



eden integrity associates

12-14, Macon Court
Crewe, Cheshire, CW1 6EA

+44 7900 908406

info@integrityassociates.co.uk

www.integrityassociates.co.uk

Broader Learning from Fall From Height Prosecutions

On 26th July 2012, the UK Health and Safety Executive have posted details of the prosecution of two firms after a worker suffered serious injuries when he was struck by a pipe and fell from a stepladder.

There is of course the immediate learning from the case about the inappropriate use of step ladders however there are some key learnings that all organisations would do well to take on board. This short article poses a couple of potential “defence statements” that some organisations **may** have tried to use to avoid the consequences of the case....

- ***We had subcontracted the work - it wasn't our company that was managing the activity.....***
 - In this case, **BOTH** the contractor and the “client organisation” that had sub-contracted the work were prosecuted. This is not uncommon, due to the implications of both Sections 2(1) and 3(1) of the Health and Safety at Work Act Etc.. 1974. In this case the HSE inspector was reported to have said that the main client organisation “.....***should not have allowed the work to commence without the proper access equipment.***”
- **There was a Risk Assessment in place.....**
 - Indeed, there was a Risk Assessment in place, however both the contractor and the client failed to ensure that the access equipment specified was actually available and used, and the worker that was injured was left to make his own arrangements. Further, the stepladders that the worker used were provided by the main client organisation, despite what the Risk Assessment said. - **Had either the worker or the client's supervisor/management read it? - if so, why was it ignored ?**

Would/could this have happened in your organisation ? Consider the following questions:

- How do you ensure that companies/individuals working on your site(s) are **competent** to do the work, have appropriate Health and Safety arrangements in place and that they are ACTUALLY FOLLOWED ?
- How do you ensure that there are **adequate supervision** arrangements in place to check that precautions specified in Risk Assessments and Method Statements are followed. Do you have clear arrangements with your contractors specifying **who is responsible for ensuring adequate supervision ?**

- Do you provide equipment for use by contractors/others on your site(s) ? If so, how do you ensure that:
 - it is **suitable** for the task,
 - **inspected and maintained** in good condition and that it is consistent with the Risk Assessment for the task.
 - the person/people using it are **trained and competent** to use it, and that they are also **aware of its limitations** and when it should NOT be used ?
- How do you ensure that your own work equipment is NOT used by contractors without proper authorisation/control ?
- How do you ensure that your own staff know about the responsibility your organisation has for the **Health and Safety of others on your site**, and do they feel comfortable to **constructively speak up** and address concerns that they spot ? Do you have a culture in which people proactively look out for each other's Health and Safety, and are encouraged to take action ?

The potential costs of getting this wrong could have serious consequences for your business. Also, falls from height are the most common cause of workplace fatality and so the consequences of this case could have been much more serious.

Please review your arrangements, and if you would like a **FREE 1 hour** telephone consultation to discuss your circumstances/systems then please get in touch. (see header for contact details.)

Details of the HSE Press Release can be found here: <http://www.hse.gov.uk/press/2012/rnn-ne-04712.htm?ebul=hsegen&cr=16/30-jul-12>

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