

**The Highland Council**  
**Community Services Committee**  
**4 June 2015**

Agenda Item	12
Report No	COM/25/15

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

**Report by the Director of Community Services**

**Summary**

This report advised the Committee on the actions taken to address the requirements of 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.
- 1.2 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).

**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 was 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.

### **2.4 Management Letter**

The Improvement Notices were followed with a management letter which reiterated the contents of the notices and requested information on three additional areas:

- I. Provision of adequate resources, including allocated time and competent advice when required.
- II. Supervision, to ensure that health and safety arrangements are followed.
- III. Check to ensure plans have been implemented and assess how well risks are being controlled.

2.4.1 These three actions apply across all Services.

## **3. Actions taken to address Improvement Notices/Management Letter**

3.1 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 (see link in background papers) has been developed and an Assistant Area Manager is being 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 meet on a monthly basis with the Director until the improvements are in place.

### **3.2 Vibration Risk Assessment – Gully Repairs**

3.2.1 The required risk assessment was completed on 13 March 2015. This included an assessment of cumulative tool use. The equipment used during the assessment was subsequently removed from use as the vibration levels emitted were very high. The workforce was briefed at various meetings and toolbox talks. TU reps were involved in the risk assessment exercise and the briefings.

3.2.2 A vibration risk assessment template has been developed as part of this exercise and will be highlighted to all assessors for use. It was decided to incorporate noise assessments into the assessment process, where possible, as the two hazards often exist together.

- 3.2.3 A template for collating a machinery and equipment has been issued to Community Works Officers for completion and return to the Assistant Area Manager.
- 3.2.4 A template for dynamic site assessments was developed and tested as part of the exercise.
- 3.2.5 A HAVs ready reckoner was sourced and issued to the workforce – this enables them to quickly see how long equipment can be safely used for once the vibration level is known.

### **3.3 Information, Instruction and Training**

- 3.3.1 An external provider – HSE Solutions – has been appointed to provide high level training.
- **Assessors** – 16 staff in CS will be trained to be competent to conduct vibration/noise risk assessments. They will also be trained as “train the trainers” in order to roll out vibration awareness training across the Service. Two courses will be run: one in May and one in June.
  - **Operational staff** – 3 hours training
  - **Supervisor/foremen** – 4 hours training
  - **Managers** – 1 day training
- 3.3.2 A toolbox talk template for vibration awareness is being developed to ensure a consistent message is received across the Service.
- 3.3.3 Manual handling awareness training is being rolled out across Community Services staff.
- 3.3.4 An estimated 420 staff in Community Services have been identified as requiring training. The training will be co-ordinated and training records maintained by Learning and Development.

### **3.4 Other developments (OHSW team)**

- 3.4.1 All Directors and Heads of Service will attend a one-day Safety for Senior Executives Course before the end of July.
- 3.4.2 A one-day course “Managing Health and Safety in the Highland Council” is being offered to Tier 3 managers.
- 3.4.3 A Health and Safety audit commenced in Community Services. This will examine the extent of CS compliance with health and safety arrangements. The audit will examine all other Services in due course.
- 3.4.4 A “positive purchasing” guidance has been developed and issued for consultation. This places responsibility on those who request or authorise hire or purchase of plant and equipment to include safety features as part of the specification. It also limits hire of equipment for use in one-off or

specialist projects or as like for like replacements for equipment out of commission due to repair or maintenance.

- 3.4.5 Guidance on the management of hand arm vibration, health surveillance and risk assessment have also been revised and issued as working drafts for consultation.
- 3.4.6 A policy and guidance on control of noise at work is under development. It is anticipated that noise and vibration assessments will in future be conducted concurrently.
- 3.4.7 A timetable for the review of all documents in the health and safety management system has been drawn up and was presented to Resources Committee on 27 May 2015.
- 3.4.7 A health and safety inspection and a fire safety inspection of Diriebught Depot were conducted in March and a comprehensive action plan developed.
- 3.4.9 A series of area road shows and meetings are being set up in order to share lessons learnt with other sections of Community Services.
- 3.4.10 Copies of risk assessments, templates and other documents developed as part of this work is published on the OHSW Intranet page.

### **3.5 Other developments**

- 3.5.1 Equipment inventories are being developed for Roads – this will also identify what equipment is hired and what has been purchased. Once finalised, the inventory will be used to develop detailed equipment specifications which in turn will become “approved” equipment lists. This continuity will aid future noise/vibration assessments.
- 3.5.2 Community Services are identifying staff to be trained as manual handling assessors to ensure issues are identified and addressed as early as possible.
- 3.5.3 A planned maintenance system is to be put in place for tools and equipment.
- 3.5.4 A means of centrally recording CS training is to be developed as part of the improvements.

## **4. HSE visit - 29 April 2015**

- 4.1 The HSE Inspector revisited Diriebught Depot on the above date to assess progress against the Notices.
- 4.2 It was noted that although the risk assessment had been competently completed and the equipment (correctly) taken out of commission, the Notice for risk assessment could not be lifted as equivalent specification of equipment was not available, neither was there an instruction that only equivalent equipment should be selected for the task. The Inspector advised

that an extension be requested for the notice until 1 August 2015.

4.3 A second communication from the Inspector advised that both notices should be extended to 1 August 2015 to ensure that all actions were addressed.

4.4 The Inspector noted that on the April visit the employees she met with “were highly motivated and very willing to engage in the control of vibration exposures whilst at work. The level of engagement and interest in the subject was extremely positive and encouraging”.

## 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.

### **Recommendations:**

Members are invited to note:

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- (i) the developments recorded in section 3 of this report; and
- (ii) the positive feedback from HSE regarding staff at Diriebught Depot

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Date: 22 May 2015

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Background Papers: [HAVS Action plans](#)