

The Highland Council

Resources Committee – 25 February 2015

Agenda Item	24
Report No	RES/28/15

Health and Safety Executive: Improvement Notices Control of Vibration at Work Regulations 2005

Report by Director of Community Services

Summary

This report updates Members on the Improvement Notices served on The Highland Council on 30 January 2015 with respect to three contraventions of the Control of Vibration at Work Regulations 2005.

1. Background

- 1.1 Following a report on the diagnosis of Carpal Tunnel Syndrome/ Hand Arm Vibration Syndrome (notifiable reportable diseases) the HSE investigated the work processes and controls involved in the work and found three contraventions to the Control of Vibration Regulations 2005.

2. The Improvement Notice

- 2.1 The HSE's investigation found the following contraventions:

2.2 Notice 1

Regulation 5: Risk Assessment

Minimal risk assessments had been undertaken – where these had been completed there was limited recognition of the risk of vibration.

2.2.1 Regulation 8: Information, Instruction and Training

Employees identified as being likely to be exposed to vibration at work could not recall receiving information, instruction and training. Managers were not able to provide training records to show that this had been undertaken.

2.2.2 Regulation 6: Elimination or Control of Exposure to Vibration at the Workplace

- No evidence of a preventative maintenance regime in place
- Lack of control over hired equipment
- Lack of a positive purchasing policy/ little involvement of H&S team
- Council's vibration policy requires to be updated

- 2.2.3 The timescale for compliance with the Notice is 1 May 2015.

2.3 Notice 2

Failure to conduct an assessment of gully repair activities which is liable to expose employees to risk from vibration.

- 2.3.1 The timescale for compliance with the notice is 1 July 2015.

3. Risks from Hand Arm Vibration

- 3.1 The term Hand Arm Vibration Syndrome (HAVS) is the collective name for a range of injuries caused by hand transmitted vibration, which includes impaired blood circulatory systems and damage to sensory nerves in the fingers, weakened muscle in the hands and painful joints in the hands and arms. It is most commonly associated with blood circulatory disease known as Vibration White Finger.
- 3.2 The condition usually arises from exposure to hand transmitted vibration. The early symptoms of VWF are tingling, numbness in the fingers during and immediately after working with such things as hand held tools.
- 3.3 As with all health and safety hazards, the risk from using vibrating tools can be managed successfully. The strategy is to reduce the levels of vibration to as low as is reasonably practicable (ALARP) through the:
- Identification of equipment and tasks that generate significant vibration exposure via risk assessment;
 - Evaluation and minimisation of potential reduction measures;
 - Focus on proactive management of reducing employee exposure to as low as is reasonably practicable;
 - Use of the Noise and Vibration tool measurement database;
 - Defined hand –arm vibration “Action Values”;
 - Use of points system and chart to assist in defining vibration exposure;
 - Use of equipment tagging system;
 - Evaluation of controls;
 - Management of the health surveillance programme ;
 - Provision of information, instruction, training and supervision;
 - Clear definition of responsibility and allocation of adequate resources;
 - Monitoring of progress.

4. Actions taken to address Improvement Notices

- 4.1 A Working Group has been established by the Director of Community Services to ensure appropriate actions are taken to address the requirements of the Notices. An Action Plan (which will follow) has been developed and an Assistant Area Manager assigned the responsibility of co-ordinating the actions. The Assistant Area Manager will be supported in each area by a designated officer who will ensure compliance with the actions. Trade Unions have been briefed and will meet on a monthly basis with the Director until the improvements are in place.
- 4.2 Although the Notices have been served on Roads and Transport (Community Services), there are implications for other Teams/ Services where employees use vibrating tools, especially Building Maintenance (Community Services) and teams in Development and Infrastructure (e.g. Rangers) and Care and Learning (e.g. Criminal Justice team, CDT teachers, Technicians and Janitors).

4.3 The Occupational Health, Safety and Wellbeing Team will work with Directors in these Services to ensure work is undertaken or reviewed to ensure compliance.

5. Implications

5.1 Failure to comply with health and safety legislation can lead to enforcement action by the Health and Safety Executive (HSE) which can range from the serving of an Improvement Notice to Court Proceedings. HSE intervention is now charged at a cost of £124 per hour. The cost is calculated on the time HSE takes to prepare, write and follow up on the Notice (including site visits, meetings, etc.) until the Notice is formally lifted.

5.2 Failure to ensure staff safety can lead to civil action against the Council.

5.3 There are no other Equalities, Climate Change/ Carbon Clever, Gaelic or Rural implications arising from this report.

Recommendation

It is recommended that the committee note the contents of this report.

