

News

Health and Safety

1 June 2021

Prosecutions

Company fined after worker suffers loss of thumb and fingers

Food manufacturer, Young's Seafood Limited, has been fined after a worker was trapped by a mixing machine.

On 16 October 2017, the 59-year-old worker was creating the mix for fish cakes at the company's Humberstone Road factory in Grimsby. At the end of a mix run he went to clear the mix from the machine, lifting an interlocked guard that should have stopped the machine from running. He put his hand into the machine without realising it was still running and the augur caught his hand and drew his arm in up to the elbow.

The worker managed to free himself from the augur but in removing his arm, his thumb and two of his fingers were severed and he suffered serious tendon damage. Following the incident doctors were unable to reattach his fingers and he has not yet been able to return to work.

Investigating, the HSE found that the machine continued to run when the safety guard was lifted and failed to respond when the emergency stop was pressed. The interlocking system was inadequate, and the company had failed to ensure that the machine was effectively maintained. These matters were exacerbated by poor communication between the shop floor and maintenance and an inadequate fault reporting system.

Young's Seafood Ltd of Ross House, Wickham Road, Grimsby Lincolnshire pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974. The company has been fined £787,500 and ordered to pay £33,443.68 in costs.

After the hearing, HSE inspector Carol Downes commented: "The life changing injuries sustained by the employee could have been prevented and the risk should have been identified.

"Being pro-active with preventative maintenance and good communication of faults can reduce the chance of harm."

**HSE
May 2021**

Metalworking fluids caused worker's permanent allergic dermatitis

An automotive company has been sentenced after an employee developed an allergic form of dermatitis after coming into contact with metalworking fluids.

On 24 April 2019, an employee at Xtrac Ltd was splashed on the face and upper body with metalworking fluid whilst cleaning out a grinding machine at a manufacturing site in Thatcham.

As a result of the contact the employee had an allergic reaction, consisting of a very painful burning sensation, inflamed, broken and oozing skin, and was diagnosed with allergic contact dermatitis. This is a permanent allergy, which means that even small quantities of this substance can result in a further serious reaction. The employee received medical advice that they could no longer continue in their job as it was a risk to their health.

The HSE's investigation found that Xtrac Ltd had failed to carry out a suitable and sufficient risk assessment to identify the potential for exposure to the hazardous chemicals. The company had not implemented necessary controls to prevent skin contact – this was particularly important in this case as the company was already aware the employee had a history of dermatitis.

Xtrac Ltd of Gables Way, Kennet Park, Thatcham pleaded guilty to breaching section 2 (1) of the Health and Safety at Work Act 1974. They were fined £100,000 and ordered to pay costs of £639.59.

Speaking after the hearing, HSE inspector Ashley Hall said: "Dermal risks from metalworking fluids are well known within industry and there are simple and effective controls available to prevent contact with the skin.

"This serious health condition could have been prevented if the company had carried out the required risk assessment and implemented the necessary control measures, including suitable personal protective equipment, particularly gloves."

**HSE
May 2021**

Construction company fined after excavation collapse

Harlands Builders Limited has been fined for safety breaches after a ground worker was trapped having entered a two-metre-deep excavation.

On 26 June 2019, the company was undertaking groundworks at West Farm Stone, Creek Sunk Island, East Riding. The worker had entered an excavation in order to measure the depth when part of it collapsed on him.

The HSE's investigation found that the excavation had three sheer unsupported sides and was not battered back. The worker was trapped by the collapse and sustained a broken tibia and fibula on his left leg. Other workers were also put at risk as they went into the excavation to free the trapped man.

Harlands Builders Limited of Medina House, Station Avenue Bridlington, East Yorkshire pleaded guilty to breaching Regulation 22 (1) of the Construction Design Management Regulations 2015. The company has been fined £12,000 and ordered to pay costs of £1,139.

Speaking after the hearing, HSE inspector Sarah Robinson, said: “The excavation should have been supported or battered back, and no individuals should have been asked to go into the excavation whilst it was unsafe.

“This incident could have led to the death of the worker. The case highlights the importance of identifying and following any risk assessment that was set in place.”

HSE
May 2021

Young worker suffered injuries from falling concrete panel

A farming company has been sentenced for safety breaches after a 17-year-old worker suffered crush injuries to his foot.

On 20 December 2017 a concrete panel was dropped during a lifting operation involving a telehandler vehicle on a farm in Owstwick, Yorkshire.

Investigating, the HSE found that the panel was being installed to repair a pig shed. A telehandler was used to lower the panel, weighing over a tonne, into place and the load fell after the tines of the telehandler were withdrawn. The panel fell onto the young worker resulting in mid foot fractures and crush injuries.

T Cook and Son (Farmers) Ltd of Kenby Farm, Owstwick, Roos, Withernsea, East Yorkshire pleaded guilty to breaching Regulation 8 (1) of the Lifting Operations and Lifting Equipment Regulations 1998. The company was fined £4,690.00 and ordered to pay £11,905.96 in costs.

