



South Cumbria &
North Lancashire Branch

Joint Zoom meeting 15 April 2021



South Cumbria Occupational
Health & Safety Group

Topic: *Workplace Health & Safety and Public Health & Safety requirements.
How can we make them competitive?*

Speaker: James Woolgrove FIIRSM MCIOB Director, Heritage Health & Safety

Attendees: 75 members

Elsa Mason, Vice-Chair *South Cumbria and North Lancashire IOSH Branch* welcomed members to the joint virtual meeting with *South Cumbria Occupational Health & Safety Group (SCOHS)* She introduced our speaker James Woolgrove with a brief precis of his career path to date.

James began his presentation by explaining the legal relationship between Public Health & Safety and Workplace Health & Safety, including the interpretation of *Section 3 Health & Safety At Work Act 1974*

“...It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, **so far as reasonably practicable**, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health and safety...”

He said that he planned to cover the following topics illustrated by case studies.

- Brief summary of the impact of COVID 19 regulations on workplace health and safety.
- Managing interfaces between workplace and the public.
- Duties placed on employers by *Section 3 Health & Safety at Work Act 1974*.
- Conflicts between employer's duties, social media, potential litigation and insurance requirements.

James explained that' *Section 3 of H&SAW Act* and the *Occupiers Liability Act 1957* indicate the visitors to site should be made **reasonably safe** (common law duty).

He gave the example of Nature Reserve known to him on the coast near the edge of a 7 metre, cliff face and no protective fence. He compared managing a typical workplace such as an office with a desk and a PC with an outdoor environment in a forest. He reminded delegates that forests were sometimes a workplace environment for tree surgeons and arboriculturists as well as being a leisure environment for others.

James said that HSE statistics indicate that there are six deaths per year caused by fallen trees. There has been a school of thought amongst Regulators of creating an inspection regime for all trees over a certain height and the inspection period to be 3 or 5 years. In James's view such a scheme is not practicable because there are not enough Arboriculturists to manage such a scheme and the cost and time involved would inevitably result in landowners using shortcuts or ignoring such a proscriptive and expensive regulatory regime.

James then illustrated the conflicts between workplace safety and public safety using some case studies:

Sailing

He explained that sailing can be fun but, it also poses a number of risks that need to be managed. For instance, standing in a small boat can make it rock; people can fall overboard. Appropriate training can overcome such problems. However, the main problem for sailing instructors is the weather which can change dramatically in an instant and it is not possible to write procedures for all circumstances. Saturday morning messing around in boats, junior

training and junior racing is all about enjoyment. It is therefore important to take the benefits of the activity into account and adopt a pragmatic approach to the management of health and safety for leisure activities. This should include appropriate competence training and supervision without eliminating enjoyment.

Historic Buildings

James then explained that project managers of building work and maintenance of historic buildings have to take account of the following criteria, as well as health and safety regulations:

- In law buildings may be: Grade II II* and I or a scheduled ancient monument.
- They may of value by: Association eg Wordsworth House: by age, by good example: eg Preston Bus Station or by rarity.
- Historic England Guidance is based on their assessment of evidential value, historical value, aesthetic value and communal value.

James used some recent maintenance work on Pevensey Castle in East Sussex to illustrate some of the problems. He explained that the castle was originally built in the year 272 by the Romans to keep people out, rather than letting people in, therefore the only way into the castle today is through what was the old drawbridge. This meant that maintenance project managers had to devise a way for maintenance workers and visitors to access the site safely. In addition, they needed to devise a way of erecting scaffolding without defacing the stonework because it is illegal to deface or alter any historic stonework.

This is a significant issue for scaffolders who need to “think outside the box” to devise safe scaffolding solutions whilst keeping within the restrictions.

James then discussed the complex problems associated with managing employees and contractors who need to work in public areas. He explained that although management systems needed to include the basic principles used for workplace systems of work:

risk assessments → development of procedures and protocols → assessment of workers skills and expertise → additional training if necessary

they also had to take account of the economic and public benefit of some workplace activities such as live entertainment.

Evening Entertainment at Lancaster Castle

James then used live entertainment events at Lancaster Castle as an example of this problem.

He said that outdoor events and are invariably affected by inclement weather. Wet weather may not necessarily be a risk for the public although many members of the audience may disappear seeking shelter. However, the organisers also need to consider the actors, crew members and volunteers who will be expected to continue working. Wet ground can result in slip trips and falls and there may be issues with electric lighting. Sometimes, it is necessary for managers to consider whether, or not curtailment or postponement is their only option.

James ended his presentation by summarising key considerations when managing employees and contractors whose workplace includes a public interface:

- Look at each site as a unique site
- Do not over plan: for instance, dynamic risk assessment may be necessary due to unexpected weather conditions.
- Understand the behaviour of people: there are differences between workplace and leisure time behaviour.
- Look at the significance of historic sites.
- People doing the work - plan the work: use workers' skills and knowledge.
- Be prepared to use dynamic assessment.
- Look at the benefits: reduce risk to as low as reasonably practicable, do not micro-manage.
- Work together: ensure that the public understand why the work is being undertaken.
- The public will not follow the procedure: plan accordingly!

Next James fielded some questions that had been posted in the Zoom chat facility. Elsa then thanked James for making such a thought-provoking presentation.

Related UK Government HSE and other web links

Managing the risk of falling trees: www.hse.gov.uk/treework/resource/casestudies

Event safety: www.hse.gov.uk/eventsafety

Event safety planning for incidents and emergencies:
www.hse.gov.uk/eventsafety/incidentsandemergencies

Event safety Covid management: www.hse.gov.uk/eventsafety/covidmanagement

Event safety running an event safely: www.hse.gov.uk/eventsafety/running

Pevensey Castle: www.EnglishHeritage.org.uk/visit/place/pevenseycastle

Lancaster Castle: www.LancasterCastle.com/category/events

South Windermere Sailing Club: www.swsailing.co.uk