

Partnership on Health And Safety in Scotland

HSE Scotland Director's report

Issue

1. To update members on developments in Scotland since their last meeting. This report covers a shorter period of three months from December 2009 to February 2010.
2. HSE has dealt with 4 MPs' and 5 MSPs' letters during the period as well as 56 FOI cases and 364 DPA requests from 1 November 2009 to 28 Feb 2010.
3. There have been 3 fatalities in Scotland since the last PHASS meeting, 24 in total since 6/4/2009. The names of the deceased and brief details of the incident are published on HSE's website as they are reported. But each case has not necessarily been verified as being work-related.

Educational and promotional work

4. A rebranded HSE Scotland website <http://www.hse.gov.uk/scotland/index.htm> went live on the 9 December 2009. The focus of the website was working with others – to highlight partnership working in Scotland. The website since its relaunch has increased the number of visitors to the site by 50% with over 4300 visitors and over 10,000 page requests in Jan 2010. A Scotland e bulletin was also launched on the website. To date there are 717 members signed up to receive information on line. Sign up for e bulletin <http://www.hse.gov.uk/scotland/subscribe.htm>
5. Safety and health awareness days (SHADs) held during the period of this report included another successful aquaculture SHAD. This event was held in Stornoway. Several organisations were involved including: HSE, the Maritime and Coastguard Agency (MCA), Northern Lighthouse Board, RNLI and other members of the Scottish Aquaculture Industry Forum.
6. There was a Local Exhaust Ventilation (LEV) Roadshow held in Whitburn in February. This was part of a national campaign and was aimed at employers who use LEV equipment. The event focused on raising awareness of the standards HSE are looking for when selecting and using LEV equipment. The roadshow was attended by over 90 employers. The Health Risks at Work DVD was promoted at this event and 31 employers signed up to receive this information.
7. Also in February, HSE held a national campaign event in Edinburgh for local authorities in Scotland. This was aimed at those people employed by local authorities whose duty it is to procure, manage and monitor waste services.
<http://www.hse.gov.uk/waste/services/index.htm>
8. During the period, HSE met with National Farmers Union (NFU) to take forward the proposal for an annual communications plans to increase health and safety messages in Agriculture with NFU support. Part of the Scotland Agriculture plan is to build on partnership working in the new HSE strategy and the national *Make the promise*

campaign. Other discussions with NFU have centred on overhead power lines and tractor braking to facilitate the correct contacts within HSE.

9. HSE has further strengthened partnership working in Agriculture and is officially committed to working together with the SEARS group of organisations. Scotland's Environmental and Rural Services (SEARS) is a partnership of public bodies involving key stakeholders for Scottish agriculture. It aims to provide 'one-stop shops' for agricultural advice for farmers. This fits well with HSE's commitment to reduce bureaucracy and red tape associated with the management of health and safety in all industry sectors, including land management. Further details on SEARS can be found at www.sears.scotland.gov.uk

10. HSE has contributed to the preparation of a booklet by Scotland's Commissioner for Children and Young People that aims to break down artificial 'elf and safety' barriers that are put in the way of looked after young people having the same opportunities to enjoy the outdoors and outdoor activities as other young people.

11. HSE is engaged with Learning and Teaching Scotland on the use of the outdoors as a key part of Curriculum for Excellence

12. During the period, inspectors and policy advisors have given presentations to safety representatives from further education at an Educational Institute of Scotland (EIS) seminar, head teachers on sensible risk management on school trips, and MSC students at Napier University.

Chemicals Industries

13. Two seminars on Process Safety Performance Indicators (PSPIs) were held in Perth for companies subject to the Control of Major Accident Hazards Regulations 1999 (COMAH). This is a strategic priority for all COMAH sites and follows on from the theme of leadership from the Board

14. There was a meeting with Scottish CIA (Chemicals Industry Association) managers where information was provided on COMAH remodelling to members.

15. A seminar with COMAH operators on mechanical integrity in conjunction with Scottish CIA was held on 9 March. The topic is management of integrity of pressure plant to meet COMAH requirements, which are in addition to the Pressure Systems Safety Regulations 2000.

Offshore Division

16. Leading on from the success of previous events two further worker involvement seminars have been held in Aberdeen (March 2010) by the Offshore Industry Advisory Committee (OIAC) Workforce Involvement Group of which HSE is Chair. The WIG's objective is to actively encourage and raise the profile of what we can all do (workforce) to help achieve health and safety in the offshore industry.

