

## HEALTH & SAFETY COMMITTEE PWYLLGOR IECHYD A DIOGELWCH

|  |   |
|--|---|
| <b>DYDDIAD Y CYFARFOD:<br/>DATE OF MEETING:</b>  | 06 March 2023   |
| <b>TEITL YR ADRODDIAD:<br/>TITLE OF REPORT:</b>  | Health and Safety Regulations – Control of Vibration at Work Regulations 2005                 |
| <b>CYFARWYDDWR ARWEINIOL:<br/>LEAD DIRECTOR:</b> | Mandy Rayani, Director of Nursing, Quality and Patient Experience                             |
| <b>SWYDDOG ADRODD:<br/>REPORTING OFFICER:</b>    | Tim Harrison, Head of Health, Safety & Security<br>Adam Springthorpe, Health & Safety Manager |

**Pwrpas yr Adroddiad** (dewiswch fel yn addas)

**Purpose of the Report** (select as appropriate)

Er Sicrwydd/For Assurance

### ADRODDIAD SCAA SBAR REPORT

#### Sefyllfa / Situation

This report is presented to the Health and Safety Committee (HSC) under the standing agenda item to provide assurance against a number of key Health and Safety regulations. The report concerns compliance with the Control of Vibration at Work Regulations 2005 within Hywel Dda University Health Board (HDdUHB), along with general duties linked to these regulations in the Management of Health and Safety at Work Regulations 1999.

#### Powys Prosecution

This report brings to the HSC's attention the news that Powys Teaching Health Board (PTHB) received two Improvement Notices from the Health and Safety Executive (HSE) in 2019 for their management of Hand Arm Vibration Syndrome (HAVS), mainly regarding risk assessment and training. These Improvement Notices were confirmed as complete in April 2020, however the HSE's investigation into the historic cases continued resulting in PTHB being fined £160,000 + Costs (£5599) + Fees for Intervention (FFI) (c£10k) for their HAVS-related failures. They will also likely face personal injury claims following the prosecution.

It should be noted that the fine was originally set at £1.1m but was lowered by the judge in recognition of the work that PTHB had implemented to address the issues once highlighted. For the full HSE press release, please see visit the Health and Safety Executive website.

#### Cefndir / Background

Exposure to vibration for prolonged periods, through regular working with hand-held power tools, such as concrete breakers, percussion drills, and hand-guided equipment such as lawn mowers, strimmers, hedge trimmers, or by holding materials being processed by machines such as pedestal grinders, can have adverse effects on the hands and arms of users. Without effective controls, workers using such equipment may suffer various forms of damage, including impaired circulation and damage to the nerves or muscles.

Although there are many names for the injuries caused by excessive exposure to vibration, such as "vibration induced white finger", they are collectively known as Hand Arm Vibration Syndrome (HAVS), as well as specific diseases such as Carpal Tunnel Syndrome.

The primary cause of HAVS, is from work that involves holding vibrating tools or work equipment. The risk depends on both the vibration magnitude of the piece of equipment and how long people are exposed to that vibration, in effect a daily 'vibration dose'. Other factors that have an effect on dose include grip, push and other forces used, exposure pattern, pre-existing conditions, individual susceptibility etc.

HDdUHB is required to protect employees and others, so far as is reasonably practicable, from the risks posed to staff when working with vibratory tools in the workplace. HDdUHB will aim to achieve this by putting measures in place to control vibration exposure levels at work so far as is reasonably practicable.

When selecting controls to manage exposure to vibration risks, HDdUHB will apply the hierarchy of controls as set out in the Management of Health & Safety at Work Regulations 1999 and the Control of Vibration at Work Regulations 2005. These include:

- Eliminate vibration at source, so far as is reasonably practicable.
- Where elimination is not practical, reduce vibration exposure to as low a level as is reasonably practicable;
- Where employees are likely to be exposed to a risk from vibration, make and keep up to date suitable & sufficient vibration risk assessments;
- Provide employees with suitable information, instruction & training;
- Where an assessment indicates that vibration exposure is a risk to the health of employees, then health surveillance shall be carried out.

