



## **Watson & Watson Health and Safety Consultants Ltd**

### **Latest Health and Safety News:**

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**NEWSLETTER - Oct 2023**



### **HSE SAFETY NOTICE: BENDPAK XPR SERIES TWO-POST VEHICLE LIFTS**

**In August 2023 HSE issued a safety notice regarding the discovery of unsafe bolts on BendPak XPR series two-post vehicle lifts.**

BendPak XPR series two-post vehicle lifts have a half-moon-shaped arm restraint gear on each arm which is either welded or bolted. On some of the lifts with the arm restraint gear attached with bolts, the bolts do not

meet the required strength standard increasing the risk of a major incident.

The HSE safety notice sets out the actions users and suppliers should take to rectify any potential problems with BendPak XPR two-post vehicle lifts associated with the incorrect restraining mechanism.

**View Full Safety Notice -**

[Unsafe bolts, BendPak XPR two-post vehicle lift - HSE](#)

*Source: HSE Safety Alerts*



## **HSE INSPECTIONS -**

### **SITE VISITS TO COMBAT WOOD DUST INHALATION**

**Breathing in wood dust can cause irreversible lung diseases.**

**HSE inspectors continue to visit woodworking businesses across Great Britain as part of our targeted inspections programme, checking that dutyholders know the established health risks and have effective controls in place to keep workers safe and protect their respiratory health.**

Visit Website -

[Wood dust - Work Right to keep Britain safe](#)

Download Guidance -  
[free guidance for woodworking \(.pdf\)](#)

*Source: HSE Woodworking eBulletin*



## **HSE INSPECTORS TO ASSESS THE MANAGEMENT OF ASBESTOS IN SCHOOLS**

**HSE will be carrying out a programme of inspections to primary and secondary schools in England, Scotland and Wales from October 2023 onwards.**

The inspections will be assessing how schools are managing the risks from asbestos within the school estate and meeting the 'duty to manage' (DTM) requirements under Regulation 4 of the [Control of Asbestos Regulations 2012](#) (CAR).

The regulations place duties on those with responsibility for the maintenance of work premises, including schools, to manage the risk from asbestos. For the majority of schools, this will be the employer.

**Who will be carrying out the inspections?**

The visits will be carried out by HSE inspectors, who will contact the school before visiting to arrange a suitable date and time for the inspection.

They will need to speak to someone with knowledge of how asbestos is managed by the school and may also ask to see certain documentation in advance of the visit, for example your asbestos register and management plan.

See our [guidance on what to expect when an inspector calls](#) for further information.

### **What should schools do to prepare for these inspections?**

In advance of the inspections, schools may wish to review their current arrangements and check that they are meeting their duties under CAR, which includes requirements to:

- take reasonable steps to find out if there are asbestos-containing materials (ACMs) in the school premises, and if so, the amount, where it is and what condition it is in
- presume materials contain asbestos unless there is strong evidence that they do not
- make, and keep up to date, a record of the location and condition of any ACMs - or materials which are presumed to contain asbestos
- assess the risk of anyone being exposed to fibres from the materials identified
- prepare an asbestos management plan (AMP) that sets out in detail how the risks from these materials will be managed
- take the necessary steps to put the plan into action
- periodically review and monitor the plan and the arrangements, and act on the findings, so the plan and arrangements remain relevant and up to date
- provide information on the location and condition of the materials to anyone who is liable to work on, or disturb them

### **Further information**

Schools may want to consider the findings from our recent 2022/23 inspection campaign looking at the [management of asbestos in school buildings](#) to ensure that their management arrangements remain effective and that common areas of improvement identified during these visits have been addressed.

In light of these inspections, we have also recently updated our [Asbestos](#)

[management – checklist for schools](#) which contains a useful summary of the key measures that schools should have in place to manage the risks from asbestos effectively.

