

Relevant Legislation

Working at Height Regulations 2005

Management of Health and Safety at Work Regulations 1999

The Health and Safety at Work Act 1974

Introduction

Figures from the Health and Safety Executive (HSE) show that 46 people died as a result of a fall from height at work in 2005/06. This is the lowest number on record, but falls from height remain the most common kind of accident causing fatal injuries. The number of people who have suffered major injury as a result of a fall has also reduced, from 3799 in 2004/05 to 3351 in 2005/06. This downward trend may in part be due to the introduction, in 2005, of the Working at Height Regulations. This was the first time that a set of regulations was introduced to deal specifically with working at height regardless of the industry or environment in which it was taking place.

The Work at Height Regulations consolidate previous legislation on this subject and specify the minimum health and safety requirements for the use of equipment for work at height. The Regulations apply to all work at height where there is a risk of a fall liable to cause personal injury. The Regulations do not apply to the provision of paid instruction or leadership in caving or climbing by way of sport, recreation, team building or similar activities.

The Regulations also contain schedules which identify detailed safety requirements that must be followed for particular work equipment. Further detail on each individual schedule is provided later in this section.

What is 'Work at Height'?

A place is 'at height' if a person could be injured falling from it, even if it is at or below ground level. 'Work' includes moving around at a place of work (except by a staircase in a permanent workplace) but not travel to or from a place of work.

The law lays down the detailed requirements for:

- existing places of work and means of access for work at height
- collective fall prevention (for example, guard rails and toe boards)
working platforms
- collective fall arrest (such as nets and airbags)
- personal fall protection (such as work restraints, work positioning, fall arrest and rope access)
- ladders and step ladders
inspection reports (for working platforms in construction only)

Duties of the Employer

As an overriding principle the employer must do all that is reasonably practicable to prevent anyone falling. This can best be done by following the three stage hierarchy of control to manage and select equipment for work at height as set out below:

- AVOID - Try to avoid work at height where possible
- PREVENT - Use work equipment or other measures to prevent falls where working at height cannot be avoided
- MINIMISE - Where the risk of a fall cannot be eliminated, use work equipment or other measures to minimise the distance and consequences of a fall should one occur.

Duty Holders' responsibilities

A Duty Holder is the person who has responsibility for controlling the risks. Depending on the circumstances this could be a Headteacher, a teacher, a caretaker, a contractor or a sub contractor. Duty Holders are required to ensure that:

- all work at height is properly planned and organized
- all work at height takes account of weather conditions that could endanger health and safety
- those involved in work at height are trained and competent
- the place where work at height is done is safe
- equipment for work at height is appropriately inspected
- the risks from fragile surfaces are properly controlled
- the risks from falling objects are properly controlled.

Each of the above requirements is discussed in detail in the following paragraphs

Planning

The Duty Holder must:

- ensure that no work is done at height if it is safe and reasonably practicable to do it other than at height
- ensure that the work is properly planned, appropriately supervised and carried out in as safe a way as is reasonably practicable
- plan for emergencies and rescue
- take account of the risk assessment.

Weather

The Duty Holder must ensure that the work is postponed while weather conditions endanger health or safety (it should be noted that this does not apply to emergency services acting in an emergency).

Staff Training

The Duty Holder must ensure that everyone involved in the work is competent (or, if they are being trained, is supervised by a competent person). This includes involvement in organisation, planning, supervision and the supply and maintenance of equipment.

Where other precautions do not entirely eliminate the risk of a fall occurring, the Duty Holder must, so far as it is reasonably practicable, train those who will be working at height how to avoid falling and how to avoid or minimise injury to themselves should they fall.

The Place Where Work is Carried Out

The Duty Holder must ensure that the place where working at height takes place (including the means of access) is safe and has features to prevent a fall, unless this would mean that it is not reasonably practicable for the worker to carry out the work safely (taking into account the demands of the task, equipment and working environment).

Equipment, Temporary Structures, and Safety Features

If the Duty Holder relies on the exception in the paragraph above, he must provide equipment for preventing, so far as is reasonably practicable, a fall occurring.

