

ARTICLES: Potters Bar Derailment Prove Failings in Health and Safety Management Systems

Families of the seven people who died in the Potters Bar train derailment have highlighted weaknesses in the railway industry's safety management system, as part of a range of safety proposals they want the inquest coroner to back.



The nine-week inquest concluded on 30 July, with the jury determining that the crash resulted from a points failure caused by their unsafe condition. Various factors were identified as contributing to the incident, including failures of inspection and/or maintenance of the points.

Judge Baker informed the court that he would be issuing a Rule 43 report in line with the 1984 Coroners' Rules, which would "necessarily range more widely into the systems which lay behind the immediate causes, some of which still give rise to concern today".

John Hendy QC, on behalf of the victims' families, said conformity with a safety management system, as prescribed in BS OHSAS 18001, "should be applied to the railway". Under the Railways and Other Guided Transport Systems (Safety) Regulations 2006, most railway operators are required to maintain a safety management system. However, during the hearing, the Regulations were criticised by rail-safety expert Dr Anthony Boyle for not setting the standards for such systems widely enough. Dr Boyle pointed out that there isn't a requirement for recording defects and other non-compliances, so the system fails to look at root causes.

Mr Hendy stressed that this should be a key purpose of a safety management system, adding: "It requires of management that they have processes and sub-systems, of their own design, dealing with the particular features and characteristics of their industry, but dealing with the broad requirements of risk assessment, audit, and so forth. It's the root cause, rather than the immediate cause, that a safety management system would catch."

Mr Popat claimed that all employees who work on the railway, including contractors and subcontractors, must hold a Sentinel card, which "requires them to have suitable and appropriate qualifications in personal track safety and COSS duties". Furthermore, he stressed that preparation of training schemes and assessment should be for the duty-holders to discharge as it is they who "are best placed to understand what the training requirements are, and what level of competence is required to be achieved, and how that is to be measured".

But unions insisted that maintenance cuts present a real danger of a repeat disaster. Said RMT general secretary, Bob Crow: "Nobody should be under any illusions that the cuts to maintenance and renewals being imposed on our railways today are dragging us back to exactly the same poisonous cocktail of conditions that led to Potters Bar."

His counterpart at train drivers' union ASLEF, Keith Norman, added: "This terrible incident makes it imperative that we continuously examine the relationship between cuts to maintenance routines that jeopardise safety standards and the vast sums of money taken out of our industry by privatisation. ASLEF members rely on proper maintenance not only for our livelihoods but for our lives."

The conclusion of the inquest now puts the ball in the court of the Office of Rail Regulation. In 2005, the HSE, which was then responsible for regulating rail safety, said it would delay a decision on whether to prosecute for health and safety offences until a coroner's inquest had been held. That followed the Crown Prosecution Service's announcement that, on the basis of the evidence, there was no realistic prospect of conviction for an offence of gross negligence manslaughter.

An ORR spokesperson said it would discuss the inquest verdict with other relevant parties, including the HSE and the CPS, before making a decision on any prosecution, which it would lead, if health and safety-based.

Bricklayer Left Paralysed After Crush Injuries

A bricklayer has been left paralysed from the chest down after being crushed by a steel beam at a construction site in Yorkshire. Anton Burrows, 24, was sub-contracted by Strata Homes Yorkshire Ltd to work as a junior member of a bricklaying team during the construction of 75 new homes in Oxley Road, Huddersfield. On 7 April 2009, he was helping a driver of a telescopic forklift

truck to lift a 660-pound steel support beam on to two brick pillars inside one of the properties. Mr Burrows helped guide the beam into place but as the forklift was withdrawing, the driver knocked the wrong lever, which caused the forks to tilt upwards, knocking the beam off the pillars. Mr Burrows walked into the area as this happened, and the beam fell on top of him. He suffered spinal damage, which has left him quadriplegic and in need of ongoing care.

The HSE visited the scene on the same day as the incident and issued a Prohibition Notice, which required all lifting activity to stop until a suitable lifting plan was put in place. Strata Homes Yorkshire appeared at Huddersfield Magistrates' Court on 27 August and was fined £30,000 and ordered to pay £16,062 in costs.

In mitigation, the company said it had no previous convictions and had cooperated with the HSE's investigation. It carried out a full assessment of its lifting procedures and identified that it needed to nominate a worker to supervise all lifting operations. Employees carrying out this role have been given training in lifting. It also now ensures that barriers are put in place to stop workers from being able to access the lifting area. Following the hearing, HSE inspector Alasdair Green said: "The terrible injuries sustained in this incident have changed the way of life for Mr Burrows and his family forever. "Had the lifting operation been properly planned and supervised, in line with the regulations, the Approved Code of Practice and HSE's guidance, this devastating incident, which could have very easily killed someone, would have been avoided."

