



**Birmingham Health, Safety & Environment Association**

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# Newsletter

## October 2013

### **Construction Meeting 14<sup>th</sup> October 2013**

BHSEA Construction Chair Gerry Mulholland, welcomed Members to the meeting and extended a particularly warm welcome to new BHSEA Members here today and invited guests.

Gerry took the opportunity to remind Members of the free WWT/Construction Committee, Safety and Health Awareness Day (SHAD) taking place on Wednesday 20<sup>th</sup> November 2014 on the topic of:

#### **'Managing Health and Safety Risks in Refurbishment and Maintenance'**

...at the National Metalforming Centre, 47 Birmingham Road, West Bromwich. B70 6PY. Book Now! Places are limited.

Construction Members will find a copy of the Flyer for this Event in with their October Newsletter. Other Members wishing to attend this SHAD should contact Dee Welsh [dee.welsh@hse.gsi.gov.uk](mailto:dee.welsh@hse.gsi.gov.uk) or Tel: 0121-607 6129



#### **Presentation – Gerry Mulholland:**

Some members may be aware that Gerry Mulholland, who has Chaired BHSEA's Construction Committee/WWT Group for more than 10 years, will be stepping down at the AGM in January 2014. Today's meeting is the last Construction meeting that Gerry will Chair. Dally Masaun (left) BHSEA Chair, makes the presentation to Gerry (retiring Chair WWT/BHSEA Construction Committee).

*P.S. The Secretary will require evidence of an improvement in Gerry's golf handicap!*

Gerry went on to introduce today's topic and speaker (who by now requires no introduction):

## ***'Excavations and Work at Height'***

***Jan Andresen***

***HM Specialist Inspector of H&S  
(Construction Engineering)***



Jan explained that he is a Structural Engineer by trade and that he is often called in in special cases where his expertise/specialism can be used.

Jan began by thanking BHSEA for the invitation to come back again to BHSEA. The purpose of this second visit is to update Members on two other important topics for Safety Officers involved with construction activities, these topics being scaffolding and excavations.

Jan showed us a number of slides (some from Australia), and challenged Members present to ask themselves four key questions in looking at the picture on the slide see slide number 2 on website [www.bhsea.org.uk](http://www.bhsea.org.uk)

- Q ) **Can anyone fall from the scaffold?** (edge protection, full platforms)
- Q ) **Can anything fall from the scaffold?** (toeboards, full platforms)
- Q ) **Can the scaffold fall?** (bracing, tying, foundations)
- Q ) **Is there safe access and egress?** (stairs, ladders tied)

Jan commented that it is always easier to put up a proper scaffold in the first place and that sometimes what looks good on the outside can be a mess when you delve a bit deeper.

Problems often occur when the Client asks for the job to be modified in some way. The workers on site just make the modification without checking first.

### Non-Standard Scaffolds:

Such scaffolds should have a competent designer appointed and a design produced. Jan showed us, by way of an example, a wedding marquee with a purpose built scaffold underneath to provide support and to accommodate a

slope in the ground. The scaffold eventually collapsed. It was found that there was no bracing to prevent sideways movement. It spoilt the wedding in the UK and the honeymoon in the Seychelles!

### The Nature & Extent of HSE Investigations:

Referring to a particular incident in which a fatality occurred when the corner of a scaffold collapsed, Mark Hoare asked how long the investigation took to complete. Jan said that the investigation lasted 5 weeks in total. Time had to be spent going through the debris and gathering information to build a picture of how and why it happened. This particular accident occurred in April '06. The inquest took place at the beginning of '08, and lasted 2 weeks. Jan added that the medical evidence took a day to hear because the fatality occurred as a result of an embolism and not directly as a result of the scaffold collapse. A guilty plea was entered and the Principal Contractor admitted that they had got it totally wrong and the managing director acted honourably in paying the inquest costs.

### Excavations - What Can Go Wrong?:

Jan went on to consider what can go wrong and why it can go wrong. Typically, it's things like:

- **Culture/habit/long standing bad practices**, "We've always done it like that...."
- **Excavation instability and the collapse of materials**. Jan added that every trench will collapse eventually, whether it's clay or sandy soil, and digging a trench close to a wall will make both the wall and what's underneath it unstable.
- **Perception**. Site operatives don't appreciate the danger they're in.
- **HSE and enforcement expectations**. In days gone by, people worked to the 4 foot rule. Thinking has changed and a competent person, e.g. an engineering geologist can make an opinion about the stability of the soil. (As we know, fatalities can still occur, even when an engineering geology company is doing the digging!).

### Bomb Damage WW2:

Jan referred to damage to buildings and ground works which occurred as a result of the bombing which took place during WW2. Record are kept particular of the major cities such as London, Birmingham and Coventry which were heavily bombed. Mark Hoare mentioned the fact that bomb damage was an issue when some work took place recently at the University of Birmingham.

