

CONSTRUCTION HEALTH AND SAFETY NEWS



LEGISLATION & GUIDANCE

CDM Regulations – Frequently asked questions

The Health and Safety Executive (HSE) is frequently asked questions about the Construction (Design and Management) Regulations. The HSE website has been updated with pages that give answers to the most common questions (referred to as 'FAQ's'). The FAQs will be regularly updated to reflect what is being asked.

The FAQs are divided in to the following areas:

- General CDM 2007
- Notification/F10
- Domestic clients/householders
- Clients (others)
- CDM co-ordinators
- Designers
- Principal contractors
- Contractors
- Competence and training
- Worker engagement
- Pre-construction information
- The plan and the file
- Site health and safety
- Further information

Other information links are also provided.

The web-pages can be viewed at:
www.hse.gov.uk/construction/cdm/faq/index.htm

Falls from height FAQs

The HSE have also updated their Falls from height FAQs pages at:
www.hse.gov.uk/falls/faq.htm

Managing contractors: A guide for employers (HSG159)

The HSE have published an updated guide for small to medium-sized companies in the chemical industry who manage contractors, but it will also be of use to other industries and larger companies. This second edition brings guidance and references up to date.

HSG159 can be viewed, downloaded or purchased from:
www.hse.gov.uk/pubns/books/hsg159.htm

Revised machinery safety guidance

Revised guidance for suppliers and buyers of machinery has been published by the HSE. The two guidance leaflets, INDG270, Supplying new machinery, and INDG271, Buying new machinery, have been updated with the latest requirements and standards of the Supply of Machinery (Safety) Regulations 2008 (as amended).

The two guidance leaflets can be viewed, printed and/or downloaded from:
www.hse.gov.uk/pubns/indg270.pdf
www.hse.gov.uk/pubns/indg271.pdf

RR839 - A study of current working practices for refrigeration field service engineers

As a result of a refrigeration related fatality in Stevenage in 2004 the Health & Safety Laboratory (HSL) was requested by Stevenage Borough Council under the Local Authority Funding Scheme, to carry out a study of current working practices for refrigeration service engineers. The report focuses primarily on the equipment, practices and procedures employed in order to carry out leak detection and other repair work on refrigeration systems in the field.

CONSTRUCTION HEALTH AND SAFETY NEWS



This definition is further classified as service engineers working on equipment with a refrigerant load of less than 3kg in service on commercial or public premises which may be subject to inspection by local authority inspectors.

The standard HSE disclaimer is included, as follows: "The report and the work it describes were funded by the HSE. Its contents, including any opinions and/or conclusions expressed, are those of the author alone and do not necessarily reflect HSE policy."

The report contains references to relevant guidance and standards and can be viewed, printed and/or downloaded from:
www.hse.gov.uk/research/rrpdf/rr839.pdf

NEWS

HSE response - Telegraph article - "Health and safety's £6m shopping bill"

Dear Sir,

The article in today's paper "Health and safety's £6m shopping bill" was both sensationalist and misleading. All of the expenditure, details of which HSE provided to the Telegraph, was properly incurred with no individual staff gain involved.

The reason why HSE buys items such as fireworks, tattoo ink and a sun bed is because it undertakes research into the health and safety risks associated with their use. Similarly, we have put a lot of effort into meeting and listening to representatives of the industries we regulate and sometimes we need to hire external venues when our own facilities are not suitable.

HSE did indeed purchase two rucksacks from an on-line shop, for carrying laptops and documents, but they scarcely qualify as designer handbags.

All of these transactions form part of HSE's accounts, which are independently audited and scrutinised every year by the National Audit Office. It did not qualify them in any respect.

Your readers might find it interesting to see the detail of the information HSE sent to your reporters that was not published in the article, so they can draw their own conclusions. It is available on HSE's website at:

www.hse.gov.uk/press/record/2011/telegraph031011details.htm

HSE challenges construction industry to learn from London 2012

The HSE is challenging the construction industry to learn from the London 2012 construction project and improve the safety record of one of the most dangerous occupations in Britain.

The HSE funded research report, **RR896, Leadership and worker involvement on the Olympic Park**, has been published, showing how the Olympic Delivery Authority (ODA) adopted an inclusive no scape-goating approach to managing risks that could be adapted to any project, irrespective of its size or budget. It is the first in a series of research reports that HSE will publish as part of the London 2012 Learning Legacy.

HSE started working with the ODA soon after London was awarded the 2012 Olympic and Paralympic Games and set out very clear targets of what standards were expected, encouraging strong leadership and sharing of good practice. The ODA's top level commitment to health and safety was made clear from the outset and helped create a safe working environment for the thousands of workers on site.