Renovation Work Exposes Asbestos within Primary School

A building firm failed to warn its employees that asbestos was present during renovations at a school in Warwickshire. Greswolde Construction Ltd had been contracted to build an extension at Rokeby Primary School in Rugby. The company was in possession of a Type 3 asbestos survey, which detailed where asbestos was present at the site. But this information was not passed on to its workforce.

On 9 July 2009, three employees were stripping out a room when they disturbed an area containing asbestos. They had not been given asbestos awareness training so were unaware that the hazardous material was present. HSE inspector Paul Cooper revealed that children were being taught in the adjacent room when the asbestos was disturbed. He said: "The dangers of asbestos are well known in the building industry, so for the managers of Greswolde Construction not to inform their employees of its presence shows a complete disregard for their safety and well-being. What makes it worse is that this work was being carried out in a primary school where young children were in the next room. **We can't stress enough how important it is for anyone carrying out building work to obtain the proper asbestos surveys and then act upon them.**"

Greswolde Construction appeared at Stratford-upon-Avon Magistrates' Court on 19 August and pleaded guilty to breaching the Control of Asbestos Regulations 2006, for failing to give adequate information about the presence of asbestos to its employees, and for allowing workers to be exposed to asbestos. It was fined £1000 and ordered to pay £2268 towards costs.

CHECK YOUR ARRANGEMENTS FOR:- Asbestos Management

Who Needs to Implement Asbestos Management?

Every commercial premises needs to have evidence in place that the premises have not been constructed using asbestos materials. If premises have been built prior 1999 then site plans will determine this. However older premises may well have asbestos present and evidence of this is required prior to permitting any decorating, electrical, refurbishment or demolition works. This is a legal requirement under the Control of Asbestos Regulations 2006.

What is Asbestos and Why Was it Used so Widely?

Asbestos is a naturally occurring mineral which due to its tensile strength and inextinguishable properties, was widely used throughout the manufacturing and construction industry within the 19th Century. Asbestos was not banned until 2002. Asbestos is made up of very strong fibres which give its tensile strength within construction materials. It is also flame retardant as it is resistant to heat, electrical and chemical damage. It was also used as an acoustic insulator. Because asbestos is a natural mineral it was a cheap material to use with great benefits for manufacturing and construction processes.

Health Affects

Exposure to asbestos by accidental damage and inhalation of asbestos dust can cause many health problems which over accumulative period of time can develop into fatal diseases such as asbestosis, mesothelioma and lung cancer. The latency period for these diseases can be up to twenty years meaning that someone who may have been exposed to asbestos in 1980

may only now be seeing the symptoms of one of these diseases, hence why the death rate for asbestosis was around its peak between 1980 – 1990.

Legal Responsibilities

As an owner or main occupier of a commercial premises, you are responsible to ensure that the appropriate checks have been carried out to establish whether asbestos was used, is present and what condition this asbestos is in, within your premises. This is done through asbestos surveys which are either Type 1, 2 or 3. These need to be carried out by a trained and competent asbestos surveyor. Results will be presented within a management system which will need to be implemented by the appropriate site manager. The survey conducted, regardless whether asbestos found or not present, must be made accessible for all employees, sub contractors and visitors to your premises. **It is also your legal duty to ensure the appropriate asbestos awareness training is given for all your employees.**

Asbestos Policy

Your current Health and Safety policy should contain arrangements for asbestos and outline how this will be managed. Key personnel need to be identified who will deal with any potential asbestos issues, carry out a maintenance programme as required, keep records, train appropriate employees and who will keep the asbestos register, survey and plan up to date.

WE OFFER:- Procedures and Arrangements for Your Asbestos Management

All your arrangements and procedures need to be up to date and relevant to your workplace. We can review and compile asbestos management arrangements and procedures to ensure that your company is compliant with the Control of Asbestos Regulations 2006, Health and Safety at Work etc Act 1974 and the Management of Health and Safety at Work Regulations 1999. This is available as a separate service or can be incorporated into your Risk Management Package as part of your policy review.

northants-rms also provide asbestos awareness and refresher training – please call 01604 651091 for further details.

UP-DATE: - New Guidance on Safe Use of Mobile Elevated Working Platforms (MEWP's)



A new guidance note is now out for the safe use of MEWP's in areas of confined overhead space. Over the years there have been a growing rate of fatalities and accidents due to poor practice and poor management of MEWP use in such locations. This new guidance has been released by the Strategic Forum for Construction Plant Safety Group, to prevent trapping and crushing injuries and fatalities. Proper planning, preparation, training and management can prevent such incidents and accidents.

This guidance gives simple information and advice for operators and managers, which is divided into two parts.

Part 1 – aimed at planners, managers and instructors to cover hazards, risk assessment, controls and responsibilities.
Part 2 – aimed at those using and supervising MEWP's and those rescuing anyone trapped on a MEWP platform.