Follow the below links for more information and resources about managing asbestos in schools:

- [Asbestos in schools](#)
- [Managing asbestos in schools - Frequently asked questions](#)
- [Managing asbestos in buildings: A brief guide](#)
- [Department for Education - Managing asbestos in your school or college \(gov.uk\)](#)
- [Welsh Government – Asbestos management in schools \(gov.wales\)](#)

*Source: HSE EBULLETIN 20.09.2023*



## **METALWORKING HSE INSPECTIONS START IN OCTOBER**

**From October until March 2024, HSE will be inspecting manufacturing businesses that use metalworking fluids or coolants in their machining processes.**

Inspectors will be focused on how employers are ensuring workers are protected from exposure to fluid or mist generated by computer numerical control (CNC) machines and that regular health checks are in place.

There are 3 areas where manufacturing companies, particularly smaller companies, commonly fall down on compliance:

- not having Local Exhaust Ventilation (LEV)
- not completing regular fluid quality checks

- not providing regular health checks for lung and skin conditions.

### **Be prepared for inspection -**

Metalworking fluid is a hazardous substance that comes under COSHH regulations (Control of Substances Hazardous to Health Regulations 2002).

Exposure to metalworking fluids can cause harm to lungs and skin through inhalation or direct contact with unprotected skin; particularly hands, forearms and face.

Breathing in the mist generated by machining can lead to lung diseases such as occupational asthma and occupational hypersensitivity pneumonitis.

To reduce exposure, you need control measures in place. LEV should be fitted on CNC machines to carry away any harmful metalworking fluid mist, which is difficult to see in normal lighting.

Fluid quality should be regularly checked, focusing on concentration, pH, bacteria and contaminants. Fluid systems can become highly contaminated with harmful bacteria.

Where there is exposure to fluid or mist, it is a legal requirement to carry out health surveillance even when preventative controls are in place. You will need to involve an occupational health professional and workers should be encouraged to report any health symptoms that occur.

### **Find out more -**

See [campaign website](#)

*Source: HSE ebulletin 25.09.2023*



## **MANAGING THE RISKS OF WORKING FROM HEIGHT**

### **Falls when working at height remain the most common kind of workplace fatality.**

Considering the risks associated with work at height, and putting in place sensible and proportionate measures to manage them, is an important part of working safely.

Our [step-by-step guide](#) can help you control risks when working at height.

It is also vital to make sure any scaffolding is stable and safe at all times.

Our [scaffold checklist](#) explains when a scaffold design is required. It also covers the level of training and competence needed for those erecting, dismantling, altering, inspecting and supervising scaffolding.

Visit our website for more guidance on [managing the risks of working from height](#).

*Source: HSE Weekly Digest eBulletin*



## **BUILDING SAFETY REGULATOR (BSR) IS NOW THE BUILDING CONTROL AUTHORITY (BCA)**

**From 1 October 2023, BSR became the Building Control Authority for higher-risk buildings and you must now submit your building control approval applications to BSR.**

BSR will have the authority to determine the requirements for those who procure, design, plan, manage and undertake building work. We have also introduced new enforcement powers for building control authorities.

BSR will carry out its function as the BCA through multi-disciplinary teams (MDTs) that include a registered building inspector and any other specialists required to assess a submission.

[Read the guidance \(.pdf\).](#)

[Read more about the BSR becoming the BCA](#)

*Source: HSE Building Safety eBulletin 04.10.2023*





## **CONSTRUCTION FIRM FINED £90,000 AFTER EXPOSING PUBLIC TO ASBESTOS DURING RENOVATION WORK**

A Warrington-based construction company has been fined £90,000 after exposing people to asbestos during a renovation project in the Hanley area of Stoke-on-Trent.

Despite failing to attend Staffordshire Magistrates' Court on 24 August 2023, Esskay Construction Ltd was found guilty in its absence.

Nathan Cook, prosecuting on behalf of the Health and Safety Executive (HSE) told the court how the regulator received a concern on 31 August 2021 about asbestos disturbance. The concern related to a refurbishment project under the control of the company at an address in Brunswick Street in Hanley.

Representatives from the local authority had attended the site and discovered significant amounts of asbestos-containing debris to the front and rear of the building and along the public highway.

An inspector from HSE then went to site and served two Prohibition Notices – prohibiting all work within, and access to, 12 Brunswick Street and the surrounding area, other than by a licensed asbestos removal

contractor for the purpose of making safe. A licensed asbestos removal contractor was then appointed to carry out a clean-up operation.