The London 2012 Games construction project has shown that building projects on time and within budget does not mean compromising on the health and safety of your workers. HSE has received reports of only 114 injuries and eight dangerous

CONSTRUCTION HEALTH AND SAFETY NEWS



occurrences that occurred during the 66 million hours of work, as of October 2011.

Stephen Williams, HSE's Director for London 2012, said: "The report shows how strong leadership and worker involvement are key to a safer working environment. The ODA's creation of a no scape-goating culture allowed workers to raise issues without fear of reprisal, learning lessons to apply across the site and reducing the risk in hazardous activities."

"The construction industry has for many years been one of the most dangerous in which to earn a living. London 2012 is important because it shows it doesn't have to be that way. No matter what size your organisation, no matter what size your project, small changes in the way you operate can have a huge impact on the health and safety of your workers."

"I want the rest of the construction industry to follow London's lead."

"London 2012 is entering the final stages of preparation and it is important that all those involved continue to manage risks sensibly until the whole project is across the finishing line."

The full report can be accessed via the revamped HSE [London 2012 website](http://www.hse.gov.uk/research/rrhtm/rr896.htm), or directly at: www.hse.gov.uk/research/rrhtm/rr896.htm

APS Design Risk Management course

The first of these courses in 2012 is being presented by Callsafe Services Limited in Lichfield on Wednesday & Thursday, 11 & 12 January 2012.

This two-day course is designed to provide Designers and Design Risk Managers with the necessary knowledge and confidence in the performance of the task to ensure compliance with the designers' duties under CDM2007.

The course is highly interactive and includes presentations, notes, syndicate exercises, delegate discussions, and an examination to ensure learning outcomes. The course programme can be seen at: www.callsafe-services.co.uk/training.asp.

For further details and to book onto this course, contact Gemma Esprey at: gemma.esprey@callsafe-services.co.uk, or by telephone: 01889 577701.

PROSECUTIONS

Stourbridge builder fined for illegal gas work

A builder from Stourbridge carried out gas work at four houses in Worcester despite not being Gas Safe registered.

The HSE prosecuted James Raybould, who trades as Jim Raybould Electrical, Plumbing and Building Services, following the incidents between September 2009 and 15 July 2010.

The Gas Safe Register is the official compulsory registration scheme for gas engineers in Britain and it is illegal to carry out domestic gas work without registration.

Worcester Magistrates' Court heard the offences were discovered when James Raybould failed to fix a leak in a gas boiler he had earlier fitted. His client contacted a registered gas engineer who told her the work was substandard. She then alerted the Gas Safe Register, who checked the four properties where the gas work had been carried out and they found two of the fires Mr Raybould had fitted were immediately dangerous.

The court also heard a family at one of the houses had suffered from headaches, which they suspected had been caused by the gas fire.

Mr Raybould pleaded guilty to breaching Section 3(2) of the Health and Safety at Work etc Act 1974 and Regulation 3(3) of the Gas Safety (Installation and Use)

CONSTRUCTION HEALTH AND SAFETY NEWS



Regulations 1998. He was fined £1,330 and ordered to pay £1,170 costs.

Further details of this case and other cases can be found at:

<http://news.hse.gov.uk/category/prosecution/>

Other Gas Safe Register prosecutions

The HSE have brought a number of other prosecutions against persons performing work on gas installations without being registered on the Gas Safe Register.

Those reported in October 2011, in addition to the case above, are listed below:

- ❑ Landlord fined for taking risks with gas safety
www.hse.gov.uk/press/2011/coi-yh-14511.htm
- ❑ Builder given community service order for unsafe gas work
www.hse.gov.uk/press/2011/coi-sco-09311.htm
- ❑ Unregistered gas fitter fined after putting lives at risk
www.hse.gov.uk/press/2011/coi-ldn-1410b.htm
- ❑ Illegal gas fitter receives two-year prison sentence
www.hse.gov.uk/press/2011/coi-nw-08ionathan.htm
- ❑ Cardiff gas fitter fined for working without registration
www.hse.gov.uk/press/2011/coi-w-anthonygoddard.htm

Bromley building contractor fined for working without asbestos licence

A building contractor has been fined for running a construction site which led to workers being exposed to asbestos-containing materials.

Fadil Adil was prosecuted by the HSE for the way work was carried out on a construction site he was in charge of, on Bromley High Street between 21 and 29 June 2010.

The project involved the demolition of a building which had a restaurant on the ground floor and flats above. Asbestos

insulating boards in the restaurant's ceiling were broken up during the demolition which Mr Adil was overseeing. Three workmen demolished the building using sledgehammers and hand-operated breakers, meaning they could have been exposed to asbestos fibres.

The HSE investigation found that the defendant did not have a licence to work with asbestos, nor was he trained in construction management. At no point did the defendant carry out an asbestos survey, nor did he provide any guidance to the workmen regarding the presence of asbestos.