After the hearing, HSE inspector Sarah Taylor, commented: “All lifting activities should be properly planned by a competent person, appropriately supervised and carried out in a safe manner. This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.”

HSE
May 2021

Coronavirus

RIDDOR, COVID and Under-reporting

This report outlines the TUC’s concerns regarding under-reporting of COVID-19 work-related incidents using RIDDOR, and what can be done to ensure official data better reflects the reality of occupational exposure and fatalities.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) require a ‘responsible person’ to report instances - this is generally the employer. Reports must be made within 10 days of the incident. If an employer knowingly fails to make a report via RIDDOR, they could face a fine.

The report points out that employers are obliged to report cases of COVID-19 infection where exposure occurs as a result of a person's work. As with any other disease, cases of occupational exposure, or death, must be recorded in official data, and allow for an investigation by the safety regulator where necessary.

It quotes HSE guidance, which says the employer “must make a judgement, based on the information available, as to whether or not a confirmed diagnosis of COVID-19 is likely to have been caused by an occupational exposure”.

In cases where a worker has died with COVID-19, HSE advice says there must be “reasonable evidence that a work-related exposure caused the worker's death” for it to be reportable.

Between April 2020 and April 2021, a total of 32,022 COVID-19 infections and 387 deaths were reported under RIDDOR, according to HSE’s database. The number of deaths being investigated is even lower. The HSE states that, of the 387 figure, some are found to be duplicate reports, diseases misreported as fatalities, or from a workplace outside HSE’s remit and therefore considered by an alternative regulator. As a result, the cases referred to RIDDOR which the regulator accepts as viable is even lower, and as of 19 May 2021, the HSE had investigated or was in the process of investigating 216 COVID fatalities.

The report makes suggestions for areas that need to change due to the fact that RIDDOR reports on COVID are scarce; lack of data on occupational exposure and fatalities has made it more difficult to track where outbreaks are occurring and where problem employers or workplace adjustments need identifying. There are several reforms which could help improve this situation says the report, and it suggests the following:

- **Clearer advice** - with regards to how an employer reaches a reasonable “judgement” to determine whether a COVID-19 diagnosis was the result of occupational exposure.
- **Union reporting** - recognised trade unions should be able to register a RIDDOR report triggering an investigation, as well as employers.
- **Backdate reports** - employers should be encouraged to make backdated reports, given that there is now greater knowledge about how COVID-19 is spread.
- **Equalities** - TUC believes adding ethnicity to the RIDDOR reporting process will help inform the understanding of associations between racial inequality and health inequality going forward.
- **Promotion** - the government should urgently communicate to employers their duty to report all instances of COVID-19 exposure and deaths under RIDDOR.
- **Invest in regulation** - COVID-19 has further exposed the need for effective, quality enforcement.

TUC
May 2021

Teleworking During the COVID-19 Pandemic: Risks and Prevention Strategies

The European Agency for Safety and Health at Work (EU-OSHA) has published this report. It points out that the number of people working remotely increased massively almost overnight as a result of national governments’ advice to work from home wherever possible to try to contain the spread of the virus. As a consequence, large numbers of office workers in the European Union (EU) have been teleworking from their homes for most of the time for more than a year.

This has been challenging for organisations and particularly for those that had to ensure, in a relatively short time and on an unprecedented scale, that employees had access to the technological infrastructure to enable them to work remotely on a sustained basis. In addition, organisations have needed to ensure that employees have access to resources, including ergonomic equipment, to keep themselves physically healthy, and access to organisational processes to keep them connected, motivated and productive. This has been even more challenging as teleworking in a pandemic exacerbates isolation and risk of burnout, as individuals often have been unable to leave their homes due to lockdown and curfew rules.

Nevertheless, it says, the learning that organisations will have gained from facing the health and safety challenges during this extended period of teleworking will be beneficial beyond the COVID-19 pandemic. Although it is expected to subside over the coming months, at the time of writing it is clear that its lasting effects will include a permanent shift to a greater incidence of remote working and more flexibility around work organisation and the place of work.

The report sets out the main issues relating to the definition of telework, before looking at the main drivers of telework and examining its incidence around the EU. It then gives an overview of health and safety issues in the workplace, before examining those that are specifically related to teleworking. It also looks at how the COVID-19 pandemic has affected health and safety for teleworkers.

It then examines the different types and levels of regulation that are relevant for telework. There is also a specific focus on regulation around the right to disconnect. It then looks at some examples of agreements regulating occupational safety and health (OSH) and telework in companies around the EU. Finally, it sets out a number of conclusions in relation to what works in promoting and protecting OSH for teleworkers, the principal remaining challenges and the post-pandemic future.

