

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 the period from 1st April 2010.
2. HSE has dealt with four letters from MPs, three from MSPs including a Scottish Minister, three requests for information and advice from the Scottish Government and responded to two Scottish consultations. HSE has met the statutory deadline for responding to 55 FOI cases and 386 DPA requests between 1 April and 16 August 2010. There is currently one internal appeal case.
3. 636 complaints have been received by Scotland since 1st April till 12th August. An online complaint form has been launched <https://extranet.hse.gov.uk/lfserver/external/comp1> in line with HSE's policy to drive contacts with HSE online and via the website as it contains so much information in a better-organised format.
4. There have been six fatalities in Scotland since 1st April 2010. Brief details are at Annex 1. The names of the deceased and brief details of the incident are also 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

5. HSE, once again, had a major presence at the Royal Highland Agricultural Show. Michael Moore, MP Secretary of State for Scotland attended to promote HSE's campaign on ATV/quad bike safety following the findings of an inspection programme that two thirds of Scottish farms are not using them correctly. Continuing fatal injuries from using ATVs unfortunately confirm the problem.
6. A Safety and Health Awareness Day was recently held at the request of the Police on the Isle of Bute following a fatal injury to a nine year old boy – again involving a quad bike.
7. The construction Working Well Together Campaign, held Groundworks - a Safety and Health Awareness Day in June, at Gordon Barracks, Aberdeen. Delegates attended to receive practical, hands-on advice on: cable detection (safe working with buried services); safe trenchwork (examples of best practice); trenches as confined spaces (equipment and rescue plan); safe loading/unloading of vehicles; quick hitch (safe working with semi automatic hitch and others). The majority of the 124 participants were going to make some changes to work methods or seek further training as a result of attending. A similar event for 116 delegates was hosted by the Scottish House Builders' Health and Safety Forum at Oatridge College, Broxburn.
8. The HSE Scotland website e-Bulletin now has nearly 1,300 subscribers. We continue to update the site on a weekly basis and with all press releases relating to HSE

in Scotland. The events calendar is still under-populated with events run by other organisations with the exception of SCHWL.

Publicity and publications

9. In June, HSE published the provisional fatal injury statistics for 2009/10. 23 workers were killed at work in Scotland between 1 April 2009 and 31 March 2010. This is compared to an average of 31 work-related deaths in the past five years across the country, and 26 fatal injuries in 2008/09. Across Britain, the number of people killed at work fell to a new record low with 151 workers dying at work in 2009/10 - down 15 per cent on the previous lowest total of 178 in the year before.

10. HSE has responded to a few silly stories in the press claiming that health and safety is preventing this, that or other activity. The aim is to publish HSE's position on the HSE and HSE Scotland websites even if they are not published in the offending news organ.

11. Recent coverage of various work-related fatal accident inquiries – even those where HSE is not directly involved or is not giving evidence – has been frequent of late simply because there are so many in progress. HSE seeks to correct misunderstandings arising from discussion of regulation, what is and is not required by it. This requires a careful balance as we do not always have an opportunity nor would it be appropriate to comment on unintended consequences. The date for recommencement of the hearings in the Vale of Leven Hospital inquiry into the *c. difficile* outbreak has now been put back from 20 September until 25 October. Staff from the Hospital and the Health Board are to give evidence at this next set of hearings. HSE is not a core participant but is monitoring progress following our earlier joint investigation with the Police.

12. The follow up study into workplace cancers at NSUK Greenock will be published on 24th August. NSUK workers will be informed first. The findings will be provided at the meeting.

Significant prosecutions

13. Leith's Scotland Ltd – a quarrying contractor - were fined £95,000 at Elgin Sheriff Court after a worker was crushed by a mechanical digger. The case highlighted the dangers of working with workplace transport without adequate training and support.

14. John Hogarth Ltd was fined £16,750 (reduced from £25,000 to take account of the company's guilty plea) at Jedburgh Sheriff Court following an incident where a worker suffered a traumatic amputation of his right arm by a rotary valve in February 2008. HSE's investigation revealed that workers could only get access to the rotary valve by climbing a propped up ladder, walking along a narrow beam and standing or sitting on a small wooden plank. This was usually done at the start of every shift to clean the valve. In addition, the on/off controls were at ground level but the isolator switch was screwed to the underside of the roof above the valve. Blatantly not a safe system of work or design.

