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Grenfell Tower: Immunity?

Firms involved in the refurbishment of Grenfell Tower have asked the public inquiry into the fire for a guarantee that anything they say in the hearings will not be used for any prosecution.

They want a guarantee from Attorney General Geoffrey Cox that they will be protected when they give evidence.

The fire in June 2017 killed 72 people.

The Royal Borough of Kensington and Chelsea has "apologised unreservedly" for a "number of failings" by its building control services.

The inquiry's second phase, which began on Monday, is looking at how the building came to be covered in flammable cladding during its refurbishment between 2012 and 2016.

Experts have previously said the work failed to meet building regulations.

Representatives from organisations including cladding company Harley Facades, building contractor Rydon and the Kensington and Chelsea Tenant Management Organisation made the application for the guarantee.

The request was read out by inquiry chairman Sir Martin Moore-Bick at the hearing in London.

It was met with groans from survivors and families of the victims in the room, who are likely to strongly oppose the move.

Michael Mansfield QC, who is representing victims, told the inquiry the timing of the application was "highly questionable and highly reprehensible".

"There has been plenty of time for this to be considered," he said.

"It has caused immense anxiety, distress and anger at a time which has come throughout a much longer period of waiting after this disaster, of waiting to get to the point of accountability, as it were, to be almost thwarted at the doors of the court."

Sir Martin said he would hear the firms' application on Thursday afternoon.

Scotland Yard is conducting its own investigation into gross negligence manslaughter, corporate manslaughter and health and safety offences and said in September it had so far completed 17 interviews.

Under the Inquiries Act 2005, people giving evidence at an inquiry have the right to withhold information which might incriminate them. But the attorney general has the power to rule that no evidence given by witnesses will be used against them in criminal proceedings, except if they are charged with conspiring to or giving false evidence to the inquiry.

The first part of the Grenfell Inquiry examined events that took place on the night. It found the cladding was the "principal" reason for the rapid and "profoundly shocking" spread of the fire at the 25-storey building.

It also concluded that "many more lives" could have been saved if the advice to residents to "stay put" had been abandoned earlier.

At the opening of the second phase on Monday, the inquiry heard that - with the "sole exception" of the Royal Borough of Kensington and Chelsea (RBKC), which accepted that the refurbishment should not have been signed off - all organisations involved in the work had denied responsibility for the fire in "carefully crafted statements".

The following day, emails disclosed to the inquiry suggested that companies knew a planned cladding system would fail in the event of a fire.

On Wednesday, RBKC counsel James Maxwell Scott QC told the inquiry: "Grenfell Tower is a tragedy which should never have happened. This council could have done and should have done more to stop it happening."

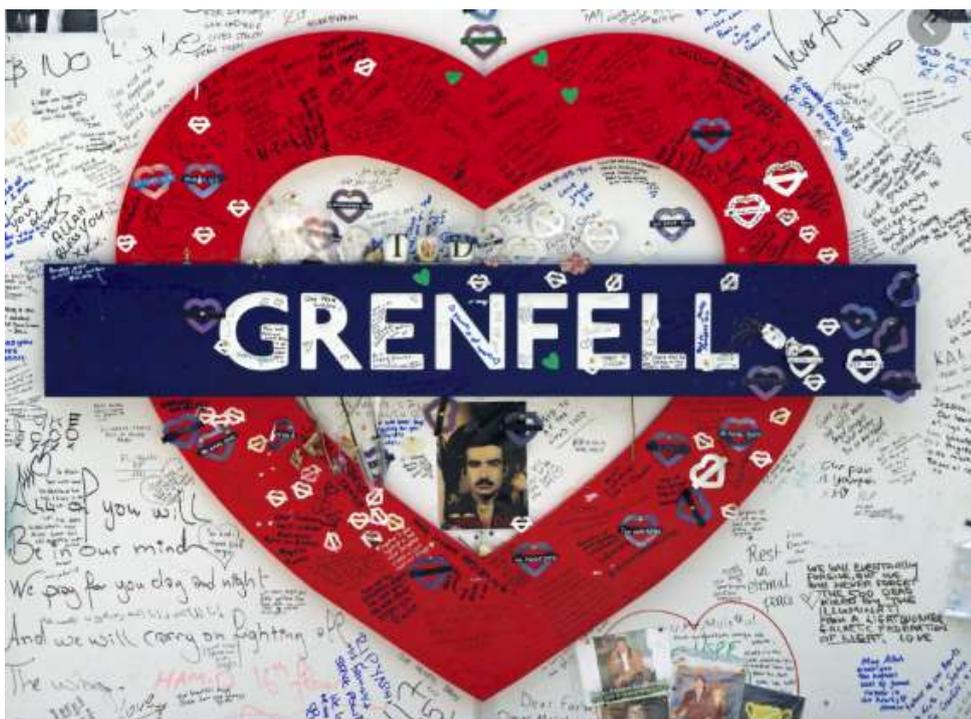
Among the failings by its building control services during the tower's refurbishment, Mr Maxwell Scott said officials failed to ask for comprehensive details on the cladding system involved in the refurbishment and failed to identify the insulation materials used were not of limited combustibility.

