

# Health and Safety Bulletin

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## Useful contacts:

HSE website  
[www.hse.gov.uk](http://www.hse.gov.uk)

HSE Books:  
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Environment Agency  
website:  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

## Legislation changes

If all goes as planned, there will be significant changes to health and safety legislation in England and Wales on 1<sup>st</sup> October 2013. The proposals are currently awaiting Ministerial or Parliamentary approval, but this is unlikely to be withheld.

*Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR)*  
RIDDOR 1995 will be replaced by RIDDOR 2013. As well as including the changes to lost time accident reporting (introduced in 2012), which increased the length of lost time before an accident becomes reportable from three to seven consecutive days, the new regulations will

- replace the requirement for reporting "major" injuries to a reduced list of "specified" injuries
- reduce the categories of occupational diseases that have to be reported to eight, including carpal tunnel syndrome, hand arm vibration, occupational dermatitis/asthma/cancer

More information on the proposed changes is available at <http://www.hse.gov.uk/pubns/indg453-rev1.pdf>

### *The Health and Safety (First-Aid) Regulations*

These regulations will be updated under proposals to remove the need for first aid training providers to obtain HSE approval. The Approved Code of Practice (ACOP) – L74 – that support the Regulations will also be replaced. The new document will provide guidance for employers on how to select a training provider under the new regime.

The changes were made following a recommendation from 'Reclaiming Health and Safety for All: An independent review of health and safety legislation', by Professor Ragnar E Löfstedt.

More information on the proposed changes is available at <http://www.hse.gov.uk/pubns/priced/l74draft.pdf>

### *Changes to guidance*

HSG65: Successful health and safety management is being replaced. The web version of the document is already available at <http://www.hse.gov.uk/managing/delivering/index.htm> and the published guidance will be issued soon.

In summary, the guidance for developing effective arrangements has been modified from Policy, Organisation, Planning and Implementation, Measure, Audit and Review (POPMAR) to a Plan, Do, Check Act framework. The main objective of the change is for the management of health and safety to be seen as "integral to good management generally, rather than a stand alone system."

### *Conclusion*

These changes reflect the likely rate of change to health and safety legislation and supporting documentation over the next few years. Recently the HSE has consulted on proposals to

- revoke the Factories Act 1961 and the Offices Shops and Railways Premises Act 1963
- revise and amalgamate the ACOPs associated with managing and working with asbestos
- revise the ACOP supporting the Control of Substances Hazardous to Health Regulations 2002
- modify the legionella ACOP L8 to include advice for low risk scenarios
- consolidate the four ACOPs associated with the Dangerous Substances Explosive Atmospheres Regulations (DSEAR) into one document
- revise the ACOP associated with the Workplace (Health Safety and Welfare) Regulations L24

## Recently issued health and safety information:

- IOSH safety management review  
[http://www.iosh.co.uk/books\\_and\\_resources/published\\_research.aspx#Rules](http://www.iosh.co.uk/books_and_resources/published_research.aspx#Rules)
- HSE's new Health surveillance website  
<http://www.hse.gov.uk/health-surveillance/index.htm?eban=govdel-noise&cr=31-May-2013>
- Construction dust  
<http://www.hse.gov.uk/pubns/cis36.pdf?ebul=gd-cons/jun13&cr=21>
- INDG 36 - Working with (DSE) Display Screen Equipment - A brief guide and updated assessment  
<http://www.hse.gov.uk/pubns/indg36.pdf>
- Manual handling solutions in woodworking  
<http://www.hse.gov.uk/pubns/indg318.pdf>
- CIS69 Controlling construction dust with on-tool extraction  
<http://www.hse.gov.uk/pubns/cis69.pdf?ebul=gd-cons/jul13&cr=2>

## The Claims Portal open to EL and PL claims

From August 2013 all EL (Employer Liability) and PL (Public Liability) claims valued less than £25,000 – not including some notable exceptions such as Industrial disease claims or those where contributory negligence is alleged - will be dealt with through a Claims Portal.

The use of the portal will limit the number of days the defendant has to admit or deny liability to 30 days for an EL claim and 40 days for a PL claim – both were previously 90 days.

The portal is designed to speed up the settlement of claims by introducing strict timescales and fixed legal fees for the various stages of the process. The Claims Portal has been used for Road Traffic Accident claims since 2010.

### Case Law update

*This issue focuses on cases involving dangerous substances and were prosecuted under the Dangerous Substances Explosive Atmospheres Regulations (DSEAR)*

A major scotch whisky manufacturer was fined **£40,000** after two workers had to flee a warehouse fire. The two workers were filling casks with whisky using flexible hoses when a jet of whisky shot up towards a ceiling light fitting and set light to a forklift truck. The Health and Safety Executive (HSE) investigation found that the lights should not have been used in a flammable atmosphere and were an ignition source risk. Additionally the filling equipment was not suitable for transferring a hazardous substance like

alcohol under pressure.

Two workers were using a solvent provided to hand-clean the 'blankets' of a printing press when it ignited. Both suffered burns and one suffered serious breaks to both legs as he tried to escape the fire. The "blanket" cleaning was a regular task but the company had ignored guidance given by the press manufacturers that there was a danger of fire and explosion if any cleaning agent with a flash point below 55 degrees centigrade was used. The company were fined **£12,000** with **£5,250** costs

A worker suffered serious burns on his face, arm, neck and left hand - the flash fire from a 400 degree oven occurred while he was supervising the opening of the oven, used to remove paint

from metal in a low-oxygen environment. The company was fined **£20,000** in total and ordered to pay **£6,491** costs. It had not risk assessed the activity adequately. The employee returned to work but cannot stay out in sunlight as his skin is now too sensitive.

A chemical company was fined **£20,000** plus **£14,941** costs after a maintenance worker was engulfed in a fireball while carrying out some welding on a tank containing an explosive powder - Terephthalic acid. The worker spent three days in intensive care with breathing difficulties, caused by swelling and blistering to his tongue and throat. He was still being treated for the scarring to his face more than two years after the incident.

### Worker deaths fall

Statistics published in July 2013 indicate the number of work-related fatalities in the last financial year fell to 148 – a 14% reduction on the previous year.

The industries with the highest fatality rate are still construction and agriculture – although the numbers of fatalities in both fell by over 17%, whereas the number of fatalities in the waste industry doubled.

For more information, go to the HSE's website  
<http://www.hse.gov.uk/statistics>

### About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

We employ consultants with at least 15 years practical experience backed up by recognised professional and academic qualifications - ensuring our clients receive first class service.

Clwyd Associates Ltd  
www.clwydassociates.co.uk



### Contacting HSE

Arrangements for contacting HSE have undergone further changes.

From July, all contact with the HSE will be directed through <http://www.hse.gov.uk/contact/index.htm> – this includes RIDDOR reporting, raising a health and safety concern or asking for technical advice.

Each section of this page provides links to forms so that reports/enquiries can be made.

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