1 SUMMARY

1.1 This report provides a summary of National and Local Health & Safety developments for consideration by the Health and Safety Panel, together with the Health & Safety Bulletins issued in the last quarter to each Service for cascade to employees.

2 OFFICER RECOMMENDATION(S)

2.1 The Health & Safety Panel is invited to note the national and local developments and Health & Safety Bulletins set out in the report and its Appendices.

3 CONSIDERATIONS

3.1 NATIONAL DEVELOPMENTS

3.1.1 First conviction under Corporate Manslaughter Legislation

This legal case has been mentioned in previous reports and concluded in March 2011.

Cotswold Geotechnical (holdings) was convicted of corporate manslaughter over the death of a junior geologist when a 3.8m unsupported trench he was working in collapsed.

This was the first prosecution under the Corporate Manslaughter and Corporate Homicide Act and resulted in a £385,000 fine.

Sentencing guidelines issued to judges last year, set the benchmark fine for corporate manslaughter/homicide at £500,000.

Mr Eaton the Managing Director had originally been charged over the incident but the judge agreed to the defence’s application to permanently stay the prosecution due to the defendant’s terminal ill health.
What does this mean for Stirling Council?

This case reinforces the need for all employees to be constantly vigilant in work activities and ensure that risk assessments and safe working methods are put in place before work commences. It also emphasises where fatalities occur through breaches of legislation how quickly those in senior positions are held to account for their actions or inactions.

3.1.2 Head Teacher fined over school roof fall in Merseyside

A Merseyside Head Teacher has been fined £20,000 for failing to ensure the safety of his students after one of them fell through a school roof and fractured his skull, broke his ribs, perforated an eardrum and suffered permanent damage to his eye.

The Head Teacher had taken a group of students onto the roof to show them renovation work during an A-Level results party and one of the “slightly inebriated” sixth formers fell through a skylight 2.5m to the room below sustaining serious injuries.

The Head Teacher was convicted of breaching the Health and Safety at Work Act and ordered to pay costs of £22,708.

Although the Head Teacher had warned the pupils to avoid the skylight, Mike Sebastion, of the Health and Safety Executive, said; “As the Head Teacher, Mr Summerfield should have thought about the possible consequences before deciding to take them through two locked doors on to the roof”.

What does this mean for Stirling Council?

Students/Pupils should expect to be in a safe environment when they are at school and look to their teachers for guidance on what is safe and what is not safe.

3.1.3 Gas Boilers - Flues and Voids Safety Notice

There are changes to industry guidance relating to existing gas central heating systems where the flue system is concealed within a void and cannot be visually inspected and will require provision of inspection hatches and is in effect from 1 January 2011.

The homeowner or landlord has until 31 December 2012 to arrange for inspection hatches to be installed.

Any gas engineer working on affected systems after 1 January 2013 will advise the homeowner that the system is at risk and with the owner’s permission will turn of the gas supply to the boiler so that it cannot be used.

In the interim period, where no inspection hatches are fitted, the registered gas engineers will carry out a simple risk assessment, which should ensure that the risk from exposure to CO is managed in the short term.
As long as the boiler passes the series of safety checks and the risk assessment does not identify any concerns about its safety, it can be left on.

**What does this mean for Stirling Council?**

It is the responsibility of the landlord to ensure that inspection hatches are installed and that the boiler and flue is checked annually.

### 3.2 LOCAL HEALTH AND SAFETY DEVELOPMENTS

#### 3.2.1 Bannockburn Library Incident

On the 28 February 2011, the Library Service decided to close the Bannockburn Library after identifying a cluster of illnesses amongst the employees working within the Library.

Working closely with the Governance Health and Safety Team to identify the problem, a series of environmental tests were undertaken during the week of the closure.

These tests identified a thermal heating issue and a lack of adequate ventilation.

The Information, Library and Archives Service is now rectifying the identified issues.

The activities undertaken by the Service on identifying a health & safety issue led to a prompt response that protected service users and employees from further harm.

**What does this mean for Stirling Council?**

Where issues arise and the Service is unsure as to the course of action to take, then the Governance Health & Safety Team can provide professional support and advice.

#### 3.2.2 Stirling Council Health & Safety Policy

The revised Council Health & Safety Policy and Policy Statement (Appendix 1) was approved on 16 February 2011 by the Council Management Team.

