

Welcome to the latest edition of our newsletter for all your health and safety updates.

## PROPOSED CHANGES TO THE FIRST AID AT WORK REGULATIONS

**The HSC & HSE are proposing changes to The Health & Safety (First Aid) Regulations 1981.**

The proposals are set to make major changes in both the frequency and duration of first aid training courses. This will have a major impact on all employers who need to ensure that their in house training or bought in training is up to date.

Currently the First Aid Regulations require companies to carry out a risk assessment to identify whether or not suitable first aid provisions are in place within their business. This includes the required number of 'first aiders' and first aid kits etc. The updates to the legislation will only affect 'qualified first aiders' and not the role of an 'appointed person'.

At present qualified first aiders must attend a four day training course and have refresher training every three years. The proposed changes are aimed at assisting companies who do not



have the time or resources for their personnel to be away from the office for four days at a time. The options currently being considered are:

- To either retain the current system or to change the length of the course.
- Employers having the option to select from two levels of training where a need has been identified to have one or more qualified first aiders on the premises.
- The first course would be a shorter six hour course including subjects such as CPR, unconsciousness, wounds and bleeding. This course would also include

annual refresher training which should last at least three hours.

- The second option could be a 16 hour course comprising all elements from the six hour course but in addition would include areas such as broken bones, burns, eye injuries, poisoning, illnesses etc. Refresher training would be required at more regular intervals. This would involve first aiders taking the shorter refresher training course for the first two years following qualification but on the third year taking a more comprehensive 12 hour course covering the elements in the shorter course.

## EDITORIAL COMMENT

### WHAT IMPACT WILL THE PROPOSED CHANGES HAVE?

The proposed changes should benefit both the employer and first aiders. Employers will suffer less 'staff downtime' as a result of

the condensed course length and shorter courses for first aiders should make for more effective learning and provide first aiders with the confidence that in the event of an emergency they have the skills and knowledge to provide treatment as is necessary. The need for well trained first aiders has never been more apparent;

particularly in the world in which we live today where terrorism is always a major possibility and with this in mind the proposed changes to the first aid regulations could mean the difference between life or death. For further information on the proposed changes or first aid training courses please contact the office on 01604 654 111.



### STORY 1

Changes to Noise at Work Regulations



### STORY 2

Personal injury claims predicted to rise



### STORY 3

Bolton Wanderers FC fined for death on site

# CHANGES TO THE CONTROL OF NOISE AT WORK REGULATIONS

**The Control of Noise at Work Regulations 2005 come into force in April 2006 and will replace the Noise at Work Regulations 1989.**

Hearing damage caused by exposure to noise at work is permanent and incurable and continues to be a significant problem in the UK.

Research estimates that more than 2 million people are exposed to noise levels at work which may be harmful. The number of new cases of people receiving compensation for hearing damage, through both civil claims and the Government's disability benefit scheme, remains significant.

The costs to industry, society and most importantly the people who suffer are considerable. Work related noise induced hearing damage is entirely preventable if:

- Employers take action to reduce exposure to noise and provide protective measures for employees.
- Manufacturers design tools and machinery to operate more quietly and
- Employees make use of protective measures provided.

The new regulations are concerned with controlling noise and not measuring it. Employers need to concentrate on the practical measures they can take to protect their employees by reducing noise exposure and how they can prioritise, plan and implement those measures.

In general employers need to carry out the following:

- Assess the risks from noise exposure this can be achieved by undertaking a noise assessment.
- Following the results of the noise assessment action should be taken to reduce any significant noise exposure identified. Such as reducing the amount of time spent on noisy equipment, changing the equipment etc.
- Provide personal hearing protection where all other options have been considered but are not suitable.
- Ensure exposure limits are not exceeded.
- Inform, instruct and train employees in the risks to which they are exposed and the legal requirements for providing such information and training.
- Carry out health surveillance

i.e. regular hearing checks on those employees exposed.

For further information on the proposed changes to the Noise at Work Regulations or to arrange a noise assessment please contact the office on 01604 654 111.



## FIND OUT WHAT THE LAW MEANS TO YOU AND YOUR BUSINESS - HEALTH & SAFETY LEGISLATION SEMINAR



Positive Steps are running a half day legislation and updates seminar at our office in Northampton. The seminar will last from 9.30am – 12.00 pm on Thursday 27<sup>th</sup> April 2006. The cost per candidate is £40.00 + VAT per person and includes refreshments. For more information please contact Paul on 01604 654 111.

## PERSONAL INJURY CLAIMS RISE PREDICTED



**A new survey of personal injury lawyers has revealed that almost half the expect personal injury claims are set to increase by 20% over the next two years.**

The survey suggested several reasons for the possible increase in the compensation culture including:

- Greater awareness of how to pursue a claim from no-win no-fee adverts.
- Permeation of US-style

compensation culture in the UK.

- Rise of celebrity culture making people more money conscious.
- Increase in occupational disease and motor accident claims.
- Increased level of indebtedness which could tempt people to fabricate claims.

## RECENT CASE LAW IN BRIEF

**Bolton Wanderers Football Club has been fined £90,000 and ordered to pay full costs after a boy was killed in the clubs grounds.**

**Bolton Wanderers FC has been fined £90,000 and ordered to pay full costs of £9,695 after a boy riding a motorcycle was killed in the car park at the clubs ground.**

Bolton Crown Court heard that the 14 year old Christopher Ormesher had been taken to the Reebok Stadium car park on August 31<sup>st</sup> 2003 by his parents to practice riding his 125cc motorcycle.

The teenager was riding the vehicle along a central access road in the car park when he collided with an unmarked metal chain strung across the road which was difficult to see.

The chain rode up the fairing of the motorcycle and caught the boy under his chin. This severed his windpipe and spinal cord and propelled him 30 metres along the road, causing further injuries to his head, arms and legs. He died almost instantly.

