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RISK MATTERS

A newsletter from Gallagher
Risk Management Solutions

Spring 2022



Welcome to the Spring edition of Risk Matters, where we feature the latest news, advice and updates from Gallagher Risk Management Solutions.

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UPCOMING IOSH COURSE DATES

IOSH Managing Safely

£650 + VAT (per delegate).

COURSE DATES — 2022

25th—28th April

16th—19th May

20th—23th June

11th—14th July

19th—22th September

17th—20th October

21th—24th November

IOSH Managing Safely Refresher

£250 + VAT (per delegate).

COURSE DATES — 2022

5th July (all day)

6th July (A.M. only)

IOSH Safety for Executives & Directors

£250 + VAT (per delegate).

COURSE DATES — 2022

14th June

13th September

22nd November

IOSH Managing Occupational Health & Wellbeing

£250 + VAT (per delegate).

COURSE DATES — 2022

28th April

22nd September



TOUGHER LAWS ON MOBILE PHONE USE FOR DRIVERS

From April 2022, laws on using mobile phones whilst driving are to get stricter.

Last spring, we told you about the new laws being planned around mobile phone use while driving, and this change is now coming into play.

Already, the law bans drivers from making calls or sending text messages, but the revised law dictates a ban on using a mobile device to take photos or videos, scroll through playlists or play games while in control of a vehicle—closing up a loophole in the previous legislation.

Even selecting a song could land you with a £200 fine or six points on your licence. And, the rule applies even if you are stopped at traffic lights.

However, drivers will still be able to continue using a device 'hands-free' while driving, such as a sat-nav, if it's secured in a cradle. It's also permitted, in an emergency, to phone the emergency services while driving if it is unsafe or impractical to stop the vehicle.

CHANGES TO THE HIGHWAY CODE

Some important changes to the Highway Code came into effect on 29 January 2022. It's the first time in a decade that there have been any revisions to the Highway Code, and the changes mainly focus on giving greater priority to pedestrians and cyclists, as the most vulnerable road users.

The road user hierarchy

A new hierarchy (known as Rule H1) is now in place for road users, based on the premise that those with the potential to do the greatest harm to others should bear the greatest responsibility to reduce the danger they may pose to fellow road users.

In order of priority, the hierarchy is: pedestrians; cyclists; horse riders; motorcyclists; cars/taxis; vans/minibuses, and, lastly, large passenger and heavy goods vehicles.

The changes target the following circumstances:

- Drivers and riders should give way to pedestrians crossing—or waiting to cross—the road.
- Drivers must not cut across cyclists, horse riders or horse-drawn vehicles at junctions.
- Drivers must not turn at a junction if turning risks causing a cyclist or horse rider to stop or swerve.
- Drivers must not carry out any manoeuvres that could risk a collision with a cyclist.

Guidance on right of way and safe passing

Drivers must also take care to:

- Give cyclists, horse riders and pedestrians as much room as a car—1.5 metres for cyclists and two metres for horses.
- Allow a 2-metre gap for pedestrians walking on the road where there is no pavement, and reduce speed.
- Drive under 10mph when going past horses, and under 30mph when passing cyclists.

With these rule changes now in place, every company with commercial vehicles must take responsibility for educating their drivers to ensure safer driving and help protect against potential issues of liability and litigation.

Sources:

<https://www.gov.uk/government/news/the-highway-code-8-changes-you-need-to-know-from-29-january-2022>

<https://www.mylondon.news/news/uk-world-news/10-new-laws-being-introduced-22619988>



WORKING MINDS—THE NEW HSE MENTAL HEALTH INITIATIVE

On 16 November 2021, the HSE launched its ‘Working Minds’ campaign, aiming to help small businesses recognise the signs of work-related stress and improve their response to tackling issues.

Mental health issues are the number one reason given for sick days in the UK, with more than 17 million working days lost due to stress, anxiety or depression. The full impact of COVID-19 has yet to be determined, but a recent survey by the mental health charity, Mind, found that two in five employee’s mental health had worsened during the pandemic.

Working Minds is specifically aimed at supporting small businesses (typically with fewer than 20 employees) by providing employers and workers with easy-to-implement advice, including simple steps in its ‘5 R’s’ to Reach out, Recognise, Respond, Reflect, and make it Routine.