European Agency for Safety and Health at Work
May 2021

Teleworking in the Aftermath of the COVID-19 Pandemic

This article from the European Trade Union Institute details the outcome of an analysis on some of the key challenges that teleworking policies need to address in the aftermath of the COVID-19 pandemic. The analysis reviewed four categories of factors affecting remote work effectiveness and teleworkers' well-being, with an emphasis on what lessons can be learned from the world's largest work-from-home experiment:

1. Individual differences in workers' ability and desire to adapt to teleworking.
2. The feasibility and effectiveness of telework, which is determined by the type of job.
3. Particular household circumstances, such as the availability of physical space, the absence of distractions, or the presence of young children.
4. The employing organisation.

Policy implications

- Policymakers should address the risk of the gradual disappearance of the physical workplace, and with it of the notion of choice in relation to remote working.
- As segments of the workforce return to the workplace, employers should ensure the continuity of countermeasures to buffer isolation.
- It will be essential for employers to introduce initiatives to prevent large segments of workers becoming at risk of physical and emotional exhaustion, and for governments to adapt occupational health and safety regulations accordingly.
- The benefits of telework depend entirely on the degree of autonomy given to the worker and presuppose a culture of trust and compassion, two key traits for leaders to develop.
- Ensuring equal access to ICT and that workers possess the education and skills needed to use them are fundamental challenges that policymakers need to address to prevent a 'teleworkability' divide.

European Trade Union Institute
May 2021

Self-isolation for Coronavirus (COVID-19)

ACAS has reviewed its guidance on self-isolation and COVID-19. It notes that someone must stay at home ('self-isolate') if:

- They have Coronavirus (COVID-19) symptoms or have tested positive.
- They are told to self-isolate by an NHS test and trace service.
- Someone in their household has symptoms or has tested positive.

They could get fined for breaking the law if they do not follow self-isolation rules. Those who cannot work because they need to self-isolate must inform their employer as soon as possible.

Somebody that needs to self-isolate must stay at home for at least 10 days.

Where an employee or worker has to self-isolate, the employer should:

- Send them home immediately, if they're at work.
- Support them while they're at home, including their wellbeing and mental health.
- Consider making changes to the workplace to stop further spread.

If an employee or worker is not able to work because they're ill with COVID-19 or cannot work from home while self-isolating, they must get any sick pay they're entitled to.

Someone might have to self-isolate more than once during the COVID-19 pandemic. Employers should support them in the same way each time, says the guidance.

**ACAS
May 2021**

News

Hillsborough: Men acquitted as judge rules no case to answer

Two retired police officers and an ex-solicitor accused of altering police statements after the Hillsborough disaster have been acquitted.

Retired Ch Supt Donald Denton, retired Det Ch Insp Alan Foster and former solicitor Peter Metcalf had denied perverting the course of justice. They were accused of trying to minimise the blame on South Yorkshire Police in the aftermath of the 1989 disaster.

Mr Justice William Davis ruled they had no case to answer. He said the statements had been prepared for the public inquiry chaired by Lord Taylor in 1990.

The judge said this was not a statutory inquiry and therefore not considered "a court of law", so it was not a "course of public justice" which could be perverted.

Ninety-six Liverpool fans died as a result of the April 1989 stadium crush at the FA Cup semi-final match at Sheffield Wednesday's ground.

The three men had been on trial at the Nightingale Court at the Lowry Theatre in Salford for more than four weeks.

Mr Denton, 83, of Sheffield; Mr Foster, 74, of Harrogate; and Mr Metcalf, 71, of Ilkley, had all denied two counts of perverting the course of justice.

BBC News
May 2021

North Sea operator reprimanded after workers 'probably' exposed to asbestos

A watchdog has pulled up a North Sea operator after its workers were "probably" exposed to asbestos on two separate occasions.

The Petroleum Safety Authority (PSA) Norway has served North Sea operator Equinor with a "notice of an order" after the cases, one of which was more than a year ago.

In both incidents, the PSA said workers were "probably exposed to carcinogenic asbestos fibres" while working on the Norwegian energy giants North Sea facilities.

The first case happened in May 2020 during work on the Veslefrikk field to replace brake bands containing asbestos on anchor winches.

According to the PSA, it was decided to depart from the original plan and cut the bands, likely exposing employees, who were not using personal protective equipment, to the dangerous chemical.

The exposure was not reported at the time but was picked up in a during an audit of Equinor in autumn last year.

The other case happened on the Gullfaks field in January.

Work was being carried out to remove the exhaust channels for an emergency generator on the A platform.

This job was halted after suspicions arose about the presence of asbestos, which was then identified in the channel insulation, the PSA said.

Up to that point, personnel involved were "probably exposed" to asbestos, which can be deadly if inhaled, and respirators "were not used" – it was reported a few days later.

In response to the breaches, the safety watchdog has served Equinor with an order to ensure work is "planned, organised and executed" in accordance with the regulations.

It has until 15 June to comply.

Energy Voice
May 2021

COVID-19: Just 15 people test positive among nearly 60,000 who attended trial mass gatherings

Last week, it was reported that just 15 people tested positive for Coronavirus among nearly 60,000 who attended trials of mass gatherings including the FA Cup final and the Brit Awards, according to official figures.

Nine large-scale events were staged as part of the government's plan to allow for the return of big crowds this summer.

