

KEEP IT SAFE

BFFF QUARTERLY HEALTH AND SAFETY UPDATE

JANUARY 2014

Welcome to the BFFF quarterly Health and Safety newsletter 'Keep it Safe'.

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We do hope you find 'Keep It Safe' a valuable read.

Please contact BFFF on 01400 283096 or email joannahancock@bfff.co.uk if you have any health and safety issues or wish to receive additional/back copies

All reasonable care is taken in the preparation of this newsletter, but no liability is accepted for any loss or damage caused to any person, company or organisation relying on any statement or omission in the contents.



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BFFF HEALTH AND SAFETY INITIATIVES

BFFF HEALTH AND SAFETY WORKING GROUP

A Happy New Year to everyone, we hope that everyone has a safe, healthy and prosperous new year.

The BFFF Health and Safety working group meet for the first time this year on the 29th January when they will be discussing the new initiatives that we have planned for this year. These include developing the new Primary Authority schemes, working on the outcomes from the collated members' health and safety statistics, guidance for working at height on refrigerated vehicles and reviewing the guidance for working at height in cold stores.

Below is a brief summary of each area, please read on for more detail:

- The Primary Authority schemes are taking form and members can get advice on Health & Safety, Food Safety, Food Standards, and Weights & Measures. BRDO are currently finalising the

last stages of the IT to enable the scheme to go live and our members that have signed up will soon be able to take advantage of this new benefit. We are also looking forward to our future partnership with Lincolnshire Fire & Rescue to provide a Fire Safety scheme in the coming months.

- We were delighted with circa 60 members all sharing their health and safety statistics with us from 2012 data. The result has been an excellent benchmarking tool for the industry and the detailed information forming the basis of some of our initiatives for 2014.
- The final draft of guidance for working at height on refrigerated vehicles and trailers has been sent to HSE and the Primary Authority for review. We are awaiting the enforcers' feedback.



- We are currently reviewing guidance on working at height in cold stores and are gathering information to understand current working practices; we will then start the next phase of the guidance.

Please feel free to confidentially contact Joanna Hancock with any Health and Safety issues that you would like to raise for discussion at this meeting or if you would like any detailed information on any of the initiatives.

WORKING AT HEIGHT IN COLD STORES GUIDANCE

This guidance was developed in 2007 after full consultation with HSE and provided our industry with special dispensation for the use of non-integrated working platforms (e.g. cages) in certain circumstances. As part of the development process, BFFF members were consulted on the systems of work they had in place in this area.

It was agreed that the guidance would be reviewed in 2013 in order to understand the current working practises in operation within cold storage businesses and whether technology has changed. In December we launched a survey for members to confidentially complete in this area. We have already had over 30 responses and thank you to all of you that have taken part. We would really



appreciate as many responses as possible so please feel free to complete the survey. Please [click here](#) to access the survey.

Once we have gathered the responses we will be starting the next phase of the guidance with a working group from our membership along with external stakeholders. Please contact Joanna Hancock if you would like to take part in the working group.



WORKING AT HEIGHT ON REFRIGERATED VEHICLES / TRAILERS

The final draft of the guidance has now been sent to HSE and our Primary Authority Partner, Wakefield DC, for review. This final draft reflects the opinions of the industry stakeholders that have been involved in the development and we are very much looking forward to the feedback from enforcers.

The guidance recognises that unless fixed access equipment is employed, the use of work restraint equipment is fundamental to the safety of refrigeration engineers whilst working at height on refrigerated vehicles. **Members can already start to take advantage of the principles outlined in the guidance so please feel free to contact Joanna Hancock if you would like to see a copy of the draft.**

The enforcers will be providing us with their feedback at the beginning of February which will be reviewed by the full stakeholder group at the end of the February/ beginning of March.



MEMBERS' COLLATED HEALTH AND SAFETY STATISTICS

Firstly, thank you once again to all the members that contributed to our Health and Safety statistics for 2012. Over the past few months we have been analysing the top three accident categories for our members, to look at the detail behind the accidents and whether collectively we can work to reduce the accidents in these areas.

The top 3 producer issues were:

- Hit by moving/ falling object
- Slips and Trips
- Hit by something fixed/ stationary

The top 3 wholesaler and LSP issues were:

- Slips and Trips
- Hit by moving/ falling object
- Manual Handling

We will be discussing these results at the next working group meeting to agree our next program of work in this area for 2014 to support members to reduce accidents in these areas.

In the mean time we will be asking all members to contribute to our accident data for 2013. We would like to encourage as many members as possible to take part and confidentially share their data with us. So please feel free to take part in this initiative and we shall look forward to receiving your data in due course.



HSE MANUFACTURING SECTOR STRATEGY REVIEW

The HSE is currently reviewing its Manufacturing Sector Strategy. As part of this review they would like views from external stakeholders. The current strategy is published on the HSE website <http://www.hse.gov.uk/aboutus/strategiesandplans/sector-strategies/manufacturing.htm>

The current strategy covers 2012-15 and sets out a series of aims, grouped under the goals of the HSE Strategy which, if met, would address 'what' needs to be done for each sector to improve its health and safety

performance.

The current mid-way review is not a wholesale revision of the strategy, but rather it aims to check that it remains valid at this halfway stage.

HSE would welcome our views on the following for our areas of interest, focussing on any changes that may have occurred since the strategy was first published:

1. To what extent are the right issues identified in the strategy?

2. How confident are you that these issues have been appropriately prioritised within the strategy?

3. Are there any new, developing or missing issues that should be considered in the strategy?

If you have any views please feel free to e mail Joanna Hancock on joannahancock@bff.co.uk by the 15th January so that BFFF can send a response reflecting all the members' views.



BFFF PRIMARY AUTHORITY FOR FIRE SAFETY

We are delighted to report that we are planning for our Primary Authority for Fire Safety to be available from April 2014 and BFFF will be working with Lincolnshire Fire and Rescue as our Primary Authority partner to deliver this service for members.

This new scheme will be available and relevant for all BFFF members to join. Lincolnshire Fire and Rescue will be able to offer tailored advice for members with legal backing. In January we will survey all members to gauge the level of support you would find of most benefit in Fire Safety to enable us to shape the scheme specifically for members. So please do openly complete the survey and we shall look forward to hearing your thoughts.

**SAVE
THE
DATE**

HEALTH & SAFETY SEMINAR



**Wednesday 2nd July 2014
Ricoh Arena, Coventry CV6 6GE**

Share best practice and hear relevant case studies on Health & Safety topics specific to the frozen food industry.

Network with other H&S professionals

Our previous seminars utilised a winning formula of speakers from the HSE, a Local Authority Inspector and case studies from BFFF members

Cost: £99 ex VAT per member delegate

£125 ex VAT per non-member delegate

**Contact Joanna Hancock for more details on 01400 283096 or
Email joannahancock@bff.co.uk**

Sponsorship Opportunities Available

PRIMARY AUTHORITY



MEMBER BENEFIT

Primary Authority Scheme

BFFF is delighted to be able to offer a new Benefit Scheme exclusively for members

The Scheme

BFFF can now offer agreed Industry advice for members under a new scheme called Primary Authority. The advice is 'assured' which means it is backed by law and cannot be challenged.

The scheme is free for members to join and will help support members to stay on the right side of regulation.

To take part Members can choose to sign up to any combination of the regulatory categories below:

- *Health and Safety*
- *Food Safety*
- *Food Standards (Labelling & Composition)*
- *Weights and Measures*

BFFF partners to deliver this service are the Environmental Health team in Wakefield and the Trading Standards team in Cambridgeshire. Both of these Local Authorities specialise in Primary Authority and have expertise in the frozen food industry.