At the City of London Magistrates' Court on 6 October 2011, Fadil Adil pleaded guilty to breaching the Control of Asbestos Regulations 2006, and the Construction (Design and Management) Regulations 2007. He was fined £19,300 and ordered to pay costs of £7,654.

Company fined after scaffold tube hits passer-by

A Worthing-based company has been fined after a pedestrian was hit by a scaffold tube as she walked down an alley in Worthing.

The HSE prosecuted Ashacre Limited over the incident which happened on 7 February 2011.

The injured person, who wishes not to be named, was walking down the alleyway that runs between the Union Place car park and Chapel Road when she was hit by the 5ft steel scaffold tube, suffering a deep gash to the head and a bruised arm.

Worthing Magistrates' Court heard the scaffold tower was being dismantled after it had been erected to clear a blocked gutter and downpipe at the back of the Connaught Theatre in Worthing.

Speaking after the hearing, HSE Inspector Denis Bodger said: "This is a serious incident that could easily have resulted in a fatality.

CONSTRUCTION

HEALTH AND SAFETY NEWS



When erecting and dismantling scaffolding there is always a risk of someone dropping materials or tools; however carefully they are working. Precautions therefore need to be taken to ensure that if anything does fall from the scaffold it cannot strike anyone."

Ashacre Limited pleaded guilty to of breaching section 10(2) of the Work at Height Regulations 2005. The firm was fined £15,000 and ordered to pay costs of £5,936.

Louth man fined after joiner injured in scaffold fall

A man from Louth has been fined after a joiner broke his leg falling from scaffolding in the town.

Self-employed, Mario Mazzarella, was working on scaffolding built for him by Panther Scaffolding at the Helal Restaurant on Mercer Row in Louth on 9 November 2009, when a bus collided with the structure that had been built out over the road, causing him to fall more than four metres to the ground. Passengers on the bus were unharmed.

Andrew Mark Judge, trading as Panther Scaffolding, was prosecuted by the HSE for failing to ensure that the workers, who erected the scaffolding the day before, worked in a safe way and that the finished scaffolding was a safe structure for its user and vehicles moving through the town.

After the hearing HSE inspector Martin Giles said: "The scaffolding should have been erected in a safe manner, and the finished scaffold should not have jutted out over the road at a height where it could be a danger to passing traffic. The failure to provide adequate scaffolding was caused by inadequate planning before work started and a failure to check that the finished scaffold was safe before handing it over."

"Work at height remains a major cause of injury and fatalities in the workplace and for this reason it is important that, where such work is undertaken, then appropriate

planning, supervision and safety measures are essential. This becomes even more critical when a job involves work in places like the centre of Louth which expose the public to the risks from scaffolding work."

Mr Judge pleaded guilty to breaching Regulation 4(1)(c) of the Work at Height Regulations 2005, and Section 3(1) of the Health and Safety at Work etc Act 1974 at Skegness Magistrates' Court on 19 October 2011. He was fined £15,000 and ordered to pay £3,739 costs.

Stonemason 'as seen on TV' is prosecuted

A Cambridgeshire stonemasonry business has been fined over dangerous stone dust after the firm appeared on a BBC television programme.

Atelier 109 Limited featured in March 2010 in the BBC2 series, Mastercrafts, presented by Monty Don, but an eagle-eyed viewer contacted HSE to express concern over what he saw: inadequate precautions to protect workers from dust that can cause serious lung diseases.

HSE inspectors visited the company's workshop in May 2010 and served an Improvement Notice compelling Atelier to take action immediately to cut exposure to stonemasonry dust to within the legal limit.

When a further check was made, it was clear that, although improvements had been made, the ventilation system still had not been thoroughly examined and tested, so a second Improvement Notice was served on 12 February 2011.

When HSE inspectors visited the premises for a third time on 16 June this year they found that the action recommended had not been carried out, despite earlier tests revealing that dust levels for employees were between 100% and 300% of safe levels.

CONSTRUCTION HEALTH AND SAFETY NEWS



Atelier Limited pleaded guilty on 25 October 2011 at Peterborough Magistrates' Court to one charge of breaching section 33(1)(g) of the Health and Safety at Work etc Act 1974. The company was fined £5,000 and ordered to pay costs of £1,400.10.

After the hearing, HSE Inspector Alison Ashworth said: "Atelier were happy to get their moment on television, but rather less quick to protect their employees from a wholly avoidable risk that can have serious consequences and cause respiratory diseases."

"We understand the pressure that small businesses are under and this company was given ample opportunity on a number of occasions to make the necessary improvements. HSE only brought this prosecution when it became clear that the company was dragging its heels and failing to treat this issue with the seriousness it deserved."

"If you are a company and are issued with a notice requiring improvements to be made you can expect to be prosecuted if you do not comply."