Employers have a legal duty to prevent work-related stress to promote, support and sustain good mental health in the workplace. HSE hopes the campaign will help to change workplace culture to ensure psychological risks are treated the same as physical ones in health and safety risk management.

Business and organisations across all sectors are invited to support the campaign and become Working Minds champions. To find out more and get involved, visit the [Working Minds campaign page](#).

The Equality Act 2010 requires employers to make reasonable adjustments for disabled staff—include those whose mental health has a substantial adverse effect on their daily lives and has lasted, or is expected to last, more than 12 months.

2 in 5

employees’ mental health worsened during the pandemic.¹



Sources:

¹ <https://press.hse.gov.uk/2021/11/16/hse-launches-working-minds-campaign-to-encourage-employers-to-promote-good-mental-health-in-work/>
<https://workright.campaign.gov.uk/campaigns/workingminds>

BUSINESS CONTINUITY: THE BCI'S TOP FIVE PREDICTIONS FOR 2022

Many organisations will have had their business continuity and resilience severely tested over the last two years. So, what challenges (and opportunities) can businesses expect in 2022?

The Business Continuity Institute (BCI) shares their top five health and security predictions:

1

COVID-19 RELATED HEALTH ISSUES

COVID-19, long COVID, and mental health will lead to a rise in employee absenteeism and continuity issues.

2

NEW HEALTH AND SAFETY MEASURES AND REGULATION

Duty of care obligations will be reshaped by new health and safety measures, employee expectations, and regulatory compliance. The infodemic will continue to play a disruptive role.

3

GRADUAL EASING OF PANDEMIC DISRUPTION

Activities disrupted by COVID-19 will reach a degree of stability by 2023, as organisations utilise health and security risk management as a competitive advantage: supporting employee retention, and getting back to business travel and other activities.

4

INCREASED SECURITY CHALLENGES

Organisations risk being caught off-guard by rapidly changing security environments, as civil disorder and geopolitical volatility will rise above pre-pandemic levels.

5

CLIMATE CHANGE

Climate change will increase the frequency and impact of climate-sensitive hazards, such as infectious diseases, extreme weather events, and socioeconomic tensions.

While it's impossible to predict the unexpected, it's not impossible to prepare for it. If you would like to speak to one of our Business Continuity specialists, please contact us.

HYBRID WORKING AND EMPLOYEE HEALTH AND SAFETY

As COVID-19 restrictions have eased, many workers are heading back to the office. But with remote or hybrid working now considered the norm, it's good to have a reminder of your responsibilities to employees who choose this approach.

As an employer, you have the same health and safety responsibilities for people working at home as for any other worker. This includes those who work at home long-term, those that split their time between the workplace and home, and those working at home temporarily—either due to COVID-19 or any other reason.

Your risk assessment for home workers should include:

- **Stress and poor mental health:** Ensuring your home workers have the communication channels and occupational support they need, take regular breaks and use their annual leave, and are able to achieve a healthy work/life balance.
- **Working with display screen equipment (DSE):** Home workers should complete a DSE self-assessment to help them achieve a comfortable, sustainable posture. Ensure any equipment provided is safe and suitable for use.