In a prosecution brought by Bolton Metropolitan Borough Councils health and safety department, the company pleaded guilty under:

- Section 3(1) of the Health and Safety at Work Act 1974 in failing to ensure the safety of non-employees.

The sentencing judge said "the football club had fallen short of the required health and safety



standards and that the breach of the HSWA 1974 had led to the death of the teenager".

The investigating officer said that there had been long term problems with the car park at the club and the company had been asked to do something about safety on many occasions over the past five years. There had also been two previous incidents involving vehicles hitting the same chain.

The company had agreed to put up large high visibility chevron boards over the chain and take other safety measures, although it had failed to do so.

This case highlights the seriousness of acting on advice given during health and safety inspections by enforcing officers, the need to undertake regular and sufficient risk assessments and take any action identified as is necessary to ensure the health and safety of employees, non-employees and trespassers.

### Q & A: IN THIS EDITION WE HAVE A LOOK AT HEALTH & SAFETY POLICIES

**We have a statement of intent is this classed as a health and safety policy?**

No. The statement of intent forms only a very small part of a company health and safety policy. In addition to the statement of intent the policy should include:

- The organisational arrangements within the company including a detailed responsibilities section.
- Policies and procedures applicable to your company i.e. accident/incident reporting, emergency procedures, lone worker procedures, fire safety, manual handling, use of display screen equipment, company car driving etc. As such this is a very small section of what should be covered for the majority of companies.
- Provide a system for recording information.
- Provide a system for review.

**Why do we need a health and safety policy?**

If you employ more than five employees it is a legal requirement under the Health and Safety at Work etc. Act 1974 to prepare a health and safety policy with information as detailed above. The policy is an essential management tool in providing employees and non-employees with information on safe systems of work in order to protect themselves, their colleagues and customers/visitors affected by your work activities. In addition, should an accident/incident investigation occur and employees failed to follow the recommended safe systems of work, then the company is unlikely to face any fines or potential prosecutions. Please contact us for further information.

## BULLYING AT WORK

There are calls for changes in the law on bullying after a TUC survey of 5000 workers.

Of the estimated 2 million people bullied at work in the last month, three quarters were bullied by their managers or supervisors at work.

The TUC is calling for a change in the law to tackle bullying, which is responsible for the loss of 18 million working days each year.

As there is yet no law on bullying in the workplace and cases have to be individually put together to be heard by tribunals. Matt Witheridge of the Andrea Adams Trust comments "bullying is hugely devastating to industry, not to mention the victims and something needs to be done about it legally". We will keep you posted on any changes in the law.

# POSITIVE STEPS UPDATES

The Directors of Positive Steps, Paul and Victoria are pleased to announce the safe arrival of their son Matthew James born on 30<sup>th</sup> October 2005 weighing in at 8lb 10oz. Victoria will be back to work from April 2006 and we thank all our clients for their well wishes and support.

## CHARTERED STATUS

Victoria Sewell, Director recently became admitted as a chartered health and safety practitioner and will now have the title of CMIOSH. Such status means our clients can be safe in the knowledge that their health and safety is being managed by a fully qualified health and safety professional.

## FOCUS ON FIRE SAFETY RISK ASSESSMENTS

From April 2006 the Regulatory Reform (Fire Safety) Order 2005 will repeal previous fire safety legislation. This will pass ownership of fire safety solutions in premises to the occupier and their workforce. So it is essential that employers, managing agents/landlords ensure that a **suitable and sufficient** fire safety risk assessment can be carried out.

### WHAT IS A SUITABLE AND SUFFICIENT FIRE SAFETY RISK ASSESSMENT?

Such a risk assessment must take into account at least the following points:

- Manner in which the premises is used.
- People who use the premises.
- Training employees receive.
- Emergency planning and procedures.
- Structural features of the premises i.e. compartmentation.
- Processes and materials used.
- Installations, services and their maintenance.
- Detection systems and their maintenance.
- Storage areas.
- Control of contractors.
- Adequacy of escape routes etc.

Essentially, suitable and sufficient means risk assessing all aspects of fire safety within a company, not just the physical hazards present in the workplace.

### HOW CAN POSITIVE STEPS HELP?

We can undertake fire safety risk assessments on your behalf; our consultants are members of the Institution of Fire Safety Engineers (IFE) which provides you with the confidence that all our consultants are qualified to undertake 'suitable and sufficient' fire safety risk assessments. For further information on our fire safety risk assessment processes or changes to fire safety legislation please contact Paul on 01604 654 111.



**PLEASE NOTE: ALL OUR CLIENTS HAVE ACCESS TO A TRAINED CONSULTANT 24 HOURS A DAY AT NO ADDITIONAL CHARGE.**

## EFFECTIVE HEALTH AND SAFETY MANAGEMENT STARTS WITH A POSITIVE STEP...

Positive Steps was founded on the basis that health and safety should help, not hinder the growth of a business. By understanding your company's aims and objectives we can identify workable solutions to meet your everyday and long term health and safety goals.

Our service based approach will enable your company to make the welfare of employees, contractors and clients a core part of your business aspirations.

We offer a comprehensive range of safety management services some of which are detailed below:

- **Health and Safety Risk Assessments**
- **Fire Safety Risk Assessments**
- **Disabled Access Audits**
- **Company Health and Safety Policy**
- **Display Screen Equipment Assessments**
- **Health and Safety Training, including basic health and safety, fire safety awareness and fire warden training, disability awareness training, manual handling and DSE assessors training.**
- **Method statements**
- **Contractors Approval Scheme**

For further information on any of our services, please call **01604 654111** or e-mail **office@positive-steps.net**, one of our consultants will be happy to assist.



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