



**Caution**  
Asbestos



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# Safety news

## Cooper Safety Associates

- Helping you protect your business and your people

*Welcome to this quarter's newsletter! Inside you'll find an update on the new changes to asbestos survey guidance, an update on health and safety law and a review of recent prosecutions.*

### New Asbestos Survey Guidance

The HSE has recently released its new guidance document 'Asbestos: The Survey Guide'. This new guide HSG264 replaces the old MSHS100 guide. The extensive new guide details the requirements for clients and surveyors when carrying out surveys of asbestos. One of the key changes is the removal of the old Type one, two and three surveys which have been replaced with two different surveys.

The first a 'Management Survey' broadly encapsulated the old type 1 and 2 survey. The management survey is described as typically involving sampling operations to confirm the presence of Asbestos Containing Materials (ACMs) although it can in certain circumstances still involve the 'presumptive' identification of ACM's similar to the old type 1 survey. The scope of the management survey is

to access all areas including, under floors, above ceilings, risers, ducts, lift shafts etc so far as is reasonably practicable .

The second survey type is the 'Refurbishment and Demolition Survey' which must be carried out before any refurbishment or demolition works are carried out, even where a Management Survey already exists. The guide states that refurbishment is any work that involves disturbing the fabric of the building.

The guide also discusses the duties of clients when appointing asbestos surveyors and details the information that should be given and the methods by which the survey should be undertaken. The guide also covers how an asbestos survey fits in with the CDM regulations and the Control of Asbestos at Work Regulations.



The HSE have a new campaign currently running entitled "Do Your Bit" which aims to increase worker participation in health and safety within the workplace. See the HSE website at: <http://www.hse.gov.uk/involvement/doyourbit/index.htm> for more details

# NHS Trust fined for latex exposure

An NHS Trust in Essex has been fined for ignoring the risks posed by exposure to latex in gloves. The hospital was visited in November 2007 by Health and Safety Executive Inspectors who found that the Trust had no suitable system for checking the health of employees, no readily available supply of non-latex gloves and no latex risk assessment. Some employees had taken their own precautions by wearing non-sterile latex-free gloves underneath sterile latex items.

The HSE issued two improvement notices relating to these issues, the first of these—to carry out a risk assessment required two extensions before it was complied with. The second notice—to ensure that control measures were put in place was extended three times and had not been complied with 9 months later. The Trust was fined £6000 and ordered to pay costs of £4500 for failing to comply with an improvement notice and under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) for not reporting a case of someone becoming sensitised to latex.



## New Requirements for Tower Cranes

The Notification of Conventional Tower Cranes Regulations 2010 comes into force on the 6th April 2010. The regulations require that certain pieces of information about tower cranes that are erected on construction sites be notified to the Health and Safety Executive. The key aspects of the regulations are that:

- It only applies to Conventional Tower Cranes, not to self erecting tower cranes or mobile cranes.
- The notification is to be made by the employer responsible for the safety of the crane, typically whoever is responsible for ensuring that the crane is subject to its 'thorough examination' under the LOLER regulations.
- Notification is required within 14 days of the date of a thorough examination being carried out, for existing cranes already erected on the 6th April there is a 28 day notification period.



Notification can be made online at [www.cranesregister.org.uk](http://www.cranesregister.org.uk) or by post, details available from the HSE website.

## First Corporate Manslaughter Case goes to Court

The country's first corporate manslaughter case began last month as a Cotswold based geotechnical company's director faced Bristol Crown Court.

The director and his company are being jointly charged under the Corporate Manslaughter and Corporate Homicide Act 2007 following the death of one of the firm's junior geologists.

The geologist, while taking soil samples was killed when the sides of the trial pit he was in collapsed. The incident took place in Stroud, Gloucestershire on 5 September 2008.



The charge is the first under the new Corporate Manslaughter Act. It is brought against the company as well as the director "because of the way in which the organisation's activities were managed or organised, caused the death of a person, by gross negligence, which amounted to a gross breach of a relevant duty of care owed to the deceased".

The director faces a maximum penalty of life in jail if convicted of gross negligence and manslaughter, while the company could be subject to an unlimited fine. The case was adjourned and will continue on the 19th August.



# Prosecutions

*An overview of some recent prosecutions brought by local authorities and the health and safety executive.*

■ A plastics recycling firm has been fined £2500 and £2438 in costs after a worker had four fingers severed in a guillotine following a malfunction. The machine was not fitted with guarding or interlocks to prevent the machine from activating. A communication error also led to a worker believing the machine had been isolated when it had not been. The company pleaded guilty to breaching regulation 11(1) of the provision and use of work equipment regulations.

■ A haulage firm has been prosecuted and fined for illegally storing large quantities of aerosols. HSE Inspectors visited the site and found that around 500 tonnes of material were being stored, over 10 times the permitted amount. The firm was fined £5000 with costs of £4900 for failing to notify the storage of the material under regulation 6(2) of the COMAH (Control of Major Accident Hazard) Regulations. The inspector for the case said that the amount of aerosols stored presented a real risk of a major fire which posed a threat to employees and the surrounding area.

■ A university employee has been awarded £110,000 in compensation after claiming that his 65 hour working week exposed him to high levels of stress and damaged his health. Solicitors acting on behalf of the employee argued that the university should have taken adequate measures to ensure staff are not overworked. A spokesman for the university stated that the employer did not accept any liability and the settlement was reached with the insurers due to the cost of defending the allegations in court.



## Safe Loading

The HSE has a new campaign that's raising awareness of the dangers of loading vehicles incorrectly. Each year around 1200 people are injured due to shifting or falling loads from goods vehicles. To find out more visit the HSE website at:

[www.hse.gov.uk/workplacetransport/loadsafty/](http://www.hse.gov.uk/workplacetransport/loadsafty/)

## Cooper Safety Associates - Our Services

Here is a quick reminder of the services that we can provide:

- Risk assessments for -
  - Workplace
  - Manual Handling
  - COSHH
  - Work Equipment
- Fire Risk Assessment
- Training in -
  - Manual Handling
  - Fire
  - Health and Safety
  - Safety for Managers
  - COSHH
  - Basic Life Support
  - Anaphylaxis
- Health and Safety Policies and Procedures
- Disability Discrimination Act (DDA) Audits
- Health and Safety Management Systems
- Interim Safety Management Services
- Competent Persons Service
- Bespoke training courses and risk assessments to your requirements
- Fast Response Telephone Advice

[www.coopersafety.co.uk](http://www.coopersafety.co.uk)

### Consultants

**Neil Cooper**  
07831 342576

**Jon Halstead**  
07862 720368

**Mike Kelly**  
07799 410860

**Geraldine Perry**  
07711 043622

**Vince Ryle**  
07974 090581

**Andy Whiting**  
07752 714261

**Jay Whiting**  
07843 055347

**Charlotte Way**  
07513 051992

**Jason Obee**  
07988 634125

### Office

**Nikki Cooper**  
**Jane Read**  
**Mandy Chambers**  
01483 225911

### Newsletter Production

Mike Kelly  
Cooper Safety Associates  
Barn Cottage  
Malacca Farm  
West Clandon  
Surrey  
GU4 7UG

Tel 01483 225911  
Fax 01483 225117

[www.coopersafety.co.uk](http://www.coopersafety.co.uk)  
[enquiries@coopersafety.co.uk](mailto:enquiries@coopersafety.co.uk)

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