

HSE Business Plan 2016/17

Great Britain has a health and safety record we can be proud of which means we are one of the safest countries in the world to work in. But there is still room for improvement.

We want to continue to lead the way and establish a 21st-century, world-class occupational health and safety system. That is why we have talked to stakeholders across the system to develop real ownership of the 'Helping Great Britain work well' strategy, so everyone involved can play their part.

HSE will continue to take its responsibility as the prime mover, working with co-regulators, colleagues across government and other stakeholders to deliver healthier, safer workplaces.

This plan outlines what HSE, in our role as the national regulator and catalyst in the system, will deliver in 2016/17.

We are committed to:

- Leading and engaging those who undertake or influence health and safety. We will seek to change behaviour through guidance, raising awareness and leadership
- Ensuring the regulatory framework remains effective and that we are delivering the government's regulatory reform agenda and Business Improvement Target
- Securing effective risk management and control through a variety of interventions with businesses. This includes permissioning and licensing activities, inspections, investigations of incidents and concerns raised by workers and others. It also means holding to account those who fail to meet their obligations to protect people from harm
- Reducing the likelihood of low-frequency, high-impact catastrophic incidents and the potential for extensive harm to workers and the public

In delivering this plan, we are committed to ensuring value for money for the taxpayer by reducing our reliance on government funding, while continuing to improve our efficiency and effectiveness.

Our clear strategic intent is to continue to be a modern, independent and effective regulator.

Man Jailed for Six Years Following Fatal Fall

One man has been jailed for six years and another for eight months after two incidents on the same day left one man dead and another with life-changing injuries, after falls from a roof they were repairing.

Allan Thomson was jailed for six years and fined £400,000 after he and his company Building and Dismantling Contractors Ltd were found guilty of safety breaches. Michael Smith and his company C. Smith and Sons (Rochdale) Ltd, were also found guilty. Mr Smith was jailed for eight months and fined £90,000.

It was heard in court how, on 21 January 2014, despite a near miss at height the previous day, four men began dismantling the roof of a building, which was made up of steel corrugated sheets with interspersed plastic skylights, which had deteriorated over time and had subsequently been covered with corrugated steel sheets in a bid to repair the damage.

At just after 9am, one of the group – a 47-year-old man – fell through a skylight to the concrete floor below, fracturing his spine, pelvis, right leg, heel and wrist.

Ambulance and police attended, but the incident was deemed to be an accident and once advice was passed regarding the company's obligations to inform the Health and Safety Executive, officers left the scene.

Despite their colleague suffering horrific injuries, the men were ordered to return to the roof just hours later and at 4pm Scott Harrower fell through a skylight to the concrete below. He suffered catastrophic head injuries and died as a result.

Mr Harrower had himself been involved in the near miss the previous day after stepping on a skylight. On that occasion he managed to prevent himself from falling, but despite the near miss the men had returned to carry out their work the next day.

The court heard how C. Smith and Sons had won a contract to demolish the Harvey's and Carpetright buildings in Heaton Norris, Stockport in 2014.

It was originally planned that plant machinery would be used to remotely bring down the structure, a method that would have entailed minimum risk to those workmen tasked with the demolition.

However, between winning the contract and the work actually being carried out, the decision was taken by Mr Smith that the building should instead be dismantled piece by piece, meaning workmen would be required to work at height to remove the roof sheets prior to the structure being unbolted.

Smith and Sons then subcontracted the job of dismantling the roof to Allan Thompson's company, Building and Dismantling Contractors Ltd, which was based in Scotland. This led to the work being carried out by the men at height, leading to the death of one man "in tragically preventable circumstances".

The sentences were as follows:

- Allan Thomson, of Woodburn Crescent, Bonnybridge, Stirlingshire, was found guilty of gross negligence manslaughter and both he and his company Building and Dismantling Contractors Ltd were found guilty of offences under Section 2 of the Health and Safety at Work etc Act 1974 and for breaching regulations 4 and 7 of the Work at Height Regulations at Manchester Crown Court, Crown Square, on 3 February 2016. Allan Thompson was jailed for six years, fined £400,000 and was ordered to pay £55,000 court costs.
- Michael Smith of Lightowlers Lane, Rochdale and his company C. Smith and Sons (Rochdale) Ltd, were found guilty of offences under Section 2 of the Health and Safety at Work etc Act 1974 and for breaching both the CDM Regulations and Work at Height Regulations. He was jailed for eight months, fined £90,000 and ordered to pay £45,000 court costs.

Detective Chief Inspector Richard Eales said: "First and foremost, our condolences go to the families of Scott and his colleague, who were the victims of both companies' criminal negligence and who died in tragically preventable circumstances.

"It is clear from the evidence that both Smith and Thomson saw an opportunity to make a quick profit without any thought for the workers they sent on to the roof, and as a direct result of that greed Scott died and another man suffered life-changing injuries.

"Smith and Thomson's remorse did not then stretch to admitting their guilt, as both tried to hide behind their companies and refused to plead guilty to the charges levelled against them personally.

"Thankfully, the jury saw through their attempts and both now can face justice for the decisions that they made, decisions that have robbed one family of a loving partner, father, and son, and another of a man's ability to live a life untainted by severe physical injury."

Scott Harrower's mother Irene added: "Scott was a nice guy who didn't deserve to go in such tragic circumstances. He will be missed everyday by his whole family".

