

Phil Chambers

From: Phil Chambers at Strategic Safety Systems Ltd. [phil@strategicsafety.co.uk]
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To: phil@strategicsafety.co.uk
Subject: News and Legal Updates from Strategic Safety Systems Ltd.

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Strategic Safety Systems Ltd. Newsletter

February 2011

Dear Philip,

Welcome to the February edition our new style newsletter. What we aim to do is to provide information which is of use to you and to let you know the activities in which we have been involved. We also aim to let you know of any incidents that have occurred in, and legislation that is related to, the areas in which we work. We realise that, with the broad spectrum of our activities, some may not be relevant to you but we hope you find the rest useful.

Whilst the intention of this newsletter is to be useful, we realise that most people are plagued by spam and should you wish to prevent future issues being sent to you, unsubscribe using the link at the bottom of the page.

Regards,

Philip Chambers
Strategic Safety Systems Ltd.

IN THIS ISSUE

[LEGAL CASE OVERVIEW](#)

[PROPOSED CHANGES TO RIDDOR](#)

[AIR CONDITIONING CHECK](#)

[LEGAL UPDATES](#)

[BEWARE THE CE MARK](#)

[HSE INSPECTOR PRAISES SSS RISK ASSESSMENT APPROACH](#)

QUICK LINKS

[Our website](#)

[More about INTACT](#)

[Health, safety, environmental support](#)

Legal case overview

At the IOSH Bristol and West legal update meeting in January, Kevin Bridges of Pinset Masons pointed out the following:

- There is a common factor in prosecutions and that factor is the failure to carry out suitable and sufficient risk assessments
- The level of fines under the new fire regime (Regulatory Reform Order) is high, even when there has been no fatality, injury or even an incident.

I have summarised typical cases in [this link](#).

The enforcement statistics for the 2008/2009 year were:

HSE

8054 enforcement notices, 1231 prosecutions (69% convictions), average fine per case £20,600

Local Authorities

6340 enforcement notices, 329 prosecutions (94% convictions), average fine per case £12,466

Proposed changes to RIDDOR

The following changes are proposed to RIDDOR as a result of Lord Young's report:

- **Change reporting threshold from over 3-days to over 7-days**

SSS stance: In favour. This reduces the workload on industry and removes the confusion when 3 days includes a weekend. However, data will be lost and there is the danger that 3 days will be regarded as not serious.

- **Include a requirement to investigate reportable incidents**
SSS stance: In favour. All incidents must be investigated, but this must be to an appropriate level.
- **Include travelling on company business as a work activity**
SSS stance: In favour. Travelling on company business can be a serious source of incidents.
- **Improve the sharing of information from the HSE**
SSS stance: In favour. It's been a long-standing gripe of ours that the HSE do not share all this information that

RIDDOR brings in.

SSS has responded to the consultation process

Air conditioning check obligations

If your air-conditioning system has an output of over 12kW, you need to meet certain requirements for inspecting the energy efficiency of your systems.

If you have more than one air-conditioning unit within a building they are considered to be a single system.

In England, Northern Ireland and Wales, from 4 January 2011, if your air-conditioning system has an output over 12kW it must be inspected at least every five years. If your system was first put into service on or after 1 January 2008, it must have its first inspection within five years of the date when it was first put into service.

Inspections must be carried out at least every five years by an accredited energy assessor who will assess the efficiency of the system and advise on improvements.

Legal updates

In the last newsletter, we reported on the 6 bills that were being sent to parliament. These haven't progressed into legislation yet, but the RIDDOR Regulation Bill is out for consultation (see above) and although the Health and Safety Consultants (Qualifications) Bill is not yet enacted, the Occupational Safety and Health Consultants Register is now up and running. Phil Chambers is on this register.



Occupational Safety and
Health Consultants Register

Beware the CE mark



This is not the first time we have raised this. Contrary to the belief of many, the CE mark does not signify that machinery has passed external examination; it is a self-certification process.

In the last month, SSS has been involved in reviewing new equipment which was CE marked and from within the EU, where there were exposed in-running nips.

We've also been involved in CE marking existing equipment for a well-known company who want to transfer it to one of their sites in another country.

[See more](#)

HSE Inspector praises SSS risk assessments

During a visit to one of our clients in Harwich, an HSE Inspector praised the standard of the risk assessments. She said that, normally she see risk assessments which are either too brief or are unworkable. The assessments done to a system set up by, and following training by, SSS were just right. This is not the first time that the SSS approach to risk assessment has been praised by an HSE Inspector, but it still feels good when it happens.

I hope you have found this information of interest. If you have any suggestions of other information you would like to see, please [contact me](#).
Regards,

Philip Chambers
Strategic Safety Systems Ltd.

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