Gerry Mulholland reminded Members of the current trend in Central London for buildings to be extended up to two storeys underground. Members went on to discuss the freaky nature of some of the fatalities we see i.e. the wall collapses just as the child is passing, and the difficulties experienced by the Client who is not a competent scaffolder/excavator and who has to rely on the contractor to make sure that work is carried out in accordance with legal requirements.

### Planning Authority:

A question was raised about the local Planning Authority and the potential for their input to any of the slide examples given. Jan replied that the Planning Officer does not normally get involved. Building Inspectors will check the foundations, and if there are issues, the Inspector can contact the HSE. Jan commented that it is always helpful if the Building Inspector speaks to the Client first of all.

In response to a question about the application of the Building Regulations, Jan advised that since the wall (in the example given and shown on the slide - see slide 67 to 72 on BHSEA website), wasn't attached to the building, then Building Regs didn't apply. (The MP has raised this matter in the House of Commons). Moreover, there were also internal structural alterations carried out that should have had Building Regs approval. However these weren't notified and so the Building Inspector didn't visit the site in this particular case.

### Mobile Towers:

Jan said that he doesn't normally get involved unless the tower falls over. Although he had been involved in a court case in which a light bulb was being changed in a sports hall. The operative had been trained, but he did not apply his learning.

### Recent Changes to RIDDOR:

George Allcock asked whether, in Jan's opinion, the recent changes to RIDDOR will improve the level of reporting. Jan said that he feared that the relaxation in the 3-day reporting requirement will result in fewer incidents being reported. Gerry Mulholland commented that dangerous occurrences represent an opportunity for learning, and yet people are fearful they will get blamed. We could therefore conclude that a lower reporting level means fewer learning opportunities. George challenged BHSEA Members to stand up (maybe in one of our Members' Corner sessions), and discuss their own experience and the learning opportunities it presented to the organisation.

### Excavations and Technology:

Gerry Mulholland asked about the impact on incident reduction of new technology e.g. trench/drag boxes. Jan said that trench boxes were good although issues such as not being used properly and insufficient boxes used to provide full and proper protection. Jan added that there are plenty of different types of equipment to provide trench support and it is not necessarily *that* expensive.

### CDM Update:

Jan told us that at the moment the Regulations are being considered for their regulatory impact assessment. The Regs have been there for a month and should be available in the Autumn for consultation. The aim is to get them finalised in 2014 – probably October.

For the full and comprehensive detail of the presentation given today including slides, please refer to the BHSEA website [www.bhsea.org.uk](http://www.bhsea.org.uk)

Gerry thanked Jan for his excellent presentation which was brought to life by the photographs shown and the informative case studies. Gerry thanked the HSE generally for the support they give to BHSEA and its Members.

### **Announcements:**

- **Working Well Together & BHSEA Hit the Headlines:**

Members may recall the Mock Trial that the HSE and Working Well Together organised in conjunction with BHSEA and which took place on the 11<sup>th</sup> September.

The Express and Star Newspaper has a weekly insert/supplement covering local (West Midlands) business news and opportunities. BHSEA agreed to provide a series of articles for them to include in their business advertising. Starting with an article covering the 'Mock Trial' we held in September (which was badged as a WWT Event).

Below is a transcript of that article which was published Tuesday (15/10/13)..

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### **Mock trial gives an insight to H&S risks**

A courtroom provided a real-life setting for a mock trial to show companies what they could face if they fail to abide by health and safety regulations.

Birmingham Health, Safety and Environment Association (BHSEA) set up the event at the city's Victoria Law Courts with Christopher Hopkins, specialist Health and Safety Barrister at Pinsent Masons LLP, taking the lead with support from Cairo Nickolls of Irwin Mitchell.



*L-R Charles Urbaniak of Charles Safety Consultancy Ltd., BHSEA Member & Magistrate, Cairo Nickolls, Irwin Mitchell LLP & BHSEA Member.*

Barrister Naomi Gilchrist, from St Phillips Chambers acted for the defence while Tim Pole was barrister for the prosecution. BHSEA Members took on the roles of Magistrate, members of the jury and the accused - the Managing Director of fictional painting and decorating firm.

The trial centred on a case where an experienced employee fell from a tower scaffold and sustained serious injuries due to failings by the company and its Managing Director.

BHSEA members said later the trial had been 'very realistic' and said they had learned a great deal.

The mock trial was held in support of the Health & Safety Executive's (HSE) Working Well Together campaign which aims to improve standards of health and safety in the construction industry. BHSEA is working closely with the HSE and is holding a series of construction-related events throughout the year. To find out more about the Working Well Together Campaign contact BHSEA secretary on [secretary@bhsea.org.uk](mailto:secretary@bhsea.org.uk)

In existence since the 1930's and based in Birmingham but serving the wider West Midlands area, BHSEA provides an advice and support network for 300 members. For more information visit the BHSEA website: [www.bhsea.org.uk](http://www.bhsea.org.uk)

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The next stage is to provide a further Article(s) about BHSEA in the Express & Star (E&S) Regeneration Supplement (including a glossy business magazine) which will be circulated in January 2014. It will also appear online at [www.expressandstar.co.uk](http://www.expressandstar.co.uk) This means that we will be covering a readership of 231,000 with the E&S and also be in front of 1,037,940 unique visitors to the E&S website. We will also benefit from the magazine which will be distributed to a targeted business audience.