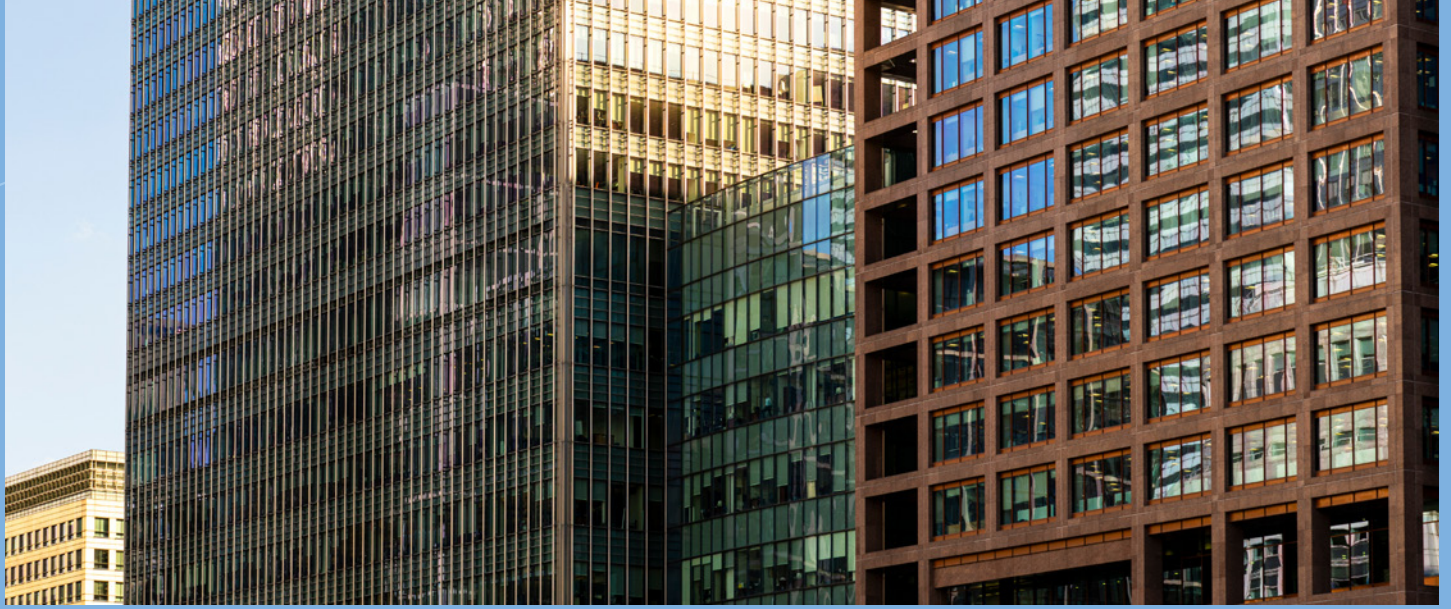
- **Working environment:** You must take reasonable steps to ensure your workers have a safe place to work when at home. An accident may be reportable under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR), if it occurred as a result of the work activity being done or the equipment you have provided to carry out that work.

You can find more detailed guidance on the HSE homeworking pages.

Working from home may not be suitable for everyone, whether for practical or mental health reasons, or simply personal preference, so talk to your employees about what works for them.

Remember: If you have embraced a remote or hybrid working approach for your employees, it is important that your insurance reflects how your business operates in terms of any altered working arrangements. If you need any advice on this, or would like us to conduct an insurance review, please get in touch.





BUILDING SAFETY BILL UPDATE

HSE is urging those who design high-rise buildings to prepare for the upcoming changes when the Building Safety Bill becomes law—the biggest change to building safety for 40 years.

The bill includes measures to establish a Building Safety Regulator (BSR) that will enforce a new, more stringent regulatory regime for high-rise buildings in scope, and also oversee the safety and performance of all buildings. The creation of the BSR is a key component of the government's reforms of the building safety system following the Grenfell Tower tragedy and the recommendations in Dame Judith Hackitt's report of her independent review into building regulation and fire safety.

The reforms aim to achieve:

- A more stringent approach to the design and construction of high-rise buildings.
- Clearer responsibilities on designers to ensure these buildings are safe.
- New measures so that everyone doing design or building work is competent to carry out that work in line with building regulations.

Anyone working on the design of a high-rise building will need to understand the building's intended use, correctly identify the risks, and own and manage those risks to determine the building's safety. This includes a requirement to record and provide evidence of decision-making during the design process, and the need to be engaged throughout a building project in order to handover to the end client.

The bill will also enable the BSR to work closely with local authorities, and fire and rescue services, bringing in external technical experts, to ensure the right specialists and regulators work effectively together to regulate high-rise and other buildings in scope.

The BSR will have the power to charge fees to recover costs from regulated parties.

You can check the progress of the bill through parliament [here](#).

Source:

<https://press.hse.gov.uk/2021/12/13/hse-calls-on-designers-to-prepare-now-for-upcoming-regulatory-changes-to-building-safety/>

<https://www.gov.uk/government/publications/building-safety-bill-factsheets/building-safety-regulator-factsheet>

<https://bills.parliament.uk/bills/3021>

HSE REPORTS 2020/2021 WORK-RELATED ILL HEALTH AND INJURY STATISTICS

The HSE has published its latest annual statistics covering work-related ill health, non-fatal workplace injuries and enforcement action. The 12-month period coincides with the first national lockdown and the unprecedented challenges of the pandemic.

The statistics showed that stress, depression and anxiety were the most common health issues among employees, followed by musculoskeletal problems. There were no statistics on working days lost, however, due to the discontinuity presented by furlough and other impacts on data collection.

