

COU11D037

Title: Health and Safety 6 Monthly Report to Council
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Circulation: The Council – 23 January 2012
Agenda: COU11A004
Status: Open

UNIVERSITY HEALTH AND SAFETY EXECUTIVE
Report to Council – 1st January 2011 to 1st October 2011

This is the first six monthly report to be provided to Council. This report covers the first 9 months of 2011. Future reports will cover 6 months (1st October to 31st March and 1st April to 30th September).

Work on the university's health and safety management arrangements continues to be driven by factors that are both external (legislative changes, revised national standards, new and revised HE sector guidance, the evolution of sector best practice) and internal (organizational change, new work activities, incident investigations, audit findings).

Recent legislation changes

The Environmental Permitting (England and Wales) (Amendment) Regulations 2011

Permits for holding and disposing of radioactive substances are issued under this environmental legislation. These regulations allow for certain small quantities of radioactivity to be exempt from permitting (providing that certain conditions relating to holding and disposal are met). The university makes use of these exemptions for a number of radioactive substances it holds.

The new amendment comes fully in to force in April 2012 when a transition period is complete.

The cost impact of the changes is still uncertain, as guidance from the Environment Agency on appropriate disposal routes is still in draft form and is unclear (The Environment Agency is holding workshops nationally in October and November to make the guidance clearer).

Upcoming legislation

Revised Control of Asbestos Regulations (out for consultation until 4th November)

Changes due to European Commission's reasoned opinion that current UK legislation does not fully implement the Directive. Current UK legislation exempts more types of work from notification of work, medical examinations and record keeping than the Directive should have allowed.

The proposed new regulations will introduce new category of work (Notifiable Non-Licensed Work - NNLW) and a new definition of Licensed work and NNLW.

Note: There may be some additional costs to building maintenance and refurbishment activities as a result of the changes in the legislation.

The earliest possible date for revised Regulations to become law would be the 6th April 2012.

Replacement of the Health and Safety (Fees) Regulations (consultation ended 14th October)

Changes are proposed to allow the HSE to recover the costs of its inspection work from inspected employers if H&S law has been breached.

There will be fewer proactive inspections. No proactive inspections in lower risk areas:

"Low risk manufacturing (textiles, light engineering), transport sector (road haulage, docks), Local Authority educational provision and postal/courier services. Proactive health and safety inspection by HSE will no longer take place in these sectors." "HSE will continue with reactive work across all categories of industry investigating incidents and following up complaints."

Costs are estimated at £133 per hour for HSE staff from start of intervention (resulting from material breach of H&S law - i.e. will apply when HSE has to formally communicate with the university (prohibition notice, improvement notice, letter, e-mail)

"Under the proposals being made in this consultation document fee for intervention would occur where, in the opinion of an inspector, a material breach of law has occurred such that a requirement to rectify it is formally made to the duty holder in writing (e.g. by electronic mail or letter). "if HSE prosecutes, cost recovery would stop when an Information is laid; at this point, recovery of further costs would be sought through the court. "

This will not apply to CL3 facilities which will have their own cost recovery scheme under new legislative regime for biological agents.

Costs will not apply to non-material breaches of H&S law (a non-material breach is one that doesn't increase the risks to employees or members of the public e.g. failure to display H&S at Work Law poster).

Note: This change could result in significant costs additional to the university if there is a reported accident resulting from a material breach of H&S law. It is not clear whether such costs will be able to be covered by insurance.

The earliest possible date for revised Regulations to become law would be the 6th April 2012.

Single regulatory framework for handling human and animal pathogens and GMO (consultation document still to be issued)

A single regulatory framework for GMO, and human and animal pathogens was a recommendation of a review following the Pirbright foot and mouth incident in 2007.

In early October HSE advised that these regulations will not be implemented before October 2013.

At UEA, microbiological work has, for a number of years, been subject to the same tight review and approval regime as applied to the GMO work so it is probably unlikely that any new regulations will have any significant impact on the university's arrangements, apart from possible inspection costs for CL3 facilities that are alluded to in the consultation document regarding changes to the Health and Safety (Fees) Regulations (see above).

New guidance relevant to HE Sector

UCEA has published 'Guidance on Health and Safety in Fieldwork, 2011'. The aim of this new guidance document is to align good practice in the Higher Education sector with the British Standard, BS 8848: "Specification for the provision of visits, fieldwork, expeditions, and adventurous activities outside the United Kingdom."

Fieldwork has a broad definition in the guidance "Any work carried out by staff or students for the purposes of teaching, research or other activities while representing the institution off-site." So it includes ".. activities as diverse as attendance at conferences and recruitment fairs, or undertaking social science interviews, as well as activities more traditionally associated with the term fieldwork such as survey/collection work carried out by geologists or biologists." – so put simply any work off campus. Work needs to be undertaken to develop a University policy that will dovetail with fieldwork management arrangements existing in Schools and departments.