Key benefits for signed up members include:

- Advice and guidance has Regulatory backing, if you follow it, you cannot be asked to do something different.
- Access to the advice of dedicated Environmental Health and Trading Standards Professionals who are experts in the Frozen Food Sector and know how enforcement works!
- It is free to join the scheme and the key benefits of assured advice and guidance with legal backing are also free. Support through any enforcement action or business specific queries do attract a modest 'at cost' charge.

If you have any queries about the scheme please contact:



Su Dakin
Tel: 01400 283094
Email: sudakin@bfff.co.uk

- Food Safety
- Food Standards (labelling & composition)
- Weights and Measures

Joanna Hancock
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- Health and Safety



SAFETY FOCUS FEATURE

IS FLT TRAINING TRANSFERABLE?

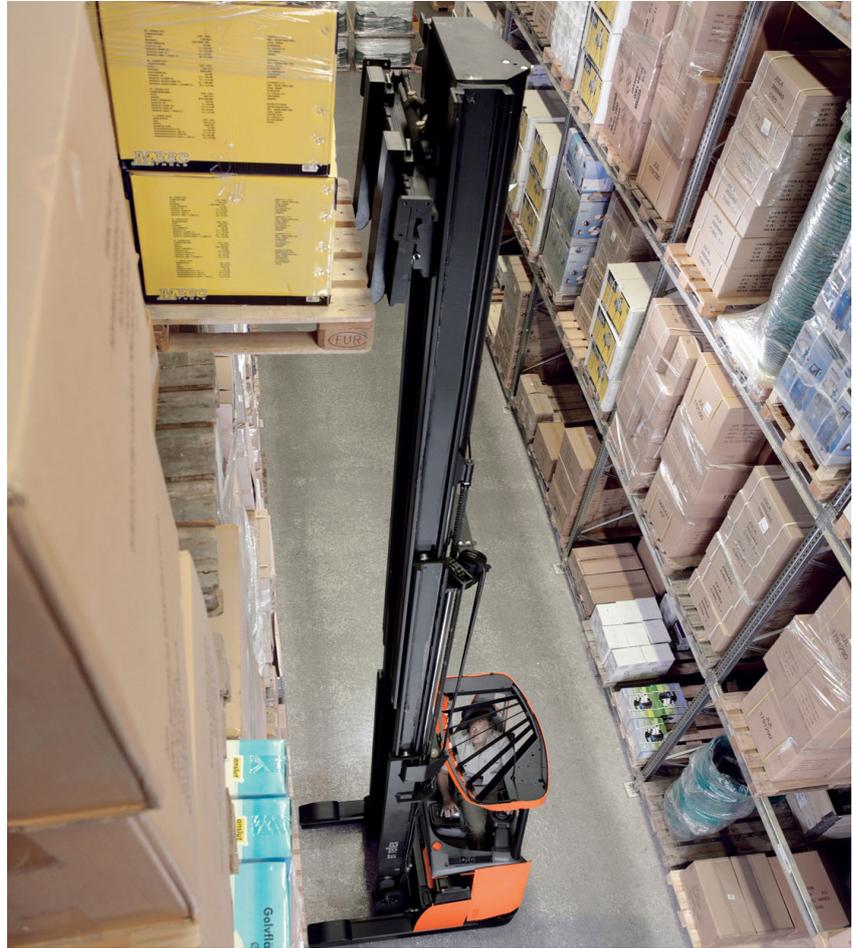
There is a perception that if an employee is trained to drive one type of fork lift truck (FLT) then it would be considered sufficient training. However this is not the case.

For instance if an employee is required to operate an articulated forklift then the fact that they have a counterbalance licence is not sufficient training. Instead they would need to undertake a conversion course by an appropriately trained trainer, irrespective of how many years' experience they may have. This is because articulated forklifts are a completely different concept to counter balanced trucks and there are very significant stability issues that must be brought out in the theory training. There have been some very serious accidents in the past due to the misuse of these types of forklifts, particularly due to the lack of training, one of which resulted in a fatality so it is important to get it right.

In this instance the conversion training would need to be a one day course by an appropriately competent trainer. This type training is mainly one-on-one - if the trainer has more people on the course its length would need to be extended. Following the conversion training the operator would need a separate certificate to prove that they have been trained on an articulated forklift.

If the training is delivered in-house then the trainer will need to be accredited to RTITB standards or the equivalent and have received specific tuition to become a trainer on the relevant type of truck.

Once an in-house tutor is officially trained in this area it is for the employer to decide the best approach to bring the documented training up to date with current operatives using the equipment. Additionally a training plan should be drawn up. Furthermore a risk assessment of the operations will need to be undertaken which will identify any specific re-training needs.



To ensure that the operator is fully competent and aware of current principles, refresher training will need to be given at intervals suitable to the needs and capabilities of the operator. Employers should determine suitable intervals by the use of performance monitoring and assessment. There is no legislative requirement governing the frequency of this refresher training, but the accredited training establishment providing the initial training should be able to advise this. A common interval for requalification is three years, but this will depend on the specific circumstances of particular operators.

Refresher training will normally be required under one or more of the following conditions.

- If an operator's competence or safety performance gives cause for concern.

- If the operator is an infrequent user, eg electrician, who may only drive for a short period (eg six times a year).
- If a variant of the truck or handling attachment is introduced or some other significant changes takes place in the operator's working conditions.
- If a trained and experienced operator who has not operated a fork lift truck for some time is about to take up full-time fork lift truck operation.

Please contact Joanna Hancock at joannahancock@bff.co.uk for any further information.

HSE FOOD INDUSTRY CASE STUDIES

FALL FROM HEIGHT WHILST CHANGING LIGHT FITTINGS

Summary

A meat supplier was prosecuted after a worker fell while working on the lighting of a large chiller room.

The maintenance engineer was replacing light fittings in a large chiller. He was working from a stepladder set on top of a wooden board spanning metal rafters, approximately three metres from the ground.

He and a colleague accessed the rafters and board using a cherry picker, but the board gave way. The engineer fell to the ground below, whilst his colleague managed to grab onto one of the rafters and make his way back into the cherry picker.

The engineer suffered a fractured vertebra and a fractured heel bone. He

was off work for a number of months and although he returned to work, he found he was unable to carry out the job he was doing because of his injuries and subsequently resigned from his post.

The investigation found that the work had not been properly planned, supervised or carried out in a safe manner. Although the company was using a cherry picker, it was not suitable for the task because it was not tall enough to reach the light fittings.

Action

The company pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. They were fined £25,000 and ordered to pay costs of £12,361.

Advice

Following the court case the HSE Inspector said:

“Work at height is a high risk activity that must be properly planned. Changing light bulbs was a foreseeable task, yet the company had never considered how they would, or should, carry it out.

“The activity should have been subject to a suitable and sufficient risk assessment, which would have identified the precautions needed to carry out the task safely, including selecting appropriate access equipment. The company simply instructed this individual to carry out the task and left him to his own devices. The resulting injuries were life changing.”

FALL FROM STEP LADDER

Summary

A food company has been prosecuted for safety failings after a 49 year-old engineer fractured his skull and was left partially deaf after a three metre fall.

The worker sustained the serious head injury while investigating a fault with a data logger attached to a cooling unit. The employee had accessed the unit via a free-standing ladder resting against the rear of the chiller without any

top ties or foot supports to stop it from moving. It slipped as he went to get some tools and he fell three metres to the floor below, banging his head on impact.

The engineer spent four days in hospital following the incident. He damaged a bone in his right ear, which left him partially deaf and unable to work for a month following the fall. He also has debilitating tinnitus and has only been able to work reduced hours since his injury.

