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Message from Select Health & Safety Ltd



IOSH COURSES

Places still available for **IOSH Managing Safely** at our training facility in Doncaster in 2010. Next course commences 12th January 2010 over four weeks on day release. Call now on 01302 515120 to book your place.

SMSTS COURSES

Select Health and Safety Ltd are now taking bookings for **SMSTS** and **SSSTS** courses for 2010. Please call 01302 515120 for further details

Construction Firms Fined over Scaffold Collapse

On 23rd November 2009 two construction firms involved in a major scaffolding collapse at Milton Keynes were ordered to pay £126,000 for their role in the incident which left one man dead and two others seriously injured.

A father and son were working on the Jury's Inn site in Witan Gate, Milton Keynes on April 11 2006, alongside another individual. All three men were on the 40-metre-high scaffolding when it collapsed.

They fell to the ground and were trapped under rubble until rescue workers could reach them.

A father of three aged 49, was taken to hospital suffering from serious injuries to his left leg. Three days later he died from a pulmonary embolism, as a result of the damage to his leg. His son suffered a punctured lung, broken vertebra and ribs and significant cuts and bruising in the fall. He was unable to work for a period after the incident.

The other individual suffered serious fractures to his legs and arms and spent a month in hospital recovering. He has undergone a number of operations and has had to re-train as a draftsman.

In Huntingdon Crown Court the Principal Contractor on the Jury's Inn site, McAleer & Rushe Limited of Cookstown, N.Ireland was fined £90,000 and ordered to pay costs of £42,000. The cladder on the site, Lee Smith Carpentry Limited of Romsey, Hampshire was fined £36,000 and ordered to pay costs of £28,000.

The court heard that a combination of failures led to the scaffolding collapse. The scaffolding was not strong or stable enough for the work being carried out.

Inspection of the scaffold was also inadequate, despite specific instructions from HSE and McAleer's Health and Safety Manager.

HSE Principal Inspector Stephen Hartley said:

"An individual lost his life in this incident and two others have had their lives changed forever as a result. It's a wonder that more people weren't hurt.

"It is totally unacceptable for companies to disregard the safety of their workers. If the scaffolding had been designed, erected and managed properly, this incident would never have happened."

McAleer & Rushe Limited had earlier pleaded guilty to breaching section 2(1) and 3(1) of the Health and Safety At Work etc Act 1974. Lee Smith Carpentry Limited had admitted four breaches of health and safety regulations.

His widow said "John was a kind, caring man who lived for his family. My children and I have not come to terms with his death; we don't understand why it had to happen.

"This incident should never have happened if both companies had ensured the safety of those working for them. Every day I miss John so much - my best friend, my soul mate and my future."

Road Maintenance Company Fined

A road maintenance company has been fined £65,000 after a motorist was killed on the M6 in Lancashire.

They were prosecuted by the Health and Safety Executive (HSE) in relation to the incident and appeared before Preston Crown Court on 15th December 2009.

A man died after hitting an unlit contractor's vehicle parked on the hard shoulder of the M6, just past junction 35 near Carnforth. He was travelling north on the motorway at approximately 11.30pm on 8 May 2004.

The company, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974 for failing to ensure the safety of the public. The judge deferred his decision on what costs the company should pay in addition to the fine.

The company was guilty of several failings. Inconsistency in the positioning of the traffic cones, between the hard shoulder and lane one, caused uncertainty to motorists about whether the hard shoulder should be used.

They also failed to provide detailed drawings for a change in the layout of the traffic cones, after the original plans were altered. And the cones were not moved back into place after the white line between lanes one and two had been repainted.

HSE's Principal Inspector for traffic management, said: "Everyone involved in roadworks should learn from this tragedy and consider whether they are doing enough to prevent deaths and injuries.

"Roadworks always need to be managed with great care to ensure the safety of both construction workers and road users. There should be clear signing and a consistent use of traffic cones.

"Motorway roadworks can be very dangerous places for both workers and the travelling public unless a high degree of control is maintained, and Cumbrian Industrials was legally required to make sure this was the case.

"The company should have carefully planned and co-ordinated the work of its subcontractors. A new route through the road-works should not have been opened until the carriageway was clear of obstructions and the correct signs and cones were in place".



"We will not hesitate to take action against construction companies who fail to comply with the law."

First Prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007

The trial of Cotswold Geotechnical Holdings Ltd under the Corporate Manslaughter and Corporate Homicide Act 2007 and Section 2 of the Health and Safety at Work etc Act 1974 (Managing Director, charged with gross negligence manslaughter and Section 37 of the Health and Safety at Work etc Act 1974), is now set for **23 February 2010**.

The prosecution arises from a joint fatal accident investigation by Gloucestershire Police and HSE following the death of a Junior Geologist on 5 September 2008. The deceased was employed by Cotswold Geotechnical Holdings and was taking soil samples from inside a pit which had been excavated as part of a site survey when the sides of the pit collapsed crushing him.

With this being the first case under the new Act it has been placed in the spotlight.

The awaited draft guidelines for sentencing were published in October. Fines expected to be in the range of 2.5 -10% of an offending organisation's annual turnover were rejected as this would be difficult to apply in public and third sector bodies. Instead proposals are now being considered for fines which would not normally be less than £500,000

Publicity Orders are to ensure that the conviction becomes known to shareholders, customers and local stakeholders.

Remedial Orders set out the steps to be taken to address the failures that led to the death(s) and is designed to ensure that any deficiencies in the organisation's health and safety policies and systems are dealt with.



HSE Myth No8

Workers are banned from putting up Christmas decorations in the office

The HSE continue with their myths theme with No8 in the series on Christmas decorations.

Bah Humbug!

Each year we hear of companies banning their workers from putting up Christmas decorations in their offices for 'health and safety' reasons, or requiring the work to be done by a 'qualified' person.

Most organisations including HSE and local councils manage to put up their decorations, celebrating the spirit of Christmas without a fuss. They just sensibly provide their staff with suitable step ladders to put up decorations rather than expecting staff to balance on wheelie chairs.

The HSE have now produced a 2010 calendar which is a compilation of new HSE's Myth of the Month cartoons. 'Health and safety' banning everything from ladders to school trips is a familiar headline, but it's rarely true.

The cartoons are very funny, but show how misleading stories can distract people from the serious business of managing real health and safety risks sensibly.

It can be ordered for £5.00 direct from HSE at this [link](#).



Merry Christmas

Select Health and Safety Ltd would like to wish all our clients a very Merry Christmas and a safe and prosperous New Year.

Safety at home this Christmas time

Some **common sense** advice to make sure that you have a safe seasonal time.

Don't forget to switch off Christmas lights before you go to bed.

Candles add to the festive mood - but they can also be dangerous. Do not leave them near flammable material, within a youngster's reach or in a position where they could be knocked over. Just like the Christmas lights, don't forget to make sure they are fully extinguished before you go to bed.

Make sure all of your smoke alarms are in working order, do not remove batteries for toys. You need the alarms to work when they are needed most.

MERRY CHRISTMAS!