

Newsletter February 2018



The Association has a web site: - www.hgsafety.co.uk

HSE Web Link <http://www.hse.gov.uk/>

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Topics

- **Winter working – Under the weather**
- **Managing Sub Contractors**
- **Construction (Design & Management) Regulations 2015 Contractors Competence & Resource Questionnaire - Sample**
- **Prosecution – Falling scaffold clip struck passerby**
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With sub zero temperatures predicted this week across the whole of the country, this has prompted a number of questions from members about out-door working. Included in this months newsletter is an article which can be used to inform your site workforce of the hazards and controls when working outdoors in extreme temperatures.

When appointing sub-contractors for your projects, it is important you satisfy that they can do the job safely. The requirement to carryout due diligence ultimately rests with the company in control of the work, which includes obtaining suitable risk assessments and method statements for all work. In particular where work is of a specialist nature such as working with Lead, Asbestos, or Hazardous Substances you should ensure that the relevant provisions of the regulations in relation to controlling/preventing exposure, health surveillance and monitoring have been satisfied. Remember the buck stops with YOU!

We have included an example proforma of a sub-contractors competence questionnaire for you to use if required.

Winter working- Under the weather



Snow and ice

In addition to the problems wrought by low temperatures (see below), snow and ice hamper movement to, from and around a work location, or site. Pedestrians struggle to get from A to B safely, while those who venture behind the wheel are even more at risk of skidding and losing control of their vehicle. As we have seen before, people take risks – for the best of reasons – to struggle into work.

Bear in mind also that snow can obscure safety signage and underfoot hazards such as potholes, making moving about even more hazardous.

Working in low temperatures can also involve the following hazards:

- Frost nip: This is caused by a lack of blood flow to the nose, ears and fingers because they are losing so much heat.
- Frost bite: At or below 0°C (32°F), blood vessels close to the skin start to constrict (this can also occur as a result of exposure to high winds).
- Snow blindness: Exposure to reflected sunlight from snow and ice, or water – even on grey, overcast days –
- Dehydration: Normally associated with sweating on a hot day, dehydration can also occur in cold conditions.
- Hypothermia: This is a medical emergency that occurs when the body loses heat faster than it can produce it, thus causing a dangerously low body temperature.

Standing up to the elements

Having taken into account the weather conditions that may assail workers, the next step is to consider possible control measures.

The first, as always, is to decide if the job/task can be delayed until the weather conditions improve. Can the work be programmed to take into account seasonal weather patterns? Can work at night, when temperatures plummet, be avoided?

Provision of weather-proof clothing must be made carefully in consultation with the employee, as this is not always the answer. For some tasks, such clothing can be cumbersome and make moving about more difficult. Hence, the material and construction of garments, etc. must be appropriate.

A reliable communication system is also crucial; it's no good relying on a mobile phone if there is a poor, or absent signal in the area being visited. Some form of lone/remote-worker system is advisable, via which employees can report their expected movements and times so that an employer can keep track of them and be alerted if a time check has been missed. A workable/ proven emergency plan must also be in place and communicated to all relevant staff.

Low temperature problems can also be dealt with by providing shelter, where people can warm up and have hot drinks and food on a regular basis. Thermal underwear can be provided, as can other appropriate outside clothing, such as balaclavas, hats and ear-warmers. However, it can be a challenge to keep warm hands that are required to do delicate and intricate manipulations.

Finally, workers likely to be exposed to the weather conditions described above should be trained to recognise possible events, such as frost bite, hypothermia, dehydration, etc. and provided with information (and first-aid equipment) that will enable them to ward off, or treat these conditions.

Like death and taxes, the weather is unavoidable and is always with us, so those responsible for employees working outdoors must take into account the risks and possible effects on their health, concentration, decision-making processes, and manual activity. Accident figures for individual weather-effected incidents are not readily available (except, perhaps, from insurance companies) but common sense and experience tells us to err on the side of caution when reasonably practicable control measures are available to reduce the risks to and improve the comfort of outdoor workers.

