



## NOTES OF THE 2<sup>nd</sup> COMBINED ADULT AND CHILDRENS' SERVICES HEALTH AND SAFETY NETWORK MEETING HELD ON THURSDAY 15<sup>th</sup> NOVEMBER 2018 AT THE GUILDHALL, WINCHESTER

### Present

Kim Hicks	East Sussex County Council
Andrew Kingscott	Health & Safety Executive
James Johnstone	Kent County Council
Andy Kill	Portsmouth City Council
Frank Regan	Portsmouth City Council
Kevin Cardy	Southampton City Council
Spencer Scott	Winchester City Council
Andy Simpkins	Royal Borough of Windsor & Maidenhead
Daniel Houston	Royal Borough of Windsor and Maidenhead
Jason Grant	Wokingham Borough Council
Steve Palframan	South East Employers

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### 1. Apologies

Apologies were received from:

Simon Lackner	Brighton & Hove Council
Graema Stimpson	Brighton & Hove Council
Tamsin Chapman	Brighton & Hove Council
Jane Creasy	Buckinghamshire County Council
Judy Benoy	East Sussex County Council
Rachel Briscoe	Isle of Wight Council
Carole Cassin	Kent County Council
Sarah Jolly	Reading Borough Council
Mike McGiven	Southampton City Council

### 2. Notes of Meeting held on 24<sup>th</sup> May 2018

These were accepted as a correct record.

### 3. Matters Arising

There were no matters arising.

### 4. HSE Interventions with local authorities

Steve welcomed Andrew Kingscott to the group and invited him to introduce himself and explain his role within the HSE. Andrew was based at Bristol and had been a Principal Inspector for the past 12 years. His current role is Head of the Public Administration, Education and Volunteers Sector in the Engagement and Policy Directorate of the HSE. Current issues for the HSE within local authorities includes health and safety in schools, use of volunteers (where several fatalities have occurred) and violence and aggression. He added that, although there is existing HSE guidance in respect of volunteers' health and safety, this needs to be updated in view of the extensive use of volunteers by local authorities for a variety of tasks; RIDDOR is also an issue for volunteers. Andrew stressed the need to share best practice amongst local authorities and adopt a 'sensible and proportionate' approach to health and safety.

With regard to interventions with local authorities in the region, members reported that there had been none since the last meeting.

## **5. Other HSE Issues**

### **i) Delegated Budgets in Schools**

Steve highlighted the recent HSE e-Bulletin that stressed the health and safety responsibilities of local authorities as employers when schools undertake maintenance and repairs. There is also a requirement for local authorities to ensure schools have relevant arrangements and competence to address health and safety matters and to monitor local authority schools to ensure that relevant procedures are implemented and risk control measures remain effective.

Andrew Kingscott explained the background to the bulletin and this provoked a discussion on budgets and resources and it appeared that, although many schools 'buy-back' services from in-house health and safety teams, problems can still arise. Andrew stressed the need for effective control and management of contractors working within schools whilst Frank highlighted the importance of communication.

### **ii) Talking Toolkit to tackle work-related stress in schools**

This was also a topic in the HSE bulletin with Andrew highlighting the recent statistics from the Labour Force survey. He was already speaking to one authority that had implemented a successful programme aimed at reducing work-related stress. Members reported that their authorities had taken a variety of measures aimed at tackling this issue.

Andy Simpkins mentioned the measures taken by Windsor and Maidenhead to raise awareness whilst in Winchester Spencer reported on the adoption of the management standards. Andrew stressed that the HSE could take enforcement action in the normal way if employers failed to take adequate precautions to protect employees' health in respect of work-related stress.

Kevin raised the issue of RIDDOR and the review being undertaken that could lead to an additional number of occupational diseases having to be reported. In addition there was the long standing problem of which accidents required notifying from schools.

## **6. New/Proposed Legislation**

### **i) New Manslaughter Sentencing Guidelines**

Steve explained that these new guidelines were effective from 1 November 2018 relating to manslaughter offences that could result in prison sentences of up to 18 years in future. Kevin had produced a briefing paper on this for Southampton City Council. Andrew Kingscott considered that there was an appetite for legislation after Grenfell and mentioned the possibility of safety cases being required for buildings in future, possibly covering such matters as asbestos, legionella, etc. as well as fire safety.

## **7. Fire Safety Matters**

Members with high rise blocks gave an update on progress after Grenfell. In Portsmouth some blocks had to be evacuated with tenants relocated and cladding being removed from others. Southampton had a programme of fitting sprinkler systems in high rise blocks (following the deaths of two firefighters some years ago) that was to be extended to medium rise blocks. James reported that Kent CC had a group looking at fire issues after Grenfell.

Andy Simpkins reported on fire risk assessments that had been completed in schools in Windsor and Maidenhead but was concerned at standards found at two new buildings where, amongst problems found were closing mechanisms on fire doors.

Andrew Kingscott drew members' attention to the Department of Housing, Communities and Local Government investigations into fire door standards with new guidance that could have significant implications for authorities.

## **8. Asbestos**

### **i) Metal Gauze mats containing asbestos**

Steve referred to the HSE information about the possible presence of asbestos in metal gauze mats designed for use over Bunsen burners. Members were aware of this advice and Andrew explained that this was an on-going investigation. He also suggested that there could be an issue with products being bought over the internet from overseas. If in doubt with regard to gauze mats they should not be used but disposed of safely.

### **ii) HSE Inspection Programme of schools re Control of Asbestos**

The Asbestos Management Assurance Process (AMAP) initiative from the Department for Education was continuing with members advised that the AMAP portal had re-opened from 12 November until 15 February 2019.

