

## ARTICLES:-CRUSHED TO DEATH

Miscommunication resulted in the death of a member of public by being crushed by a scrap yard grab claw. Barry Collins 24, and his brother Joey, visited the scrap yard looking for car parts as agreed by the sites managing director. On the day of the incident Barry was inspecting the inside of a van parked next to an unmanned mobile grab -claw crane. The operator returned from break and did not see that Barry was inside the van. Joey tried to signal to the operator that his brother was inside but the operator mistook this signal to pick up the van. In doing so the claws punctured the van crushing Barry inside. Following prosecution the yard owner James Huntley was fined £50,000 and ordered to pay costs of £34,373. A safety consultancy was hired to review working procedures in the yard and control measures were consequently implemented to protect the public, visitors and operators.

## BREACH OF FIRE REGULATIONS

Fashion Retailer New Look was fined £400,000 and ordered to pay costs of £136,052 after pleading guilty to breaches of fire regulations, following a serious fire in its Oxford Street store London. Thirty five engines and 150 fire fighters had to attend the blaze when 450 people from the store had to be evacuated. Delay in reporting the fire meant that the fire easily spread throughout the first and second floors. Due to the extent of the fire the store later had to be demolished.

New Look pleaded guilty for not having a fire risk assessment in place, no procedures for safe evacuation and no staff training regarding fire safety procedures – which led to the delay of evacuation. This conviction shows that large companies are not exempt from prosecution when not taking their fire safety responsibilities seriously.

## WORKER FALLS THROUGH ROOF

A firm has been told to improve its health and safety practices and ordered to pay nearly £14,000 over an incident in which a worker suffered extensive injuries when he fell 10 feet through a roof. The man suffered concussion, a broken cheekbone, four broken ribs, a broken collarbone and crushed two vertebrae after falling through a barn roof he was cleaning, Chesterfield magistrates heard.

The Health and Safety Executive successfully prosecuted TF Jackson Portable Accommodation Ltd, of Harpur Hill Industrial Estate, Buxton, leading to a combined total fine of £11,000 and court costs of £2,700. The company admitted it had failed to ensure there was a safe system of work in place for people working at height, which meant it had breached Section 2(1) of the Health & Safety at Work Act 1974.

It also admitted breaching Regulation 3(1) (a) of the Management of Health and Safety at Work Regulations 1999 for failing to make a suitable and sufficient risk assessment. The court heard that on September 26, 2008, the employee was cleaning and painting the roof of a cattle barn at Endmoor Farm in Monyash, Derbyshire, when he stepped onto a PVC roof light which gave way and fell around 10 feet to the floor. HSE inspector Edward Walker said: "They could have for example considered using a cherry picker, prevented access to the roof's fragile areas, installed safety nets under the roof or supplied their employees with harnesses."

## PLAYING CONKERS WITH GOGGLES STARTS MYTH

The head teacher who made pupils wear goggles while playing conkers has admitted to starting this myth. The Guardian 9<sup>th</sup> December 2009 published that, Mr Halfpenny said that a child had originally asked if they could wear goggles. He said the decision to alert the media was "tongue in cheek", and that it was largely during the 1980-90's that the Tory administrations wanted H&S culture brought to bear in schools. IOSH President later said "The great danger of trivializing our health and safety is that we fail to protect ourselves when it is really needed". As a consequence of this story the myth continues.....!

## CHECK YOUR ARRANGEMENTS FOR:- MANAGEMENT OF CONTRACTORS

Few workplaces can function without contractors. It is not a question of whether organisations use them; rather it is an issue of how many and for what purposes. Your business needs to be aware of the safety implications and the importance of good contractor selection.

All too often, using contractors is seen as a way of shifting responsibilities on to other people, whereas the reality is that both clients and contractors have duties under health and safety law. All contracted work has health and safety implications and contractor management cannot be left to chance; the potential negative consequences of failing to get it right can be extremely serious.

