

From: David Law
To: Trust Board – 26 January 2006
Subject: Update on the Prosecution of the Trust by the Health and Safety Executive
Action: To Note

Background

The Trust was inspected by the HSE in November 2002. A number of shortcomings in the Trust's management of Health and Safety were identified and a number of Prohibition and Improvement Notices were issued by the HSE.

The Trust has subsequently complied with all the requirements set out by the HSE in these notices, details of actions are attached in Appendix 1.

A hearing was set for January 5th in the Magistrate's Court in Watford. The Trust had entered a guilty plea on two charges, and asked for other offences to be taken into consideration.

Outcome

The Trust has received a fine on both charges, of £10,000 on the first and £7,000 on the second. In addition, the Trust has agreed to pay the costs of the prosecution, which were £14,600.84.

This totals £31,600.84 and must be paid within 28 days of the hearing.

In making her decision, the magistrate took account of the fact that the Trust has complied with all of the Notices received from the HSE. This was confirmed by both the Trust and the HSE in court. She also took account of the Trust's financial position and the nature of the services provided by the Trust.

Action

The Trust Board is asked to note the outcome of the Court case.

The Board is also asked to note that the Health and Safety Committee now reports to the Trust Risk Committee, a formal sub-committee of the Board, and to agree that formal written reports on health and safety matters should be received by the Risk Committee at every meeting.

David Law
January 2006

Actions Taken to Address HSE Requirements upon the Trust

(1) **Legionella** – improvement notices complied with; legionella surveys conducted at all hospital sites; log book system and water system schematics prepared; risk is reviewed on two-yearly basis; tanks cleaned and chlorinated on an annual basis; hot water calorifiers disinfected annually; expert advisor appointed in 2003; City and Guilds training in management of legionella for selected staff;

(2) **Clinical waste** – contract re-tendered and awarded October 2005, includes provision of new type wheeled storage bins (Eurocart); two updated policies from October 2005 (i) Waste Management Policy and procedures and (ii) Infection Control Clinical Waste Policy; new Contract Monitoring and Waste Manager appointed by the Defendant; mandatory Waste Management training takes place for all staff; clinical waste comes to the attention of the Defendant's Board via monthly health and safety meeting minutes and verbal updates from Defendant's Waste Manager where necessary

(3a) **Scalding by hot water** – water temperatures tests on a regular basis; new thermostatic mixer valves installed in Tudor Block bathrooms at Hemel Hempstead General Hospital (“HHGH”)

(3b) **Scalding by hot surface** - low surface temperature radiator covers installed at Watford General Hospital (“WGH”), St Albans City Hospital (“SACH”) and HHGH in late 2004

(4) **Manual handling** – audit by WorkSafe followed by purchase of additional lifting equipment at HHGH, SACH, WGH and Mount Vernon Hospital (“MVH”); manual handling health and safety budget increased from £65k p.a. to £105k; 3 training rooms provided; mandatory training and updates effective from November 2003 for all staff; ongoing analysis of training needs + procedure for rectifying non-attendance; manual handling update for advisors

(5) **Transport systems** – audits for traffic systems; professional car parking management has been provided on all of the Defendant's hospital sites since 2004 – includes prevention of parking in unsafe/unauthorised areas; improved signage for drivers

- (6) **Falls from height** – risks at HHGH addressed by installation of safety railings
- (7) **Raised deck of car park at rear of maternity block, WGH** – permanent steelwork has been installed to improve concrete slab integrity; unauthorised access to scaffolding prevented by improved fencing; monthly monitoring of scaffolding
- (8) **Workplace violence and aggression** – provisions of Managing Violence at Work Policy implemented in full; close working with NHS Counter Fraud and Security Management Service to ensure delivery of appropriate training programme
- (9) **Management of Electrical systems** – appointment of Authorised Person (NIFES Consulting) to supervise certain electrical works at WGH and to review and monitor the electrical infrastructure at WGH; tenders obtained for the Inspection and Test of Electrical Installations at the Princess Michael of Kent building at WGH
- (10) **Bradford Wing – WGH** all stored items removed; Wing due for demolition in early 2006
- (11) **Gluteraldehyde** – policy standardised across all hospital sites; Gluteraldehyde now very infrequently used as decontaminant in any event
- (12) **RIDDOR reporting** – all reportable incidents notified to HSE via the Defendant Health and Safety Advisor or his nominated stand-in; training provided to Defendant Divisional Risk Leads and ward/department managers