15. Alpha Group Security Ltd was fined £7000 following the carbon monoxide poisoning of a man employed as a security guard on a construction site in the city. He died at an on-site flat used as a base for employees and had been working as a security guard on the construction site at Hamilton. Hamilton Sheriff Court heard a portable power generator was used inside the flat but the deceased had not been provided with proper instructions on its safe use. The generator was operated inside the flat without

appropriate ventilation and on 6 February, 2008, the 58 year old man was overcome by a build up of carbon monoxide fumes and died.

16. East Ayrshire Council pled guilty to a charge under section 2 of the Health and Safety at Work etc Act 1974 and was fined £56,000. The Court heard how a man suffered fatal injuries when he fell from a mobile elevated work platform, known as an airlift, that he and a colleague had been using in the gym of Kilmarnock Academy to fix overhead lights on 6 April 2009. The platform had been fully extended and the deceased had been in the basket at the top of the airlift when it was moved around the gym. The airlift became unstable and he fell to the ground and later died from his injuries. Neither the man or his work colleague had received any training on how to use the airlift. In particular they had not been told it should never be moved when there is a person working in it and that stabilisers should have been properly attached.

17. Argyll and Bute Council was fined £20,000 after a man drove off the unprotected edge of a car park situated on a pier in Dunoon, fell into the sea below, and was drowned. Dunoon Sheriff Court heard that although there were some barriers at Coal Pier, a former commercial pier operated by Argyll and Bute Council as a car park, there were none in the area where the man had parked, just a small kerb. When his car went forward, it mounted the curb and fell into the sea. He was trapped in his car and drowned. The court heard that after the pier changed use and became a council-operated car park, no risk assessment had been undertaken, no-one had identified the risk of individuals and vehicles entering the water, and no action had been taken to provide the necessary edge protection to prevent individuals or vehicles entering the water.

18. Construction Division report a very rare occurrence – with the substantial increase of a penalty from £5K to £40K (upon appeal by the Crown) against Discovery Homes for a fatal injury to a Polish worker.

Chemicals Industries

19. HSE has met officials involved in Scotland's revised planning system to discuss HSE's role as a statutory consultee in land use planning near major hazard sites. LAs have been encouraged to involve HSE early in the process for support and advice on site-specific risk assessment to avoid late amendments to planning applications or even HSE advice that Scottish Ministers should intervene.

Construction Division

20. Site Safe Scotland met in June to discuss the workplan, the work of the fixed term appointed inspectors of construction and the Commonwealth Games Intervention Strategy (see below). A presentation at the Scottish Construction Forum covered a look back at the health and safety performance of the industry and current performance. Information will be available on the HSE Scotland website.

21. Construction Division is also working more closely with Local Authority building standards managers after HSE's central approach to the Scottish Association of Building Standards Managers (SABSM) and individually with a number of LAs. This work is at an early stage, but both regulators being more joined-up is already securing benefits.

Commonwealth Games

22. The Construction Division has produced a detailed intervention strategy for the preparations in run up to the Games. Most of the facilities and accommodation involve

refurbishment of existing venues – rather than new build. This is nevertheless a high risk activity. Some premises will be enforced by Local Authorities rather than HSE and consideration is being given – learning from the Olympics and Paralympics project – to broadening involvement to other parts of HSE and other regulators at the appropriate time

Offshore Division

23. The Deepwater Horizon oil pipeline disaster has focused attention on the UK offshore industry, in particular, the safety and integrity of installations and associated infrastructure. An update on HSE's programme will be given at today's meeting.

LPG inspection programme

24. Alistair McNab will give a presentation at the PHASS meeting. This programme has necessarily diverted resources from investigations and other proactive work.