Those who attended were exempt from certain Coronavirus rules, such as the rule-of-six.

According to reports, 15 COVID cases had been recorded out of nearly 60,000 people who attended the events. The pilot events included three football matches at Wembley Stadium - the FA Cup final which was attended by 21,000 supporters, an FA Cup semi-final and the Carabao Cup final.

Liverpool

Several mass gatherings were staged in Liverpool including a rave attended by 3,000 clubbers, a music festival, an outdoor cinema and an indoor business event.

At the Circus nightclub event in Liverpool, partygoers did not have to socially distance or wear face coverings.

People who attended the trial events had to produce a negative lateral flow result from that day or the day before in order to gain entry.

They were also asked to take PCR tests at home, before and after they attended the events.

Evidence from the Events Research Programme will be used by the government to shape its policy for the return of crowds to venues including theatres, cinemas and nightclubs.

A government spokesman said: "The aim of our world-leading Events Research Programme is to examine the risk of COVID-19 transmission at large events and explore how crowds can be welcomed back in bigger numbers safely.

"The pilots have been designed in a scientifically controlled way to reduce the risk of transmission for attendees. We are working closely with NHS Test and Trace to ensure everyone can be traced following a positive test."

Sky News May 2021

One in three fleets breaking health and safety law

A third (33%) of fleet decision-makers do not have a company vehicle policy in place, despite it being a legal requirement, new research suggests.

The law requires employers to manage work-related road safety risk. For employees driving for work, this should include checking drivers' licences, organising driver training, vehicle maintenance, and updating a company vehicle policy.

Chris Black, commercial director at LeasePlan UK, which conducted the research, says it is “important” fleet decision-makers do their due diligence.

The survey of 500 UK fleets also found that despite 85% of businesses having more staff than usual working from home in the past 12 months, one in five (22%) had not reviewed their fleet policies to take new ways of working into consideration.

It also revealed that less than half (41%) of fleet decision-makers always act on potential issues of fleet performance.

“Vehicle fleets have provided a vital safety line throughout the pandemic by helping to keep our essential workers mobile,” continued Black.

“During this time, many businesses have had to make significant changes to their fleet function, and as such, existing company fleet policies may be out of date. This naturally presents a safety risk to a company's employees, as well as the general public, so it's important that those operating fleet do their due diligence.”

Reducing fleet risk was highlighted as the third most important issue by businesses for their vehicle operations in 2021, according to LeasePlan. It came behind cost and becoming more sustainable.

The lease provider says managing fleet risk has the potential to impact both these first two aims if managed properly.

However, considering its research found that telematics was only being utilised by 35% of businesses that are monitoring their fleet performance, LeasePlan says that there is clearly work to be done.

Fleet decision-makers reported an average of 11.17 accidents a year involving vehicles in their fleets, with the average cost of vehicle repair after an accident coming in at over £3,800. With 29% averaging the cost of vehicle repair at £5,000 or more, LeasePlan says that there is a clear correlation between managing risk and the legal and financial ramifications on a business.

Black continued: “Whilst many businesses will manage an issue after it happens, we believe it’s imperative that those managing fleets address potential risks proactively.”

LeasePlan will soon be launching a Fleet Risk Assessment Tool, which will calculate potential risk and offer solutions to ensure businesses are fully compliant. With a focus on driver safety, LeasePlan’s risk services are aligned with SafePlan Zero; LeasePlan’s global ambition to have zero serious road injuries by 2030, it says.

Fleet News

May 2021

Violence and abuse against shop workers increasing, survey says

Violence and abuse against shop workers is on the rise but the perpetrators are rarely prosecuted, new research finds.

The retail trade body, the British Retail Consortium (BRC), says there were on average 455 incidents a day in 2019, up 7% on the previous year. It said things have worsened during the pandemic and called for greater legal protections for retail workers.

The government said it had advised courts to increase sentences for violence against frontline workers.

It comes after the Co-op reported a 76% rise in reports of anti-social behaviour and verbal abuse towards its staff in 2020 - with more than 100 incidents a day.

Abuse ranged from workers being spat at to weapons like syringes and knives being used to threaten them.

The BRC said shop workers faced aggression over everything from asking customers for age verifications to respecting COVID safety measures. It said, however, only 6% of incidents resulted in prosecution.

The cost of retail crime has also risen, it said, with some £1.3bn of losses recorded mostly due to customer theft.

The trade body is calling for violence or abuse towards a retail worker to be made a statutory offence in England and Wales, as it is in Scotland, to better protect staff.

BRC boss Helen Dickinson OBE said: "Will retail workers in England and Wales ever receive the protection they deserve? Despite clear evidence showing the escalation of violence and abuse against retail workers, the government has time and time again chosen not to act.

"These are not mere statistics, those affected are our parents, our partners and our children, all who needlessly suffer, just for doing their job. Many incidents arise as staff carry out their legal duties, including age verification and more recently, implementing COVID safety measures."