Prosecutions

A total of 185 cases were prosecuted in 2020/2021 by HSE or, in Scotland, referred to the Crown Office and Procurator Fiscal Service for prosecution, and resulted in a conviction. This figure was down from 325 the previous year, which could be attributed to disruption in the court system during this period.



Sources:

<https://press.hse.gov.uk/2021/12/16/hse-publishes-annual-work-related-ill-health-injury-and-enforcement-statistics-for-2020-21/>

<https://www.hse.gov.uk/statistics/index.htm>

1.7 million

workers suffering from
a work-related illness,
of which:

822,000

suffering work-related stress,
depression or anxiety.

470,000

suffering from a
work-related
musculoskeletal disorder.

93,000

workers suffering from
COVID-19, which they believe
may have been from
exposure at work.

645,000

reported that their
work-related illness was
caused or made worse by
the pandemic, with 70% of
these cases of stress,
depression or anxiety.

441,000

working people sustained an
injury at work according to
the Labour Force Survey.

51,211

injuries to employees were
reported under RIDDOR.

SCHOOL AND CONTRACTOR FINED FOR ASBESTOS DISTURBANCE

During the installation of a school heating system in February 2019, ceiling tiles containing asbestos were disturbed, potentially exposing several people to asbestos fibres.

T.W. Steam & Heating Services Ltd had been contracted by Park View Academy, in Chester-le-Street, Durham, to install the new system, but an investigation by the HSE found that both parties had failed to refer to existing asbestos registers and management plans to identify the presence of asbestos within the building.

T.W. Steam & Heating Services Ltd of Rennys Lane Industrial Estate, Durham, pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £2,000 with £4,710.37 costs.

Park View Academy pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £3,000 with £4,785.37 costs.

The school's fine highlights the duty of those in charge of premises to inform contractors of the presence of asbestos containing materials, and not leave the responsibility solely on those carrying out the work.

Further information about working with asbestos can be found **here**.

Source: <https://press.hse.gov.uk/2021/11/29/school-and-contractor-fined-for-unsafe-removal-of-asbestos/>

FAULTY LIFT LEADS TO CARE HOME RESIDENT'S DEATH

A lift maintenance company has been sentenced, and a care home owner cautioned after an elderly resident and carer fell four metres in a faulty lift. Kenneth Bardsley died following the incident in January 2017, and the care worker suffered minor injuries.

The subsequent investigation from the HSE uncovered joint failings from Serendipity Care Home in Greater Manchester, and Lancs & Cumbria Lifts (UK) Ltd in Wigan.

The lift company had previously attended the home and identified the need for a replacement part for the lift door. However, the necessary repairs were not carried out, and the lift remained in use.

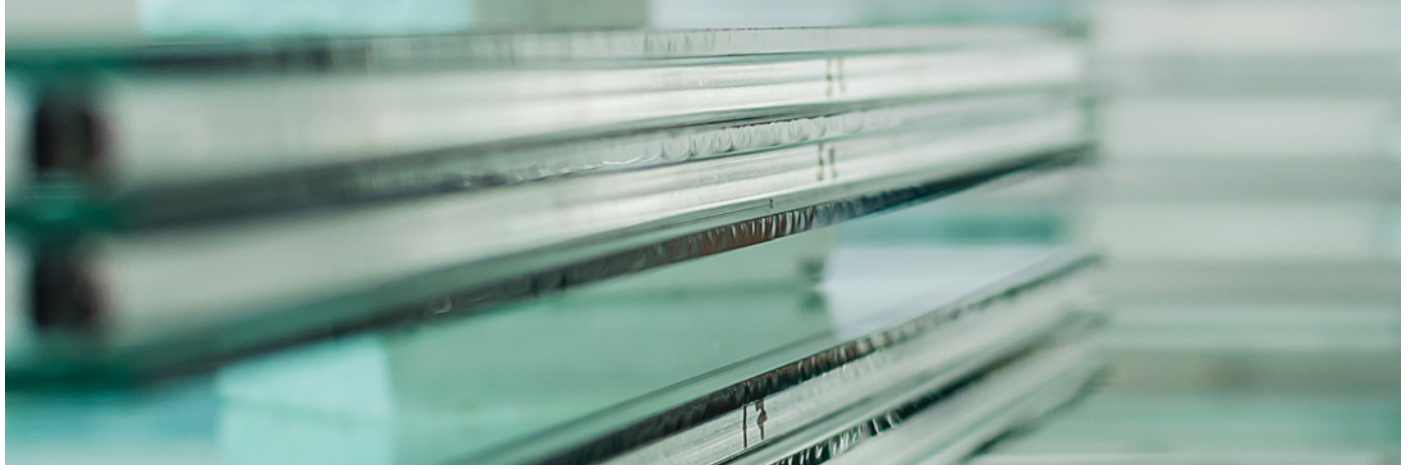
The court heard that there was insufficient communication between Ms Tabinda Dahir, the manager of Serendipity Care Home, and Lancs & Cumbria Lifts (UK) Ltd—specifically pertaining to the reading of reports identifying faults.

