

CD284 - Consultation on a Revised Process for Considering Disputes under Fee for Intervention (FFI)

HSE is consulting on a revised and fully independent process for considering disputes in relation to FFI.

We are consulting on the details of how the process should operate. In particular, we recognise the need to ensure that the process is accessible to all types and sizes of business and is proportionate to the issues involved and amount of the fees.

The consultation will seek views on the details of the process and in particular:

- the information which HSE will provide.
- how representation can be made.
- how disputes will be considered.
- suspension of the dispute process where an investigation or appeal against an enforcement notice is ongoing.

Consultation began on 21 April 2017 and ends on 2 June 2017.

Respond to the consultation using the online questionnaire or download a Word form .

Our preference is for responses to be in electronic format but alternatively, you can submit your response by post by 2 June 2017 to:

Regulatory Policy Unit
Health and Safety Executive
5.S3 Redgrave Court
Merton Road
Bootle
Merseyside L20 7HS

Email: ffidisputeconsultation@hse.gov.uk

Two Construction Companies Fined after Worker Suffers Severe Electric Shock

BAM Construction Limited and Shoreland Projects Limited have been fined after a man suffered multiple life changing injuries including severe burns to his neck.

Winchester Crown Court heard how BAM Construction Ltd had been appointed by Network Rail to construct a new railway operating centre in Basingstoke. BAM later appointed Shoreland Projects Ltd as the groundworks contractor for this project.

On 26 January 2015, when work began to install lampposts on the site entrance road, the fifth lamp post touched the 11kV overhead power lines when it was being lifted into position by an excavator, causing Mark Bradley to suffer his injuries. A colleague rushed to Mark's aid, using a piece of timber to push him away from the lamp column.

An investigation by the Health and Safety Executive (HSE) found a failure to properly identify the presence of the overhead power lines and appropriately plan this work activity. No suitable control measures were in place to prevent contact with the overhead power lines. A number of workers were put at risk, including Mr Bradley.

BAM Construction Limited, of Breakspear Way, Hemel Hempstead, pleaded guilty to breaching Regulation 14 of the Electricity at Work Regulations 1989. The company has been fined £260,000 and ordered to pay costs of £9415.13.

Shoreland Projects Limited of Woodhouse Lane, Botley also pleaded guilty to contravening Regulation 14 of the Electricity at Work Regulations 1989, has been fined £22,000 and ordered to pay costs of £8442.53.

Speaking after the case HSE inspector William Christie said: "While this entirely preventable incident has had a permanent and very substantial effect on Mark's life, his very serious injuries could have been even worse had it not been for the quick thinking of his colleague.

"This case highlights the importance for all work to be planned properly by all duty holders. Overhead power lines pose a significant threat to the safety of workers. Construction work in the vicinity of live conductors must be properly planned, managed and monitored to ensure the risks are controlled."

£2 million Fine after Worker Killed by bales

A worker died when plastic bales fell on top of him while he was cleaning a storage yard.

Father of one Jacek Adamowicz, 29, was cleaning the yard on 4 February 2015 when a number of plastic bales weighing 703kg fell towards him trapping him against the ground. Manchester Crown Court was told that Hitchen Foods, owned by the Bakkavor Group, had failed to consider and properly plan the stacking and storage of the bales.

A HSE investigation revealed unsafe stacking of plastic bales. Bakkavor Foods Limited had failed to implement properly planned safe systems of work for their employees, who were exposed during the stacking of the bales. There was also no formal training in stacking bales and lack of monitoring in the bale area.

Bakkavor Foods Limited Foods of Dobson Park Way, Wigan plead guilty to breaches of Section 2 (1) of the Health and Safety at Work at 1974 and was fined £2million with £32,595.10 costs.

Speaking after the hearing HSE inspector Ian Betley said: "Bakkavor Foods Limited fell far short of the required standard expected. Not only should proper planning have been carried out in relation to the storage and stacking of waste bales, but also a system of work subsequently put in place to mitigate those risks. The company failed on both of these counts with devastating consequences."

HSE Inspector Numbers Plunge by 25%

Figures obtained by the Unite union, via a Freedom of Information request, have revealed that since 2010 there has been a 25% reduction in the number of HSE inspectors.

In 2010 there were 1,311 frontline inspectors – by 31 December 2016 that number had reduced to just 980, says the union.

Unite has released the figures just before International Workers' Memorial Day (28 April) to highlight the increasing lack of enforcement and safety protection in the workplace.

The cut in inspectors follows Unite's recent revelation, also acquired via an FOI request, that it takes three years and four months on average from a fatal workplace accident occurring until a conviction.

