

RISK News

Issue 24

December 2003

Driving risks at work

It is estimated that up to a third of all road traffic accidents involve somebody who is at work. This accounts for about 20 fatalities and 250 serious injuries every single week.

The Health and Safety Executive (HSE) has recently published new advice on driving at work. The guidance is aimed at employers and the self-employed and has been developed in partnership with the Department of Transport.

Although the guidance is clear that health and safety law does not apply to commuting, it is also clear that it does apply to on-the-road work activities in the same way as for all other work activities. Driving at work therefore needs to be managed within the existing H&S management system.

The guidance gives a number of areas that employers should consider in assessing the risks to people driving at work. This applies whether the employee is using their own vehicle or one provided by the employer.

Basic questions to consider include:

- Do you check driving licences on recruitment and periodically thereafter?
There already is a NCC standing requirement to check drivers' licences regularly but compliance is variable

- Do you ensure that vehicles used for work purposes are adequately insured?
- Are there procedures in place to satisfy yourself that the drivers are competent to carry out the work without putting themselves or others at risk of harm?
- Do schedules encourage drivers to drive too fast for the conditions?

A working group consisting of Risk & Insurance, Road Safety

and Corporate H&S, has been set-up to assess how the actions already taken by NCC, such as driver assessments for certain categories of driver, are helping us to comply with this guidance. If you wish to comment or need further advice, contact Corporate Health and Safety on 01603 222912.



Special features

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Norfolk County Council

Comment

Welcome to the latest issue of Risk News.

As Christmas approaches we have taken a bit of a seasonal look at some of the risks that you may be exposed to in the near future. Just a little bit of preparation, or taking suitable precautions, can make all the difference.

We have also reported on the very successful Risk Awareness Week that was recently held. A lot of departments and other providers came together to present the numerous Well-being activities during the week. Feedback from those attending indicated that they found it very useful and of benefit. We hope that if the attendees still feel they have benefited in six months time, then we will have made a real difference.

Finally, we wish all of you a happy Christmas and a risk free New Year.

If you would like to contribute an article to a future issue of Risk News, please contact any of those below.

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Slips and trips in schools

The Health and Safety Executive (HSE) has just published a paper about slips and trips in schools. HSE statistics show that slips and trips are a major source of accidents to both employees and pupils/students.

In one accident a school meals worker slipped on a spillage in a school dining room, fell and broke her leg. Tragically, she later died as a result of blood clotting.

In 1999/2000 there were almost 2300 fatal or major injuries to pupils, students and visitors in primary and secondary education establishments due to slips and trips. In addition there were nearly 1400 fatal, major and over three-day injuries to employees caused by slips and trips. Indeed slips and trips represented one third of all injuries to employees and pupils, visitors etc.

The paper emphasises the need for proper inspections and maintenance and offers useful guidance on possible control measures. These are relevant to all county council establishments, not just schools.

**Perhaps the most telling comment in the paper is the final conclusion:
“Slip and trip incidents can be prevented; they are not inevitable”**

For further information see www.hse.gov.uk

Tackling stress together

The previous issue of Risk News featured an article about how the County Council intends to manage the risks of stress and ill-health at work. Unfortunately, it omitted the role that Unison can play in this process. Unison were jointly involved with NCC in drawing up the stress policy and the anti harassment policy, and their stewards are often used by employees as a source of advice.

We intend to feature the positive role that the unions can play in a future issue of Risk News.

Winter risks

Cold weather checklist

Once again the cold weather is approaching, bringing the potential for burst pipes. Schools in particular can be vulnerable to freezing temperatures over the Christmas holidays when the buildings are unoccupied for a couple of weeks.

We have seen in the past that significant damage can be caused when pipes burst, with classrooms out of action for several weeks and insurance claims costing up to £20,000 each. Mobile buildings are particularly vulnerable to freezing temperatures.

But . . . damage can be prevented by taking suitable precautions. Last year we issued checklists for site managers to help them avoid problems and further copies can be obtained by ringing 01603 222827.

Alternatively, go to our intranet site or esinet sites to see or print off the details. The site addresses are on page 5.

Driving

Driving when the weather is bad takes a lot more skill and concentration than in clear dry conditions. Whether you are faced with fog, snow, ice, rain or a combination of these, they will all test you.



Key driving tips

- Only drive if your journey is really necessary
- Keep the vehicle maintained, anti-freeze topped up, lights and windscreens clear, tyre pressures set at manufacturers recommended levels
- Slow down – if you can't stop in the distance you can see you're driving too fast
- Remember, the braking distance on ice is up to 10 times that of a dry road
- Use dipped headlights and fog lights, but do switch the fog lights off when not needed
- If you have to scrape ice off your car in the mornings, the roads may well be icy as well
- Don't assume roads will be salted, and even if they are, don't assume you can drive safely at a normal speed
- Allow extra time for journeys

Above all, drive to the conditions

NCC alternative fuel trials



The County Council is currently testing alternative fuels that, when used as vehicle fuels, can produce environmental benefits by reducing exhaust emission pollutants. Our web page (altfuel@norfolk.gov.uk) gives details of the trials and the fuels/vehicles involved and will be updated with further information as the trials progress.

