



# Hazards, highways and council heroes

Accidents to workers and road users on the highway can have far reaching consequences for local authorities. Alan Plom, ex-HSE Principal Inspector and APSE Associate, highlights the various hazards associated with roadside working and outlines the steps local councils need to take if they are to avoid injuries, ill health and even deaths of employees or members of the public – as well as time-consuming and stressful investigations, which often result in costly fines and negative headlines.

While all local authorities are understandably concentrating on reducing the risk of infection from COVID-19, the 'traditional' hazards faced by local authority staff can easily be overlooked. Some high risk activities are carried out routinely by council staff, often under arduous and dangerous conditions. Any risk is obviously magnified when working on or alongside roads.

Thankfully, fatalities involving litter pickers and other roadside workers are rare, but many front line operatives report having had 'near misses'. (Perhaps they should be called 'near hits'?) Numerous councils and their contractors have been prosecuted under the Health and Safety at Work, etc, Act 1974, but these have often related to ill health, rather than a physical 'safety' hazard.

However, throughout the past ten years as a health and safety consultant and as APSE's trainer on activities related to grounds maintenance and working on verges and roads, I have found few council managers aware of significant incidents and relevant prosecutions that have occurred beyond their region. Communicating information about relevant cases and their implications is clearly a challenge in the local authority sector, and I hope that this article will encourage sharing information and stimulate debate. APSE is an ideal conduit.

## A look at the potential hazards for local authorities

Deaths and injuries have occurred during work activities associated with roadside maintenance, litter picking and mechanical road sweeping. Some operations such as mowing grass on slopes and tree

falling are inherently higher risk, but for anyone working on narrow verges or central reservations adjacent to (often fast) moving traffic the risk is magnified. Even removing roadkill from carriageways – often dismissed as a '5-minute job' – has had far reaching and tragic consequences.

The most notable cause of ill health associated with roadside maintenance which has led to enforcement action against councils and contractors is exposure to vibration. Excessive use of hand-held machines such as strimmers, hedge cutters, chain saws and leaf blowers causes Hand-Arm Vibration Syndrome (HAVS), including 'White Finger' Disease and other effects, resulting in long-term pain and permanent disability.

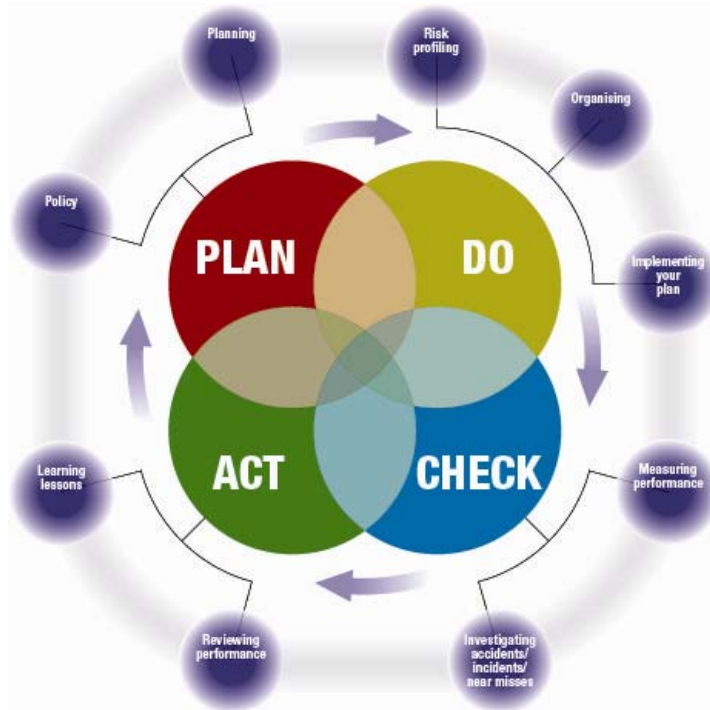
Injuries and ill health do not just affect employees either. Members of the public have also been killed or injured (and vehicles and property damaged) by ejected material, or struck by moving machines and other work vehicles. Serious incidents have occurred during litter picking in unusual locations off-road too, e.g. people run over by a council vehicle while sunbathing in local parks.

Although most incidents go unreported in the media but more serious incidents are inevitably 'newsworthy' and can even make national headlines, generating significant public outcry. Therefore it is important to 'expect the unexpected' and ensure you have effective emergency and media response plans in place - including weekends!

