



Health and Safety Legal Update

Fees For Intervention: Judicial Review

Since October 2012 the Health and Safety Executive has been able to charge companies 'fees for intervention'. This system was introduced so that companies who break health and safety law cover the costs incurred by the HSE that arise from subsequent interventions, (inspection, investigation and enforcement action).

The potential for being issued with an invoice if an HSE inspector issues a 'Notice of Contravention', provides an additional incentive for companies to ensure that legal compliance is maintained and health and safety laws are not broken. In the first 18 months, following the introduction of the fees, the HSE issued more than 21,000 invoices for costs arising from interventions. With an hourly rate of £129, the fees can soon mount up for businesses, however most invoices issued during this period were for £500 or less.

Companies are able to refer matters to a Fees For Intervention dispute process to appeal against a Notification of Contravention. Recently, a facilities management company did this and when the appeal failed, the company sought a judicial review of the case. A judicial review is where the High Court is asked to rule if a decision made by a public body is lawful. During the period before the High Court ruling, the HSE announced that by September 2017, it would introduce an appeals system where evidence can be submitted and representations made, with the whole process being adjudicated by an independent panel chaired by a lawyer. This changes the initial appeal process where reviews were carried out by two HSE staff and one independent member.

Other HSE News:

Thames Water working with Government, the HSE and the BBC

Achieving a 56% reduction in cases of stress, anxiety and depression since 2013, has led to Thames Water receiving an invitation, to share our approach to managing mental health issues at work with the Health and Safety Executive. In addition, we were also invited to Whitehall for a meeting with the Cabinet Office team, writing the Prime Minister's review paper on Mental Health. Thames Water advocated for inclusion in the report the recommendation that work-related health is treated in a similar way to injury in H&S regulations.



The Thames Water Training Team went along to the BBC HQ in London to present Thames Water's 'Mind Fit' training course to a number of BBC executives. Leaders at the BBC wanted to know more about the journey Thames Water has been on to significantly reduce work-related illness across the business as a result of our Health and Wellbeing Strategy.



In Court:

Sentencing reports from the last six months involving risks similar to those managed within Thames Water and monitored at our Risk Review Meetings

Lone Working

Lone working is one of the risks on our Dynamic Risk Register and to manage this, we have our procedure 'HSP8 Lone Working', which details the requirements for managers to identify lone workers and ensure they remain safe while lone working. One of these requirements is the use of the SOLO Lone Working System, which provides support to lone workers who log onto the system during their working day. A call centre is able to summon assistance for our lone workers, if this should be needed. In a recent court case, South West Water has been fined £1.8 million following the death of a member of staff who drowned when he was working alone.



Driving On Company Business

Driving is another risk on our Dynamic Risk Register. Our Procedure, 'HSP47 Using Mobile Phones While Driving', prohibits the use of mobile phones while driving on Thames Water company business.

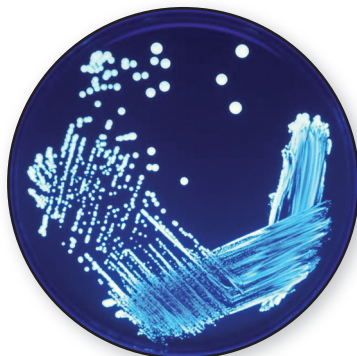
Almost 8,000 drivers were caught using a mobile phone behind the wheel during a week-long crackdown by police. Officers in England, Wales and Northern Ireland issued more than 40 fines an hour during the campaign at the end of last year. They also issued 68 court summonses, delivered hundreds of verbal warnings and identified 117 other distraction offences, such as eating while driving.



Legionella

Legionella bacteria is found in still, stored water and survives at temperatures between 6 and 60 degrees centigrade. It multiplies most virulently at human body temperature. We have to manage the water systems in our workplaces to ensure that legionella bacteria do not cause harm to people who use them. The management of this risk is monitored monthly at our Dynamic Risk Review meeting. A programme of inspections is carried out and our procedure, 'HSP21 Legionella' is applied.

An NHS Trust Hospital was recently fined £25,000 plus £12,000 costs after a man had contracted legionnaires disease there and subsequently died.



Service Avoidance

Thames Water has set up a Utilities Management Working Group to identify actions that will help continue to reduce the number of service damages during our excavations. The number of these has decreased by 26% over the four years from March 2013. A utility contractor company was fined £600,000 and ordered to pay costs of £15,498, following an incident where a 61 year-old worker suffered life changing injuries after coming into contact with a live underground electricity cable.





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Zero harm
Zero compromise
Keeping you **healthy** and **safe**, every day **at work**.