## Asesiad / Assessment

### Early Assessment of Risk

#### Meeting PTHB

The Health and Safety Team met with their equivalents in PTHB to discuss the circumstances that led to the issuing of their Improvement Notices and to their eventual prosecution. The Team learned that three members of grounds maintenance staff within their Estates Departments had presented to their Occupational Health Department with symptoms of HAVS. Following diagnosis by a registered practitioner, these were reported to the HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) as cases of occupational disease.

#### Initial Assurance

The Health and Safety Manager has met with the Estates leads on each acute site and established that HDdUHB no longer have any employees whose main duties are grounds maintenance. These tasks are undertaken by third party grounds maintenance contractors. This gives HDdUHB an early reassurance of their position in terms of high-risk workers, compared to that of PTHB.

The Health and Safety Manager has met with the Occupational Health lead for HDdUHB and learned that there are currently no known cases of HAVS-related conditions within the Health Board according to their records.

Additionally, it has been confirmed that the All-Wales Full Occupational Health Questionnaire, (which managers are required to complete for all new employees) already includes the question: '*What are the specific requirements of the job which require health surveillance?*' and a specific selective choice of '*Hand Arm Vibration, specify vibration tool*'.

Reassurance can be taken from the above, however it is clear that there are gaps in our compliance and areas where improvements can be made and procedures formalised.

## **Current Work**

### Policy

A Control of Vibration at Work Policy is in development, the Document Approval Form (DAF) for which has been approved by the Policy Coordination Officer in January 2023. The first draft of the Policy was presented to the Health and Safety Advisory Group for initial comment and discussion on 8<sup>th</sup> February 2023.

### Management Training

The Health and Safety Manager is in the process of arranging HAVS Management Training for the Health and Safety Team, Estates Operations Compliance Team and an Occupational Health Representative. It is hoped that this course will be delivered in March 2023.

## **Plan Going Forwards**

1. The Health and Safety Manager will create a template for Estates managers to log staff that require health surveillance for HAVS. The opportunity will be taken to combine all Estates activities that may require health surveillance into this exercise to maximise the benefit for all parties from the initiative. To include:
  - HAVS
  - Noise
  - Confined spaces entrant
  - Confined spaces rescuer
  - Vaccinations required.

Once created, each Estates manager will complete the template for their staff and then send the completed lists to their local Occupational Health Department.

2. The Occupational Health Department will be reviewing and updating their health surveillance questionnaires and send to all staff identified as HAVS users. Responses will be reviewed by Occupational Health staff and any measures taken where necessary.

Following the initial review, the questionnaire shall be repeated annually for continued surveillance.

3. Risk assess Estates vibration exposure activities.
  - i. Identify vibrating tools used by Estates staff.
    - a. Desktop exercise to look at manufacturer indicative vibration magnitude values.
    - b. If deemed necessary, undertake in-use measurements to establish accurate working figures.
  - ii. Identify staff at risk of exposure to vibration.
    - a. Desktop exercise to look at tasks undertaken taking a risk-based approach.
    - b. If necessary, undertake monitoring individual exposure duration (trigger time).
    - c. Utilise the HSE Hand Arm Vibration Exposure Calculator.
4. Where identified by the above risk assessments, replace any high-risk vibration equipment or accessories (i.e. blades, drill-bits etc.) with lower-risk equipment wherever

feasible. (From initial enquiries with Estates, this has already been happening with advances in technology and techniques e.g. the use of diamond blades for core drilling).

5. Ensure that vibration level is considered when purchasing any new tools or equipment. As part of the new Control of Vibration at Work Policy an advice sheet is being created for equipment purchasers with suggested questions to ask tool manufacturers when investing in new equipment. This will form Appendix 1 of the new Policy.
6. Provide all vibrating tool users with suitable information, instruction & training on the control of vibration and the associated risks.