Other physical and health risks must also be anticipated when working in this environment or in contact with plants or animals (dead or alive!). Local authority staff are usually well aware of the risk of blood-borne diseases transmitted through needle stick injuries, e.g. from discarded drug paraphernalia found when working in parks and other public places. But there are many other causes of ill health, often considered inconsequential.

Diseases transmitted by animals (zoonoses) can be fatal (e.g. E.coli) or permanently disabling (e.g. loss of sight from Toxicara found in dog faeces). Lyme Disease from tick bites is found all over the country, and can cause heart problems. Other naturally occurring hazards include plant saps which can cause skin burns (e.g. Giant Hogweed, widely found in open spaces used by the public) and serious irritation is caused by certain species of 'hairy caterpillars' found in trees and bushes (limited to southern counties, so far).

All of these can be unpleasant at best but some can lead to serious and long-term health effects. They should therefore be considered in your COSHH assessments along with potential exposure to 'more obvious' carcinogens and other hazardous materials created or handled during work activities. Hazardous substances such as asbestos and chemical waste are often found in fly-tipping. Remember that many more people die from exposure to asbestos each year than are killed or injured in accidents. Silica dust and diesel fume are also carcinogens and cases of skin cancer are increasing (amongst young people too) from exposure to sunlight, so appropriate precautions must be taken.



### The risk of heavy fines and litigation

Convictions can now attract surprisingly high fines. Over recent years, penalties between £100k and £250k have been imposed on councils, including for failure to prevent HAVSs caused by excessive use of hand-held machines such as strimmers, hedge cutters, leaf blowers and mowers. As these machines are all widely used by council staff for long periods, it is no coincidence that cases of HAVS reported under RIDDOR are a common reason for HSE to knock on Town Hall doors and carry out a detailed investigation of council's management arrangements.

In a couple of exceptional cases (neither involving a fatality) councils were fined £1 million and £500k (+ costs) for management failings and use of unsuitable equipment. Such large fines were unusual prior to the introduction of the Sentencing Guidelines\* in February 2016, and the potential for harm and other factors such as turnover, etc, are now factors considered by Judges or Magistrates when setting an 'appropriate' fine. The process and impact of the Sentencing Guidelines and the legal implications of 'getting it wrong', are well documented in this recent article written for APSE by Pinsent Masons LLP.

Injuries and cases of ill health also attract the interest of lawyers as well as HSE, and some large civil claims have been paid out to council employees, again for HAVS, as councils often do not have sufficient (long-term) evidence of managing exposure to this now well-publicised hazard, to counter personal injury claims.

Despite this, very few council managers and staff involved in this work are aware of HSE's essential (free) guidance 'Hand-arm vibration in amenity horticulture and how to control the risk', which is applicable to grounds maintenance machines.

Communicating good practice to reduce risks, as well as reports of incidents and prosecutions across UK's local government sector is clearly a challenge. If Team leaders and Heads of Service do not keep up to date with recent incidents and guidance they can find themselves in the dark regarding the significant implications of not adequately protecting their staff and non-employees. The threat of appearing in court on a charge of manslaughter or giving evidence against your employer for corporate manslaughter is a very real one. Remember that numerous individuals have been sent to prison too, although fortunately none from a local authority... Yet!

It is helpful to share examples of any 'near hits' or incidents which have happened elsewhere too. Sadly, potentially serious incidents are often posted as a 'joke' on social media, but these can be used in a positive way as case studies for effective 'Tool Box Talks' and to promote discussion during training and in management meetings too.

All staff involved in delivering the service, from front line operatives up to senior management should be involved in '360 reviews', to learn lessons from others and amend risk assessments, management and working procedures accordingly. Senior managers also need to understand and be made aware of the value of training and 'doing the job right' (i.e. safety and efficiency should go hand-in-hand) as well as possible adverse publicity, as much as any other potential impacts on budgets or performance targets.

Site-specific and dynamic risk assessments are vital to manage operations effectively. This requires well-trained staff and is critical when devising and setting out appropriate Temporary Traffic Management (TTM) arrangements to protect workers as well as road users. All roadside workers need to know what 'looks right' in terms of signs and segregation from traffic, e.g. cones and other methods of protection. Specific training to an appropriate level of detail is required for anyone devising and setting out TTM.

### How APSE Training can help

APSE Training's "Health & Safety when Working on Highways and Verges" Masterclass (delivered by Alan) considers how to assess training needs and competence, along with provision of adequate supervision, effective communication, training and management techniques, as well as selection of suitable PPE and equipment. Alan points out that one benefit that has come out of COVID is that safety trainers or managers no longer have to explain what risk assessments are or what 'PPE' stands for!