If the precautions in the preceding paragraphs do not entirely eliminate the risk of a fall occurring, the Duty Holder must do all that is reasonably practicable to minimise the distance and effect of a fall. When selecting equipment for work at height the Duty Holder must:

- use the most suitable equipment
- give collective protection measures (such as guard rails) priority over personal protection measures (for example, safety harnesses)
- take account of:
 - the working conditions
 - the risks to the safety of all those at the place where the work equipment is to be used.

The Duty Holder must ensure that all equipment, temporary structures (for example, scaffolding) and safety features comply with the detailed requirements of Schedules 2 to 6.

Inspections

'Inspection' is defined as 'such visual or more rigorous inspection by a competent person as is appropriate for safety purposes (including) any testing appropriate for those purposes'.

The Duty Holder must ensure, so far as it is reasonably practicable, that each individual place at which work is to be done at height is checked on every occasion before that place is used. This involves checking the surface and every parapet, permanent rail etc.

The Duty Holder must ensure that any item of a type mentioned in Schedules 2 to 6 is inspected:

- after it is assembled and/or installed if its safety depends on how it is assembled and/or installed
- as often as is necessary to ensure safety and, in particular, to make sure that any deterioration can be detected and remedied in good time.

The Duty Holder must ensure that before employees use any equipment which has come from another business, and before any equipment leaves the employer's business, it is accompanied by a clear indication that the last inspection was carried out.

The Duty Holder must ensure that any platform, including areas like gangways and stairways, used for (or for access to) construction work and from which a person could fall more than two metres is inspected in place before use. The period of time between the inspection and use of the platform must not exceed seven days. Where it is a mobile platform, inspection at the site is sufficient without re-inspection every time it is moved.

The Duty Holder must ensure that the person inspecting a platform:

- prepares a report before going off duty, giving the details listed in Schedule 7
- Gives the report (or a copy) within 24 hours of completing the inspection to the person for whom the inspection was done (for example the site manager)

The Duty Holder must keep the report (or a copy of it):

- at the construction site until the work is completed
- then file it appropriately for another three months.

The Duty Holder must keep all other records of inspection until the next inspection has been carried out.

Fragile Surfaces

The Duty Holder must ensure that no one working under his control goes onto or near a fragile surface unless that is the only reasonably practicable way for the worker to carry out the work safely, having regard to the demands of the task, equipment or working environment.

If anyone does work on or near a fragile surface the Duty Holder must:

- ensure, so far as it is reasonably practicable, that suitable platforms, coverings, guard rails and the like are provided and used to minimise the risk
- do all that is reasonably practicable, if any risk of a fall remains, to minimise the distance and effect of a fall.

If anyone working under the Duty Holder's control may go onto or near a fragile surface, he must do all that is reasonably practicable to make them aware of the danger, preferably by prominent warning notices fixed at the approaches to the danger zone.

Falling Objects

Where it is necessary to prevent injury, the Duty Holder must do all that is reasonably practicable to prevent anything falling.

If it is not reasonably practicable, the Duty Holder must ensure that no one is injured by anything falling.

The Duty Holder must ensure that nothing is:

- thrown or tipped from height if it is likely to injure anyone
- stored in such a way that its movement is likely to injure anyone.

If the workplace contains an area in which there is a risk of someone being struck by a falling object or person, the Duty Holder must ensure that the area is clearly indicated and that, so far as is reasonably practicable, unauthorised people are unable to reach it.

Duties of Employees

Employees must:

- report any safety hazard to their manager
- use the equipment supplied (including safety devices) properly, following receipt of appropriate training and instruction.

Schedules

The schedules to the regulations identify detailed safety requirements that must be followed for particular work equipment. These are detailed below together with a more detailed explanation of how they are to be applied.

