

Partnership on Health And Safety in Scotland

HSE Scotland Director's report

Issue

1. To update PHASS members on developments in Scotland since their last meeting.
2. HSE in Scotland dealt with 35 freedom of information requests between 1 April 2008 to 10 June 2008 and 11 pieces of parliamentary correspondence. The Annex to this report shows fatal injuries in Scotland to date since 1 April (removed for publication – see note at Annex 1).

Offshore health and safety – selected activity

Investigations and prosecutions

3. There have been no fatal injuries.
4. The HSE investigation into the Bourbon Dolphin incident is complete with the exception of the Emergency Evacuation and Rescue aspects.
5. Petrofac Thistle Alpha turbine fire: A review of all recent offshore turbine fires is underway so that any common themes can be communicated to the industry by way of an information note that will be published soon. The installation has resumed production using turbine C.
6. The Shell Clipper (Gas installation located in the Southern North Sea) fatality prosecution has been approved by the DPP. The DPP has laid the informations against Shell and Amec. The first hearing at Great Yarmouth Magistrates Court is scheduled to be on 4th July 2008. It is likely that the case will be referred to the Crown Court for hearing.
7. Talisman UK Ltd Beatrice wind farm accident: A prosecution report has been prepared and submitted to the PF. The trial is planned for later this year.
8. CNR International Ninian Central fatality: The trial commenced on 22nd April 08 at Stonehaven Sheriff Court. CNR defence advocate made a submission to the Sheriff after the crown case that the crown had failed to prove its case on all charges in the indictment. The Sheriff agreed with the defence advocate and the trial was ended with CNR having no case to answer on 26th May 08.

Major Campaign Activity

9. OSD has the following projects running for 08/09:
 - Effectiveness of audit arrangements to target risk control barriers
 - Corrosion inspection

- Management of change inspection
- Contractor competence and duty holder relationships
- Verification inspection
- Quality of supervision.

Offshore Workforce Involvement Day - Murrayfield, Edinburgh: 8th May 2008

10. HSE, through the Workforce Involvement Group of the Offshore Industry Advisory Committee (OIAC), organised a one day event to promote improved workforce involvement in the offshore industry. The event was over subscribed and attended by over 160 representatives of the offshore workforce and focused on the role of the workforce in understanding and reducing major accident hazard risks.

11. The conference heard presentations on Texas City, the function of risk control barriers, good and best practice in safety representation and safety committees and the role of management in creating effective safety culture. In the 20th anniversary year of Piper Alpha, there were also some poignant reflections on the disaster and what it means for the industry today. The conference was also supported by Danny Carrigan and Kevin Myers, who opened the afternoon and morning sessions respectively. The feedback obtained from the event was extremely positive and active participation from the audience provided some stimulating debate. The OIAC Workforce Involvement Group will take away the outputs of the day and the ideas and issues presented to take forward an agenda of continuing to improve the effectiveness of workforce involvement.

Hazardous Installations - activity with devolved authorities

12. HSE HID has routine engagement with SEPA, as HSE's partner in the COMAH competent authority and is also engaged with the Scottish Government, jointly with SEPA, in considering Scotland's response to recommendations on emergency preparedness arising from the Buncefield incident.

Field Operations Division – selected activity

Some successful prosecutions

13. Brookrange Ltd in March in connection with the death of an elderly women scalded in a bath at a care home. The Sheriff at Dumbarton Sheriff Court imposed a fine of £15,000. The Procurator Fiscal is keen to publicise this conviction as widely as possible amongst care homes.

14. Aberdeenshire Council and Deveron Care Services were fined £5,000 at Banff Sheriff Court in March. This followed an injury to an elderly lady when she fell as she was being mobilised from her bed with the aid of a hoist. The carer had never been trained in the use of the hoist.

15. Andrew McRobb Ltd was fined £3,300 in Aberdeen Sheriff Court after an elderly woman fell down a hole they had left in the floor of her home. Several further reports are with Fiscals across Scotland where small contractors have created hazards for vulnerable people when carrying out work in domestic

premises. Construction Division have therefore added elderly people to the HSE definition of vulnerable people (migrant workers and young people) in their approach to advice and enforcement.

16. GMJV - a principal contractor was fined £4,000 after an employee was killed when pipes fell from a lorry. For the same incident, the haulage contractor Forsyth of Denny was also fined £4,000.

Examples of investigations

17. Investigations recently commenced or on-going are:

- into the death of a foreman fabricator/blacksmith when he cut into an oil drum – to make a BBQ - which then exploded
- into the death of a farmer killed when a telehandler pinned him to a wall
- a joint HSE and SEPA investigation into an incident when the top of a pressurised cement silo was blown off spewing cement on to neighbouring property and causing a large dust cloud. There were no injuries but this was a serious incident
- into the death of an employee crushed by a load falling from a parked vehicle
- into the collapse of a wind turbine. This will have international implications as it is examining the siting of turbines near population centres
- into the death of a construction worker involved in excavation work in Glasgow
- into the death of a migrant worker who fell nearly 3 metres down a fume extraction vent on a construction site in Dundee
- into fracture injuries to a migrant worker trapped by a machine he was trying to unblock at a sawmill. This incident could have resulted in a fatality had the machine not blocked again when the worker was inside it.
- Into the death of a farm worker crushed by a one tonne pre-concrete panel which was being manoeuvred into position to build a barn wall.
- Several cases have been reported to PFs following investigations, including one against a director following the electrocution of a migrant worker in 2006

Campaigns

18. The two week agricultural blitz has just been completed - to farms where migrant workers were likely to be employed, for example, soft fruit farms. The risk from overhead power lines during erection and dismantling of polytunnels

was a key priority. At least four farms had problems and enforcement notices were issued.

Commission on Scottish Devolution

19. The Commission on Scottish Devolution was set up following a vote in the Scottish Parliament on 6 December 2007. The UK Government indicated its support for the aims of the Commission on 31 January and on 25 March it was announced that Sir Kenneth Calman had been appointed as lead. The Commission has been asked to review the provision of the Scotland Act 1998 in light of experience, and to recommend any changes to the present constitutional arrangements that would enable the Scottish Parliament to serve the people of Scotland better, improve the financial accountability of the Scottish Parliament and continue to secure the position of Scotland within the UK.

20. On 14 May Jim Gallagher, Director General Devolution, wrote drawing attention to the work of the Commission and to give notice that UK Government Departments will be invited to contribute views to the Commission in due course. Oral evidence from HSE has been offered given the importance of health and safety in the offshore sector, nuclear safety, the recent ICL public inquiry and the work HSE is engaged in with key stakeholders. In giving oral evidence HSE will be represented by the Chair and Paul Stollard, the new Director Scotland.

DWP Select Committee

21. The Committee's Report was published on 21 April. Convention requires the Government's response to be submitted to the Committee within 2 months of publication. The Government's response is therefore imminent.

June 2008

ANNEX 1

Notes

HSE publish:

- Annual validated statistics for workplace fatalities on the web in June
- Annual validated statistics for workplace, fatal, injury and ill health on the web in Autumn
- Partially validated workplace fatality figures on the web quarterly (of the previous quarter)
- Unvalidated workplace fatality incidents reported to HSE (but not local authorities) only on the web, as an annex of the Chief Executive's monthly report

The most recent figures are to end Dec 07; with the full-year to 31 March 2008 available at the end of June. The first quarter for 08/09 will be available at the end of Sept.