Action

The company pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and were fined £10,000 and ordered to pay £11,690 in costs.

Advice

After the hearing the investigating inspector said:

“This incident could easily have proved fatal. You do not have to fall from a great height to lose your life and work at height remains one of the most significant causes of fatalities and major injuries in the workplace.

“Extreme caution must be taken at all times, and the onus is on employers to ensure work is properly planned and supervised, and that adequate safety precautions are taken. That didn't happen here, and the engineer has been left with a permanent injury.”



The HSE investigation established that had the ladder been better secured, or a safer alternative provided, such as an elevated work platform, then the fall could have been prevented.

LEGISLATIVE UPDATE

CHANGES TO STRICT LIABILITY

The Government's Business Minister, Michael Fallon, recently hailed 1 October 2013 as "freedom day" as cuts to red tape, including the removal of "strict liability" compensation claims for workplace injuries, came into force.

The changes have been effected by s.69 of the Enterprise and Regulatory Reform Act 2013 which amends the strict liability provisions under s.47 of the Health and Safety at Work, etc. Act 1974 (HASAWA), so that a breach of a health and safety duty is not actionable except to the extent provided for in regulations.

The Health and Safety at Work, etc. Act 1974 (Civil Liability) (Exceptions) Regulations 2013 create certain exceptions, eg for pregnant workers

and workers who have recently given birth or are breastfeeding.

Stephen Levinson of the legal firm Keystone Law said the changes on strict liability represent "a huge change in the culture of the regulation of health and safety".

Referring to the abolition of automatic strict liability under s.47 of HASAWA, he said, "Under this provision, injuries to employees were actionable by employees despite any reasonable preventable steps taken by the employer. One of the most hallowed provisions of the old Factories Acts, the change has caused much protest from the trade unions. The need to prove negligence will undoubtedly make cases harder to prove. Clearly this

eases a burden on many businesses."

The changes were welcomed by Michael Fallon as a "major reform" to reduce burdens on employers, "freeing responsible employers from being held liable for workplace accidents and injuries where they have taken all reasonable steps to protect their employees".

Commenting on the development, Hilda Palmer of the union-backed Hazards Campaign said arguments about burdens on business were "bogus". She said, "Properly enforced health and safety regulations not only save lives, they are good for the bottom line and protect responsible businesses from being undercut by the rogues."

REVISED LEGIONNAIRES' DISEASE APPROVED CODE OF PRACTICE AND GUIDANCE

The HSE has revised and republished the ACOP L8 Legionnaires' Disease. The Control of Legionella Bacteria in Water Systems along with the accompanying guidance document HSG274 Legionnaires' Disease Technical Guidance.

This fourth edition of the ACOP L8 contains revisions to update, simplify and clarify the text. The main changes are removing Part 2, the technical guidance, which is published separately in HSG274, and giving the following issues ACOP status:

- risk assessment
- the specific role of an appointed competent person, known as the "responsible person"
- the control scheme
- review of control measures
- duties and responsibilities of those involved in the supply of water systems.



HSG274 Legionnaires' Disease Technical Guidance, currently online, gives practical advice on the legal requirements of the Health and Safety at Work, etc Act 1974, the Control of Substances Hazardous to Health Regulations 2002 concerning the risk from exposure to legionella and compliance with the relevant parts of the Management of Health and Safety at Work Regulations 1999.

The guidance is in three parts.

1. The control of legionella bacteria

in evaporative cooling systems.

2. The control of legionella bacteria in hot and cold water systems. Interim guidance.
3. The control of legionella bacteria in other risk systems.

The hard copy edition of HSG274, including revised guidance on hot and cold water systems, and a revised online version of Part 2, will be published in 2014.

Highlighting the benefits of the change, Lorraine Medcalf, HSE's Legionella Policy Lead, said, "The revised ACOP provides greater clarity for dutyholders on what constitutes legal requirements and what is guidance. Where possible, we have simplified terminology. The review also enabled us to update technical guidance to incorporate technological advancements and separate it from general guidance on the regulations, making it available on our website."

UPCOMING LEGIONELLA MANAGEMENT EVENTS FOR 2014

HSE and the Legionella Control Association (LCA) are running a series of joint duty holder events taking place early 2014. If your premise or site has an evaporative cooling system, hot and cold water system, or any other water risk system, then these events will help provide guidance for working within the law, maintaining good practice, managing risk and taking ownership.

The topics covered include:

- sustained compliance by effective management of the risk
- risk assessment
- control scheme
- implementation
- record keeping
- compliance indicators

Events are taking place in:

- Newcastle 25 February - St. James' Park



- London 25 March - Royal College of Surgeons



- Midlands 30 April - Drayton Manor Hotel



For more information please visit: <http://www.legionellacontrol.org.uk/events>

REVISED COSHH ACOP

The HSE has also published a revised ACOP to clarify and simplify practical advice on compliance with the requirements of the Control of Substances Hazardous to Health (COSHH) regime.



The sixth edition of the ACOP, L5 Control of Substances Hazardous to Health, is aimed at management, supervisory staff, safety representatives and technical specialists such as occupational hygienists and consultants.

Specific revisions include:

- updating to take account of legislative changes such as the introduction of the EU Regulations for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and the Classification, Labelling and Packaging of substances and Mixtures (CLP) systems
- updating and amending to reflect other ongoing reviews of technical guidance associated with COSHH, eg for local exhaust ventilation (LEV) and on health surveillance
- clarification of the maintenance, examination and testing of control measures and local exhaust ventilation (LEV), explaining that the legal duty to

keep a suitable record of examinations and tests lies with the employer and not with any service provider or consultant

- removal of guidance on the principles of good practice from Schedule 2a of the ACOP, with repositioning, either next to the relevant regulation or separately on the HSE website
- clarification of specialist terminology where possible
- amending of information concerning worker involvement and consultation for consistency with that in other ACOPs.

The revised publication was subject to consultation and has now received HSE Board and ministerial approval.

However, the HSE has emphasised that legal responsibilities to protect workers' health and safety are not altered by any changes to ACOPs.

[Click here](#) to access the revised ACOP, L5.



REVISED ACOP FOR WORKPLACE REGULATIONS

The HSE has updated its Approved Code of Practice (ACOP) on the Workplace (Health, Safety and Welfare) Regulations 1992.

The update follows a consultation on the ACOP, which was designed to make it easier for employers, building owners, landlords and managing agents to understand and meet their legal obligations and so reduce the risks of over-compliance.

The Workplace (Health, Safety and Welfare) Regulations 1992 cover a wide range of basic health, safety and welfare issues and apply to most workplaces except for those involving work:

- on construction sites

- in or on a ship
- below ground in a mine.

The HSE has emphasised that legal responsibilities to protect workers' health and safety are not altered by any changes to the ACOP.

The revisions from the previous edition (published in 1992) include:

- simplifying the language to clarify what dutyholders must do to comply with the Workplace (Health, Safety and Welfare) Regulations 1992
- updating the ACOP to include the provisions of the Health and Safety (Miscellaneous Amendments) Regulations 2002

- improving guidance and referring to the most up-to-date and relevant standards for advice
- removing out-of-date duties and requirements that are superseded by more recent legislation.

Commenting on the new ACOP, L24 Workplace Health, Safety and Welfare, Chris Rowe, HSE spokesman, said, "Across HSE we are working hard to ensure that employers have access to good quality advice which makes clear what they need to do to protect workers. The revised ACOP has not only been updated, it will help employers understand the regulatory requirements on key issues such as temperature, cleanliness, workstations and seating, toilets and washing facilities."