The next edition of OSD's publication to the workforce, Tea Shack News, was issued January 2010.

17. HSE is working on a joint event with Step Change and has hosted a seminar early March 2010 on Health Surveillance for noise and vibration. This venture has

support from the British Occupational Hygiene Society (Offshore Group) and the Energy Institute's Health technical committee.

18. In late March 2010, OSD will be organising an Occupational Health Summit with the Norwegian and Dutch regulatory authorities to discuss current health priorities offshore and sharing good practice. (Not a specific Scotland only issue but obviously significant to workers in Scotland).

19. OSD has undertaken a programme of inspection activity specific to food and water safety inspection. The work has identified poor practice across the industry. A number of Improvement Notices have been issued and OSD are currently producing a Safety Notice highlighting expectations.

Field Operations Division (FOD)

20. Adverse weather conditions during the period had a major impact on inspectors' ability to get out and about particularly in the North of Scotland. The bad weather has also had an effect on the type of accidents notified with one group reporting at least a third being ice and snow related.

21. An inspector in Aberdeen undertook a series of inspections at Aberdeen airport with specialist ergonomist support, looking in particular at baggage handling and the moving of people with mobility problems. This was in part in response to an incident when a small female employee sustained a fracture to her lower back while trying to move a heavy male in a wheel chair.

22. Other proactive work includes meetings with national poultry companies who have HQs in Scotland to establish a co-ordinated approach and the LPG programme of visits has commenced.

Construction

23. Construction inspectors in Scotland have launched an intensive inspection initiative. This campaign will run throughout March and will focus on refurbishment and roofing work. Inspectors will make unannounced visits to ensure that sites are managing work at height safely and are in good order.

Enforcement and investigation

24. Scotcare Preservation Ltd of Edinburgh was fined £3,600 for failing to ensure properly trained staff were managing a construction site in Galashiels. The company admitted to not providing the site foreman with adequate health and safety training and failing to put adequate precautions in place to prevent falls from height, failing to provide adequate washing facilities and neglecting to ensure scaffolding was regularly inspected.

25. The opening day of the public inquiry into deaths from C - Diff at Vale of Leven Hospital was held on 1 February. The inquiry is chaired by Lord MacLean. It follows the deaths of 18 patients at the hospital.

26. FAI into death of a young girl at an outdoor centre expected not to finish before end of March. The Inquiry is presently considering the regulatory regime for activity centres. HSE is legally represented

27. On going investigations, include

- A fatal accident in Unst, Shetland on 13/2/2010. An LGV driver was delivering a forklift truck when the truck toppled over
- Serious crushing injury 20/1/2010 in Peterhead. A fabrication weighing several tonnes (part of a pipe laying rig) being produced for an offshore contractor fell off its supports onto a worker who was at the time underneath. The site was not known to HSE. Three prohibition notices were served at the start of the investigation concerning forklift trucks and the spraying of isocyanates. Specialist engineering inspectors were involved as were HSE information services who sourced interpreters
- Concerns over the safety of small scale wind turbines in Highland schools. An installation problem at a turbine at a primary school in November 2009 resulted in its partial collapse into the playground. Fortunately no children were injured. Highland council have checked other installation. Investigation continues with colleagues in South West England and HSE policy group as other failures have since been identified outside Scotland. The lines of enquiry include compliance with product safety legislation deriving from EU directives
- Investigation ongoing into an attack by a patient on a health worker whilst they were visiting them at home, thankfully not a fatality but it could easily have been. This is a very similar case to a recent prosecution in Newcastle.

Improvement and Prohibition Notices

28. A range of improvement notices and prohibition notices were issued during the period under the following Regulations LOLER Lifting operations, Confined Spaces, PUWER, COSHH, Gas Installation and Use, Workplace Health Safety and Welfare, Quarries, Pressure systems, Dangerous Substances, Work at Height and Electricity.

29. Two separate 4 day Employment Tribunal hearings took place in Aberdeen during 2009 and on 24 August 2009, the Tribunal judged in HSE's favour to affirm the Notice in full. The company has reserved judgment to appeal that decision, pending issue of the Tribunal's written reasons that were recently issued on 12 February 2010. The company have 14 days from that date to submit an appeal on a point of law.

Complaints

30. There have been 414 complaints received by the complaints handling team during Nov 2009 to Jan 2010. Construction related complaints accounted for 42%. Health Working Lives leaflets are now sent to notifiers whose complaints have been assessed as no action proposed by HSE.

HSE
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