Designation: Director of Community Services

Date: 11 February 2015

Author: Gena Falconer

Background Papers:

Action Plan (to follow)

HAVS Management Action plan

	OBSERVATION	ACTION	PROGRESS			LEAD OFFICER	DEADLINE	COMMENT
			Initiated	In Progress	Completed			
1	General							
1.1	Appoint manager(s) to co-ordinate actions in each Area	James Beagrie to co-ordinate. Other staff assigned duties to assist			✓	CS Director	03/02/2015	
1.2	Timetable update briefing sessions for TU reps.			✓		CS Director	31/07/2015	Monthly meetings organised
1.3	IOSH for Senior Execs to be rolled out to Directors, HoS, CS Area Managers to underline importance of understanding health and safety duties.	Names passed to L&D who are to organise course provider.		✓		L&D Manager	31/07/2015	
1.4	Health and Safety for Managers course to be offered to all Tier 3 managers	First course organised for 5 Feb 2015		✓		OHSW Manager	30/04/2012	
1.5	H&S Management System audit to be conducted in CS and then other services	Dates to be agreed with CS SMT	✓			OHSW Manager	31/04/15	Key components of audit include effective leadership, management, competence, and worker consultation and involvement.
1.6	Provide adequate resources, including allocation of time and competent advice when required.		✓			CS Director	30/04/2015	
1.7	Ensure adequate supervision is in place to make sure that arrangements are followed		✓			Area Managers	30/04/2015	
1.8	Involve workers in discussions and develop effective health and safety communication strategies, to encourage and develop positive attitudes and behaviours		✓			Area Managers	30/04/2015	
1.9	Check to make sure that plans have been implemented and assess how well the risks are being controlled.		✓			CS Director Area Managers	30/04/2015	
1.1	Embed lessons learnt into all parts of Service		✓			CS Director	31/12/2015	
2	Risk assessment (general)							
2.1	See HAVS Operational plan	Section 3 of HAVS Operational Plan		✓		Asst Area Mgr (SRC)	31/03/2015	
3	Risk assessment (Vibration)							
3.1	See HAVS Operational plan	Section 1 of HAVS Operational Plan		✓		Asst Area Mgr (SRC)	31/03/2015	
4	Training							
4.1	See HAVS Operational plan	Section 2 of HAVS Operational Plan	✓			Asst Area Mgr (SRC) Senior H&S Adviser	03/06/2015	
5	Purchasing/hiring of equipment							
5.1	See HAVS Operational plan	Section 3 of HAVS Operational Plan	✓			Asst Area Mgr		
5.2	Include clause allowing for risk reduction to be considered when hiring/purchasing tools, e.g. favour lower vibration tools rather than on price.	Meeting scheduled for 4/2/15 with Procurement	✓			OHSW Manager	15/05/2015	Present to Central Safety Committee
5.3	Develop positive purchasing policy	Meeting scheduled for 24/3/15 with Procurement	✓			OHSW Manager	15/05/2015	Present to Central Safety Committee
6	Health surveillance (HS)							
6.1	Managers to identify required health surveillance based on employees actual work (e.g. HAVS, noise, dust)		✓			Asst Area Mgr (SRC)	01/05/2015	

6.2	Managers to ensure Risk Assessment/job description sent to OH prior to health surveillance.		✓			Asst Area Mgr (SRC)	01/05/2015	
6.3	Managers to liaise with OH to set up HS appointments, including rescheduling missed appointment		✓			Asst Area Mgr (SRC)	01/05/2015	
6.4	Managers to stress the importance and statutory requirement to attend HS.		✓			Asst Area Mgr (SRC)	01/05/2015	
7	OHSW Management System							
7.1	Revise/issue HAVS guidance			✓		OHSW Manager	15/05/2015	Present to Central Safety Committee
7.2	Revise/issue risk assessment guidance			✓		OHSW Manager	16/05/2015	Present to Central Safety Committee
7.3	Revise/issue health surveillance guidance			✓		OHSW Manager	17/05/2015	Present to Central Safety Committee

HSE IN Community Service Operational HAVS Action plan (Regulation 5 and 8) Origin Date 23 Feb 2015