To download "Best practice guidance for MEWPs: Avoiding trapping / crushing injuries to people in the platform" visit www.ipaf.org/en/publications/mewp-best-practice-guidance/

TOOL BOX TALK OF THE MONTH: – Back to Basics



Did you know: 1.2 million suffer from musculoskeletal disorders and 9.9 million working days are lost due to repetitive strain injuries.

You stand a far better chance of remaining fit and pain-free if you'll stick with the basics in lifting and handling materials.

Many painful injuries happen to workers because they forget several basic manual handling suggestions. Here are a few pointers about lifting and handling:

- **First, think of your toes, in case something heavy drops. When working on construction sites, workshops, warehouses, always keep those toes of yours under protective steel cover; wear safety shoes.**
- **Think of your hands. Wear good tough gloves when you handle anything rough, sharp or wooden.**
- **Before you heave-ho, be sure you've got a secure grip and solid footing.**
- **Keep the load close to your body, to minimise the strain. Lift smoothly—don't jerk as you lift.**
- **See that fingers and toes stay in the clear when lifting and handling.**
- **Don't twist your body when carrying a load; pivot with your feet instead of your spine.**
- **When a load is too heavy or awkward to handle alone, be quick to ask for help.**
- **Wherever possible use mechanical means of lifting such as barrow, forklift truck, hydraulic/electrical hoists, lifts or a pallet truck – otherwise get help and carry out a tandem lift (two persons lifting).**
- **Plan your route and make sure it is free of debris, obstacles and well lit.**
- **Push rather than pull.**
- **Make sure work levels are at waist height when standing and elbow height when sitting whenever possible.**
- **If you have to work in one position for a long period of time, take stretching breaks. Play it safe and smart. Stick with the basics in all of your lifting and handling of materials and equipment.**

Date:

Company Name:

Site:

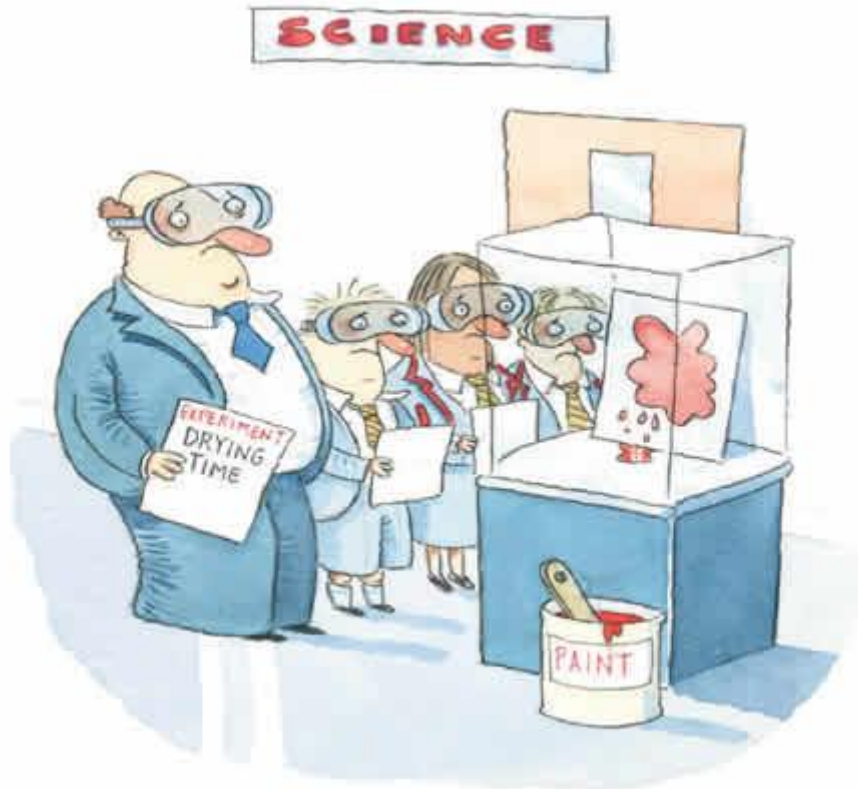
Completed by:

The undersigned have attended:

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MYTH OF THE MONTH:-

Health and Safety Rules Stop Classroom Experiments



The Reality

Hands-on lessons are an essential part of learning. They bring science to life and also teach kids how to handle dangerous substances safely.

Classroom demos can be spectacular - just ask HSE Chair Judith Hackitt. Earlier this year she 'set her hands alight' - safely - to show science and sensible risk management in action!

There's no reason why health and safety should stop schools carrying out science experiments. They can help children learn how to manage risk - and all that's required in most cases are a few sensible precautions.

“Don`t learn safety by accident”

Call us now to arrange your FREE initial assessment

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