

Plenary 4:

Compliance and HSE

Speaker: Janet Francis, HSE Public Services Sector
Chaired by: Alex Dixon, Liz Circuit
Room: Ballroom



National Housing Maintenance Forum

serviced by



Compliance and HSE

Janet Francis

HSE Public Services Sector

Public administration and education team

NHMF Conference Stratford-upon-Avon 20.1.2015

Public services Sector teams

- Health and social care
- Uniformed disciplines (police, armed forces, prisons...)
- **Public administration and education**
(local authorities, central government and education – all sorts)





40yrs of HSWA



Compliance? HSE?

- Compliance with health and safety law
- Good practice / Beyond compliance
- HSE is the enforcing authority

HSE... a changed regulator?

Where we are now –

- Resource focussed on high risk sectors - construction, Ag, some manufacture, W&R, quarrying
 - reduction in inspections
- Fewer inspectors and policy staff
 - maintain investigation & enforcement activity
- FFI - £ Charging regime for ‘material breach’
- No Infoline – website instead
- Attention to myth-busting and rebuttals

Myth busters

- MB 318 – letter to tenants – balconies not for hanging washing, storing bikes or large plants – for H and S reasons
- MB 29 – HA told tenants of flats that letter boxes were to be sealed – for H and S reasons
- MB 30 – HA removed fire extinguishers, door mats and wall signs from block of flats – for H and S reasons

What we don't do

- Housing inspections and HSRS – EHOs
- Gas Safe Register
- Fire (except on construction sites) – LFRA
- Building Regulations – District Surveyors
- Product safety - Trading Standards

Home v workplace – applying the law



- ~~Housing~~
- Domestic premises
- Non-domestic premises
- Place of work
- Common parts
- Employee
- Person not in employment

HSE enforcement

- **Health and Safety at Work Act 1974**
- Section 2 – employees
- Section 3 – non-employees

Procurement and commissioning

- Specify > Select > Monitor
- Clients cannot delegate H and S duties
- Incorporate H and S management at all stages of the process
- Everyone aware of roles and responsibilities and competent to carry out their functions

Guidance on procurement

- IOSH Public Services Group
- <http://www.iosh.co.uk/Membership/Our-membership-network/Our-Groups/Public-Services-group/PS-Procurement.aspx>
- Leadership guidance - Institute of Directors / HSE
- <http://www.hse.gov.uk/pubns/indg417.pdf>

HSE enforcement

- Management of Health and Safety at Work Regulations
- Construction (Design and Management) Regulations
- Control of Asbestos Regulations
 - Duty to manage
 - Demolition and refurbishment
- Gas Safety
- Legionella
- Electrical safety

Does an inspector call?

- RIDDOR or other incident report
- Incident selection criteria
- Concern raised
- Construction activity
- Asbestos removal

When it goes wrong

- Fall from scaffold



- Employee fatal fall from tower scaffold
- Scaffold tower not erected properly with missing rails, no wheel brakes, unsecured ladder
- Employee not trained
- Lone worker not missed at shift end
- Homes provider company fined £37,000
£75,000 costs

When it goes wrong – Asbestos disturbed

- Housing trust and lift contractors fined
- Total fines £22,000
- Asbestos boards disturbed during lift replacement
- Asbestos survey provided by trust was insufficiently accurate and lacked detail
- Lift contractors did not make adequate inquiries about asbestos
- Asbestos spread through the building, exposing residents

When it goes wrong – No edge protection



- Council fined £20,000
- Information sheet provided to tenants omitted to say that hole in floorboards would be made when boiler replaced.
- Joiner left premises
- Elderly tenant fell into uncovered hole

Asbestos duty to manage

- Control of asbestos at work Regulations
- Common parts only
- No requirement to inform tenants

Asbestos – maintenance and refurbishment



- CAR, HSWA, MHSWR, CDM
- Information about location and type of ACMs....or assume asbestos present
- Duty to manage survey not enough
- Refurbishment and demolition survey
- Remove asbestos first
- Share information with contractors etc
- Asbestos awareness training

CDM Regulations 2015

- Strengthened Client role – in best place to set standards
- Principal Designer and Principal Contractor
- If > one contractor, client to appoint Principal Designer and Principal Contractor
- Skills, experience, training, knowledge

CDM Regulations 2015 - guidance



- L153 – draft
<http://www.hse.gov.uk/pubns/books/l153.htm>
- CONIAC CDM client guidance – draft
<http://www.citb.co.uk/documents/cdm%20regs/industry-guidance-clients.pdf>
- CONIAC general – draft
<http://www.citb.co.uk/health-safety-and-other-topics/health-safety/construction-design-and-management-regulations/>

Information and guidance

- Work at height
- <http://www.hse.gov.uk/work-at-height/index.htm>
- <http://www.hse.gov.uk/construction/faq-height.htm>
- 2008 - Letter to LAs re social housing and other premises
- <http://www.hse.gov.uk/services/localgovernment/letter.htm>
- Local government pages
- <http://www.hse.gov.uk/services/localgovernment/index.htm>

Information and guidance

- Asbestos
- <http://www.hse.gov.uk/services/localgovernment/asbestos.htm>
- Hot and cold water systems
- <http://www.hse.gov.uk/legionnaires/hot-and-cold.htm>
- Play safety statement
- <http://www.hse.gov.uk/entertainment/childs-play-statement.htm>

Over the horizon

- Common sense common safety
- Lofstedt
- Ffl to continue
- Commercialisation agenda
- Asbestos

Thank you

Any questions?