A Home Office spokesperson said: "It is completely unacceptable to threaten or assault retail staff, not least when they are working so hard to keep vital services running.

"The Sentencing Council has set out guidelines that mean courts should be increasing sentences for assaults committed against those providing a service to the public, including shop workers.

"Last month the Minister for Crime and Policing launched the #Shopkind campaign in collaboration with retailers to ask customers to shop with kindness, alongside resources to improve the reporting of these crimes and offer support for victims."

BBC News
May 2021

Arup lets employees choose working days

Arup will allow its 6,000 UK employees to choose their working days across a seven-day week, as it adopts a hybrid work model permanently.

Arup said the new model, known as Work Unbound, offers staff greater flexibility in deciding how and where they work.

A total of 6,000 UK-based employees will be able to work their hours flexibly over the course of Monday to Sunday.

The new system will allow Arup employees to work some of their contracted hours over a weekend rather than solely across the traditional Monday to Friday pattern.

The Work Unbound model will be introduced throughout 2021/22. It will also allow working remotely to become a permanent option, with UK employees able to choose their place of work for up to three days per week, with two days spent in one of the Arup offices. Arup said a reduction in employee travel will also help move the firm closer to its target of net zero emissions across its operations by 2030.

The adoption of the new model follows flexible working trials in both Arup's Queensland, Australia and Liverpool, UK offices.

During the Liverpool trial, which was conducted before the pandemic over a three-month period between April and July 2019, Arup found that:

- Four in five of the 65 colleagues piloting the approach (82%) flexed their hours at some point during the pilot, varying the number of hours they worked each day up or down. More than a third (35%) chose to work at the weekend at some point during the pilot.
- Nearly nine in ten (88%) felt they had the flexibility to manage work and other commitments, compared to two thirds (64%) before the trial. Staff in the office mainly used this flexibility to balance day-to-day life activities, such as attending appointments, exercising or "life admin".
- More than half (55%) chose to work remotely at some point during the week, compared to only a third (33%) before the pilot commenced.
- Nine in ten (91%) employees reported that leaders role modelled flexible working.

Despite the flexibility offered, more than half (56%) of staff chose to work from the office during the pilot for five days per week.

The Liverpool pilot identified several benefits for both the business and members including increased productivity, with nearly nine in ten (87%) of employees feeling that their productivity improved. Colleague empowerment, work/life balance and well-being increased too, while people viewed the opportunity to work flexibly as a competitive offering to existing and prospective new members.

Arup's office in Liverpool trialled flexible working between April and June 2019, with nearly nine in ten (87%) of employees feeling that their productivity improved.

Jerome Frost, chair of Arup's UK, India, Middle East and Africa region, said: "Building significant flexibility into our colleagues' working lives is something we've been experimenting with since before the pandemic. With the opportunity to flex working hours over the course of a seven-day week, we're empowering our members to find a working pattern that allows them to be at their personal best while delivering high quality work for clients."

David Almond, senior engineer based in Arup's Liverpool office, added: "The flexible working pilot gave me the opportunity to try different ways of working to suit my lifestyle. I found that having the flexibility and freedom to work whichever hours, suited the demands of a young family. It allowed me to make the most of my downtime, and ultimately have a healthier work-life balance.

"It also opened other options for travel to work as I wasn't constrained to certain times or modes, and working from home occasionally removed the commute altogether – time which was spent productively elsewhere."

Construction Manager
May 2021

Reports

Building Safety Programme: Monthly Data Release and Technical Note

This Data Release for April 2021 provides data on:

- The total number of high-rise residential multi-occupied buildings in England.
- High-rise (over 18 metres) residential buildings (including student accommodation and hotels) and publicly owned buildings identified with Aluminium Composite Material (ACM) cladding systems unlikely to meet Building Regulations.
- Progress with remediation of buildings with ACM cladding systems unlikely to meet Building Regulations, and the number of buildings yet to be remediated, in social and private residential, student accommodation, hotels and publicly owned buildings.

Headlines

- At the end of April 2021, 92% (433) of all identified high-rise residential and publicly owned buildings in England had either completed or started remediation work to remove and replace unsafe Aluminium Composite Material (ACM) cladding (95% of buildings identified at 31 December 2019) – an increase of two buildings since the end of March.
- 362 buildings (77% of all identified buildings) no longer have ACM cladding systems – an increase of four since the end of March. 252 (54% of all buildings) have fully completed remediation – an increase of five since the end of March.
- Of those with ACM cladding remaining, a further 71 have started remediation. Of the 36 (8%) buildings yet to start, 9 are vacant (2% of all identified buildings), so do not represent a risk to resident safety, and 15 additional buildings were identified since 31 December 2019.
- 98% (157) of social sector buildings have either completed or started remediation. Of these, 149 (93%) have had their ACM cladding removed.
- 88% (190) of private sector buildings have either completed or started remediation. Of these, 138 (64%) have had their ACM cladding removed.