- Schedule 1 Requirements for existing places of work and means of access or egress from height
- Schedule 2 Requirements for guard-rails, toe-boards barriers and similar collective means of protection
- Schedule 3 Requirements for working platforms (including scaffolds)
- Schedule 4 Requirements for collective safeguards for arresting falls
- Schedule 5 Requirements for personal fall protection systems
- Schedule 6 Requirements for ladders
- Schedule 7 Particulars to be included in a report of inspection

Schedule 1

This schedule covers the requirements for existing places of work and includes means of access or egress at height. Schedule 1 should be used when making a judgment to determine whether an existing place of work can be used as a safe place of work for work at height.

Existing places of work should:

- Be stable and have sufficient strength and rigidity
- Be of sufficient dimension to allow safe work and passage of persons and materials
- Have suitable and sufficient means for preventing a fall
- Have no surface gap through which persons or material could fall
- So far as is reasonably practicable prevent:
 - slips trips
 - persons being caught between it and adjacent structures
 - inadvertent movement during work at height

Schedule 2

This schedule covers the requirements for collective fall prevention. In the main, they are an assembly of components or equipment which provide fall protection for all persons working at a position. They are generally passive systems. Once installed there is no action required by the user, such as adjustment, alteration or operation. These systems are less onerous in terms of training, inspection, maintenance and supervision. Duty holders should always consider collective protection before personal protection.

Examples of collective fall prevention include:

- Guardrails
- Mobile Elevated Work Platform (MEWPs)
- Scaffolds
- Mezzanine safety barriers

Schedule 3

This schedule covers the requirements for working platforms. A working platform is any platform used as a place of work or as a means of access to or egress from a place of work. Ladders are not considered to be a working platform, however, mobile ladders with platforms and stepladder treads are. A working platform includes any of the following:

- Scaffold
- Cradle
- MEWP
- Trestle
- Gangway
- Stairway
- Roof

A working platform does not necessarily have to be work equipment but it will need work equipment to make it safe if it is not an existing place of work. It will need fall prevention or fall mitigation measures.

Schedule 4

This schedule covers collective safeguards for arresting falls. They should only be used when justified by a risk assessment and where the use of other safer work equipment is not reasonably practicable. Collective safeguards are an assembly of components or equipment which provides fall protection for all persons at a working position. Collective safeguards include nets, airbags, and bean bags

Duty Holders must ensure that available persons are trained in the safe use of these systems, including rescue procedures for example, from nets. 'Trained available persons' does not mean net installers (contractors) but the actual persons working on site.

Collective safeguard should arrest any fall. Safely nets, airbags or bean bags should be placed as close as possible to the user in order to restrict fall height. The maximum fall height should be no more than two metres. Where falls would be more than this the duty holder would have to justify this via a risk assessment.

Collective safeguards, such as nets, need a clearance zone so that when a person falls they do not hit an obstruction as the net deflects/distorts. In addition, the collective safeguard should not cause injury in the event of a fall, for example a falling person should not fall onto a scaffold pole next to an airbag.

Schedule 5

This section covers the requirements for personal fall protection systems. Part 1 covers the requirements for all personal fall protection systems for example:

- Personal fall prevention
- Work restraint
- Work positioning
- Rope access
- Fall arrest
- Rescue systems

Personal protection measure means:

'an assembly of components or equipment to protect the individual whilst working at height (including gaining access and egress from the working position)'.

A personal fall protection system can be used only if justified by a risk assessment and when the use of other safer work equipment is not reasonably practicable. Duty holders must ensure that people are trained in the use of personal fall protection systems, including rescue procedures for example from deployed fall arrest lanyards.

- Individual fall protection systems must:
 - Be of suitable and sufficient strength
 - Fit the user
 - Be designed to minimise injury in the event of a fall

- Prevent uncontrolled/unplanned movement of user

Duty holders will have to decide which additional schedule applies depending on the actual functionality of the equipment - (the way it is being used).

- Part 2 additional requirements for work positioning systems
- Part 3 additional requirements for rope access and positioning techniques
- Part 4 additional requirements for fall arrest systems
- Part 5 requirements for work restraint systems

Schedule 6

This section covers the use of ladders. Ladders do not prevent a fall and they do not mitigate the effects of a fall. Ladders have not been banned, however; duty holders must carry out a risk assessment in order to demonstrate that they have considered avoidance, fall prevention and mitigation before using ladders. Ladders can also be used in conjunction with other work equipment, for example stability devices and fall arrest equipment.