Investigations

25. However, recent or current investigations into fatal or major incidents include:

- a man who died falling from the edge of a disused quarry in Angus while leading a group of college students on a rock climbing day;
- a young man of 24 who died cutting the lid of an old oil drum when it exploded in garage premises;
- a farmer on a 400 acre croft on Shetland found dead with head injuries in field with cattle;
- a 1.25 ton lathe falling and breaking an employee's leg;
- the release of almost 4 tonnes of natural gas over six hours period from a pressure gas mains after it was struck by a JCB operated by a local authority;
- a timber yard allowing members of the public to retrieve off cuts of wood from industrial skips; a spritely pensioner was photographed climbing on top of a considerable height to gather wood;
- serious burns to an operator's left hand requiring skin grafts to his index finger, ring and little fingers from trapping his hand between the two halves of a glass-forming mould;
- a superglass furnace breakthrough where a minimum of 30 ton molten glass escaped from the furnace. The refractory and structural steelwork of recuperator area of the furnace were bowing outwards and there appeared to be holes in the refractory brick wall. Contact has been made with specialist mechanical engineers for advice;
- continuing investigation into the death of 9 year old boy on farm on Bute jointly with police. No work activity at the time of death (playing on quad bike) but looking at control of work equipment on the farm generally;
- long running, protracted prosecution of a rogue landlord for various breaches of gas safety offences and breach of notice (doing his own gas work while unregistered and not having landlord's checks done). This landlord has featured regularly in the Glasgow Evening Times.

Working with the devolved administration

26. HSE's secondee from the Scottish Government (in post since March) has been mapping interests and contacts with the Scottish Government in some detail. This has demonstrated the sheer range of overlapping interests and the areas where two way

consultation is essential. The work will be used to inform and guide Scottish Government and HSE staff about when there is a need to establish dialogue on specific topics or programmes of work.

27. HSE has published its first Scotland Business Plan; the Scottish Parliament Information Centre (SPICe) and Committee clerks as well as Ministers are being informed.

HSE Board

28. The Board meets in Edinburgh next month. A paper on 'Delivering the strategy in Scotland' is in preparation.

29. Two new members have been appointed: Paul Kenny, General Secretary of the GMB trade union, as one of the Board's employee interest representatives; and, Frances Outram Wright, who has extensive human resources management experience, as one of the Board's employer interest representatives, with particular responsibility for small firms' health and safety interests.

30. Experienced Board member, Hugh Robertson (TUC) will take over responsibility for Scottish interests from Danny who will be retiring.

And finally...

31. On 29th July, some old detonators kept in a box in a builder's yard in Inverness went on fire and exploded throwing fragments into neighbouring gardens. Two people sustained minor injuries. The bomb disposal team was called and 200 people were evacuated from their homes. As the ammonium nitrate present in this incident is the explosive of choice for terrorists, concerns went far beyond the minor explosion and caused considerable disruption in Inverness on the day.

32. Through the use of local contacts and knowledge combined with a bit of lateral thinking, HSE's investigating inspector managed to trace the container back to a plant hire company (now gone out of business) to speak to now elderly and retired staff. It would appear the detonators had been sealed in a box attached to a second hand container for over 20 years. The container, likely to have been an old explosives magazine, had previously passed through several hands without incident. It is now believed possible that the detonators were associated with the use of ammonium nitrate for blasting at a quarry or for civil engineering.

33. HSE is working closely with the Police and Highland Council.

HSE
August 2010

Annex 1

Brief details of reportable fatal injuries - 2010/11 to date

Date of incident	Name	Age	Description of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification (SIC)	Employment status
05/04/2010	Linda Weir	58	Drowned while driving ATV/quad bike	Dumfries & Galloway	Farming	Sheep Farming	Self employed
29/04/2010	Mary Read	N/K	Fell in nursing home	Edinburgh	Nursing Homes	Residential Nursing Home	Member of Public
02/05/2010	R McAllister	9	Underneath overturned ATV/quad bike	Renfrewshire	Farming	Farming	Member of Public
19/06/2010	M Massie	23	Drum exploded hitting head	Aberdeenshire	MVRM	Motor Vehicle Repair	Employee
05/07/2010	N Abercromby	70	Crushed by a tractor overturning	Perth & Kinross	Farming	Mixed Farming	Member of Public
15/08/2010	Robert Park	60	Found underneath ATV/quad bike	Argyll & Bute	Farming	Farming	Employee