Survivors group Grenfell United said there was "no true remorse" in the admission by RBKC, adding it was "insulting to survivors and bereaved families for them to suggest they are being honest about their role in our suffering".

RBKC owned the west London block but it was run by an arms-length body, the now-defunct Kensington and Chelsea Tenant Management Organisation (KCTMO), which oversaw the refurbishment.

The inquiry has heard that the cladding was chosen to help save money on the refurbishment.

However, Alice Jarratt of the KCTMO told the inquiry on Wednesday it was "not the case" that minimising costs was its "only consideration for the project".



BOSS WHO FORGED DEAD WORKER'S SIGNATURE JAILED FOR TWO YEARS

The contracts manager of a roofing firm has been jailed after forging health and safety documents after a worker fell to his death.

On 24 September 2015, Kenneth Drake was working on the roof of an ironmongers in Rochdale when he fell through a fragile roof light. He sustained fatal head injuries.



An investigation by Greater Manchester Police and the Health and Safety Executive (HSE) found there had been fundamental breaches of duty on the part of those who organised the work to the roof – being Drake's employers, Roofing Consultants Ltd and a second company who was also involved in the work, High Ridge Roofing Solutions.

Netting should have been provided, but Roofing Consultants' contracts manager Mark Bray insisted it was not needed. Experts in the field assessed the site after Drake's fall and advised that netting was necessary. Another expert in the field stated that it was not difficult to net and if it had been installed, would have caught Drake. Experts told investigators that netting would have costed about £1,250 to safely install.

Manchester Crown Square Crown Court was told that following the incident, Bray copied Drake's signature on a risk assessment document to make it appear as if he had agreed to procedures on the £55,000 project.

Earlier this week, at Manchester Crown Square Crown Court, 48-year-old Mark Bray was sentenced to serve two years in prison after admitting failing to take reasonable care of other persons, pursuant to s 7 of the Health and Safety at Work Act, contrary to s 33(1)(a). He also pleaded guilty to perverting the course of justice.

Roofing Consultants Ltd was fined £100,000 plus £30,000 in costs after pleading guilty to breaching s 2(1) Health and Safety at Work Act. High Ridge Roofing Solutions Ltd was found guilty of breaching reg 15(2) of the Construction (Design and Management) Regulations 2015. It was fined £12,000 and ordered to pay £33,000 costs.

"[These sentences] should serve as a stark reminder to those who employ people and have a responsibility to look after them in the workplace - cutting corners in this way is dangerous and can ultimately rip families apart, because it was these actions that had absolutely cataclysmic consequences and led to Ken's unnecessary and preventable death, " said GMP's detective chief inspector Richard Eales.

"The fact that Bray went onto forge Drake's signature demonstrates than rather than thinking about [Drake] and his loved ones in the aftermath of his death, Bray's sole thought was to cover his tracks and prevent the investigation from establishing what had occurred."

HSE principal inspector Laura Royales said: "This was an entirely foreseeable and preventable incident which resulted in a tragic and needless loss of life. Falls from height remain the biggest cause of workplace fatalities in the UK construction industry.

