

Monthly H&S Review March 2021



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As the various UK Roadmaps to lifting of COVID-19 Lockdown restrictions continue to progress against a background of falling case numbers and a rapid vaccine rollout in the UK – there's certainly hope that some sort of "life as usual" might be just around the corner. **However, attention to effective general health and safety management in your workplace remains of critical importance, there remain significant risks faced by your employees and service users on a daily basis which must be controlled – don't forget the basics, don't overlook the health and safety fundamentals.**

Organisations continue to be required to assess the risks from COVID-19 to their employees **and** others who might be affected by their work or workplace. It's not over yet and there's so much more to health **and** safety management and so many more hazards than this one.

From a workplace Health & Safety management perspective, you'll be familiar with the COVID-19 expectations on businesses in the UK which were clearly set back in 2020. The Health & Safety at Work Act 1974 and specific provisions within the Management of Health & Safety at Work Regulations 1999 require all businesses to protect people from injury and ill-health which may arise in the course of their work activities – as far as they reasonably can.

Significantly, all businesses are required to make a suitable and sufficient assessment of the risks brought about by their work activities and premises and if the organisation employs 5 or more people this **Risk Assessment** must be written down. In all cases, risk assessments must identify all of the significant hazards which may cause harm within the business. Suitable measures must be deployed to reduce the risks of harm from these hazards and the risk assessment must be subjected to regular review – whenever something changes that might affect their validity.

One particular Health and Safety Executive (HSE) press release from March 2021 serves as a timely reminder of the importance of a robust approach to risk assessment in your business, as well as the importance of paying proper attention to the significant risks in your organisation and of making reference to HSE guidance and managing risks accordingly.

A care home for vulnerable adults in Scotland has been fined after pleading guilty to breaching section 3(1) of the Health & Safety at Work etc Act 1974 after a resident suffered serious injuries following a fall from height. The resident was discovered on the ground outside his bedroom window by a care assistant and had sustained multiple serious injuries, including a fractured pelvis in a 4.5 metre fall from his bedroom window on 29th July 2019.

The HSE Investigation found that safety chains in place in the resident’s bedroom were not adequate to prevent the risk of falls – the care home were found to have failed to assess the risk of vulnerable residents falling from height. As a result, the care home was fined £21,000.

The HSE Inspector, after the hearing, expressed that risks from falls from windows in care settings are well documented in HSE guidance and this guidance is readily available online. This incident could so easily have been avoided by simply putting into place the correct control measures and safe working practices. The HSE have reiterated that they will not hesitate to take enforcement action against those that fall below the required standards. **This isn’t an isolated incident and not the only recent prosecution of this nature.**

It’s true that a free of charge trip to the HSE website and a flick through HSG220, Health & Safety in Care Homes, could certainly have reduced the risk of this incident – Chapter 7 details the key risk areas to be considered in your risk assessment and advises on suitable control measures to manage this hazard and the HSE website has a full section on falls from windows and balconies as well as a guidance sheet on the subject.

There’s no excuse for not having identified the potential for this sort of incident in your risk assessments, in light of this recent prosecution it’s certainly worth **looking again at your existing control measures** such as window restrictors and tamperproof fittings to make sure that they are well maintained, haven’t been removed in the course of maintenance or decorating and that they remain effective.

When thinking about effective management of risks in your workplace, it’s important to regularly monitor your controls to ensure they remain valid – a hazard you identified years ago is only going to remain well controlled if those controls are regularly revisited and their effectiveness validated.

<https://press.hse.gov.uk/2021/03/16/care-home-fined-after-resident-was-injured-in-fall/>

<https://www.hse.gov.uk/pubns/hsis5.pdf>