Managing Sub Contractors

Anyone engaging sub-contractors has health and safety responsibilities, both for the contractors and anyone else that could be affected by their activities. Contractors themselves also have legal health and safety responsibilities. Make sure everyone understands the part they need to play in ensuring health and safety.

Poor management of sub-contractors can lead to injuries, ill health, additional costs and delays. Working closely with the contractor will reduce the risk to your own employees and the contractors themselves.

Legal duties and obligations around use of contractors

The Health and Safety at Work etc. Act 1974 The main duties that apply to the use of contractors are contained in sections 2, 3 and 4 of this Act.

Employers have to ensure as far as is reasonably practicable, the health, safety and welfare at work of employees, employees of other employers and members of the public.

Those who have control over premises have to consider the safety of anyone who comes on the premises, including contractors and customers.

The Management of Health and safety at Work Regulations 1999 These regulations are of particular importance in any client/contractor relationship. They set out requirements for a health and safety management system in all workplaces. Employers have to assess risks in their workplace and take steps to control or eliminate the risks.

Specific hazards in particular sub-contractors have legal responsibilities under health and safety regulations dealing with special hazards, including:

- The Control of Lead at Work Regulations 2002
- The Control of Asbestos Regulations 2012
- The Control of Substances Hazardous to Health Regulations 2002

The Construction (Design and Management) Regulations 2015. They place specific duties on clients, designers, and contractors to ensure health and safety is taken into account at every stage of the project.

Select a suitable contractor

You will need to satisfy yourself that the contractor you choose can do the job safely and without risks to health. This means making enquiries about the competence of the contractor – do they have the right combination of skills, experience and knowledge? The degree of competence required will depend on the work. Similarly, the level of risks and the complexity of the job.

Example of questions you could ask potential contractors include:

- What arrangements will you have for managing the work? For example, who will be responsible, how will the work be supervised, what checks do you make on equipment and materials etc?
- Will you be using subcontractors and if so how will you check they are competent? The level of competence for subcontractors will depend on the risk and the complexity of the work.
- What is your recent health and safety performance? For example, how many accidents and cases of ill health have you had, has HSE taken any action against you?
- Do you have a written health and safety policy? (This is a requirement if five or more people are employed.)
- Can you provide existing risk assessments done for a similar job? (Again, written risk assessments are only required by law if five or more people are employed.)
- What qualifications, skills and experience do you have in this type of work?
- What health and safety information and training do you provide for your workers?
- If required, do you have Employers' Liability Insurance?

These questions will help you find out whether the contractor is complying with their duties under health and safety law. You can then decide how much evidence is needed to support what you have been told.

Other questions you can ask which may help you to decide which contractor to choose include:

- Do they have any independent assessment of their competence?
- Are they members of a trade association or professional body?
- They will be producing a method statement for the job

Contractors Competence & Resource Questionnaire - Sample

Client Project

Name & Address of Company:

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Tel: **Fax:**

Director responsible for Health & Safety:

The content of this proforma is designed to assist in the collation of information to enable a suitable and sufficient assessment of competence and resources to be undertaken. It is not essential that all sections are completed and if you feel that you can adequately demonstrate your competence and resources in the role of the Principal Contractor using an alternative format, we will be happy to accept such submissions, though please ensure you address and adequately demonstrate your competence and resources in the following key areas:

- Proven track record
- Proposed project organogram and CV's for key personnel
- Competence (experience, training and qualifications etc) of key team members of the envisaged site management team
- Availability of sufficient resources (technical personnel, plant equipment etc)
- Details of your current and projected future workload
- Details of your Health and Safety management and control systems
- Details of your past health and safety performance (Accident statistics & Enforcement Action)
- Details of your health and safety training arrangements and provision

When making our assessments we will generally consider the content and advice outlined by the HSE in the CDM Regulations and associated guidance. If we feel additional information is required, we may request further information for clarification purposes or alternatively call in individual contractors for interview.