It was also understood that 50 schools were to be inspected by the HSE to assess asbestos arrangements and Jason advised that this included a school in Wokingham. Andrew Kingscott explained that the previous survey had indicated a variance in standards and suggested that the duty to manage contractors adequately was a key factor. Updated schools guidance would be issued in the future. He also suggested that asbestos sampling undertaken many years ago needed to be treated with caution whilst potential asbestos problems may extend to many other public buildings besides schools.

**9. Violence at Work**

There was a general discussion on violence at work and in particular the attitudes of some employees in roles such as social work believing that it was 'part of the job'. There was also concern about under reporting, although Andrew stated that violence accounts for 7% of reported incidents. Key risk activities include dealing with persons with dementia, special needs pupils and enforcement activities. At Portsmouth Frank explained that there were separate policies for schools and the rest of the council. Reporting had improved over time and resulted in benefits for managers.

**10. Health and Safety Training**

Members reported on some e-training initiatives although this was not considered suitable for manual handling or work at height. Kim requested information on possible training providers for East Sussex for topics including asbestos awareness, control of contractors and legionella.

**11. Recent Relevant Prosecutions (Note: full details of the following cases, except iii), can be found at [www.hse.gov.uk/release-type/press](http://www.hse.gov.uk/release-type/press)**

**i) Kent County Council (HSE Press Release August 2018)**

James explained the background to this prosecution relating to a primary school in Sittingbourne. An asbestos flue had been identified in a school kitchen and later a routine food inspection revealed a section of asbestos rope hanging from the ceiling. It appeared that the flue had been disturbed by the school caretaker and the HSE then served a Prohibition Notice with regard to the kitchen.

A subsequent investigation focussed on asbestos awareness training and resulted in Kent CC being prosecuted due to failure to ensure 'adequate information, instruction and training to employees'. The council was fined £200,000 with £21,000 costs.

**ii) Comhairle Nan Eilean Siar (HSE Press Release 24 July 2018)**

This case related to a boy who suffered chemical burns after 'crabbing' from the steps of a pier with another child when on holiday in Uig in the Western

Isles. The child noticed white patches on his trousers where he had been lying on the steps and felt a stinging sensation across his leg. He returned to his holiday home and was showered by his mother before being taken to hospital, where it was confirmed that he had sustained a chemical burn from sodium hypochlorite.

An investigation revealed that prior to the 'crabbing' employees of the local authority had cleaned the slipway and steps of the pier using sodium hypochlorite but had failed to wash away the solution or cordon the area off. The risk assessment in place also failed to consider the risk to the public.

The local authority pleaded guilty to a breach of s3 of HASAWA and was fined £12,000 with an order for £6,000 compensation also being made.

**iii) Hampshire County Council (local press report)**

Steve explained that this prosecution followed an accident to a 6 year old girl who was allegedly injured after being struck by a metal bollard as she tried to leapfrog over it. The girl, who was on holiday with her parents, was taken to hospital with serious injuries in December 2015. At Southampton Magistrates Court Hampshire County Council pleaded 'not guilty' to a charge under s3 HASAWA and the case was being referred to Crown Court for a pre-trial review.

**iv) Hull City Council (HSE Press Release – 19 October 2018)**

A failure to address an 'obvious risk' led to Hull City Council being prosecuted after a worker slipped and fell on the ice hockey pitch at the Hull Ice Arena in August 2014. Hull Crown Court heard how the worker was marking the lines for ice hockey when he fell heavily on the ice, suffering head injuries and breaking three ribs. An investigation found a number of previous incidents of slips and falls on the ice but that no effective measures had been taken such as the provision of suitable footwear.

The council pleaded guilty to a charge under s2 HASAWA and was fined £185,000 with £44,000 costs.

**v) Bridgend County Borough Council (HSE Press Release 13 November 2018)**

A 15 year old pupil died and another was injured after they collided with a school minibus whilst crossing the road at Maesteg Comprehensive School to board their bus home. The accident took place on school grounds and was investigated by the Police and Health and Safety Executive. The Police decided to take no action against the minibus driver but the HSE took immediate enforcement action against the council after discovering that many pupils had to board their buses from the road as the layby was too small to accommodate all the buses transporting the pupils home. This issue had been recognised by the council but no remedial action had been taken until after the accident.

The council pleaded guilty to a charge under s3 HASAWA and was fined £300,000 with costs of almost £30,000.

12. **Specific Issues: Childrens' Services**

i) **Use of Weedkillers containing Glyphosate used in schools**

Kevin had raised this following a civil case in USA where a worker had successfully sued Monsanto after contracting a terminal illness. The GMB Union had campaigned for a ban on its use in the United Kingdom in such areas as schools. However the HSE had argued that there is no evidence for such a ban. The question of school caretakers using weedkillers was also raised; current legislation required staff to be trained and competent in the use of such pesticides.

13. **Specific Issues: Adult Services**

i) **HSE Health & Social Care Services Bulletin.**

Steve drew attention to the recent issue of the bulletin but all members appeared to be aware of it.

14. **Any Other Urgent Business**

i) **New Technology**

Daniel raised the issue of mobile phones and other members were concerned at the potential health implications of using tablets, laptops, and hand held computers. It was accepted that the Display Screen Equipment Regs had failed to keep pace with such developments and new guidance was required. Andrew Kingscott mentioned new guidance available from the Chartered Institute of Ergonomics & Human Factors (copy attached of 'Mobile Working: Risk Management System').

ii) **Use of Inflatables**

Kim enquired about the use of inflatables as East Sussex were reviewing their guidance. Several potential sources of advice from various organisations were mentioned in addition to current HSE guidance.

14. **Date of Next Meeting**

At South East Employers' Winchester Offices:

Provisionally agreed as:

Thursday 23<sup>rd</sup> May 2019, 10am for 10.30am start.