Q & A'S

LONE WORKERS IN COLD STORES

Q. Currently anyone working in our freezer is required to wear a "lone worker alarm" whereby if they fall, or stop moving for a preset time, an alarm is sent to a telephone in our reception. The device is carried in a pocket and unfortunately can easily be set off when bending etc. We have also been asked for something small that doesn't "catch" when moving in small places eg between pallets etc.

We have CCTV in place but of course it is not watched every hour of every day and motion or heat sensors would not be practical as the storemen obviously don't spend all of their time in the freezer.

Are there any other recommendations or alternative alarm systems?

A. Some employers do not allow lone working in cold stores but this is not always possible. Other common systems in use are buddying systems and regular management checks. This is also the recommendation within HSE guidance HSG76 for warehousing and storage. The document can be accessed via the following link and page 126 covers off the areas to consider for accidental lock in and talks about recommending a buddying system if lone working cannot be avoided: <http://www.hse.gov.uk/pubns/priced/hsg76.pdf>.

For employers that allow lone working in cold stores, some have a system whereby the employee has to register before they start work. A buddy regularly checks on them (approximately every 15 minutes) and they are always given a communication device of some sort i.e. phone, radio etc.

There are other technical solutions involving various types of personal device (including ones worn on a pendant) which send text alerts and feature panic button type notifications. These can be limited by reliance on data/communications networks and their limitations in terms of availability and signal strength.

There are also fixed panic alarm systems available where a button installed in the cold store is linked to an external alarm.

Technical solutions can of course be costly and with sensible risk management methods it is possible to manage the safety of lone workers without huge investment in electronic equipment.



RENEWING A FIRST AID AT WORK CERTIFICATE

Q. I have been informed that employees who hold a First Aid at Work certificate that has expired can now requalify by completing a revalidation course at any time, rather than within 28 days of expiry. Is this the case?

A. Under the Health and Safety (First-aid) Regulations 1981, all first-aid training certificates, be they First Aid at Work (FAW), Emergency First Aid at Work (EFAW), or other appropriate level of training, are valid for three years.

Prior to the amendment to the above regulations in October 2013, the Approved Code of Practice and Guidance to the Regulations (L74) stated that “where retraining has not been undertaken before certificate expiry, it should be completed no more than 28 days beyond the expiry date” and that “if retraining is not completed by the end of this 28-day period, the individual will need to undertake a full FAW course or EFAW course, as appropriate, to be re-established as a first-aider”.

The recently published guidance that replaced L74 contains slightly different guidance. This states that employers need to arrange retraining before certificates expire. The guidance confirms that if a first-aider does not retrain or requalify before the expiry date on their current certificate,

they are no longer considered competent to act as a first-aider in the workplace.

However, the new guidance differs in terms of requalifying periods. The Health and Safety Executive now states that first-aiders “can requalify at any time after the expiry date by undertaking the two-day requalification course”.

This is somewhat qualified, however, by the guidance stating further that “it may be prudent to complete the three-day FAW course, especially where a considerable period — ie in excess of one month — has elapsed since the FAW certificate expired”.

The guidance also notes that, ultimately, it is for the employer to decide the most appropriate training course to requalify the first-aider.

It is also worth noting that previous guidance in L74 stated that “employers may find it useful to keep a record of first-aiders and certification dates to help with the timely arrangement of further training”. The new guidance now states that “employers should keep a record of first-aiders and certification dates to help with the timely arrangement of further training”



GUIDANCE

COLD STORE FIRST AIDER REQUIREMENTS

There are no specific legal requirements for numbers of first aiders or appointed persons, only a general requirement for employers to provide an adequate and appropriate number of suitable persons to provide first aid to employees who are injured or become ill at work.

However HSE do provide some guidance in Appendix 3 of L74, their Approved Code of Practice to the Health and Safety (First-aid) Regulations 1981:

(Contains public sector information published by the Health and Safety Executive and licensed under the Open Government Licence v1.0)

The cold store environment will be considered to be 'higher hazard' in HSE's opinion. For the purposes of first aider numbers, each shift should be considered individually which, assuming there are 5 or more employees on each shift, would mean at least 1 EFAW or FAW trained first aider per shift. Again this is not a legal requirement but considering the work environment it would be considered reasonable if called into question.

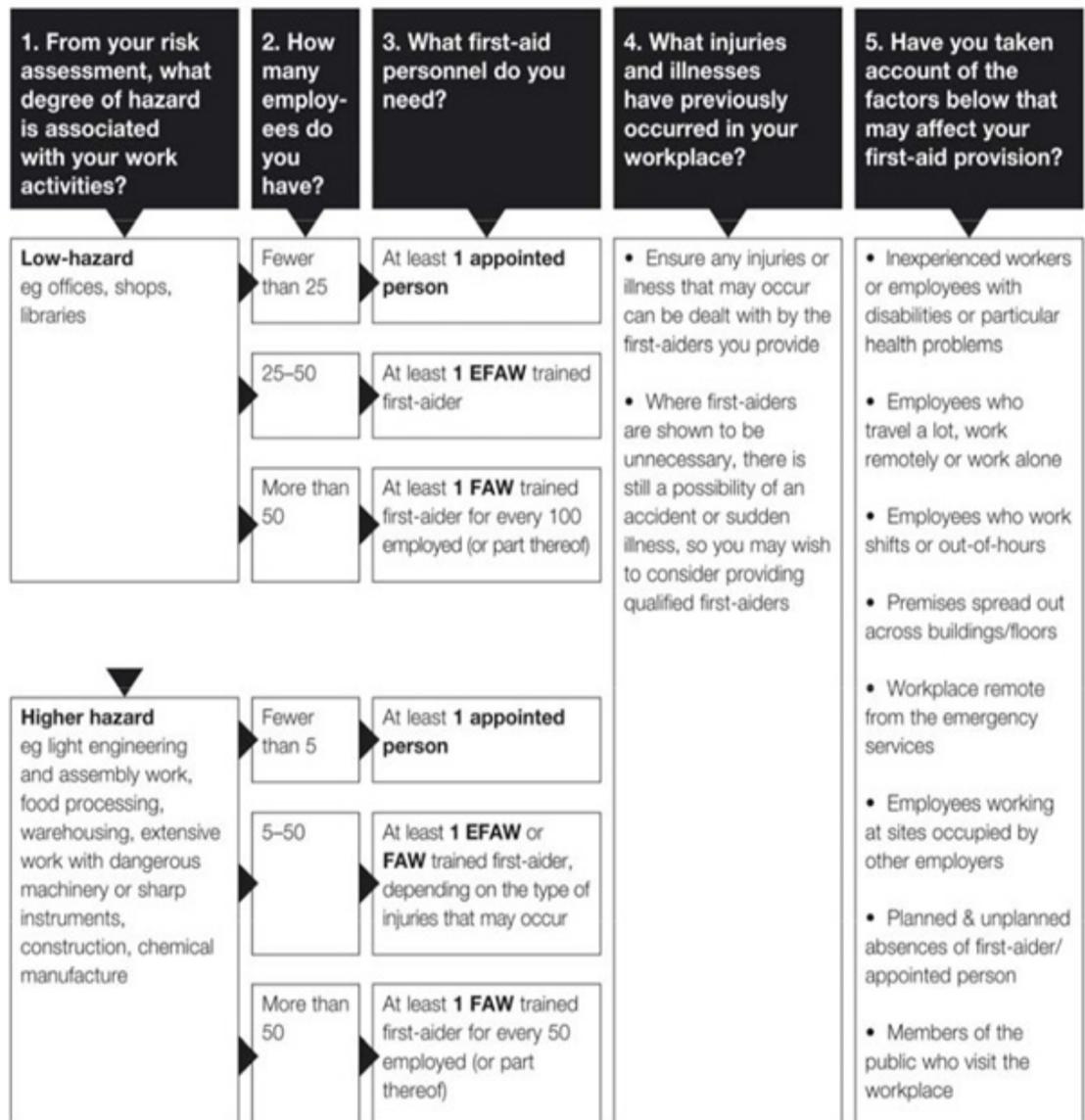
In deciding whether to train them in FAW or EFAW, the content of each course and the hazards faced in the cold store environment should be compared. For instance, the EFAW course run by St John Ambulance covers the basics of bleeding, burns, choking, CPR, movement, fainting, seizures, shock and unconsciousness. The full FAW course however contains additional elements such as stroke, strains, spinal injuries, low blood sugar, head injuries, eye injuries, chest pains, bone/muscle/joint injuries,

allergies and asthma. If any of these additional medical conditions or injuries are present or reasonably foreseeable then the full FAW course should be undertaken.