Ladders should only be used by suitably trained persons and should be maintained, inspected, tied and where necessary used with ladder stability devices. They can be used for access and/or short duration work which is justified due to the low risk (short duration 15 to 30 mins.). Heavy, longer duration lends itself more to simple towers or MEWPS.

A portable ladder should be prevented from slipping during use by:

- securing the stiles at or near their upper or lower ends
- an effective anti-slip or other effective stability device
- any other arrangement of equivalent effectiveness.

Where a ladder or run of ladders rises a vertical distance of nine metres or more above its base, safe landing areas or rest platforms should be provided at suitable intervals.

Any ladder should be used in such a way that:

- a secure handhold and secure support are always available to the user
- the user can maintain a safe handhold when carrying a load unless, in the case of a step ladder, the maintenance of a handhold is not practicable when a load is carried.

Schedule 7

This schedule covers the particulars to be included in a report of inspection. The inspection report should include the following:

- The name and address of the person for whom the inspection was carried out
- The location of the work equipment inspected
- A description of the work equipment inspected
- The date and time of the inspection
- Details of any matter identified that could give rise to a risk to the health or safety of any person
- Details of any action taken
- Details of any further action considered necessary
- The name and position of the person making the report.

Arrangements within Children's Services

Planning and Undertaking Work at Height

In accordance with current legislation and Northumberland County Council's Corporate Health and Safety Policy Statement all Directorates within the organisation must devise and implement procedures to ensure the following objectives are achieved:

- Work at height is avoided wherever it is reasonably practicable to do so.
- Work at height which cannot be avoided is adequately planned to minimise the risk of falls or minimise the consequences should a fall occur.

In order to achieve the above objectives the relevant Head Teacher/ Site manager is responsible for ensuring suitable and sufficient arrangements are made to fulfil the requirements detailed below:

Assign Responsibilities

Identify the Manager/Supervisor responsible for controlling the works and ensure they are aware of their responsibilities in this regard and that they are competent to discharge them.

Assess and Plan the Work

The person responsible for controlling the works must:

- Determine whether the task can be completed whilst avoiding work at height.
- Assess the risks involved in the work. Where it is apparent that the risks are **significant** this assessment must be recorded.
- Ensure that the work is planned effectively. Where identified during the risk assessment process the planning should incorporate arrangements for dealing with emergencies and rescue. The depth of the planning applied to the work must be commensurate with the complexity of the task, nature of the hazards and level of risk involved. For example, using a small stepladder to retrieve items from office shelving and working on a pitched roof will be at opposite ends of the spectrum. Consequently, the detail applied to the planning stage should reflect this. It should be noted that the working at height aspect of the task should not be viewed in isolation; rather, the potential for falls, falling objects etc should form part of the overall risk assessment for the job in question. Where the work is complex or high risk a written plan should be produced in the form of a method statement.

Training and Competence

The person responsible for controlling the works must:

- Be competent to do so
- Ensure those supervising or completing the work are competent to do so
- Ensure Operatives have received adequate training in the use of any access equipment they are required to use. (such as ladders, mobile elevated work platforms)
- Ensure Operatives are adequately trained in the use and maintenance of any personal protective equipment (PPE) they are required to use
- Ensure, where applicable, that Operatives have read and understood the contents of any written method statement or other plan of work.

Provision of Equipment including PPE

The person responsible for controlling the works must:

- Ensure that, as applicable to the work in question, the safety requirements detailed within Schedules 1 to 7 of the regulations (see previous pages) are applied.

The Corporate Health and Safety Team is available to provide further guidance and advice on any proposed procedures.

Prior to publication/implementation all proposed procedures must be discussed with the lead contact Health and Safety Officer via the appropriate Directorate/Divisional Safety Group. This step is necessary to verify that there is no variance with the legislation on which the policy is based.