed me, give me a drink, pass me something to look at as I just couldn’t move my arms or legs.

“Twelve months later, I am slowly getting better and hope to be able to return to work eventually. I am walking again, although my hip often gives way. I feel it has been a constant battle – so many routine and normal day to day tasks are still a challenge.”

Mr Franklin, who carried out the HSE investigation, added:

“It is vital for those people controlling work activities to ensure they follow the correct precautions when anyone is working at height. Relying on standing on the bolts on a fragile roof is criminal, and where we find that sort of behaviour, we will take whatever enforcement or prosecution action we can.

“Workers have the right to return from a day’s work safely and without harm. Employers have a duty of care they must not shirk, or we will take action against them. Where breaches occur and can be attributed to an individual in charge of an operation, we will take action against that individual as well as the company if the breaches so deserve.”

Information about working at height can be found at <http://www.wilkinssafety.co.uk/pdf/whss/roofwork.pdf>

<<< >>>

Shropshire director jailed for illegal supply of asbestos sheeting after worker fell to his death



Photo shows type of sheets supplied

A 64-year-old Shropshire man has been sentenced to 12 months in prison after his company illegally supplied roofing panels containing asbestos.

Company director Robert Marsh’s offences came to light after a 56-year-old construction worker, who was roofing a barn using the panels, fell through the fragile material and later died.

An investigation by the Health and Safety Executive (HSE) found that Mr Marsh, sole Director of RM Developments (2005) Ltd of Newport, Shropshire, had supplied pre-used roofing sheets containing white asbestos to a farming partnership building a barn in Frankley, Worcestershire.

During a three-day hearing which ended today (4 June), Worcester Crown Court heard that after Mr Marsh supplied the roofing sheets, the partnership hired steel erector Tony Podmore to use the materials to build the barn.

But during the final phase of its construction on 8 June 2011, Mr Podmore, of Calf Heath, near Wolverhampton, fell through the fragile asbestos cement roof sheets, landing on the concrete floor more than six metres below. He later died of his injuries in hospital.

The farm partnership had agreed to pay £4,000 for what they thought would be substantial roofing material. However Mr Marsh supplied poor-quality, second-hand roof panels that had cost him nothing. As he had paid just £250 for transport, he stood to make a profit of £3,750 on the roof alone.

The court was told that after the fall, Mr Marsh tried to persuade witnesses to hide the sheets that he had supplied telling one, 'We'll all take the fall for this'. He also told Mr Podmore's daughter that her father had fallen from the roof edge rather than through the fragile roof sheets and later tried to persuade Mr Podmore's relatives not to report the incident to the HSE.

Robert Marsh of RM Developments (2005) Ltd, of Station Road, Hodnet, Market Drayton, Shropshire, changed his plea to guilty on the first day of his trial to one breach of the Health and Safety at Work etc Act 1974, and also to a contravention of The Registration, Evaluation and Authorisation of Chemicals (REACH) Regulations 2008. As well as the 12 month prison sentence he was disqualified from being a director for six years and ordered to pay £10,000 costs.

Passing sentence, His Honour Judge Michael Cullum said Mr Marsh's actions were *"wholly reprehensible"* adding that he acted out of *"selfish self-interest to maximise profit at the expense of health and safety"*.

Speaking after the prosecution, HSE Inspector Luke Messenger said:

"Asbestos fibres are a well-known and widely-publicised health risk and can lead to fatal illnesses. The supply of materials containing asbestos has been illegal for many years. Mr Marsh demonstrated a complete disregard for the law for his financial gain. In this case, the weak second-hand panels he supplied were a significant contributing factor to the death of Mr Podmore."

"This tragic incident also demonstrates the dangers of working on fragile roofs. Falls from height are the major cause of workplace fatalities and measures should always be taken to protect workers when they are working from height."

"This result today is a reflection of the seriousness of the offence and could only have been achieved with the hard work of the investigating inspector, the late Mr Paul Humphries".

Mr Podmore's widow, Gail, said:

"We have lost a fantastic, hard-working family man. The gap in our hearts can never be filled. Anthony can never be replaced, nor would we want him to be."

"We are extremely grateful to HSE, especially Paul Humphries, for their hard work. It has been a long three years but we finally have some closure and we are very pleased to see justice has been served."

Over 3,000 people a year die from asbestos-related illnesses in the UK. For further information, visit <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