Absences such as holidays, illness and break times should also be considered. It is possible that this can be managed by first aiders swapping shifts but it may be more straightforward to train at least one additional EFAW first aider or appointed person to cover for absence.

Other factors will play a part in an assessment of first aider numbers including:

- Proximity to nearest A&E hospital
- Local ambulance response time
- Whether first aiders can be shared with other employers nearby



SOUND SOLUTIONS FOR THE FOOD AND DRINK INDUSTRIES - REDUCING NOISE IN FOOD AND DRINK MANUFACTURING

This HSE book gives examples of simple, cost-effective ways of reducing the risk of hearing damage to workers in the food and drink industries. It contains 60 case studies showing how companies have found successful solutions

to problems created by high noise levels.

This publication has been revised and is now available on HSE's Website. To download a copy visit **Sound Solutions for the Food & Drink Industries**.

HSE's Food & Drink Manufacture Website has pages dedicated to noise & noise induced hearing loss. Visit the pages - [Noise in Food & Drink Manufacture](#) - for more information.

NOISE RISK ASSESSMENT - GUIDANCE ON ACTION LEVELS

The noise Action Levels are as follows:

Lower Exposure Action Value	<ul style="list-style-type: none"> a daily or weekly personal noise exposure of 80dB (A-weighted) a peak sound pressure of 135dB (C-weighted)
Upper Exposure Action Value	<ul style="list-style-type: none"> a daily or weekly personal noise exposure of 85dB (A-weighted) a peak sound pressure of 137dB (C-weighted)
Exposure Limit Value	<ul style="list-style-type: none"> a daily or weekly personal noise exposure of 87dB (A-weighted) a peak sound pressure of 140dB (C-weighted) <p><i>Exposure limit values are to take into account any hearing protection worn by the employee.</i></p>

The daily and weekly exposure levels are given as doses, which are time-weighted levels, expressed as an eight-hour equivalent level. These are A-weighted levels, meaning that they are weighted to compensate for the frequency-dependent sensitivity of the

human ear.

The peak levels, however, are C-weighted levels to indicate the highest level to which someone is exposed. C-weighting is a near-linear weighting, since with peak levels the potential for damage is less associated

with frequency of the noise than with noise doses. It is important to note that when measuring noise, the peak level is not the same as the maximum level. A noise meter which incorporates the appropriate circuitry to deliver a peak reading must be used.

LOWER EXPOSURE ACTION LEVEL

There is no mandatory requirement for employees to make use of hearing protection within the lower range of noise exposure levels, nor is there any obligation on the employer to make the use of hearing protection compulsory at these exposure levels. However, some employers do make the use of hearing protection compulsory within their premises at specified daily noise exposure levels that are at or below the lower exposure action level, in order to maximise the protection afforded to their employees.

Employers are required to ensure that ear protectors, issued to employees that request them, are maintained and kept in good repair at all times. Employers should

also offer every encouragement to employees to request and use hearing protection in order to reduce the risk of hearing damage to the minimum. Employees should be allowed to select the type of hearing protection with which they feel most comfortable, subject to that protector affording them adequate protection against the noise to which they likely to be exposed. Employees using hearing protection must be advised of the arrangements

by which they can obtain the hearing protection, and for the subsequent maintenance of the protection through replacement or repair when it is damaged or no longer effective.

It is often the case within a large factory building that the establishment of a single mandatory ear protection zone — encompassing all locations and workstations where employees are likely to be subject to noise at or above the first action level — offers a better management solution than the provision of a number of discrete, smaller ear protection zones restricted to those areas with exposures at or above the second action level.



UPPER EXPOSURE ACTION LEVEL

Where employees are subject to daily noise exposure levels at or in excess of the second action level of 85dB(A) LEP,d (daily exposure to noise at work normalised to an 8 hour day) or above, or are subject to noise at or above a peak sound pressure level of 140Pa, the employer:

- has a general duty to reduce the risk of hearing damage to the lowest level reasonably practicable
- must ensure that a noise assessment is carried out by a "competent person" to identify those employees who are subject to personal daily noise exposures at or above the second action level or to noise at or above the peak action level
- must attempt to reduce the noise exposure of those employees to the lowest level reasonably practicable by means other than
 - the provision of personal hearing protection
 - is required to provide all these employees with information, education and training about the noise levels to which they are exposed, about the risks to hearing posed by exposure to high levels of noise and about the measures available to the employees to protect themselves against the high noise levels
 - must provide any employee who is subject to such daily noise exposure levels with suitable hearing protection equipment which, when properly worn, will afford adequate protection that reduces the risk of hearing damage to below that arising from exposure to noise at the second action level or the peak action level
 - must define and demarcate ear protection zones in those parts of their premises where employees are likely to be exposed to noise at levels at or in excess of the second action level, or at or in excess of the peak action level; the demarcation of the area is to be made using signs conforming to that specified in the Health and Safety (Safety Signs and Signals) Regulations 1996
- must ensure that the employees who are subject to noise exposure at or above the upper exposure action level use the hearing protection with which they are provided; in particular, they must ensure that all persons entering a designated ear protection zone wear hearing protection at all times when within the zone
- is required to ensure that the ear protectors are maintained and kept in good repair at all times.

FREQUENCY OF ASSESSMENT

It is essential that the results of the noise assessment are kept up to date as far as is practicable. The assessment should be reviewed whenever there is significant change to the workplace, to the machinery employed, to the working practices or for any other reason that is considered

to invalidate the previous assessment.

There is also the need to continually review noise control and hearing protection programmes in the workplace. It is suggested that such checks be carried out at intervals of no more than two years.

Exposure to noise at work must be assessed where the noise level is likely to be at the first action level or above. If the noise levels reach the second action level, exposure should be reduced to the lowest level reasonably practicable.

THE HIDDEN KILLER-ELECTRICAL SAFETY



The IOSH Food & Drink Group have produced an electrical safety DVD, guidance and operator toolbox talk including competency assessments. This important project has produced user friendly material aimed at the unique electrical hazards in the food & drink manufacture industry.

It is aimed at electrical workers, managers, supervisors and operatives working within food & drink manufacturing.

For further details please click on the [IOSH website](#)

BRITISH SAFETY COUNCIL AWARDS

Showcase your organisation's continual commitment to good health and safety management with the British Safety Council's renowned International Safety Awards. Now in their 56th year, the International Safety Awards provide a good opportunity for organisations to receive worldwide recognition of your health and safety performance.

The Awards are open to all organisations, and relate to the health and safety management at a particular site or business unit.

2014 award winners celebrate their success at our prestigious black tie gala dinner to be held at Grosvenor House Hotel, London on Friday 25 April 2014.