However, further investigation by HSE found that Esskay Construction Ltd had failed to appoint a competent person to carry out a refurbishment and demolition asbestos survey of the premises prior to carrying out work on site. The company then allowed refurbishment to commence without knowing where the asbestos containing materials were, resulting in them being disturbed and potentially exposing workers and members of the public to harmful asbestos fibres.

Esskay Construction Ltd of Mandarin Court, Warrington, Cheshire, failed to attend court but were found guilty in their absence, to breaching Regulations 5, 11 and 16 of the Control of Asbestos Regulations 2012. Esskay Construction Ltd were fined £90,000 and ordered to pay costs of £6,009 and a victim surcharge of £190.

Speaking after the hearing, HSE inspector Will Gretton said: "Asbestos is a class 1 carcinogen. Carelessness at this scale, met with a failure to attend court, is unacceptable.

"For that reason, any building constructed prior to the year 2000 must be assessed for the presence of asbestos prior to any disturbance work taking place, and any asbestos containing materials must be left undisturbed or be removed by a competent contractor under controlled conditions.

"By failing to take these simple steps, Esskay Construction Ltd put workers and members of the public at risk of being exposed to a substance known to cause fatal illnesses including mesothelioma, lung cancer and asbestosis.

"HSE will not hesitate to take action where contractors are found to be flouting the law and putting people at risk, and this case should serve as a reminder to those engaged in this type of work that they have

responsibilities when it comes to managing the risks associated with asbestos.”

HSE is running an awareness campaign, [Asbestos and You](#), targeting tradespeople with information about the personal risks from asbestos that still exist across the country today.

**Related Guidance -**

[Managing and working with asbestos](#)

*Source: HSE eBulletin 04.10.2023*



## **MANCHESTER COMPANY DIRECTOR FINED AFTER OBSTRUCTING HSE INVESTIGATION**

**A Manchester-based construction company and its director have been fined after a catalogue of health and safety failings following an inspection.**

On 13 January 2022, Health and Safety Executive (HSE) inspectors visited a timber-frame housing development under construction off Brookwood Drive in Meir, Stoke-on-Trent by a company called Amro Construction Ltd.

At hearing at North Staffordshire Magistrates Court on 24 August, HSE enforcement lawyer Nathan Cook said that the regulator had identified several health and safety failings, including the presence of an open flame gas stove amongst large volumes of combustible material, a lack of fire precautions, poor site security and inadequate washing facilities.

HSE has guidance about fire safety in construction which can be found at: [Construction – Fire safety industry health & safety \(hse.gov.uk\)](https://www.hse.gov.uk/construction-fire-safety/).

Mr Cook went on to say that a HSE investigation found Amro Construction Ltd had also failed to assess the on and off-site fire risks, despite it being a timber-frame project in a highly residential area. This was despite previous advice and enforcement from HSE in relation to the matter. As a result, the company failed to implement measures to prevent a fire from occurring or spreading, putting workers and members of the public at risk. The investigation also found the company had received previous enforcement in relation to the provision of adequate washing facilities.

During the course of the investigation, David Taylor, Amro Construction Ltd managing director, also deliberately obstructed the inspector by refusing to provide information requested as part of his enquiries – causing a delay of several months.

At North Staffordshire Magistrates Court on 24 August, Amro Construction Ltd of The Junction, Rolls Crescent, Hulme, Manchester, pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay costs of £1,587.

David John Taylor of Clarendon Street, Hulme, Manchester, pleaded guilty to breaching Section 33(1)(h) of the Health and Safety at Work etc. Act 1974 and was fined £3,000 and ordered to pay costs of £1,935.

Speaking after the hearing, HSE Inspector Rob Gidman said: “This type of proactive prosecution should highlight to the construction industry that HSE will not hesitate to prosecute companies for repeated breaches of the law, and that directors will also be prosecuted where they intentionally obstruct our inspectors.

“To protect workers and the public, it’s vital that fire risks are adequately considered when planning timber frame construction work so that suitable control measures can be put in place from the outset.

