

IOSH Thames Valley Branch Annual Legal Update 2021

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Agenda

- Last 12 months – Covid's impact on language
- Current RTW issues
- Topics du jour
 - Food
 - Recent prosecutions incl H&S consultant (Clive Weal)
 - Sentencing Guidelines application
 - Other HSE news
- Topics a demain
 - Mental Health – ISO 45003
 - Legislative developments
- Q&A

Covid phrases/words

- You're on mute
- Nice to e-meet you
- Doomscrolling
- New normal
- We're all in this together
- **Next slide please...**

Current Covid RTW issues

- 21 June 2021 (now extended by 4 weeks) – indoor and outdoor mixing limits removed in England
- Premises – maintenance – residual risk eg Legionella, equipment
- Competence – assess need for refresher training; risk of complacency; new workplace layout?
- Assessment of home station working – musculoskeletal risk, eyes, mental health
- Social distancing - is this with us for good?

Topics du jour (1)

- Food
 - Tesco prosecution – sale post "use-by" date - £7.56m fine
 - Pret a Manger acquittal
 - Allergen labelling rules – Oct 2021 – Prepacked for Direct Sale (PPDS)
 - FSA checklist - <https://www.food.gov.uk/business-guidance/allergen-checklist-for-food-businesses>
- H&S consultant prosecution (HSE v Clive Weal)
 - Poor/incompetent advice
 - Resulted in lack of remedial action re noise, HAV and chemical exposure
 - Conviction and fine under s3 HSWA 1974

Topics du jour (2)

- Sentencing Guidelines
 - R v Places for People Homes – Very Large Organisation?
- Fee for Intervention (FFI)
 - From 1 April 2021, hourly rate increased to £160 from £157 (2.2%)
 - FFI can now be recovered from Crown Bodies
- Recent prosecutions...

Recent prosecutions (1)

- Drayton Manor - £1m after fatality of 11 year old on Splash Canyon ride
- National Grid Gas - £4m - failure to ensure gas riser records up to date in some high rise multi-occupancy buildings
- Saint-Gobain Construction Products UK Ltd – HAVS risk – 3 employees diagnosed in 2016, but protective measure stayed ineffective - £500k

Recent prosecutions (2)

- Tower Hamlets – Mile End death of child after log swing fell on her - £330k fine
- Director sentenced – plasterboards struck worker, fractured pelvis – s37 HSWA prosecution – 20 weeks (suspended), £3,400 fine
- Company and Director sentenced – 6 metre scaffold tower partially collapsed – Co fined £160k; director 150 hours unpaid work

Topics a domain

- Mental Health
 - ISO45003:2021 - <https://www.iso.org/standard/64283.html>
 - Global standard on managing workplace psychological health
 - Practical guidance
 - Aim of actively promoting health, rather than just tackling ill health
 - Impact on enforcement strategies?

Topics a demain (2)

- Legislation progress
 - Fire Safety Act 2021
 - Building Safety Bill - draft
 - Environment Bill

Summary

- Covid risk is easing, but its impact will remain
- Changing nature of risks eg mental health, home working, workplace changes
- Importance of good record keeping
- Court's emphasis on deterrence

Q & A?