Following the findings of PTHB the Health Board has decided to focus on Estates staff in the first instance as they were identified by PTHB as the highest-risk users. Once underway, the work will be extended in 2024 to consider lower risk areas (as identified by PTHB) using vibrating equipment, such as:

- Hotel Services staff;
- Dental staff;
- Mortuary and Post-mortem staff.

#### Argymhelliad / Recommendation

The Health and Safety Committee is requested to receive assurance from the progress made to date and the plan going forwards to reach compliance against the Control of Vibration at Work Regulations 2005.

| <b>Amcanion: (rhaid cwblhau)</b>   |  |
|--|--|
| <b>Objectives: (must be completed)</b>   |  |
| Committee ToR Reference:<br>Cyfeirnod Cylch Gorchwyl y Pwyllgor:                           | 2.1 Provide assurance around the UHB arrangements for ensuring the health, safety, welfare and security of all employees and of those who may be affected by work-related activities, such as patients, members of the public, volunteers contractors etc. |
| Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol:<br>Datix Risk Register Reference and Score: | Not Applicable   |
| Safon(au) Gofal ac Iechyd:<br>Health and Care Standard(s):                                 | 1. Staying Healthy<br>2. Safe Care<br>2.1 Managing Risk and Promoting Health and Safety<br>2.4 Infection Prevention and Control (IPC) and Decontamination  |
| Nodau Gwella Ansawdd:<br>Quality Improvement Goal(s):                                      | All Quality Improvement Goals Apply<br>Protect Patients From Avoidable Harm From Care<br>Reduce Duplication and Eliminate Waste  |
| Amcanion Strategol y BIP:<br>UHB Strategic Objectives:                                     | 2. Living and working well.  |
| Amcanion Cynllunio<br>Planning Objectives  | Not Applicable   |

|   |  |
|---|--|
|   |  |
| Amcanion Llesiant BIP:<br>UHB Well-being Objectives:<br><a href="#">Hyperlink to HDdUHB Well-being Objectives Annual Report 2018-2019</a> | 2. Develop a skilled and flexible workforce to meet the changing needs of the modern NHS |

| <b>Gwybodaeth Ychwanegol:<br/>Further Information:</b>   |  |
|--|--|
| Ar sail tystiolaeth:<br>Evidence Base:   | Contained within the body of the report. |
| Rhestr Termiau:<br>Glossary of Terms:  | Contained within the body of the report. |
| Partïon / Pwyllgorau â ymgynhorwyd<br>ymlaen llaw y Pwyllgor Iechyd a<br>Diogelwch:<br>Parties / Committees consulted prior<br>to Health and Safety Committee: | Health and Safety Advisory Group         |

| <b>Effaith: (rhaid cwblhau)<br/>Impact: (must be completed)</b> |  |
|---|--|
| <b>Ariannol / Gwerth am Arian:<br/>Financial / Service:</b>     | There may be financial implications if the issues identified require monetary rectification. HAVS assessment and monitoring will have costs associated.  |
| <b>Ansawdd / Gofal Claf:<br/>Quality / Patient Care:</b>        | There is a positive impact on staff safety, health and wellbeing through compliance with the Control of Vibration at Work Regulations 2005.  |
| <b>Gweithlu:<br/>Workforce:</b>                                 | Potential for adverse future staffing impacts if this legislation is not complied with as it relates to employee safety.   |
| <b>Risg:<br/>Risk:</b>  | Risk to health and safety management.  |
| <b>Cyfreithiol:<br/>Legal:</b>                                  | Potential for enforcement action including Improvement Notices/Prosecutions and claims due to breaches in legislation.   |
| <b>Enw Da:<br/>Reputational:</b>                                | Potential for enforcement action including Improvement Notices/Prosecutions and claims due to breaches in legislation.   |
| <b>Gyfrinachedd:<br/>Privacy:</b>                               | Not Applicable   |
| <b>Cydraddoldeb:<br/>Equality:</b>                              | No evidence gathered to indicate a negative impact on any protected group/s.<br><br>Evidence gathered indicates a positive impact on the protected characteristics of human rights and pregnancy / maternity by providing a safer workplace. |