Unite acting general secretary Gail Cartmail, said: "HSE inspectors play a vital role in keeping workers safe. Rogue bosses who are prepared to break safety laws, are only kept in check by the fear of being caught and punished. Fewer inspectors mean more bosses willing to risk workers' lives to boost profits."

"It is clear that the HSE is being denied the resources to undertake its role properly."

"In these circumstances it is more important than ever that union safety reps are given the training, support and time to conduct their duties and keep their fellow workers safe. However rather than boosting the rights and powers of safety reps the Conservative government has been intent on making their role even more difficult.

"All political parties need to give a pledge to make workplace safety a priority and commit to giving the HSE the proper resources to undertake its role effectively and ensure workers are safe at work."

Sectors Lose 4.4m Days due to Illness and Injuries, Statistics Show

The construction and education sectors are losing out on 4.4 million working days due to workplace injury and illness, according to statistics from the Health and Safety Executive.

The data shows that about 4% of workers in both those sectors suffer from an illness they believe to be work-related – like musculoskeletal disorders.

Furthermore, 2% of workers in the education sector and 3% of workers in the construction sector have sustained a work-related injury – with almost half of these in the education sector categorised as a slip, trip or fall.

These statistics result in 2.2 million working days lost in each sector due to work-related illnesses and injuries in the construction and education sectors, making the annual average for the two sectors in 2013/14-2015/16 a total of 4.4 million working days lost.

With 30.4 million working days lost overall due to work-related illness and workplace injury in 2015/16, this means the construction and education sectors account for almost 15% of this.

Gary Ellis from CE Safety believes that certain placeholders can improve these statistics over time: "It goes without saying that health and safety in the workplace, particularly in industries such as construction and education, should be at the forefront of employers' minds. In high risk working environments, processes can be put in place to avoid and prevent employees being injured or becoming ill.

"Simple things such as knowing when expiry dates on health and safety course are due for renewal, or ensuring the right number of first aiders and fire marshals are on site on a daily basis.

“There is more to health and safety than being legally compliant – preventing your employees from becoming ill or injured ultimately saves employers a lot of money in the long run.”

The team at CE Safety has over 20 years’ experience in the health and safety industry, and currently provide training courses in fire safety, first aid, health and safety and manual handling.

New RoSPA Guide Dispels Health and Safety Myths

A new RoSPA guide has been launched to aid the understanding of principles underpinning the discourse about health and safety.

The 22-page RoSPA guide, Little book of big ideas about health & safety, has been written by RoSPA’s occupational safety and health policy adviser and Immediate Past President of IOSH, Dr Karen McDonnell, together with RoSPA’s partnership consultant Roger Bibbings, and is available for download now.



The health and safety “literacy” guide is designed to aid in understanding the increasingly complex and debated ideas at the heart of occupational health and safety, and can be used as a gateway to further reading, a handy reference guide to remind about essential terms and concepts, or as a resource to support teaching.

It can be used to help experts and non-experts alike, to refresh knowledge and understanding, and seeks to enable the reader to answer questions such as “when, where, how, why, and to whom do accidents happen?” and “what do we mean by risk and how do we assess it?”

Karen said: “The RoSPA principle of ‘as safe as necessary, not as safe as possible’ is underpinned by those commonly-used but sometimes misunderstood terms including hazard, risk, probability, and preventability. Anyone attending a health and safety training course or reading guidance material will routinely hear the words used and often engage in debate on their meaning and applicability.

“For this reason RoSPA has produced the Little Book of Big Ideas: a ready-reckoner, a quick recap or a step into new topics. As a practitioner you can use its content to dispel health and safety myths.”

The RoSPA guide, Little book of big ideas about health & safety, is available now as a free download from www.rospace.com/occupational-safety/advice/little-book-of-big-ideas.

Contractor Fined after Worker Fatally Crushed

CMF Ltd has been fined after 31-year-old sub-contractor Richard Laco died when working on large construction project in London.

Southwark Crown Court heard that Richard had been contracted by CMF to work on the Frances Crick Institute project. He was fatally crushed on 6 November 2013 by a concrete staircase that was in the process of being installed.

An investigation by the Health and Safety Executive (HSE) found there was no safe system of work in place for the installation of the staircases throughout this project. It was also found the company failed to appropriately supervise this work activity.

CMF Ltd of Central Way, Feltham, Middlesex has pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974, and has been fined £185,000 and ordered to pay costs of £20,606.14.

Speaking after the hearing HSE inspector Stephen Farthing said: “This incident could have been prevented if the company had properly planned the lifting process before work had begun.

“Duty holders have the responsibility of ensuring that safe and suitable lifting plans are in place before carrying out any work involved with heavy loads.”