Lancs & Cumbria Lifts (UK) Ltd, pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc. Act 1974. It was accepted that its failings had not been causative of the lift falling on the 30 January 2017. The company was fined £14,400 and ordered to pay £45,000 in costs.

Premum Care Ltd, the company that ran Serendipity Care Home, went into liquidation shortly after the criminal prosecution began.

Speaking after the hearing, HSE inspector Jennifer French said: "Where several parties are responsible for the management of risk, an effective system should be in place to deal with reports of defects when they are identified."

Source: <https://press.hse.gov.uk/2021/12/13/company-and-care-home-owner-admit-criminal-liability-after-care-home-resident-dies-following-lift-fall/>



GLAZING COMPANY FINED AFTER FAILING TO MANAGE VIBRATING TOOL RISKS

The HSE received reports of 30 glazing company employees being diagnosed with hand-arm vibration syndrome (HAVS).

The company, PSV Glass & Glazing Ltd, failed to adequately assess the risk to employees from exposure to vibration due to the over-use of Fein cutters, according to an investigation by the HSE. It was reported that, on occasions, some employees used these oscillating and reciprocating saws for their entire shift. Some of the affected employees sustained life-changing, permanent injury to their hands.

PSV Glass & Glazing Ltd, High Wycombe, pleaded guilty to breaching regulations 5(1), 6(1), 7(1) and 8(1) of the Control of Vibration at Work Regulations 2005. The company has been fined £211,290.04 including a victim surcharge of £70 and ordered to pay costs of £11,120.04.

The case highlights the importance of adequate health surveillance to ensure the correct systems are in place to monitor workers' health, prevent such injuries developing to this level of severity.

Source: <https://press.hse.gov.uk/2021/12/23/glazing-company-fined-for-failing-to-control-risks-of-vibrating-tools/>

HOTEL OWNER SENTENCED FOR FIRE SAFETY ORDER BREACHES

A hotel owner has received a suspended jail sentence for multiple breaches of fire safety regulations, including failing to provide adequate fire safety training for staff, failing to implement procedures such as safety drills, and failing to take general precautions to reduce the risk of fire.

He was sentenced at Nottingham Crown Court on 10 December 2021. The judge described Mr Singh's conduct as "a wholesale failure to ensure the safety of staff and guests", and that it could have had "catastrophic consequences".

Chate Singh, owner of Ebers Hotel in Nottingham, pleaded guilty to six offences under the Regulatory Reform (Fire Safety) Order 2005. He was sentenced to eight months in prison, suspended for 18 months.

Mr Singh was also ordered to complete 150 hours of unpaid work and pay costs of £12,000. He is also the director of CP Nottingham Ltd, which is responsible for the hotel. The company was fined £18,000 and also ordered to pay costs of £12,000.

Source: <https://www.thefpa.co.uk/news/nottingham-hotel-owner-sentenced-for-breaches-of-fire-safety-order>

<https://www.ifsecglobal.com/fire-news/hotel-owner-sentenced-to-eight-months-imprisonment-after-breaching-several-fire-safety-regulations/>

About Gallagher

Gallagher is one of the world's largest insurance brokerage, risk management and consulting firms. As a community insurance broker and trusted local consultant, we help people and businesses move forward with confidence. With more than 39,000 people working around the globe, we're connected to the places where we do business and to every community we call home. Managing risk with customised solutions and a full spectrum of services, helping you foster a thriving workforce, and always holding ourselves to the highest standards of ethics to help you face every challenge—that's The Gallagher Way.

Would you like to talk?

For more assistance, please contact your local Gallagher executive who will be happy to assist.

CONDITIONS AND LIMITATIONS

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