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A1 HEALTH AND SAFETY - CORNWALL

NEWSLETTER

AUTUMN 2010

“COMMON SENSE COMMON SAFETY”

A report by Lord Young of Graffham to the Prime Minister following a Whitehall-wide review of the operation of health and safety laws and the growth of the compensation culture was released on Friday 15 October 2010.

The recommendations made by Lord Young are as summarised below:

Compensation Culture:

- * Introduce a simplified claims procedure for personal injury claims similar to those for road traffic accidents under £10,000 on a fixed costs basis;
- * Examine the option of extending the upper limit for road traffic accident personal injury claims to £25,000;
- * Introduce the recommendations in Lord Justice Jackson’s review of civil litigation costs;
- * Restrict the operation of referral agencies and personal injury lawyers and control the volume and type of advertising;
- * Clarify (through legislation if necessary) that people will not be held liable for any consequences due to well-intentioned voluntary acts on their part.

Low Hazard Workplaces:

- * Simplify the risk assessment procedure for low hazard workplaces such as offices, schools, classrooms and shops. The HSE should create simpler interactive risk assessments for low hazard workplaces, and make them available on its website;
- * The HSE should create periodic checklists that enable businesses operating in low hazard environments to check and record their compliance with regulations as well as online video demonstrations of best practice in form completion;

- * The HSE should develop similar checklists for use by voluntary organisations;
- * Exempt employers from risk assessment for employees working from home in a low hazard environment;
- * Exempt self-employed people in low hazard businesses from risk assessments.

Raising Standards:

- * Professionalise health and safety consultants with a qualification requirement that all consultants should be accredited to professional bodies;
- * Establish a web based directory of accredited health and safety consultants.

Insurance:

- * Insurance companies should cease the current practice that requires businesses operating in low hazard environments to employ health and safety consultants to carry out full health and safety risk assessments;
- * Where health and safety consultants are employed to carry out full health and safety risk assessments, only qualified consultants who are included on the web based directory should be used;
- * There should be consultation with the insurance industry to ensure that worthwhile activities are not unnecessarily curtailed on health and safety grounds.

Education:

- * Simplify the process that schools and similar organisations undertake before taking children on trips;

- * Introduce a single consent form that covers all activities a child may take during his or her school time;
- * Introduce a simplified risk assessment for classrooms;
- * Shift from a system of risk assessment to a system of risk benefit assessment and consider reviewing the Health and Safety at Work etc Act 1974 to separate out play and leisure from workplace contexts.

Local Authorities:

- * Officials who ban events on health and safety grounds should put their reasons in writing;
- * Enable citizens to have a route for redress where they want to challenge local officials’ decisions. Local authorities will conduct an internal review if all refusals on the grounds of health and safety;
- * Citizens should be able to refer unfair decisions to the Ombudsman, and a fast track process should be implemented to ensure that decisions can be overturned within two weeks. If appropriate, the Ombudsman may award damages where it is not possible to reinstate an event. If the Ombudsman’s role requires further strengthening, then legislation should be considered.

Health and Safety:

- * The HSE should produce clear and separate guidance under the Code of Practice focused on small and medium businesses engaged in lower risk activities;
- * The current raft of health and safety regulations should be consolidated into a single set of accessible regulations;

DIRECTOR ALLOWED LEAD EXPOSURE

A metal sheeting manufacturer and its director have been fined £20,000 after they exposed employees to hazardous levels of lead.

The workers casting molten lead in to sheets could have breathed in dust, absorbed the substance through their skin or ingested it when they ate.

The exposure occurred between October 2003 and November 2008 and the case relates specifically to two employees where blood lead levels exceeded the required action level of 50 micrograms of lead per 100 milliliters of blood. It was shown in air samples that the two workers were exposed to levels above the occupational exposure limit for lead inhalation.

The Company admitted exposing employees to health risks, in breach of Section 2(1) of the Health and Safety at Work etc Act and was fined £10,000. The Director was also fined another £10,000 under Section 37(1) of the Act in that his company committed the offence with his consent or connivance, or through neglect.

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Upcoming training:

CIEH Level 3 Award in Health and Safety in the Workplace	02, 09 & 16 November 2010
CIEH Level 2 Award in Health and Safety in the Workplace	04 November 2010
CIEH Level 3 Award in Health and Safety in the Workplace	02, 09 & 16 December 2010



“COMMON SENSE COMMON SAFETY” - Continued....