Operational HAVS Action plan

	OBSERVATION	ACTION	PROGRESS			LEAD OFFICER	DEADLINE	COMMENT
			Initiated	In Progress	Completed			
1	Regulation 5 Vibration Risk Assessment Gulley Repairs	Contravention One - 3 Month Notice					17-Apr-15	
1.1	Main Activity risk assessment (significant risks)	Create draft and circulate to sub group for comments.	✓			H&S Adviser	13/03/2015	
1.2	Create a vibration task risk assessment template	Adapt from corporate guidance notes		✓		Senior H&S Adviser	13/03/2015	Include noise element
1.3	Existing risk assessments for gulley repairs from area community managers	E mailed requests to CWM for copies of existing risk assessments	✓			Asst Area Mgr	13/03/2015	
1.4	Machinery and Equipment Inventory	Confirm plant and equipment involved in work activity and vibration levels.	✓			Asst Area Mgr	13/03/2015	
1.5	Create Vibration Task Risk Assessment for Gulley Repairs	Visit Direbught site and survey activity. Review available data sources and consider all tools including hired items,		✓		H&S Adviser	20/03/2015	
1.6	Estimate employee personal HAV exposure from task	Calculate accumulative tool use	✓			Asst Property Mgr	27/03/2015	
1.7	Action to take where vibration exposure is above Action limit	Guidance for managers and staff to be included in corporate guidance. Organisational and technical measures for gully repairs.	✓			OHSW Manager and Asst Area Mgr	27/03/2015	Also part of Main HAV Plan
1.8	Dynamic site risk assessment template	Revise to create 1 page proforma for on site use	✓			Senior H&S Adviser	20/03/2015	
1.9	Involve employees and reps. in risk assessment process	Identify Health and Safety representative(s)	✓			Asst Area Mgr (SRC)	13/03/2015	
1.01	HAV ready reckoner	Research availability		✓		Senior H&S Adviser	13/03/2015	Small hand held card
1.11	Share significant findings within the service	Confirm system	✓			Asst Area Mgr (SRC)	17/04/2015	Ongoing
1.12	Measure Vibration	Use accelerometer to measure equipment used in gully repair assessment for verification	✓			H&S Adviser	27/03/2015	Tie in with site survey
2	Regulation 8 Information Instruction and Training	Contravention Two - 5 Month Notice					17-Jun-15	
2.1	Training needs for staff groups	Identify needs and Confirm target groups	✓			Asst Area Mgr (SRC)	13/03/2015	
2.2	Training Provisions	Contacted HSE Solutions Ken Hill	✓			Senior H&S Adviser	13/03/2015	Initial meet booked 25th Feb 2015
2.3	Tool Box Talk (TBT) Briefing Sessions	Develop a standard TBT Template		✓		Senior H&S Adviser	20/03/2015	
2.4	Training Programme	Develop and roll out programme for TBT's	✓			Asst Area Mgr (SRC)	20/03/2015	
2.5	Deliver Training	Include Inverness and Gairloch	✓			Asst Area Mgr (SRC)	17/06/2015	CS managers provided with copy of HSE INDG 175(rev3) 19 Feb2015

2.6	Training Records	Ensure training records are provided to managers and available on sites to cover information, instruction and training for employees likely to be exposed to vibration at or above action value.	✓			Asst Area Mgr (SRC)	03/06/2015	Also part of overall VA Plan
2.7	Online Resources	Update OHSWT news page and policy guidance and communicate to employees		✓		OHSW Manager	27/03/2015	
2.8	Procure Resources (Leaflets, DVD, and Ind Cards)	Individual HSE Hand Cards INDG 296 Rev2		✓		Asst Area Mgr (SRC)	20/03/2014	
3	Regulation 6 Elimination of Control of Exposure	Contraventions 3 Noted by HSE						
3.1	Corporate Vibration Policy out of Date	Update Policy Guidance and Distribute		✓		OHSW Manager	15/05/2015	See HAVS Management Plan
3.2	Lack of a Preventative Maintenance System for machines	System required	✓			Asst Area Mgr (CS)	24/06/2015	See HAVS Management Plan
3.3	Hired Machine Maintenance System	Routine checks on hired equipment to be carried out and details recorded	✓			Asst Area Mgr (CS)	24/06/2015	See HAVS Management Plan
3.4	Positive Purchase Policy (Machinery and Tools)	Develop a checklist for procurement	✓			Asst Area Mgr (CS)	15/05/2015	See HAVS Management Plan
3.5	Control of Vibration Exposure at Inverness and Gairloch	Provide managers with information to allow them to arrange work to reduce HAV exposure to ALARP	✓			Asst Area Mgr (SRC)	27/03/2015	
3.6	Monitoring and Review of Control Measures	Arrangements for Direbught Rd and Gairloch to be verified. Include in local health and safety forums.	✓			Asst Area Mgr (SRC) and H&S Adviser	24/06/2014	See HAVS Management Plan

The above list is a draft action plan for Community Services to be read in conjunction with the main overall Vibration management Action Plan.