“This includes considering how to prevent a fire spreading from site during the construction phase, as well as providing general fire precautions such as fire alarms and detection devices.”

**Related Guidance -**

[Fire safety in construction](#)

*Source: HSE eBulletin 04.10.2023*



## **COMPANY FINED AFTER WORKER SUFFERED LIFE-CHANGING INJURIES IN FALL**

**A Cumbrian construction company has been fined after a man was critically injured falling 10m through the roof of an industrial unit.**

Craig Dickson, 39, from Carlisle, suffered multiple serious fractures, in the incident on Heathlands Industrial Estate, Kingmoor Park, Carlisle, on 25 March 2022.

CK Steelwork & Cladding Ltd were the contractor undertaking work on the roof of the building. The roof was known to be fragile, and, at the time of the incident, safety nets were being erected below the work area, although this work had not been completed.

Despite this, Mr Dickson was taken onto the roof by a supervisor to assess the job. While crossing an area of the roof that was not protected by the nets, he stepped onto a weak skylight which gave way, and he fell head-first around 10m onto the concrete floor below.

Mr Dickson shattered most of the bones in his face, hands, and wrists. He lost four teeth and severely damaged his knee. He spent six weeks in intensive care and was confined to a wheelchair for five months. Since the accident he has endured constant pain, and 17 months later is still unable to work; he will never be able to return to his former profession.

HSE has guidance on [working safely at height](#).

In a victim impact statement Craig Dickson said: "The accident broke every bone in my face and knocked out my front four teeth. This has made me have zero confidence and major anxiety, which I now have to see a psychiatrist for, every week. My nose was badly broken, which has left me with no sense of smell, and I have difficulty breathing through it.

"Before my accident I was a very physically and mentally active person and attended the gym on a daily basis and was a keen fell walker and liked to socialise. I am now left in severe pain and now have anxiety and I'm always anxious and find it hard, if not impossible to do anything like I did before the accident."

An investigation by the Health and Safety Executive (HSE) found that CK Steelwork & Cladding Ltd of Barras Lane Estate, Dalston, Carlisle, had failed to take

appropriate precautions to ensure the safety of workers on the roof.

The company pleaded guilty to breaching regulation 4(1) of the Work at Height Regulations 2005. They were fined £16,000 and were ordered to pay £4,462.59 in costs at a hearing at Carlisle Magistrates Court on 31 August 2023.

After the hearing, HSE inspector Michael Griffiths said: "This was a very serious incident, and it is fortunate Craig wasn't killed.

"Work on fragile roofs should be planned and controlled, otherwise there is a very high likelihood of a potentially fatal fall, or one resulting in life changing injuries, as we have seen in this case."

This HSE prosecution was supported by Jonathan Bambro and Rebecca Forman in HSE's Legal Services Division.

#### **Related Guidance -**

[Fragile surfaces](#)

*Source: HSE eBulletin 04.10.2023*



**WATSON & WATSON CHRISTMAS CLOSURE**

**Please note -**

Our offices will be Closed from 5.00pm on Thursday 21<sup>st</sup> December 2023 until Tuesday 02<sup>nd</sup> January 2023, if you require urgent assistance during this period please ring our office number and our emergency/on call team will then be able to provide assistance.

**Office Tel - 01623 753 654.**

**Watson & Watson Health & Safety Consultants Ltd - News****SSIP ASSISTANCE CLIENTS**

Please note, once Watson and Watson have assisted clients in achieving their SSIP certificate, it is then the clients responsibility to ensure that the portal remains up to date going forward (e.g. with company insurances if / as required.)

Watson and Watson can offer a SSIP Monitoring service to ensure that going forward Client portals remain up to date after the initial compliance achievement. If you would like to discuss the Watson and Watson SSIP monitoring service more please call the office on 01623 753 654.

**DO YOU REQUIRE US TO DO ANY WORK?**

We would be happy to do this for you, however, our consultants are really busy, which is great, but this is a reminder that if you need any work carrying out, then please give us at least one weeks notice. This enables us to complete work for you in a timely manner.



If you would like to find out more about the services Watson and Watson can offer to support your company please give us a call on 01623 753 654.

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