Workers exposed to deadly asbestos fibres

A building contractor has been sentenced on 27 October 2011 after its workers were exposed to potentially deadly asbestos fibres during refurbishment work at premises in Swansea.

The HSE prosecuted JC Irvine Limited following an investigation which revealed that work on the refurbishment of the former Ace Electrics building in The Strand was being carried out without an asbestos survey.

Swansea Magistrates heard that, between the dates of 27 April 2010 and 12 May 2010, asbestos containing materials were disturbed by construction workers employed by the defendant, releasing asbestos fibres into the air.

The HSE was informed that employees were carrying out work in a contaminated building, and inspectors visiting the site on 12 May 2010 served an immediate Prohibition Notice.

The subsequent investigation found that JC Irvine Limited failed to ensure that the refurbishment work was planned in such a way as to reduce the risk to health and safety. It also failed to ensure that its employees were not exposed to asbestos fibres.

JC Irvine Limited pleaded guilty to breaching Regulation 23(1)(a) of the Construction (Design & Management) Regulations 2007 and Regulation 5 of the Control of Asbestos Regulations 2006. It was fined £12,000 and ordered to pay full costs of £2,148.50.

CONSTRUCTION HEALTH AND SAFETY NEWS



Contact details of organisations mentioned in this and other Newsletters

Ai Solutions Ltd
PO Box 5025, Leighton Buzzard LU7 1ZN
Tel: 01525-850080
www.aisolutions.co.uk

Association for Project Safety (APS)
12 Stanhope Place, Edinburgh EH12 5HH
Tel: 0845-6121-290
www.associationforprojectsafety.co.uk

British Approvals for Fire Equipment (BAFE)
Bridges 2, The Fire Service College, London Road
Moreton in Marsh, Gloucestershire GL56 0RH
Tel: 0844-335-0897
Email: info@bafefire.org.uk
www.fiaf.org.uk

British Occupational Hygiene Society (BOHS)
Tel: 01332-298101

British Safety Council (BSC)
70 Chancellors Road, London W6 9RS
Tel: 020-8741-1231
Email: mail@britsafe.org
www.britsafe.org/

BSI Customer Services
BSI Standards
389 Chiswick High Road, London W4 4AL
Tel: 020-8996-9001
<http://shop.bsigroup.com>

Container Handling Equipment Manufacturers Association (CHEM)
David Buxton, Honorary Technical Secretary
3 Berry Close, Farringdon, Oxfordshire. SN7 7FL
Tel: 01367 244992
Email: enquiries@chem.uk.com
<http://chem.uk.com/>

CITB ConstructionSkills
www.cskills.org

Construction Industry Publications
c/o BTB Mailflight Ltd
2B Viking Industrial Estate, Hudson Road, Bedford
MK41 0QB
Tel: 0870-078-4400
Email: sales@cip-books.com
www.cip-books.com

Construction Plant Hire Association
27/28 Newbury Street, Barbican, London EC1A 7HU
Tel: 020-7796-3366
www.cpa.uk.net

Department for Communities and Local Government
PO Box 236, Wetherby, West Yorkshire LS23 7NB
Tel: 0870-839-7099
Email: odpm@twoten.press.net

Engineering Employers' Federation (EEF)
Tel: 020-7222-7777

Electrical Contractors Association
Tel: 020-7313-4800

F-Gas Support
P O Box 481, Salford, M50 3UD
Tel: 0161 874 3663
www.defra.gov.uk/fgas

FPA Publications Department
Tel: 020-8207-2345

Health and Safety Executive (HSE)
Incident Contact Centre Tel: 0845-300-9923
www.hse.gov.uk

Health and Safety Executive for Northern Ireland (HSENI)
www.hseni.gov.uk

info4fire.com
www.info4fire.com

International Institute of Risk and Safety Management (IIRSM)
Suite 7a, 77 Fulham Palace Road, London, W6 8JA
Tel: 020-8741-9100
Email: info@iirsm.org
www.iirsm.org

Keeleys Solicitors
28 Dam Street, Lichfield, Staffordshire WS13 6AA
Tel: 01543-420000

National Underground Assets Group (NUAG)
www.nuaq.co.uk/

Office of Public Sector Information
www.opsi.gov.uk

Occupational Safety and Health Consultants Register (OSHCR)
www.oshcr.org

The Fibre Cement Manufacturers Association
Ghyll House, Cock Road, Cotton, Stowmarket
IP14 4QH
Tel: 01449-781577

The Loss Prevention Council
Tel: 020-8207-2345

The Stationery Office Ltd (TSO)
Tel: 0870 600 5522
www.tsoshop.co.uk

TUC Publications
Tel: 020-7467-1294

National Access and Scaffolding Confederation (NASC)
Tel: 020-7397-8120
www.nasc.org.uk