Current Work on revisions to UEA Policies and H&S Rules

- 1) Drafting of *UEA Fieldwork H&S Policy* – at initial stages of drafting and discussions with Schools who undertake significant fieldwork activities.
- 2) Revision of *Code of Practice on Placement Learning*. Not primarily a H&S Policy document but a Code for addressing the management of placement learning activities (originally developed due to QAA concerns). It has been revised by the university lawyers taking into account the HE Sector 2009 guidance, "UCEA Health and Safety Guidance for the placement of Higher Education students". It is currently out for consultation with the Schools.
- 3) Revision of UEA Electrical Safety Rules – in draft form and being discussed with some electrical staff at UEA prior to going to the Consultative Committee. Changes required due to loss of technical staff in Schools.
- 4) A draft Driving Policy has been produced and is going through a consultation process.

Accidents and Incidents

The number of accidents in the period 1st January 2011 to 30th September 2011 were significantly lower than in the equivalent period of 2010. Full annual figures for 2011 and comparison to previous years will be provided in the next report.

	1 st January to 30 th September 2011	1 st January to 30 th September 2010
Total	136	202
Staff	91	134
Students	19	20
Others	26	48
Reportable	6	14

Serious injuries

Reportable accidents are categorised into deaths, major injuries, over 3-day injuries (accidents which result in incapacity for work for more than three consecutive days), and dangerous occurrences (certain incidents which have the potential for causing serious injury without actually having done so). The university is also required to report to any accident to a non-employee which resulting in their being taken to hospital. There have been 6 reportable accidents in the period 1st January to 30th September 2011.

Two of these reportable accidents were major injuries:

- a groundsperson fractured a shoulder blade after falling while trying to walk across boulders outside Union House
- a technician fractured an ankle slipping on grass.

One member of the public were taken to hospital as a result of an accident at the university:

- an undergraduate twisted her back after tripping on a door surround and falling down some stairs.

Of the other 3 reported accidents (over three day accidents), one was due to a fall, one due to a falling light fitting that was being worked on and the other was a manual handling incident.

Dangerous Occurrences

There were no reportable dangerous occurrences in the period 1st January to 30th September 2011:

Fire Safety

There were 17 reported Fires 1st January to 30th September 2011.

Date	Building/Area	Cause Of Fire
21/01/2011	Chemistry	Chemical reaction in waste container
08/02/2011	Britten House	Grill pan fire
18/02/2011	Norfolk Terrace	Waste bin fire due to discarded matches
22/02/2011	Nelson Court	Cooking
27/02/2011	Paston House	Chip pan
02/03/2011	Nursery & Medical Centre	Newspapers set alight outside laundrette
07/03/2011	Norfolk Terrace	Chopping board left on hot plate caught fire
07/03/2011	Paston House	Chip pan fire
10/03/2011	Britten House	Burnt food in microwave
18/03/2011	Chemistry	Sodium metal fire
21/03/2011	Chemistry	Flammable chemical leaked onto heating isomantle
21/03/2011	Near Colney Bridge	Not known - grass and reeds on fire
08/04/2011	Village	Grill pan – grill had been left on
24/04/2011	Village	Disposable BBQ placed in bin
13/05/2011	Browne House	Grill pan
24/05/2011	Paston House	Students notes set alight by accident by student using lighter
11/06/2011	Near Colney Bridge	Bonfire set by persons unknown

There were 11 fires in the equivalent period of 2010.

False fire alarm data for the full calendar year will be provided in the next report.

UHASE and the University Committees

UHASE

UHASE met in May 2011.

UHASE

- received update from Stress Steering Group (tasked to review, revise and implement the university policy on stress management).
- received update on progress in formulating alcohol, drug and substance abuse policies.
- Discussed fire evacuation arrangements, revision of the Fire Risk Management Policy, pedestrian issues at the Edith Cavell Building and the audit programme.

Consultative Committee

The Consultative Committee met in April 2011.

The Committee.

- Discussed stress management arrangements, handwashing notices, paving slabs, cleaning regimes, and temperatures in buildings..

Biological Hazards and Genetic Modification Committee

The Biological Hazards and Genetic Modification Committee met in February 2011.

The Committee

- received and considered reports on on-going microbiological and genetic modification work
- considered and reviewed the competencies of review panels, which review and approve Containment Level 1 and 2 projects.
- considered a report on the impending Biological Agents and Genetically Modified Organisms (Contained Use) Regulations 2010.

Fire Safety Committee

The Fire Safety Committee met in January, April and July 2011.

The Committee

- set up a group to revise the policy for evacuating persons with disabilities
- discussed:
 - malicious activations of fire alarms
 - steam activations of smoke detectors
 - progress on fire risk assessments
 - a project to revise the fire strategy for the teaching wall
 - evacuation chairs, refuges and lifts

Radiation Protection Committee

The Radiation Protection Committee met in February 2011.

The Committee

- received and considered a report from the university's Radiation Protection Adviser
- reviewed data on radiation dose records and usage of radioactive substances
- reviewed and approved a revised version of the university's Radiation Protection Rules.
- received a radon survey report for several basement areas of the university. The results of which found no areas of concern – all areas surveyed had radon levels well below action levels.