### **Your chance to advertise:**

The January Article will be a full newspaper page, half of which will be used to talk about what BHSEA is/does/is planning for 2014, and the other half will be available to BHSEA Members who want to advertise the services of their own organisation. There are eight advertising 'slots' available. Two or three Members have already expressed an interest. Contact the Secretary [secretary@bhsea.org.uk](mailto:secretary@bhsea.org.uk) for prices and further details.

### **Hot off the Press....**

- **Are You Looking For.....**

*....an Office Manager with finely-honed administrative skills and 16 years' experience with a health and safety training consultancy? If you are, here is a chance to work with someone who is seeking a new career opportunity with fresh challenges in the Birmingham area. Janice is educated to A level with a LCCI Private and Executive Secretarial Diploma and advanced shorthand and typing qualifications. For further information please contact Janice at [jan@dobbins.plus.com](mailto:jan@dobbins.plus.com).*

- **COMAH: The new Seveso III Directive and GHS - 6th November 2013**

The Seveso II Directive, implemented in the UK as the COMAH Regulations, is being revised and the new Seveso III Directive is currently being negotiated. A major change will be the use of the Globally Harmonised System (GHS) for classification of chemicals to determine whether they are within the scope of the Directive. The course will give an overview of the likely requirements of the new Directive and its timetable for implementation. It will also cover possible changes

in scope, and how to decide the likely effects on a site by determining the GHS categories of substances.

**The cost is £425 (includes course notes, registration/certificate, lunches and all refreshments).**

**To book and for more information please visit the website at <http://www.hsl.gov.uk/training> or you can contact HSL by email [training@hsl.gsi.gov.uk](mailto:training@hsl.gsi.gov.uk) or by telephone on 01298 218806**

- **Layers of Protection Analysis (LOPA) - Practical Application and Pitfalls - 5th & 6th November 2013**

Do you want to have a better understanding of how to apply LOPA and avoid the pitfalls? The course will help you achieve this.

LOPA is a risk assessment method used to determine and demonstrate how safeguards protect against known hazard scenarios. The Process Safety Leadership Group (PSLG) prepared specific guidance for using LOPA to determine the safety integrity level (SIL) for overfill protection of Buncefield-like storage tanks. This course draws on that guidance, its relevance to other applications, and pitfalls identified during the assessment of a large number of LOPAs.

**The cost of the 2 day course is £675 (includes course notes, lunch and refreshments).**

To book and for more information please visit the website at <http://www.hsl.gov.uk/training> or you can contact HSL by email [training@hsl.gsi.gov.uk](mailto:training@hsl.gsi.gov.uk) or by telephone on 01298 218806

- **IPAF and PASMA Courses:**

Matthew Todd from Construction Skills People has contacted BHSEA to remind BHSEA Members that they run IPAF and PASMA courses in the Birmingham area on a weekly basis. PASMA prices start at £120.00 + VAT per person and the £195.00+ VAT for the IPAF 3A and 3B. All prices include card & certification fees and the delegates attending the courses even get lunch!

Contact Matthew Todd for information on their whole range of courses and dates. [matt.todd@constructionskillspeople.com](mailto:matt.todd@constructionskillspeople.com)

- **2014 BHSEA Dates for your Diary:**

Monthly Programme meetings have been fixed as follows:

13 <sup>th</sup> January 2014	9 <sup>th</sup> June 2014
10 <sup>th</sup> February 2014	8 <sup>th</sup> September 2014
10 <sup>th</sup> March 2014	13 <sup>th</sup> October 2014
14 <sup>th</sup> April 2014	10 <sup>th</sup> November 2014
12 <sup>th</sup> May 2014	8 <sup>th</sup> December 2014

Printed Programme with full details of topics and speakers to follow. Don't miss out!!

## ***Date of Next Meeting***

**2.00 pm Monday 11<sup>th</sup> November 2013  
Birmingham Medical Institute**

### **Electrical Safety, Electrical Competence & Changes to PAT Testing Requirements**

**Chris Johnston**  
Electrical Tutor  
British Gas Electrical Services

**&**

### **Members' Corner**

#### **'Asbestos in Machinery Matters'**

**Tim Prestage, BHSEA Vice-Chair**

- Not included within the usual building surveys, but the current law covers buildings AND machinery!
- Let us help you identify it for YOUR 'Asbestos in Machinery Assessment'!

***Don't forget the buffet lunch at 1.15 pm***