The Policy was revised to make Health & Safety roles and responsibilities for all Council employees more explicit and highlight the supportive role played in workplace safety by Trade Union Safety representatives.

The Chief Executive signed off the Policy Statement reinforcing Stirling Council's continuing commitment to workplace safety.

The policy is located on the Source for all Council employees to access.
What does this mean for Stirling Council?

All Services are legally required to draw the Health & Safety policy and Policy Statement to the attention of all employees and ensure that they read and understand it.

3.2.3 Health & Safety Risk on Council Risk Register

At the Governance & Audit Committee meeting in February 2011, the Committee directed that the Health & Safety risk (SR/RK1 – Appendix 2) on the Council Risk Register be drawn to the attention of the Health & Safety Panel.

What does this mean for Stirling Council?

The cross Council nature of this risk and the shared responsibility we all have in relation to Health & Safety reminds us all of the varied nature of the actions that are being implemented daily to effectively manage Health & Safety in Stirling Council.

3.2.4 Health & Safety Bulletins

Three H&S bulletins (Appendix 3a, b and c) have been issued since the last meeting, which are:

- January 2011 - Hand arm Vibration
- February 2011 - Musculoskeletal disorders
- March 2011 - Why Health Surveillance?

3.2.5 Health & Safety Training

The Governance Service Health and Safety Team has provided the following training over the last quarter:

- 13 January 2011 - Fire Warden training at Old Viewforth.
- 18 February 2011 – Employee Fire training at Wellgreen.
- 7 March – Employee Fire training at Cowie Primary
- 17 March 2011 - Fire training for Waste Service managers and supervisors.

3.2.6 Health and Safety Policies

The following policies are under review:

- Vibration at Work Policy - complete.
- Noise at Work Policy.
3.2.7 Health and Safety Executive visits and contacts in the last session

- 13 December 2010 - Telephone and email contact from the HSE requesting further information for the ongoing Hand Arm Vibration investigation. The information requested included details of the present Occupational Health contract; the control measures that have been put in place for the last three employees that have a reportable disease; details of the last three Roads Safety Committee meetings and proposed revisions to the Vibration at Work Policy to fully incorporate amended legislative requirements in relation to thresholds.

- 20 February 2011 - Meeting held at Old Viewforth with the HSE with representatives from the Governance Service Health and Safety Team, Roads transport and Open Spaces and Human Resources Service. The meeting was part of the investigation being conducted by the HSE into Hand Arm Vibration.

- 1 March 2011 - Telephone contact from the HSE requesting an update into the situation at Bannockburn Library in which employees working within the library were feeling ill, resulting in the Library having to be closed.

3.2.8 Central Scotland Fire and Rescue Service visits and contacts in the last session

4 February 2011 - Telephone contact with the Fire Safety Section at the Raploch Fire Station looking into travel distances from certain classrooms to fire exits within Cowie Primary School whilst the school was under refurbishment.

4 POLICY/RESOURCE IMPLICATIONS AND CONSULTATIONS

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<td>Strategic Environmental Assessment</td>
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<td>Single Outcome Agreement</td>
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Equality Impact Assessment

4.1 Following consideration of the Equality Impact implications of this report, no relevant issues have been identified.

Strategic Environmental Assessment

4.2 Following consideration of the Strategic Environmental Assessment implications of this report, no relevant issues have been identified.

Single Outcome Agreement

4.3 Following consideration of the Single Outcome Agreement implications of this report, no relevant issues have been identified.

Other Policy Implications

4.4 The implementation of Health and Safety initiatives and measures assists with the identification and management of Health and Safety risks.

Resource Implications

4.5 The implementation of Health & Safety developments along with management and monitoring of Health & Safety activities has ongoing resource implications on staff availability and capacity.

4.6 Effective management of the Health & Safety systems used within the Council ensure that Employee resources are protected from harm and therefore available to fulfil their work duties.

Consultations

4.7 Internal Consultation was undertaken by the Corporate H&S Team with H&S representatives and employees regarding the various H&S development work ongoing within the Council at this time

5 BACKGROUND PAPERS

5.1 None

6 APPENDICES

6.1 Appendix 1 – Stirling Council Health & Safety Policy

6.2 Appendix 2 – Risk SR/RK1 from Council Risk Register

6.3 Appendix 3a, 3b, 3c – Health & Safety Bulletins
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Date: 1 April 2011