For more information, visit the British Safety Council's website at: www.britsafe.org

NATIONAL CLAMPDOWN TARGETS POOR SITE SAFETY

In September 2013, a month-long initiative saw HSE inspectors carrying out unannounced checks at building sites across the country where refurbishment projects or repair works are underway.

Poor standards and unsafe work were targeted as part of the nationwide drive aimed at reducing death, injury and ill health in the construction industry.

Despite a welcome reduction in the number of people killed in 2012/13, construction workers remain nearly four times more likely to be killed at work than the average worker. An estimated 70,000 builders are currently suffering ill health as a result of their work.

During September, inspectors visited construction sites to ensure high-risk activities, such as working at height and work which could have resulted in exposure to harmful dusts, were being properly

managed.

They also checked that basic welfare facilities, such as toilets and hand washing facilities, were provided where they are needed.

Unfortunately poor standards and dangerous practices were found at nearly half of the 2,607 building sites visited.

Inspectors found basic safety standards were not being met on 1,105 sites. On 644 sites, practices were so poor that enforcement action was necessary to protect workers – with 539 prohibition notices served ordering dangerous activities to stop immediately and 414 improvement notice issued requiring standards to improve.

The most common problems identified included failing to protect workers during activities at height, exposure to harmful dust and inadequate welfare facilities.

HSE Chief Inspector of

Construction, Heather Bryant, said that the HSE often finds that it is smaller companies working on refurbishment and repair work who are failing to protect their workers through a lack of awareness and poor control of risks.

In response to the inspections, Ms. Bryant stated “It is disappointing to find a significant number of sites falling below acceptable health and safety standards, where our inspectors encountered poor practice this often went hand in hand with a lack of understanding.

“Through initiatives like this we are able to tackle underlying issues before they become established and we will continue to work with the industry in an effort to drive up standards.

“However those who recklessly endanger the health and lives of their workforce can expect to face tough consequences.”

DRUG DRIVING

Editorial by BFFF members Biosure (UK)

Drug and alcohol misuse is everyone's concern. Not only does it damage the misuser's health, but it costs employers through absenteeism and reduced productivity and more critically is proven to increase the risk of accidents due to impairment.

A recent RAC report showed that one in 10 people aged between 17 and 24 had taken drugs before getting behind the wheel, another study in 2012 showed that drugs were a key factor in nearly a quarter of all fatal road accidents. Research also suggests that there are likely to be as many drug drivers on the roads as drink drivers. Currently, almost 100,000 people per year are convicted of drink driving compared with only 1,000 drug drivers, therefore the number of drug drivers convicted is expected to increase dramatically.

Recent changes to legislation, which are being enacted early next year, will allow the Police to roadside drug

test an oral fluid sample, without having to prove impairment as with the current procedure. This will obviously lead to a lot more drug tests and it therefore follows that more people will test positive. Some of these people could be your employees and the consequences of this could be costly from a financial, legal and reputational point of view. Businesses involved in logistics, haulage and transport are the most obvious examples of those that will be affected by the new law, but any company with employees who use a vehicle for work-related activities should also be aware.



It is already an offence under the Misuse of Drugs Act 1971 for any person to knowingly permit the production, supply or use of controlled substances on their premises except in specified circumstances (e.g. when they have been prescribed by a doctor). There is also an existing

duty of care under the Road Traffic Act 1988 and the Transport and Works Act 1992 that drivers of road vehicles must not be under the influence of drugs while driving, attempting to drive or when they are in charge of a vehicle. A vehicle used for company business is considered to be a place of work, so employers must legally exercise all due diligence to ensure the health and safety of employees even when they are driving, as well as ensuring that others are not put at risk by their employees' work-related driving activities. Failure to implement such systems potentially leaves the employer open to prosecution.

Employers should adopt a Drug and Alcohol in the Workplace Policy, allowing for random and 'with cause' screening, clearly stating tolerance levels and consequences for failing a test to negate any misunderstanding. The policy must also say that possession or dealing in drugs at work will be reported immediately to the Police and if an employee admits to being a drug user you should seek to help them rather than simply dismissing them.

Biosure recommend ToxSure as a rapid, cost-effective, oral fluid test used for the detection of drugs and

alcohol. Observed collections and a tamper evident device mean the test is almost impossible to cheat and most results are available in less than 2 minutes. BioSure (UK) is also able to offer assistance with policy writing and implementation, certified training and confirmatory laboratory analysis. For more information please feel free to contact Biosure (UK) on:

Jude Ashworth - 07974 213550

Brian Pound - 07979 525422

Office - 01772 653236

THE DRIVER AND VEHICLE STANDARDS AGENCY (DVSA) WILL REPLACE THE DSA AND VOSA



A new agency with responsibility for maintaining vehicle standards has been launched. The new agency, which employs 4,600 people throughout the UK, will replace the Driving Standards Agency (DSA) and the Vehicle and Operator Services Agency (VOSA) with responsibilities for setting, testing and enforcing driver and vehicle standards in Great Britain.

Transport Minister, Robert Goodwill, said: "[The new

agency] is a demonstration of the government's commitment to put customers and businesses at the heart of its services. The merger is an opportunity for the DVSA to provide even better and more efficient customer service to motorists and commercial operators."

There will be a gradual introduction of the new agency name ahead of the formal launch in April 2014. DSA and VOSA will be incorporated within the new agency and the new branding will reflect this until their services and trading funds are brought together over the next financial year.

The DVSA will have a broad

range of responsibilities, including processing applications for licences to operate lorries and buses, operating testing schemes for all vehicles, and enforcing the law on vehicles to ensure that they comply with legal standards and regulations.

The agency will also enforce drivers' hours and licensing requirements, provide training and advice for commercial operators, investigate vehicle accidents, defects and recalls, and run tests for instructors of large goods vehicles, as well as driver trainers.

For more information on the merger, [click here](#).

AN EASY GUIDE TO HEALTH & SAFETY

The HSE has developed a range of tools and guidance to help small and medium sized businesses understand health and safety. The H&S ABC has been designed to avoid unnecessary paperwork and effort and includes ready developed risk assessments, advice on the most common hazards and practical steps that can be taken to control risks. It also contains advice on the most common causes of accidents with helpful do's and don'ts and all the basic information that businesses need

to start managing health and safety.

[Health and Safety made Simple](#)

It has all the basic information that businesses need to start managing health and safety. It offers simple, clear information on what businesses must do to comply with the law.

It covers topics such as deciding what facilities need to be available in their workplace, how to consult your employees and what training and

information to provide.

[Health and Safety Toolbox](#)

It gives straightforward advice on the most common health and safety hazards in all types of business and shows how small and medium-sized businesses can take practical steps to control their risks.

The guidance contains advice on:

- the most common causes of

accidents with helpful do and don'ts be written down.

- working environments that can cause or worsen health conditions such as asthma and cancer

The Toolbox has practical case studies to show how accidents and ill-health can be avoided, helping businesses learn from others.

[Online Risk Assessments](#)

Simple tools have been created to show business owners how to identify their hazards and risks and produce tailored risk assessments for their workplaces.

If there are fewer than five employees the risk assessment does not have to

- [Example risk assessments](#)

The example risk assessments show the approach that HSE expects small and medium sized business to take and give examples of how other businesses have managed similar situations. They highlight what the hazards may be and what steps need to be taken to reduce the risk of an accident happening, or health problems occurring or being made worse.

- [The risk assessment template](#)

The risk assessment template can be used by all small and medium

sized businesses to create a tailored risk assessment and health and safety policy. The blank template prompts business owners to think about their hazards and decide what action they need to take.