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<p>Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995:</p> <p>* Amend the RIDDOR regulations through which businesses record workplace accidents and send returns to a centralised body, by extending to seven days the period before an injury or accident needs to be reported;</p> <p>* The HSE should re-examine the operation of the RIDDOR regulations to determine whether this is the best approach to providing an accurate national picture of workplace accidents.</p> <p>Working with Larger Companies:</p> <p>* Undertake a consultation with the intention of having an improved system with an enhanced role for the HSE in place for large multi-site retail businesses as soon as practicable.</p>	<p>Combining Food Safety and Health and Safety Inspections:</p> <p>* Combine food safety and health and safety inspectors in local authorities.</p> <p>* Make mandatory local authority participation in the Food Standards Agency’s Food Hygiene Rating Scheme, where businesses serving or selling food to the public will be given a rating of 0 to 5 which will be published in an online database in an open and standardised way.</p> <p>* Promote usage of the scheme by consumers by harnessing the power and influence of local and national media;</p> <p>* Encourage the voluntary display of ratings, but review this after 12 months, and if necessary, make display compulsory;</p> <p>* The results of inspections should be published by local authorities in an online database in an open and standardised way.</p> <p>* Open the delivery of inspections to accredited certification bodies, reducing the burden on local authorities and allowing them to target resources at high risk businesses.</p> <p>Police and Fire Services:</p> <p>* Police Officers and Fire Fighters should not be at risk of investigation or prosecution</p>	<p>under health and safety legislation when engaged in the course of their duties if they have put themselves at risk as a result of committing a heroic act.</p> <p>Adventure Training:</p> <p>* Abolish the Adventure Activities Licensing Authority and replace licensing with a code of practice.</p> <p>Conclusions:</p> <p>Good health and safety is vitally important. But all too often good, straightforward legislation designed to protect people from major hazards has been extended inappropriately to cover every walk of life, no matter how low risk.</p> <p>The aim is to free businesses from unnecessary bureaucratic burdens and the fear of having to pay out unjustified damages claims and legal fees. Above all it means applying common sense not just to compensation but to everyday decisions once again.</p> <p>To view the full report please visit our website:</p> <p>www.a1healthandsafety-cornwall.co.uk/healthandsafetynews.htm</p>
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LEGISLATION EXPLAINED - THE MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS 1999

As mentioned in the Summer 2010 Newsletter, we will be covering the ‘six pack’ of regulations starting with the Management of Health and Safety at Work Regulations 1999.

The first management regulations came into force in 1993. They were revised and fully updated into the 1999 regulations. The 19 regulations expand upon the general duties within the Health and Safety at Work Act for employers to manage health and safety.

Regulation 1 & 2 - covers the introduction to the regulations and certain definitions.

Regulation 3 - requires general assessment of all risks to health and safety arising from work activities. It is important to bear in mind that the aim of risk assessment is to establish an effective system of preventive and protective measures to safeguard employees.

Regulation 4 - sets a clear hierarchy of preventive and protective measures, avoiding the risk all together is preferred whilst PPE comes well towards the bottom of the list.

Regulation 5 - requires employers to make arrangements to cover the planning, organisation, control, monitoring and review of health and safety. This could form part of the Health and Safety Policy document required by the Health and Safety at Work Act 1974.

Regulation 6 - covers health surveillance.

Regulation 7 - requires employees to appoint one or more competent persons to assist in meeting the legal requirements of safety law. These people do not need to be employees as the necessary help can be obtained through consultants.

Regulation 8 - relates to serious and imminent danger at work. Employers are required to establish appropriate procedures, nominate sufficient

people to implement them and ensure untrained staff are not allowed access to dangerous areas.

Regulation 9 - requires employers to establish appropriate procedures for employees to following in securing assistance from the emergency services such as the police.

Regulation 10 - requires employers to provide comprehensible and relevant information to employees on:

- * The risks to their health and safety identified in the risk assessment;
- * The preventive and protective measures;
- * The procedures for imminent danger;
- * The people appointed to take charge of such procedures;
- * Any risks notified to him by other employers occupying the same premises.

Regulation 11 - concerns the sharing of workplaces between two or more employers. In such circumstances each employer must cooperate and coordinate their approach to health and safety as far as possible. This will apply especially when a contractor is coming on to site to undertake any work.

Regulation 12 - is similar to Regulation 11 except that it applies to employees of another employer working within their premises, e.g. Agency Workers.

Regulation 13 - requires employers to take the capabilities of the employees into account when allocating duties to ensure that the demands of the job do not exceed the employees ability to do that

job safely. Employers are also required to provide adequate health and safety training to employees.

Regulation 14—states that employees are required to use items provided by their employer, such as machinery in accordance with the training and instructions given to them. In addition employees are also required to notify employers of any serious hazards that they may encounter.

Regulation 15 - requires employers to provide all workers on fixed term contracts or employees with suitable information and, if appropriate, health surveillance.

Regulation 16, 17 & 18 - deals with new and expectant mothers. Employers have to include the assessment of risks to such persons within their main Regulation 3 assessment where their workforce includes women of child bearing age. New and expectant mothers must provide written notification to their employer to enable them to activate any additional preventive or protective measures.

Regulation 19 - Affords additional protection to young persons, including prohibiting certain types of employment and exposure to certain chemicals or physical agents.

Should you require any further information on health and safety legislation, training or consultancy please do not hesitate to contact us on:

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