"It is vital that those involved in planning, managing and carrying out work at height understand the risks and identify and implement suitable control measures to prevent injury. Had such steps been taken in this case, this incident would not have occurred."

SPOTLIGHT ON COSHH

What is COSHH?

COSHH is the law that requires employers to control substances that are hazardous to health. You can prevent or reduce workers exposure to hazardous substances by:

- finding out what the health hazards are;
- deciding how to prevent harm to health (risk assessment);
- providing control measures to reduce harm to health;
- making sure they are used;
- keeping all control measures in good working order;
- providing information, instruction and training for employees and others;
- providing monitoring and health surveillance in appropriate cases;
- planning for emergencies.

What is a 'substance hazardous to health'?

COSHH covers substances that are hazardous to health. Substances can take many forms and include:

- chemicals
- products containing chemicals
- fumes
- dusts
- vapours
- mists
- nanotechnology
- gases and asphyxiating gases and
- biological agents (germs). If the packaging has any of the hazard symbols then it is classed as a hazardous substance.
- germs that cause diseases such as leptospirosis or legionnaires disease and germs used in laboratories.

COSHH does not cover:

- lead,
- asbestos or
- radioactive substances

because these have their own specific regulations.

What is exposure?

Exposure to a substance is uptake into the body. The exposure routes are:

- By breathing fume, dust, gas or mist.
- By skin contact.
- By injection into the skin.
- By swallowing.

Many thousands of substances are used at work but only about 500 substances have Workplace Exposure Limits (WELs) listed in EH40 workplace exposure limits

Chemical safety data sheets

Safety data sheets provide information on chemical products that help users of those chemicals to make a risk assessment. They describe the hazards the chemical presents, and give information on handling, storage and emergency measures in case of accident.

Control measures to prevent or limit exposure to hazardous substances

Control equipment can be general ventilation, extraction systems such as local exhaust ventilation, enclosure, or where the air cannot be cleaned, refuges and respiratory protective equipment (RPE).

Other control equipment includes spillage capture, decontamination, clean-up procedures and personal protective equipment (PPE).

Control through ways of working includes operating procedures, supervision and training.

It includes emergency procedures, decontamination and 'permits to work' for tasks such as maintenance.

It also means testing all control measures regularly – equipment, ways of working and behaviour, to make sure that they work properly.

You should keep records of examinations, tests and repairs to equipment for at least five years. This helps to identify any trends or variations in equipment deterioration.

Where control measures are in place it is important to use them properly.

This includes:

- wearing any PPE necessary;
- using control equipment;
- following hygiene procedures;
- warning supervisors if anything appears to be wrong.

COMPANY FINED AFTER EMPLOYEES EXPOSED TO RESPIRABLE CRYSTALLINE SILICA

[A playground installation and landscaping contractor has been fined after failing to provide employees with adequate control measures to prevent exposure to respirable crystalline silica \(RCS\).](#)

Greater Manchester Magistrates' Court heard how on 23 March 2018, the Health and Safety Executive (HSE) carried out unannounced inspection of a site at Newbank Garden Centre, Bury Road, Radcliffe. The HSE inspector served a Prohibition Notice to stop two employees of Playscape Design Ltd, using a powered tool to cut flags without any respiratory protective equipment. This put the health of the employees at risk due to exposure to RCS, which is released when silica-containing materials are cut with a powered tool.

HSE then served an Improvement Notice, requiring the company to provide adequate control from exposure to RCS. The investigation found the company did not provide evidence of compliance within the deadline and a second, similar job was completed at the same site with no adequate control measures in place.

Playscape Design Limited of Ball Grove Drive, Colne, Lancashire, pleaded guilty to breaching Regulation 7(1) of the Control of Substances Hazardous to Health Regulations 2002 and also admitted not complying with an Improvement Notice, which is an offence under Section 33(1)(g) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay costs of £3,000.