- [Online risk assessment tools for low risk offices and shops](#)

These interactive tools will help employers in low risk offices and shops understand what they need to do to run a safe and healthy business. Working through each step in the tools will help business owners identify the specific hazards and risks in their workplace, enabling them to produce an individual risk assessment for their business.

FREE ASBESTOS GUIDE

The 'Retail Asbestos Working Group' has launched a guidance document that will help businesses improve their awareness and practices relating to asbestos. This will hopefully help to prevent further increase of ill health and deaths from work related asbestos disease for future HSE statistics. The guide is aimed at businesses located in premises constructed before January 2000 as the use of all asbestos was banned in November 1999.

[Click here](#) to download the guide for free.



DSEAR FOR SMALL TO MEDIUM SIZED BUSINESS

The revised HSE ACOP L138 is primarily for an informed and experienced audience such as

health and safety professionals. The leaflet [Controlling fire and explosion risks in the workplace](#)

[INDG370](#) provides a short guide to DSEAR for small and medium-sized businesses.

UPDATED GUIDANCE ON DANGEROUS SUBSTANCES IN THE WORKPLACE

Five pieces of health and safety guidance have been combined to help employers more quickly and easily understand how to protect their workers from dangerous substances and explosive atmospheres.

The Health and Safety Executive (HSE) has consolidated five Approved Codes of Practice (ACOPs) under the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR), covering issues from plant design and operation, through to maintenance.

The consolidated document (with the series code L138) is relevant to businesses handling or storing flammable substances. It is available to download or purchase from the HSE website at: <http://www.hse.gov.uk/pubns/books/l138.htm>^[1]

The new ACOP is being introduced following public consultation and ministerial and HSE Board approval.

Kären Clayton, Director of HSE's Long Latency Health Risks Division,

explained: "The text is now clearer and simpler overall and merging the five ACOPs eliminates repetition across the original documents. Navigation has been improved with an enhanced contents list to enable the dutyholder to find the advice that is of most interest to them."

Legal responsibilities (ie the requirements of the DSEAR regulations) to protect workers' safety are not altered by any redrafting to the ACOP

ACCIDENT REPORTS AND THE PROFESSIONAL PRIVILEGE

Accident reports, following investigation, are vital in controlling litigation. When an accident has occurred there is potential for either a civil personal injury claim by the injured person or his or her relatives for compensation, or prosecution by authorities, or both. The report, which is produced in line with the duties set out above, establishes key facts and, consequently, potential liability.

Since the Woolf reforms, the emphasis has been on co-operation between parties in civil litigation. This is reflected in the pre-action protocols requiring early disclosure and joint expert evidence. This, it was hoped, would:

“increase the likelihood that all critical aspects of an incident are brought to light at the earliest possible opportunity. It should also ensure that there is a deterrent against the suppression of, or failure to disclose, significant information”.

The accident report is seen as a critical aspect of the incident, and thus as part of proceedings. The accident report produced, as outlined

above, will be disclosed to either the injured person or the HSE, the police and the coroner. However, under general legal principles, where the primary purpose is to obtain legal advice, documents may be withheld and protected by legal professional privilege. Thus, when lawyers are consulted over the investigation or accident report/s, privilege may be sought and these may be withheld. Privileged documents do not have to be disclosed to the injured claimant, police, HSE or coroner. If requested by the HSE to disclose the facts, this ought to be complied with; however conclusions (which will apportion liability) may remain privileged. This protection thus enables bodies to identify their failings on a broader scale. It also provides some control during litigation.

There is a danger that businesses will prioritise protecting themselves from litigation, as opposed to protecting employees and others against further accidents. A study of businesses in the year 2000 found that “avoiding litigation” was almost at the bottom of the list of reasons for conducting a thorough investigation,

at 14% of those surveyed. The most important reason, with 68% of those surveyed, was preventing recurrence.

However, this reassuring message has seemingly diminished. In a more recent report, it was found that when considering the ability to learn and improve following accidents and their investigation, “barriers to learning were reported ... to include the risk of litigation, etc which prevents organisations from sharing information and learning about accidents, especially fatal/serious events”.

Thus, while incident protocols can indicate compliance with the regulatory duties, and accident reports can show facts but withhold conclusions, the threat of litigation is still an important factor when considering health and safety within bodies. A novel approach may well be to provide a specific duty to meaningfully investigate accidents, and strengthen pre-action mediation and discussion so that claimants, regulatory bodies and potential defendants/respondents avoid the litigation process altogether.

DYNAMIC EFFECTS: HOW DYNAMIC RISK ASSESSMENT TECHNIQUES CAN INFORM SAFETY COMPLIANCE

Dynamic risk assessment is often seen as only applying to very particular circumstances such as the emergency services. However, the principles it teaches can surely inform all aspects of health and safety awareness. Alan Field explains why.

Risk assessment is seen as a core process in health and safety. In general terms, what is sometimes described as systematic risk assessment assumes that we observe, analyse and understand risks that might cause harm to individuals, then we remove or mitigate risk to provide a safe environment and a safe system of work. This will involve training and consultation with staff and contractors and, in some scenarios, will include customers and other stakeholders, too.

Dynamic risk assessment is something

that is continuous and done on the job. The controls may change depending on the evaluation of changing or emerging circumstances. Both the ongoing evaluation of risk and the continuous evaluation of the required controls demand a high level of staff training, with a level of competence regarding the generic risk assessments already in place. These are the foundations that enable an individual to reach fast-changing judgments. To be absolutely clear, “dynamic” certainly doesn’t mean a “free for all” with no risk assessment process at all.

More dynamism?

The principles behind dynamic risk assessment can inform awareness and training for any activity where there may be changing activities or circumstances. This could include

activities as diverse as working in a retail environment or production line maintenance.

Dynamic risk assessment explicitly considers the question of risk being proportionate to benefit. This is necessary with the emergency services, because individuals may be risking their personal safety to rescue other individuals. Perhaps this is sometimes forgotten with other work activities. The usual view that is put forward by many organisations is that they would never put their staff at any risk — and “zero accident” or “zero harm” campaigns are sometimes a reflection of such policies.

Of course, such views do not reflect the whole reality. For example, if in the pursuit of economic activity individuals need to drive, work alone or handle

chemicals, there is always an element of risk. It is disingenuous to say otherwise. We may, of course, minimise and control these risks very effectively so that even near misses only arise occasionally — in other words, there is a proportionate response. However, making sure that individuals are aware of dynamic techniques can be positively helpful to support existing protocols and controls.

There is one other aspect to this approach to consider. Dynamic techniques can apply to lower-level risks that present themselves in high risk scenarios; the author remembers visiting a chemical processing plant where no risk assessment had been done for office and catering activities on site. While these were lower risk compared to that of the plant, they should not have been ignored. Why expose individuals (and shareholders) to unnecessary risks when they could have been so easily managed? This is one example where dynamic techniques could have led to staff questioning risks not being covered by existing systematic techniques. The speed or unpredictability of change does not necessarily need to be present for dynamic principles to be influential in the risk management process.

Dynamic stages

For a particular task or activity, systematic risk assessment should always be followed. Unplanned events are less likely to arise when people act in a planned way, ie if a safe system of work requires a guard to be put in operation on a machine, then this must be done consistently for safety. While accepting this as a given, there are many jobs where it is not possible to find just a single routine to follow but, typically, a number of options may present themselves.

Dynamic risk assessment, in an emergency services application, might be defined in three stages. The initial phase is where the officer in charge, upon arrival at an incident, will make a diagnosis based on gathered information and evaluation of the situation. His or her initial decisions — based on generic risk assessment

principles and professional judgment — will be crucial. Any errors at this stage can have significant effect on safe outcomes.