Ministry of Housing, Communities and Local Government
May 2021

Office for Product Safety and Standards: Risk Lexicon

This Risk Lexicon has been developed by the Office for Product Safety and Standards (OPSS) risk group with the aim of facilitating clear dialogue and communication within OPSS on the topic of risk and risk-related matters. Because multiple definitions of 'risk' and associated terms such as 'hazard' and 'harm' exist, it is important that as an organisation OPSS is clear what is meant when such terms are used in discussion, in OPSS documents, etc. Similarly, a risk lexicon helps provide clarity to stakeholders when in dialogue with OPSS on risk-related matters, and when reading relevant OPSS publications.

The definitions used within the lexicon were initially developed via a process of consensus using the Delphi method (expert panel within OPSS) and with reference to published research. This was followed by a second round of consensus via the Delphi method, this time using an expert panel of external academics.

The document sets out definitions for core terms (such as hazard, harm, etc) and supplementary terms (such as risk communication, risk perception, etc).

**Office for Product Safety and Standards
May 2021**

Seadogz interim report published

This report sets out details of a fatal collision between a high-speed passenger craft and a navigation buoy in Southampton.

The interim report contains details of what happened, urgent safety considerations and a recommendation to all UK operators of small commercial high-speed craft engaged in carrying passengers on trips and charters.

Summary

On 22 August 2020 at 1011, the commercially operated high-speed passenger craft Seadogz collided with the North-West Netley buoy in Southampton Water at a speed of 38.4kts. On board was the skipper and 11 passengers. During the collision two passengers were ejected overboard into the water where their lifejackets inflated. The remaining passengers and the skipper suffered varying degrees of impact injuries. A 15-year-old girl was fatally injured when she was thrown against the handrail directly in front of her bench seat.

Urgent safety considerations

- The skipper was operating single-handedly, at high speed and did not see the navigation buoy, which was directly ahead for 10 seconds before impact.
- During the trip the passengers became accustomed to passing close by large navigation buoys at speed and were therefore unconcerned at the crafts approach to the buoy and did not attempt to alert the skipper.
- High speed figure of eight turns completed during the trip, increased the risk of hooking or spinning out.

A full MAIB report will be published when the investigation is complete.

**Marine Accident Investigation Branch
May 2021**

Guidance

Building Standards Self-Assessment Tool for Verifiers

(Scotland)

This self-assessment tool is aimed at supporting verifiers in evaluating their approach to continuous improvement to meet their obligations under the Building Standards Operating Framework 2021.

The tool is intended to be a practical resource which requires no formal training or prerequisite knowledge in quality management systems.

The business areas can be assessed individually and in any order. The completed tool and evidence gathered is intended for internal use by the verifier to support their service review and business planning activities. It is

intended to help verifiers develop targeted improvement actions which can be summarised in their continuous improvement plans. There is no expectation for the outcome to be submitted to Building Standards Division (BSD) of Scottish Government.

The tool enables verifiers to self-assess their service against eight business areas and take a holistic view of how they set out to resource, deliver, manage and develop their service.

Verifier performance is already assessed against the seven key performance outcomes within the Performance Framework for Verifiers 2021. The results from these performance returns can be used in conjunction with the tool to provide a basis for setting improvement plan actions and developing the verification function.

The eight business areas are listed below:

1. improvement-focused leadership
2. delivery of the verification service
3. policies, planning and procedures
4. workforce management and support
5. impact on staff
6. impact on partners and industry
7. impact on customer experience
8. key performance outcomes.

The tool highlights themes for each business area and uses the following key questions to prompt responses.

- How are you doing in respect of this area?
- How do you know this?
- What do you need to do better or differently?

Scottish Government
May 2021

Modern slavery: how to identify and support victims

This statutory guidance describes the signs that someone may be a victim of modern slavery, the support available to victims, and the process for determining whether someone is a victim.

This guidance is for:

- First Responder Organisations.
- Organisations with a duty to notify the Home Office when encountering a potential victim of modern slavery.
- Other organisations involved in the identification of potential victims of modern slavery.
- Decision makers at the Single Competent Authority.
- Organisations offering support to potential victims and victims of modern slavery.

Individuals and organisations must have regard to this guidance, with a view to developing a more consistent response to modern slavery victims to ensure they are identified and receive the available and appropriate support.

It has been updated in line with changes to the 'Adults at risk in immigration detention' policy.

The guidance is published under section 49(1) of the Modern Slavery Act 2015 which requires the Secretary of State to 'issue guidance to such public authorities and other persons as the Secretary of State considers appropriate about:

- a. The sorts of things which indicate that a person may be a victim of slavery or human trafficking.
- b. Arrangements for providing assistance and support to persons who there are reasonable grounds to believe may be victims of slavery or human trafficking.
- c. Arrangements for determining whether there are reasonable grounds to believe that a person may be a victim of slavery or human trafficking.'

Home Office
May 2021

Chemical Agents and Carcinogens Code of Practice 2021

(Ireland)

The Health and Safety Authority (HSA) has revised this Code of Practice (Chemical Agents and Carcinogens), which advises employers who use/generate hazardous substances in their workplace to review current chemical risk assessments and control measures to ensure compliance with any revised OELVs listed.