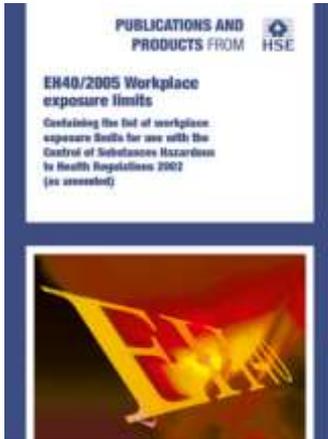
HSE inspector Rebecca Hamer, said after the hearing: "The working conditions we encountered were putting the health of the employees at risk due to exposure to RCS, which is released when silica-containing materials are cut with a powered tool.

"Exposure to respirable crystalline silica can cause life-threatening diseases including silicosis and chronic obstructive pulmonary disorder (COPD), which can lead to impaired lung function, lung cancer and death. This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards"

EH40/2005 UPDATED TO INCLUDE NEW AND REVISED WORKPLACE EXPOSURE LIMITS

On 17 January 2020 the HSE published a revised version of EH40/2005 'Workplace exposure limits'.



This has been updated in order to implement amendments to the Carcinogens and Mutagens Directive (2004/37/EC) which introduces or revises 13 binding occupational exposure limit values for a number of carcinogenic substances.

Occupational exposure limits are implemented in the UK via the Control of Substances Hazardous to Health (COSHH) Regulations as Workplace Exposure Limits (WELs) via Table 1 of EH40/2005 'Workplace exposure limits' for use with COSHH.

COSHH requires exposure to carcinogenic substances to be reduced to 'as low as is reasonably practicable'.

IMPORTANT NOTE: The WELs listed in Table 1 of EH40/2005 'Workplace Exposure Limits' supersede any limits contained in other HSE guidance or publications.

SAFETY INNOVATIONS

Digital Screen Mounted to Hoarding

On their Ponteland Schools & Leisure Centre project, Kier have trialled a digital programme to provide more information to the public and convey key messages to their supply chain, operatives and staff. The programme displays the real time progress of the site and also provides detailed information on the project for the public.

It is displayed on a 55" screen mounted at the entrance to the site on the hoarding. Two other similar screens are provided within the offices to show environmental and health and safety information.

The screens can also display information from the client. On the Ponteland Schools & Leisure Centre project, Northumberland County Council can include information about the project that they want to communicate to the general public.