## SELECTION OF CONTRACTORS

Acquiring good contractors in the first place will make everything else connected with the work in question much easier to manage. This isn't just a matter of getting potential contractors to complete a pre-qualification questionnaire. It begins with the client deciding exactly what it wants the contractor to do. This might sound obvious, but all too often the specifications provided in tender documents do not adequately describe the work required.

Even health and safety consultants are sometimes on the receiving end of vague descriptions of what a potential client wants. This can be due to a lack of expertise on the part of the client, which is understandable as it is usually the reason for seeking out a contractor in the first place. But it is solvable, as there is plenty of guidance available on how to choose consultants and contractors, and spending a little time on research can pay dividends in improving both the tendering process and the outcome.

Often, clients simply have not thought enough about what they need from the contractors being selected. They need to clearly identify all aspects of the work and provide enough information for prospective bidders to not only be able to decide how they will do the work, but also to identify the health and safety risks and how they will control them.

## COMPETENCE

Anyone selecting contractors needs to be sure that they are competent. This means having sufficient skills and knowledge to do the job properly and safely. What competence contractors require will depend on the work and the associated risks.

One of the key tools for measuring competence is the pre-qualification questionnaire (PQQ). A planned, well written and properly used PQQ can be worth its weight in gold. But an ill-conceived, poorly used one can be more than just a wasted opportunity. If clients ask the wrong questions and fail to get the information needed to assess and compare bids, they risk taking on contractors that may prove to be a liability.

Organisations also need to be able to understand and interpret the answers and paperwork provided. If they don't know what a good or bad answer is, they need to either find out or use someone with the right experience and skills to evaluate the responses. In being effective the following factors need to be considered:-

- What do you really need to know?
- What is relevant to the contract and important for the work?
- Will the PQQ really demonstrate a contractor's competence?
- What criteria does the contractor need to meet?
- How will you assess the answers?

The core criteria for demonstrating competence for the Construction (Design and Management) Regulations 2007 — come with the caveat that competency assessments should focus on the specific project and the work that the contractor is expected to do, as well as the risks arising from that work. It is too easy to allow unnecessary paperwork and bureaucracy to make the assessment procedure ineffective. Organisations need to look for quality, not quantity; a pile of risk assessments may look impressive but are worthless if they do not adequately assess risks.

## PERFORMANCE INDICATORS

When setting health and safety performance indicators for contractors, clients need to think of the potential effects. For instance, penalising contractors for accidents will only ensure that the next time one occurs, it will go unreported. It is better to measure contractors on how quickly they report accidents and problems so that the organisation is kept aware of them.

Positive indicators are most effective based on what really matters. For instance, bonuses for maintenance contractors could depend on whether they work safely, keep their work area clean and tidy, and implement actions from audits within the agreed timescales.

## RISK ASSESSMENTS

Clients are responsible for assessing the risks of the work done in their business. Contractors are responsible for assessing their own work. But these are not separate issues. You need to work together to make sure that all foreseeable risks are recognised, assessed and properly controlled.

Contractors should not just provide their clients with a generic risk assessment to check and approve. It should be specific: to the work, the site, the people, the equipment and chemicals being used. There are too many risk assessments that are generic assessments made "specific" by simply altering the client's details and the date. Generic assessments can be an effective way of assessing risk, as long as they are carefully checked and tailored to the work, and not just routinely recycled.

## INFORMATION, INSTRUCTION AND TRAINING

There needs to be a two-way flow of information for contractors to give information about their work, the associated risks and how these will be controlled, and for the client to provide the information required of the contractor to do the work safely.

This exchange of information must include details of risks that are not obvious and which other people may be unaware of. For instance, the client should know where any asbestos is located on its premises, what condition it is in, and what can and cannot be done in this vicinity. Maintenance contractors will not know of this unless they are informed by the client. This information must be kept up to date and provided when necessary, not just at the start of a contract.

Organisations may need to provide training to contractors. At the very least, anyone working on the premises must know what to do if they find a fire, when the fire alarm sounds, who to report problems to, and know about general safety and business rules. If contractors are expected to operate any of the client's systems, eg for permits to work, they need training in how this works and what their role is.