1. General Policy	
1.1	<p>Please provide:</p> <ul style="list-style-type: none"> a) A signed copy of your current general Health & Safety <u>Policy Statement</u>, including procedures for risk assessment. b) An <u>outline/summary</u> of your general management organisation structure with regard to the allocation of duties, delegation of responsibilities, etc. in relation to health and safety. c) Details of your <u>general arrangements for the management of health and safety</u> within your organisation, including how the company discharges its duties under CDM2015. d) An outline of how the above arrangements are communicated to the workforce, together with details of how your workforce is consulted on matters of health and safety.
1.2	<p>Do you employ a Competent Person responsible for Health & Safety?</p> <p>If yes, is this a full time, part time or as required appointment? Is it an internal employee or an external consultant? Is the person(s) conversant with both general health and safety and construction health and safety issues? Please provide CV and confirmation of their qualifications and experience.</p>
1.3	<p>Please provide information on any awards or commendations received for accident prevention or general health and safety practice within the past 3 years, this could include accreditation for ISO18001 or equivalent.</p>
1.4	<p>Please provide details on all prohibition, improvement or other enforcement notices issued against your company within the past 5 years.</p>
1.5	<p>Please provide details of any prosecution(s) undertaken against your company or individuals employed by your company for breaches of health and safety legislation within the past 5 years. Please also indicate if you have any pending prosecutions.</p>
1.6	<p>Please provide details of any actions taken to remedy matters subject to enforcement action.</p>
1.7	<p>Please provide summaries of statistical information in relation to hours worked, accidents, injuries and dangerous occurrences (as defined by RIDDOR) on your sites over the last 3 years.</p>
1.8	<p>Please provide details of your accident/incident investigation procedures and the details of any actions taken to prevent the recurrence of such incidents happening again.</p>
2. Organisation	
2.1	<p>Please provide a <u>project specific</u> organogram detailing the likely project team composition and structure, together with the roles and responsibilities of the key team members.</p>
2.2	<p>Please provide details of the health and safety training undertaken by the proposed <u>key members</u> of your project team.</p>
2.3	<p>Do <u>site operatives</u> receive health & safety and job specific training for the tasks they are required to undertake and is a formal record kept of the training received by all employees? If yes please provide <u>example training records</u> and details of the training, qualifications and experience typically required of: Board Members/Directors; Senior Managers; Safety Advisors; Site Supervisors and General Operatives.</p>
2.4	<p>Please provide details of the number/percentage of people engaged in the project who have passed a Construction Health and Safety Assessment, such as CSCS or Equivalent.</p>

2.5	Please provide details of your sub-contractor selection and appointment procedures, this should explain how the organisation ensures that only competent organisations and individuals are appointed.
2.6	Please detail your company procedures with regards to monitoring and controlling/managing site safety, this should address the management of both your own workforce and those of any sub-contractors working directly/indirectly for you.
2.7	Please provide details of your procedures for undertaking risk assessments and for developing and implementing safe systems of work/method statements.
2.8	Please provide an example of a completed risk assessment and a completed method statement <u>for similar type works.</u>

3. Planning & Monitoring

3.1	Please outline your procedures for the co-ordination of health and safety information between: <ul style="list-style-type: none"> a) Principal Contractor and the Client b) Principal Contractor and the Principal Designer c) Principal Contractor and other Contractors c) Principal Contractor and Designers
3.2	Please provide examples of the health and safety rules and regulations which exist for the protection of your own <u>and</u> your sub-contractors personnel.
3.3	Outline your procedures for communicating information on health and safety issues to your direct and in-direct workforce.
3.4	Please confirm your commitment to providing the appropriate welfare facilities for the project and outline the welfare facilities you intend to provide on this project.