Occupational exposure limit values (OELVs) provide a basis for ensuring that exposure to airborne contaminants in the workplace is controlled in such a way as to prevent adverse health effects. Existing information has been used to establish limit values for exposures which, for the majority of chemicals listed, even when repeated regularly throughout a working lifetime, are not expected to result in adverse effects on the health of exposed workers. Exceptions to this may be:

- Certain risk groups such as employees known to be sensitised or
- certain chemicals listed in the Code of Practice as carcinogenic, mutagenic or as chemicals causing respiratory sensitisation, where identification of a safe level of exposure is extremely difficult.

An OELV for a given chemical represents the maximum exposure to the chemical in workplace air, which is considered consistent with this objective. In practice, exposure levels should be maintained well below the OELV and should always be as low as reasonably achievable. This is particularly important for carcinogens, mutagens, reprotoxins (CMRs) and substances causing sensitisation (occupational asthma or allergic contact dermatitis).

This Code of Practice comes into operation on 18 May 2021 and from that date it replaces the '2020 Code of Practice for the Chemical Agents Regulations and the Carcinogens Regulations' which was issued in accordance with the Safety, Health and Welfare at Work Act 2005.

It is noted that exposure to radioactive material is excluded from the scope of this Code of Practice.

Health and Safety Authority
May 2021

Ammonia Safety

Published by the Institute of Refrigeration, this document examines ammonia safety. Ammonia (Refrigerant 717, NH₃) was one of the earliest compounds to be used as a refrigerant. Its use was curtailed with the development and widespread adoption of CFCs and HCFCs, however today CFCs and HCFCs have been phased out. Consequently,

ammonia use is expanding, beyond industrial plants, to the larger end of commercial refrigeration and even certain air conditioning applications.

However, it is noted that the use of ammonia is once again expanding, this time beyond just the industrial plants, to the larger end of commercial refrigeration and even certain air conditioning applications.

The following should be borne in mind when working with ammonia:

- Ammonia is flammable. It is forbidden to weld or use open flames unless all specific safety instructions are observed.
- Smoking is not allowed in the refrigeration machinery room.
- Escape routes should be known and must be free from obstacles.
- Suitable personal protective equipment (PPE) must be worn (BS EN 378-4, 4).
- Fire fighting equipment should be accessible within the machinery room.
- Work should only commence on equipment after carrying out a full and approved risk assessment plus method statement so that “everyone” is aware of what works are being undertaken and by whom.
- Only qualified or experienced engineers should work on ammonia systems.
- If carrying out works other than routine checks then engineers should work in pairs.

There are a number of laws and standards that must be observed when working on ammonia systems, including:

- Health and Safety at Work Act etc 1974
- Management of Health and Safety at Work Regulations 1999
- BS EN 378:2016 parts 1, 2, 3 and 4.

The document sets out advice on keeping safe, explosive limits and operating limits.

Institute of Refrigeration
May 2021

Gas Equipment. Security Cages

This British Compressed Gases Association (BCGA) document stresses that gas cylinders and associated equipment must be stored safely and securely. It gives guidance on enhancing security where cages are used to store gas equipment.

It is noted that the general requirements for cylinder storage are detailed in the BCGA document *The Storage of Gas Cylinders*. Specific requirements for security are detailed in the BCGA document *Security Requirements for the Industrial, Medical and Food Gases Industry*.

This document provides additional information to enhance security where cages are used to store gas equipment.

Where only small quantities (10 or less) of gas cylinders, dewars, etc, are present then a security enclosure (cage) may be used.

This guidance looks at design consideration, including:

- the base
- cage structure
- locks

- internal structure
- infrastructure close to the cage.

Measures to consider when cages are being used are also set out.

British Compressed Gases Association
May 2021

Conformity with Safety and Product Standards

Safety and product standards are published by national or international standards bodies to provide guidance on meeting the requirements of national and international safety and environmental legislation for products, systems and test procedures. This Guidance Note, from the Institute of Refrigeration, is intended to offer some direction as to how conformity with the standards may be achieved.

In the United Kingdom the British Standards Institute is the National Standards Body which oversees the creation, publication and distribution of British, European and International standards. Although the UK has left the EU, BSI is still an active member of CEN and European standards are still adopted as British standards in the same way as before.

For the members of CEN, including BSI, there are two types of standard which apply to the safety of products and installations:

1. Product standards define the safety requirements for a particular class of product. They are also sometimes called “vertical standards”.
2. “Horizontal standards” are those which apply fundamental principles across a wide range of product types.

Within the EU, harmonised safety standards incorporate the applicable essential requirements of the relevant directives and it is a legal requirement to adopt those applicable requirements. The Pressure Equipment Directive lists essential safety requirements (ESR) whereas the Machinery Directive refers to essential health and safety requirements (EHSR). In this Guidance Note the term “essential requirements” (ER) is used when both of these directives are relevant.