## SUPERVISING AND MONITORING CONTRACTORS

Contractors are taken on to do a job and should not require constant supervision. At the same time, clients cannot just abdicate wholly their involvement and supervisory responsibilities.

Check periodically on how well the work is being done. How often depends on the risks the nature of the work, how well known the contractor is to the business and shared past experience. New contractors may require more frequent checks than those who have worked with the client successfully for years. Although these checks may become complacent, so the occasional check will still be necessary. Just knowing that their performance is being monitored, even infrequently, can be very effective in persuading contractors to work safely.

## SUB CONTRACTORS

Contractors should be the best people to select their subcontractors. But this does not mean the client can just leave them to it. As part of their selection process, organisations need to ensure that prospective contractors have an effective procedure for selecting and controlling subcontractors. A lack of adequate control over subcontractors can result in increased risks to everyone

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involved. Clients give considerable power to contractors when they allow them to bring subcontractors on to their premises to work; they must therefore ensure that contractors suitably manage their subcontractors.

## AUDITS

After selection, health and safety Auditing of contractors is the next most powerful way of successfully managing contractors. If contractors are selected wisely, Auditing will ensure they continue to work satisfactorily. If the client has failed to consider health and safety properly when selecting contractors, Auditing can improve their performance.

Auditing allows businesses to systematically examine how well their contractors manage health and safety. It identifies where improvements are required, not only by the contractor, but often by the client as well. It should result in specific, timed actions assigned to named individuals. How these are implemented needs to be monitored by the contractor and reported to the client.

Auditing contractors not only improves health and safety performance but also encourages better communication, co-operation and co-ordination for both parties. It just makes working together easier.

## COMMUNICATION

There are legal requirements (in particular, under the Management of Health and Safety at Work Regulations 1999) that require clients and contractors to work together and communicate effectively. What really matters is how this is achieved in practice.

Good management of contractors relies on effective communication. Simply talking to each other will not only improve the work (quality, efficiency, timekeeping) but also minimise the risk of injuries and ill health, not only to contractors but also to an organisation's staff.

## WE OFFER:- CONTRACTOR COMPETENCY SERVICES

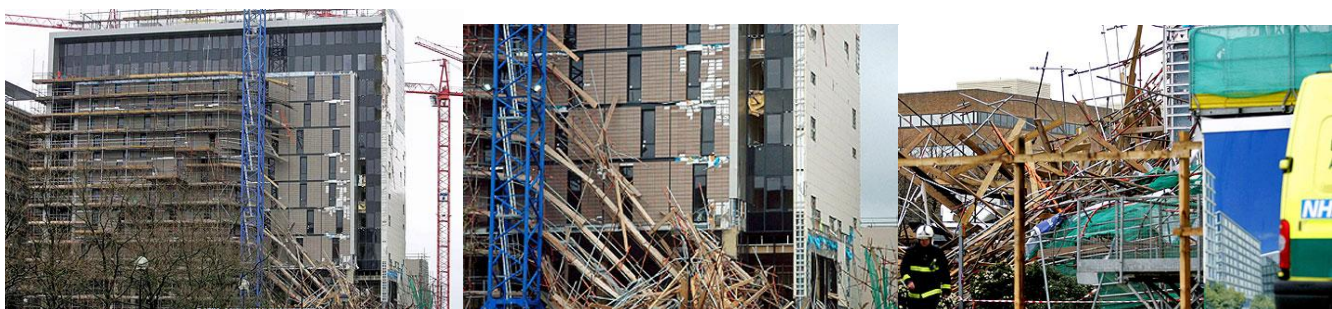
We can assess the health and safety competency of your sub contractors for you, giving you peace of mind that they meet compliance standards for health and safety prior to commencement of works. Your sub contractors represent "you" and "your company" on site – so you can not afford to get it wrong.....!.

We can also assist you with compilation of competency assessment questionnaires that you may have to complete successfully, to get on to an approved clients sub contractors listing, or for accreditation into CHAS, Contractors Safe Working or Considerate Constructors etc. Don't forget - when completing your competency assessment questionnaires, that there is an additional charge levied for all re-applications. Save money and get these right first time – seek NRMS assistance when completing these.