Reactive maintenance activities provide a good example whereby the diagnosis, resolution and the specific working environment can



be anticipated but may present a number of optional circumstances and outcomes. In other words, the individual is making a dynamic decision from the moment they are called to a job, say, within a factory. Their training needs to be adequate to make sure the process of risk assessment, imposing controls and finding the resources needed will be anticipated. The risk assessment and safe systems of work need to be fully understood but dynamic principles can be applied as well.

The development phase of a dynamic risk assessment means as the process life cycle or incident develops, then additional factors may arise that either require the original risk control approach to be changed or, at least, modified. Events can influence decisions and these changes tend to become reactive.

For example, when lone workers enter a domestic customer's premises, they may have made a proactive assessment of risk considering the location they are visiting and customer history. Perhaps as the visit progresses, unplanned factors may present themselves — examples might include a gas leak or the presence of a large, unfriendly dog.

Of course, some would argue that these events can all be anticipated and appropriate risk mitigation or controls communicated to staff. However, dynamic principles can provide a level

of confidence in analysing unplanned events and deciding on the best proactive approach to deploy.

Finally, there is a closing stage. This may literally be when the risk has diminished to such a stage that controls can be relaxed; however, the closing stage of an incident or life cycle needs careful management to ensure no new emerging risks arise during this final phase. Or it might refer to the post-incident review where lessons learnt are considered. One example might include transportation of a large piece of machinery where, once safely offloaded, it could mean — based on a safe system of work — that controls can be relaxed. However, unexpected issues such injuries from contact with

unstable packaging material could still arise. The second example can apply to almost any type of incident or project completion. Dynamic principles can help the analysis of what happened at the various stages, or phases, of the event(s).

It is also worth remembering that concepts such as “safe place” and “safe person” strategies have their roots in dynamic risk assessment. “Safe place” being the working environments, achieved through design, technology and controls, and “safe person” being the right person for the job, someone who is effectively trained, supervised and working in the “right” safety culture. In short, the optimum set of resources should be available for dynamic decision making and implementation. It is also what all good health and safety is about.

Conclusion

Dynamic risk assessments will never replace systematic risk assessment, coupled with employee consultation and a safe, compliant and efficient system of work. However, dynamic principles can provide a number of insightful pointers that can inform all elements of risk assessments, from planning to creating greater staff awareness, of what to do in most scenarios. Dynamic principles can, for some, make health and safety seem more relevant than simply following written procedures.

ENFORCEMENT ACTION



INTERNATIONAL MANUFACTURER FINED AFTER WORKER IS IMPALED

One of the world's largest producers of adhesives for the construction industry has been fined after a worker died when he was pinned against a forklift truck by a reversing lorry in Halesowen.

The employee died following the incident in the transport yard at Mapei UK Limited's Steel Park Road base on 1 July, 2010. He had been asked to empty a machine, using a forklift truck to move a skip and then empty the contents of the skip into a bag that was held within a cage.

Wolverhampton Crown Court today (5 December) heard that a lorry driver was asked to move his vehicle by another driver so they could access the loading area. Around the same time, the employee had left the cab of his forklift truck and moved to the front of the forklift truck.

The lorry driver reversed the 18-tonne rigid-back truck,

unknowingly pinning the employee between the back of the lorry and the cage which was resting on the forks of his forklift truck. His head was impaled against the forks, killing him instantly.

A Health and Safety Executive (HSE) investigation revealed significant safety failings by Mapei UK Ltd. HSE found they had failed to segregate pedestrians and vehicles adequately in order to organise, supervise, manage and run their transport yard.

The yard did not have defined traffic routes or walkways, there were no ground markings and the yard was open with no physical restrictions on movement.

A system was in place to restrict vehicle movement whereby all drivers handed in their vehicle keys on arrival, but this didn't apply to all vehicles. In this case, the lorry driver had not handed his keys in, meaning he did not have

to seek Mapei UK Ltd's authority or assistance when moving his vehicle.

HSE found Mapei UK Ltd considered the transport area a low priority in terms of risk, despite previous independent safety reports telling them the opposite.

Mapei UK Limited of Steel Park Road, Halesowen, pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc. Act and was fined a total of £173,332. The amount of costs to be paid will be agreed at a later date.

Speaking after the hearing, HSE inspector Mahesh Mahey said: "Numerous health and safety failings by Mapei UK Ltd led to this tragic incident in which the employee needlessly lost his life. The dangers associated with vehicle movements are obvious and have been highlighted by HSE for many years."

UK'S FOURTH PROSECUTION UNDER CORPORATE MANSLAUGHTER LAW

A company has been fined £100,000, plus £10,450 in court costs, at Belfast's Lagside Crown Court for health and safety failings under the Corporate Manslaughter and Corporate Homicide Act 2007 in connection with the death of 47-year-old employee, Norman Porter.

The conviction follows a joint Police Service of Northern Ireland (PSNI) and Health and Safety Executive for Northern Ireland (HSENI) investigation into the fatal incident, which took place on an animal feed mixing plant owned by J Murray & Son Ltd at Ballygowan, Co. Down on 28 February 2012.

Mr Porter, who had only been working at the company for eight weeks, died after he became entangled in moving

parts of a meal blending machine.

The investigation revealed that the company had removed safety panels from the top of the mixer to allow raw ingredients to be added more easily.

This had the undesired effect of exposing the dangerous moving parts of the machine, which the company failed to identify and correct.

The investigation also revealed that the blender was operated without the safety guards for approximately three years.

Following the hearing, Kevin Campbell, an inspector with HSENI's Major Investigation Team said, "This case highlights the importance of proper

management of health and safety in the workplace... The removal of safety guards from the machine and the continued use of the machine ultimately led to the death of Norman Porter."

The case is only the fourth in the UK where the Corporate Manslaughter and Corporate Homicide Act 2007 has been used for a prosecution. It is the second time in Northern Ireland that a company has been convicted under the new corporate manslaughter legislation.

Under the legislation, companies and organisations can be found guilty as a result of serious management failures resulting in a gross breach of a duty of care.

BUSINESSMAN FINED FOR FALSIFYING RECORD



HSE have successfully prosecuted a Shropshire businessman at Wolverhampton Magistrates' Court for falsifying a safety document for a forklift truck. Stuart Jeavons was accused of intentionally making a false entry on a Report of Thorough Examination for the truck, a statutory document required by law to show that lifting equipment is in a good state of repair.

After pleading guilty to a breach of the Health and Safety at Work etc. Act 1974, he was fined £2,400 and ordered to pay costs of £989

Following the case, HSE inspector Lyn Mizen said "Strict inspection regimes are there to ensure that lifting equipment is kept in good working order. The certification to support these examinations are key documents which a user of such equipment should be able to rely on to show the machine has been examined by a competent person and is safe to use.

"It is therefore critical that all aspects of inspection, examination and verification of the safety-critical parts of forklift trucks are carried out diligently, properly and with the highest level of integrity.

"HSE will not hesitate to hold people to account where it finds forged reports as it seriously endangers the health and safety of people at work."

BFFF MEMBERS COLLATED INJURY RATE STATISTICS

We are in the process of collating members' health and safety statistics for 2013.

All contributors' information is kept confidential within the BFFF offices and contributors have an opportunity for BFFF to provide a detailed comparison for their company.

Contact Joanna Hancock on e-mail joannahancock@bfff.co.uk should you wish to take part.

**SAVE
THE
DATE**

HEALTH & SAFETY SEMINAR



**Wednesday 2nd July 2014
Ricoh Arena, Coventry CV6 6GE**

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Email joannahancock@bfff.co.uk**

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