If a European standard is harmonised with the relevant European Directives then conformity with the directives can be presumed by demonstrating that the requirements of the standard have been satisfied. This can apply to both vertical and horizontal standards. These standards will contain an Annex for each relevant directive that identifies the applicable ERs from that directive and cross-references the corresponding clauses within the standard. These Annexes are labelled ZA, ZB etc in horizontal standards and ZZA, ZZB etc in product standards, explains the document.

Institute of Refrigeration
May 2021

BS EN378:2016 Refrigerating Systems and Heat Pumps – Safety and Environmental Requirements – Summary of Changes

This Guidance Note, published by the Institute of Refrigeration, explains the role of the safety standard, BS EN378 “Refrigerating systems and heat pumps – Safety and environmental requirements” and highlights the most significant changes introduced since the last version was published in 2008. It was originally published in 2009, and has recently been reviewed.

BS EN378 is a safety and environmental standard, providing guidance for companies who design, construct, install, operate, maintain and use vapour compression systems for refrigeration, air-conditioning, heat pumps, chillers and other similar systems.

What’s new in BS EN378:2016

BS EN378 was revised to bring it into alignment with ISO5149 the international safety standard. This included introduction of an additional flammability class, 2L, to the method of charge calculation based on refrigerant classification and the addition of two new alternative methods of charge calculation. Most of this is detailed in Part 1 of the Standard. In Part 2 flowcharts used for determination of protective device requirements have changed. Part 3 includes changes to the requirements for machinery rooms. Changes to Part 4 are less significant. Several informative annexes have been introduced to cover stress corrosion cracking, leak simulation, commissioning and ignition sources (Part 2) and special provisions for handling ammonia vapour during maintenance or decommissioning (Part 4, within the existing Annex C).

This document details the changes that have been made to the various parts of the standard. However, it stresses that system design will not fundamentally change with this revision of BS EN378.

If systems are to be designed for the use of mildly flammable refrigerants they must follow all of the legal and safety standard requirements associated with flammability. This goes beyond the scope of BS EN378, which is not harmonized with those regulations. It does not mean that all electrical equipment needs to be “flameproof” of the type found in petrochemical plant, but it does mean that if the safety data sheet for the refrigerant has the hazard phrase H220 or H221 then a risk assessment conforming to the requirements of DSEAR must be completed and must cover maintenance and service activity as well as normal operation and standstill.

The charge limits in BS EN378 for A2L refrigerants remain quite stringent and it is likely to take several years of experience, risk assessment and further negotiation before these limits can be further relaxed and it is likely that they will never be as generous as those for A1 refrigerants, where the charge limit is based on toxicity, not flammability. Other regulations outside of the scope of BS EN378 must still be applied if companies want to use the new “lower flammability” refrigerants – this does not make their use impossible, but it is an extra layer of complexity to be accommodated.

Institute of Refrigeration
May 2021

Submitting Chemicals Information to the National Poisons Information Service

Information companies placing hazardous mixtures on the UK market (such as manufacturers, importers, downstream users and distributors) should submit to the National Poisons Information Service.

The government has updated this guidance, which was first published in January 2021, so as to include a new section entitled: How to generate a UFI if you are a company based outside the EU or if you do not have a VAT number

On 1 January 2021, the European Union (EU) Classification, Labelling and Packaging of Chemical Substances and Mixtures (CLP) Regulation was replaced in Great Britain (GB) by the GB CLP Regulation.

In Northern Ireland (NI), chemicals (substances or mixtures) placed on the market must comply with the EU CLP Regulation.

The Birmingham Unit of the National Poisons Information Service (NPIS) acts as the appointed body responsible for accepting information submitted by importers and downstream users of hazardous mixtures placed on either the GB or NI markets.

This guidance relates to the submission of information relating to emergency health response and preventative measures to the NPIS by businesses wishing to place their products on the GB or NI markets.

**Department of Health and Social Care
May 2021**

Consultations

Mental Health Units (Use of Force) Act 2018 Statutory Guidance

This consultation is inviting views on the statutory guidance to prevent the inappropriate use of force and ensure transparency and accountability about the use of force in mental health units. This guidance applies to England (and police forces in Wales).

The use of force includes:

- Physical, mechanical or chemical restraint of a patient.
- The isolation of a patient, including seclusion and segregation.

The Mental Health Units (Use of Force) Act became law in November 2018. The aim of the Act and the statutory guidance is to:

- Clearly set out the measures that are needed to both prevent the inappropriate use of force.
- Ensure accountability and transparency about the use of force in mental health units.

The statutory guidance, which will be issued by the Department of Health and Social Care, is intended for use by NHS hospitals and independent hospitals (providing NHS-funded care) in England providing care and treatment to patients with a mental disorder. It will provide the information they need about how they should meet the legal obligations placed on them by the Act, in addition to best practice advice.

The guidance also covers the obligations on police officers when in mental health units in England.

The closing date for comments is 17 August 2021.

Department of Health and Social Care
May 2021

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