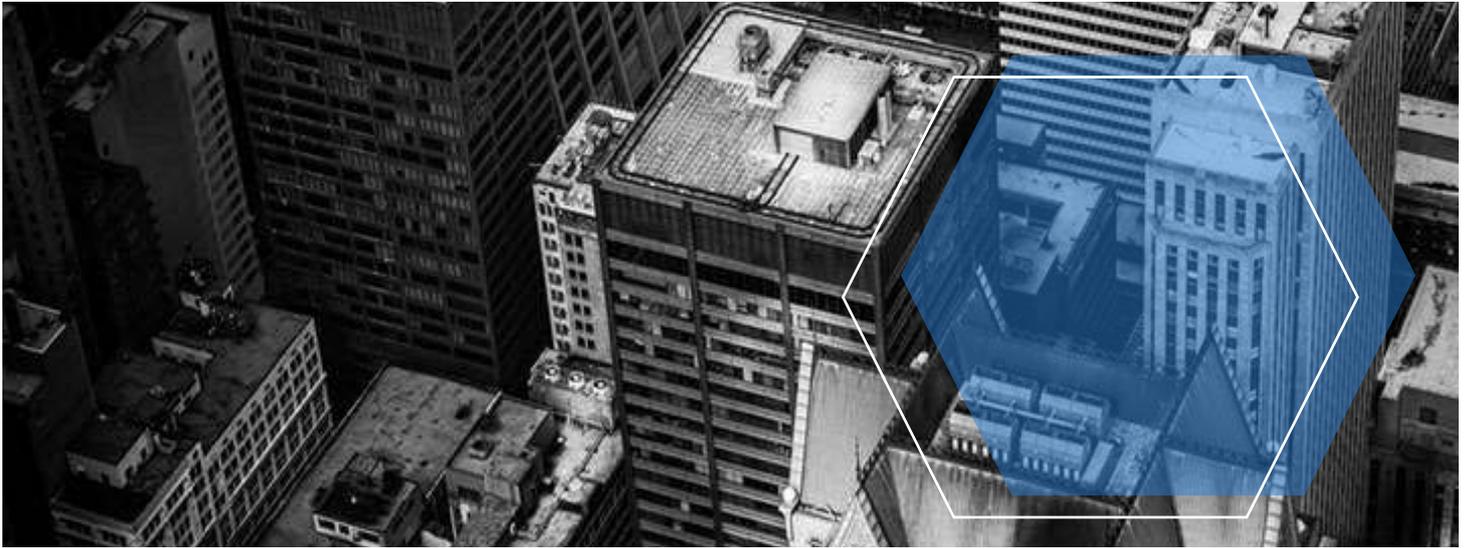


WALKIE-TALKIE CONTACT BOXES

Following concerns raised about the tight site constraints, the site team on this project have introduced "Walkie Talkie Boxes". Within each Walkie Talkie Box a portable radio is kept at particularly tight points on site (e.g. crossing points) to enable site personnel to communicate directly with the machine operators and banksman.

All radios are taken in for security and charging each night and returned to the boxes each morning.

Safety systems such as effective communication procedures and clear site access are good practice and a legal requirement to care for everyone's safety. Each year, approximately 7 workers die as a result of accidents involving vehicles or mobile plant, with a further 93 seriously injured.



E-LEARNING

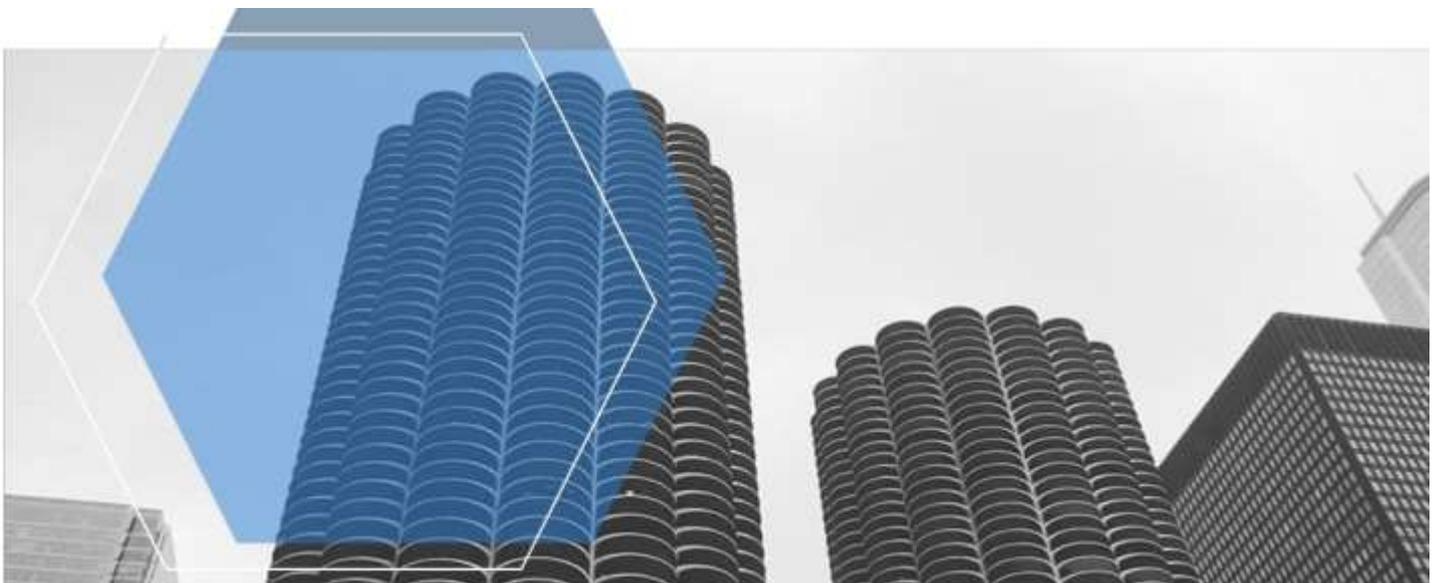
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