Scott's partner Jane and his two children, Justin and Robyn, said: "The last two years have been devastating, for us knowing that Scott's death could have been prevented is unforgivable. "The effect it has had on us as, especially his two children, is not something that any family should have to go through. "Scott is and always will be greatly missed by us all."

After the case, which was brought by the Crown Prosecution Service, HSE Inspector Sandra Tomlinson, said: "Falls from height, and in particular falls involving fragile roofs, are one of the main causes of work-related deaths in Britain. The risks are therefore well-known and documented, as is the guidance on how to reduce these risks.

"The roof dismantling works were not properly planned or supervised and adequate precautions, such as netting, were not put in place. "This led to two men falling in separate incidents and resulted in one man suffering life-changing injuries as well as the dreadful tragedy of Mr Harrower's death."

Construction Leaders Gather in London to Discuss Health Issues

Over 150 leaders responsible for health and safety in the UK construction industry met to agree plans to address shocking statistics about the industry. The construction sector had 35 fatal accidents in 2014/15, and UK construction workers are 100 times more likely to die from work-related ill health than accidents.

In the same period it is estimated that around 4,000 construction workers died from cancer caused by their exposure to hazardous substances while at work. The majority of these cases are lung diseases caused by exposure to asbestos (2,600 deaths) and silica (600 deaths).

In the same period around 3,000 workers in the Construction sector were suffering with breathing and lung problems they believed were caused or made worse by their work, a rate significantly higher than the average across all industries. 20% of workers identified 'dusts from stone, cement, bricks or concrete' as a contributing factor.

Leaders from across the profession came together to discuss an integrated approach to managing health in the sector and ways of reducing the risk of developing a respiratory disease. The event, titled 'Committing Construction to a Healthier Future – from commitment into action' is the second of its kind, following on from the inaugural event in January 2016, which brought together over 150

CEOs to sign a charter committing to improving occupational health. Those present took away self-assessment tools to develop action plans for their organisations.

Andy Mitchell, CEO of Tideway said: "Britain has a proud record on safety – it's one of the best in the world. Our challenge is how we bring health on a par with safety. We now need to make transformational changes to eradicate the ill health effects caused by the work we do, and treat health like safety."

"It's through industry events like that of the Health in Construction Leadership Group, that we can share good practice and reach a collective agreement on the best ways to help ensure our workers are working in not just a safe environment, but a healthy one too."

Key speakers included Dr Richard Judge, HSE Chief Executive; Professor Dame Carol Black, Principal of Newnham College, Cambridge and a special advisor to the Department of Health and Public Health England, and founding members of the Health in Construction Leadership Group Heather Bryant of Balfour Beatty and Clive Johnson of Land Securities.

The Health in Construction events are being organised by the Health in Construction Leadership Group (HCLG), which comprises contractors, clients, the Health and Safety Executive (HSE), professional bodies, trade associations and trade unions. The group's mission is to unite the construction industry in eradicating ill health and disease caused by exposure to health hazards, with a view to ensuring construction is the leading industry for occupational health and disease prevention.

HSE 'Failing to Prosecute' Construction Deaths, MP Accuses

The HSE has been accused of a "failure to prosecute companies following a fatality" by Stephen Hepburn, MP. In an article written for Politics Home, the Labour MP highlighted that in recent years the number of prosecutions following a construction fatality had continued to drop.

Citing figures gleaned from construction union UCATT, he explained that in 2007/8 convictions were being secured in 51% of cases, already below the HSE's target of prosecutions in 60% of construction fatal accidents, and in 2012/13, only 35% have resulted in a conviction. Hepburn also raised concerns over the length of time taken between a death occurring and a conviction.

"On average it now takes nearly two and a half years before a prosecution begins following a fatal construction accident and three and half years for a conviction," he wrote.

"In extreme cases justice is delayed far longer. Last week, Falcon Cranes was fined £750,000 following the deaths of two people when a crane collapsed in Battersea, South London. "That accident occurred in September 2006. It took nine and a half years for the wheels of justice to move very slowly indeed."

Responding to the article, parliamentary under-secretary of state for disable people, Justin Tomlinson, said that more than 80% of HSE investigations into fatal accidents were completed within 12 months of receiving primacy.

He added that "several factors" can affect the pace at which fatal accidents are investigated, including "other bodies and agencies like the police, the coroners' courts and even the justice system itself". The original article by Stephen Hepburn can be read on Politics Home.

London Based Construction Company Fined for Safety Failings.

Westminster Magistrates' Court heard how RS Construction UK (London) Limited was working at a site on St Dionis Road, London which was inspected by the Health and Safety Executive (HSE). The inspector found there was an excavation directly behind the front door, which was the only entrance and exit for the site.

The excavation was approximately 3.5 meters deep with no means of shoring to support the sides of the excavation and no edge protection around the top to stop persons, materials or objects falling into it. Of immediate concern was a worker in the bottom of the excavation who was instructed to exit the excavation.

An investigation by the HSE found that the RS Construction had received previous enforcement action on similar risks on other sites and still failed to ensure suitable and sufficient safe access and egress to and from the construction site and also failed to ensure all practicable steps were taken to prevent danger to any person from working in the excavation.

RS Construction UK (London) Limited, of International House, Regents Street, London, pleaded guilty to breaching Regulations 17(1)(a) and 22(1) of the Construction (Design and Management) Regulations 2015, and was fined £40,000. £20,000 for each offence and ordered to pay full costs of £1,486.