4. Resources

4.1	Please outline any specialist resources which are utilised by your organisation in an advisory capacity on health and safety matters.
4.2	Please outline how you monitor the competence and effective resourcing of your, your sub-contractors and where applicable, designers in health and safety matters?
4.3	Please outline how you monitor and review the implementation of your systems and procedures. Include examples of site inspection reports.
4.4	Please provide details of any <u>key sub-contractors</u> you propose to use on <u>this project</u> , if you do not know which sub-contractors will be used, please ensure you indicate any <u>significant aspects of work which it is likely would be sub-contracted</u> if you were successful (ie: groundworks, steelwork erection, electrical installation etc).
4.5	Please outline your arrangements for co-operating and co-ordinating your work with other contractors/trades.
4.6	Please provide <u>brief details</u> of your companies <u>in-house resources</u> , ie: numbers and type of staff/tradesmen/labourers etc; availability of plant and equipment; access to other equipment, materials or resources which may be of use on this project.
4.7	Please provide <u>brief details</u> of your current <u>and</u> projected workload (where known), together with approximate timescales and contract values.

5. Perspective	
5.1	Please provide an example of a relevant construction phase health and safety plan that has been prepared by your organisation for similar works .
5.2	Would you permit the CDM Co-ordinator, client or its representatives to carry out an inspection of your operations at any site at which you are currently working?
5.3	Please provide brief details (one/two-line description, contract value, role, dates etc) of similar/comparable projects your organisation has undertaken in the last 5 years.
5.4	Please provide 2 client references for similar works undertaken by your organisation in the last 3 years.
5.5	Please feel free to provide any additional information in support of your submission.

Declaration

I hereby declare that the information given in this questionnaire is true and accurate to the best of my knowledge and belief. Should we further sub-contract any elements of the work for the proposed contract, we undertake to make similar enquiries of any contractor or designer concerned and to satisfy ourselves of their competence and that they will allocate sufficient resources to carry out their duties and obligations under the Construction (Design and Management) Regulations 2015.

Signature of Director named above:

Company: **Date:**

Contact for further details:

Falling scaffold clip struck passer-by

Firm failed to follow risk assessment and method statement

A scaffolding contractor has been fined £160,000 after a scaffold 'clip' fell approximately 20m striking and injuring a member of the public walking below on 20th March 2017.

Westminster Magistrates Court heard that the injured person was walking along Upper Street in Islington, London when he was struck on the head by the falling clip.

He sustained numerous cuts to his head and face, a broken nose and a severely bruised skull.



1. INTRODUCTION

Legislation, including the Construction (Design and Management) Regulations (CDM 2015) and Management of Health and Safety Regulations (MHSR) 1999, outlines that clients, main contractors, designers, users (i.e. other contractors on site who will use the scaffold) and scaffold contractors have a duty to consider and control the risks to the general public as early as possible, at the enquiry stage, planning stage (i.e. planning, design, construction, safety management, inspection, loading, signing, storage etc) and throughout the life of each project.

The general public will not be aware of the hazards associated with scaffolding activities making them more vulnerable to the possibility of injury, therefore adequate planning involving all parties is essential to the safe erection, use, alteration, maintenance and dismantling of scaffold structures in close proximity to the general public and others who may be affected by scaffolding operations.

This NASC guidance document has been produced to give an overview of the planning required and the range of precautions that need to be considered to minimise the risk of harm (including that of dropping the risk of falling material and man-overboard accidents).



Alandale Plant & Scaffolding Ltd – of Beckenham, Kent pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974. The company was fined £160,000 and ordered to pay costs of £7,059.08 and a victim surcharge of £170.

Speaking after the hearing, HSE inspector Sarah Robinson commented:

“This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

On this occasion the company did not follow their own risk assessments or method statements.”

Guidance

NASC guidance document [SG34:17 Guidance on Protection of the Public](#) which provides an overview of the planning required and the range of precautions that need to be considered to eliminate the risk of harm to the public.

HSE guidance [HSG151 Protecting the public: Your next move](#) which provides advice, especially for those designing, planning, maintaining or conducting on-site work, to prevent risks to those off-site.

Picture Gallery



Spot the hazards!



Is this wheelie safe?



Provision and Use of Work Equipment Regulations – lack of maintenance and inspections evident!