Case studies are used and participants are encouraged to share their own experiences. This is also a rare opportunity for all involved to review their current risk assessments and method statements. Photographs of difficult sites are used to stimulate discussion between staff who may work in different areas or departments, under different managers. It is also useful to compare practices between and within councils, to promote consistency.

The course is structured around the 4 principles of PLAN, DO, CHECK and ACT, advocated in HSE's current guidance on Managing Health

**"This training is a must for anyone working within the UK road network."**

Grounds Chargehand  
Conwy council

**"Whether you are new to a role or have been in the job a long time, this course is very good for making you aware of what it means to be compliant."**

Safety and Training Officer  
Calderdale MBC

**"The trainer has a deep understanding of the subjects discussed."**

**He clearly has great experience in these fields"**

Graduate Management Trainee,  
Winchester City Council

**"This course will enhance your skills and increase your knowledge. It really gets you thinking."**

Team Leader  
Plymouth City Council



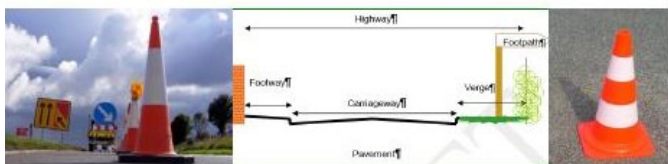
**WISH**

Waste Industry Safety and Health Forum  
**FORMAL GUIDANCE DOCUMENT**

## **SAFE CLEANSING ON THE HIGHWAY MANAGING THE RISKS ASSOCIATED WITH MANUAL AND MECHANICAL CLEANSING**

This guidance has been developed by the Waste Industry Health and Safety (WISH) Forum to help control safety and health risks in the waste management industry associated with safe cleansing on the highway. The Health and Safety Executive (HSE) was consulted in the production of this publication. It endorses the sensible, proportionate, reasonable and balanced advice to owners on managing the risk from this guidance during the waste-related activities as set out in the guidance.

This guidance is aimed at those responsible for the design, specification, operation, management, and monitoring of cleansing operations on the highway. It primarily focuses on traffic related issues associated with manual and mechanical cleansing including secondary cleansing, more commonly referred to as litter picking. It contains advice relating to good working practice that spans all aspects of the cleansing operations including temporary traffic management operations where required. It is not intended to be exhaustive and the guidance will point the user towards other relevant guidance that is freely available. It also includes broader management and monitoring issues, as well as the supervision and training of staff.



WISH WASTE 24 Safe cleansing on the highway – Issue 1, 2015

1 of 21

and Safety described in HSG 65(rev). This is relevant to managers and supervisors from a wide range of disciplines and ideal for those new to these areas of responsibility. It is also eligible for 5 CPD points.

### **Relevant Standards**

The implications of incidents and enforcement action related to work of all types on high speed dual carriageways to single lane rural roads, are covered using case studies and through discussion on interpretation and practical application of national standards (i.e. the 'Red Book' and 'Chapter 8') and industry guidance. In particular, Waste 24 'Safe Cleansing on the Highway – Managing the Risks Associated with Manual and Mechanical Cleaning' produced by the Waste Industry Safety & Health Forum (WISH) with input from local authorities and HSE. You can read the guidance here.

WISH has also now produced supplementary guidance in a series of Information Sheets on monitoring, PPE, risk assessment, signage and vehicles. INFO 14 to 18 is available for free at: <https://www.wishforum.org.uk/information>. Other sources of useful guidance and training films are also highlighted and references provided during the course.

Sharing examples of best practice and useful sources of advice, guidance and training within and between councils not only helps attendees to understand what precautions and training are appropriate and effective in a range of typical situations, but also equips managers and supervisors with tools for more effective communication and impactful training. This practical approach is always well-received by delegates.

The course also provides a unique opportunity for councils to review their existing risk assessments and systems of work for litter picking, verge maintenance and other associated tasks, e.g. road sweeping, waste collection, removing fly tipping and road kill, gully emptying, use of pesticides and alternatives for weed control, graffiti removal, tree work and emergencies arising from storm damage, flooding, snow and ice. The latest COVID-19 precautions advocated by APSE and HSE are also reviewed.

This one day Masterclass can also be delivered as an in-house course throughout the UK, with timing and format tailored to suit an individual authority's requirements. However, in response to the pandemic restrictions, it has been adapted for delivery online via APSE's 'virtual classroom' using Microsoft Teams, running over two half-days to provide flexibility.

**• For further details about the course and to see the upcoming schedule click here.**