## UP DATE: - MK SCAFFOLDING COLLAPSE APRIL 2006

The Health & Safety Executive has announced that it will prosecute five men in connection with the scaffolding collapse on a construction site in Milton Keynes on 14 April 2006. One worker was killed and two suffered serious injuries.

The photos below were taken shortly after the accident:-



An IOSH & HSE seminar "Construction Scaffolding Overview" by Steven Hartley (HSE) was attended by NRMS: After years of deliberating and reviewing details, witness statements, evidence and photos, it became clear after this time that several factors led to this horrific incident. These have been set out as being:

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- Scaffolding erected to the Jury Hotel was too big and too heavy.
- There were no design drawings or calculations in place for this scaffold.
- Scaffold was installed incorrectly as it lacked bracings (to make structure rigid) and was found not to be tied correctly.
- There were no arrangements in place for weekly scaffold inspections nor review of adaption's made.
- Following the removal of the goods hoist materials were stored to high level lifts exceeding the safe working load of the scaffold.

## LESSONS LEARNT

Should you be a client with scaffolding responsibilities you need to ensure that you:

- Appoint trained and competent scaffolders. You should check that they have experience with the type of scaffolding required and that your remit is not too big for their capabilities and experience. Always keep copies of training certificates as evidence these have been checked.
- Ensure where required that scaffolding has been designed and have the appropriate calculations. The designer should be competent.
- All scaffolding must follow the design as above and be erected to comply with the industry standards usually following TG20 guidance.
- Scaffolding needs to be checked weekly or after adverse conditions by a competent person and written records kept. Scaff tags should also be displayed as visual evidence that these have been completed.
- It is important that arrangements are in place for planning the supervision and use of the scaffold.
- Any adaption's required should not be carried out without an addendum document to identify changes to be made and how these may affect scaffold users.
- No scaffold should be over loaded and safe working load levels should be clearly marked to all loading bays.

## TOOL BOX TALK OF THE MONTH: – HOUSEKEEPING



- *A job that looks clean, with everything in its place. Is a safe job. This is good housekeeping on sites.*
- *Keep rubbish and loose objects in specified areas for waste or storage (dispose in the appropriate manner).*
- *Stock pile materials, equipment, tools and appliances in designated storage boxes, cabins etc, when not required.*
- *Correct storage of tools will reduce unnecessary trailing cables and leads which also cause slip, trip and fall hazards.*
- *Housekeeping must be done throughout the day (not just on completion of works). Housekeeping therefore is an ongoing part of your everyday activities.*
- *Should you see objects not in use being left lying around, pick up and place in a safe place, where visible.*
- *An unsafe site due to poor housekeeping is more likely to be poorly managed, probably losing money and will cause accidents.*
- *All lines of travel such as stairs, lifts, walkways, scaffolding, platforms etc must be kept clear of materials and objects to allow safe and clear use.*
- *It's not hard to keep a job clean if unused materials and tools are, picked up when not used, stored correctly or disposed off on a regular basis.*
- *Remember: if objects are permitted to accumulate in work areas then your job becomes messy and is an unsafe place to work.*
- *On going housekeeping issues that may have an effect on how you work should be reported to your supervisor.*

Date: \_\_\_\_\_ Company Name: \_\_\_\_\_

Site: \_\_\_\_\_ Completed by: \_\_\_\_\_

The undersigned have attended:

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## MYTH OF THE MONTH:-

“IT’S OK TO GET A GENERAL HANDYMAN TO WORK ON GAS APPLIANCES



## THE REALITY

Gas and cowboys don't mix! Anyone who is employed to work on gas appliances must be listed on the Gas Safe Register. If the person you're using isn't registered then they might not be safe and they are also breaking the law.

Incorrectly fitted or badly repaired gas appliances can lead to carbon monoxide poisoning, gas leaks, fires and explosions. By using a Gas Safe engineer, you can make sure that they're qualified to do the work safely - just check the back of their ID card!

**AND REMEMBER.....“DON`T LEARN SAFETY BY ACCIDENT”**

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