We hope that by conducting the trials we will be able to make an informed decision about the wider use of such fuels in our fleet and thereby contribute to an improvement in local air quality. We will also be setting an example for other local organisations to follow. Safeguarding our environment now will reap local environmental rewards in the future.

The Norfolk County Council fleet consists of a wide range of vehicles. We currently spend over £1 million per annum on standard fuels for vehicles and so one of the aims will be to establish whether financial savings and value for money can be obtained. Another will be to establish what environmental gains can be made from a wider user of alternative fuels.

Alternative fuels

The main types of alternative fuel are:

Liquefied Petroleum Gas (LPG)

A by-product of the oil refining industry that used to be just flared-off during oil production.

Compressed Natural Gas (CNG)

This is the same gas as used for domestic heating and cooking. The gas is compressed to give it greater density, which means that more fuel can be stored in a vehicle fuel tank.

Liquefied Natural Gas (LNG)

Similar to CNG except that the gas is liquefied through storage at extremely low temperatures to increase fuel density.

Bio-ethanol

Can be produced from wheat, sugar beet, sugar cane and similar crops.



Bio-diesel

Can be produced from waste vegetable oils, rape seed oil, soya bean oil and palm oil.



All of these alternative fuels offer environmental benefits in the form of reductions in pollutants. However, research to date shows no one fuel is better than all the other fuels in respect of all pollutants or performance.

All electric vehicles offer zero emissions but currently have a limited driving range before requiring recharging – so are not necessarily viable in a work situation where long distances are travelled.

Our aim in conducting the trials is to test the fuels in a working situation, so that direct comparisons between them can be made. Ultimately we want to increase the use of alternative fuels in the County Council fleet but we do need to ensure that their possible introduction will not cause any unforeseen problems.

Cash machine frauds

As we approach the end of the year, many of us will be hitting the cash card fairly hard as we experience the 'joys' of Christmas shopping. But can you be sure that your money is safe and secure?

Crooks, many of which now operate in organised gangs, are increasingly targeting cash machines and stealing millions of pounds each year. They have been found using the 'Lebanese loop', where a device is inserted in the card slot to retain the card and make you think the machine has kept your card. Once you leave they then retrieve the card. An alternative is a fake card slot stuck on the machine that reads all the details of your card and is then used to recreate copies. They have even been known to attach tiny pinhole cameras on the machine so that they can see what your PIN number is.

To avoid becoming the victim of one of these crimes,

- Check the machine for anything unusual or stuck to it. If there is anything, don't use the machine and report it to the bank or the police.
- Use your free hand to cover the PIN pad to prevent someone seeing your number as you key it in.
- If you are distracted by someone when using a cash machine, cancel the transaction, retrieve the card and start again.
- If the machine does not return your card, report it immediately.
- Check your bank statements and balances regularly and promptly to identify unauthorised transactions.

We are up and running.....

You may have noticed that the NCC intranet site for Risk Management and Insurance Services is now live.

The Insurance Services section of the site lets you know who is who and what is what in the NCC world of insurance. It tells you what policies are available, what is covered, and how we provide adequate insurance for a particular risk. There is also advice and guidance for all departments ranging from general information to how to make a claim.

The Risk Management section of the site provides information on the Risk Management process. It explains how we quantify risk and the benefits of managing

risk, also providing valuable information to the public sector to minimize claims and to promote risk awareness.

The final area is the RISKNews database. You can access all past RISKNews articles via an article search and previous RISKNews issues have been made available in (PDF) format.

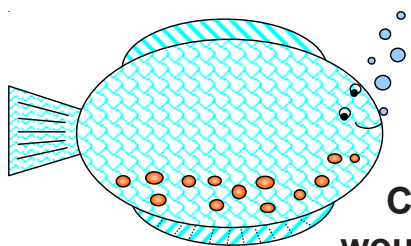
We are updating and improving this site on a regular basis and if you have anything to add please contact us.

Site addresses are

<http://intranet.norfolk.gov.uk/riskandinsurance>

<http://www.esinet.norfolk.gov.uk/efict/riskandinsurance>

Risk Awareness Week



The week, which took place between 10 and 14 November, took the theme of well-being of employees of Norfolk County Council and has had a great response. We would like to thank all who participated and supported the week; we hope it has made a difference.....

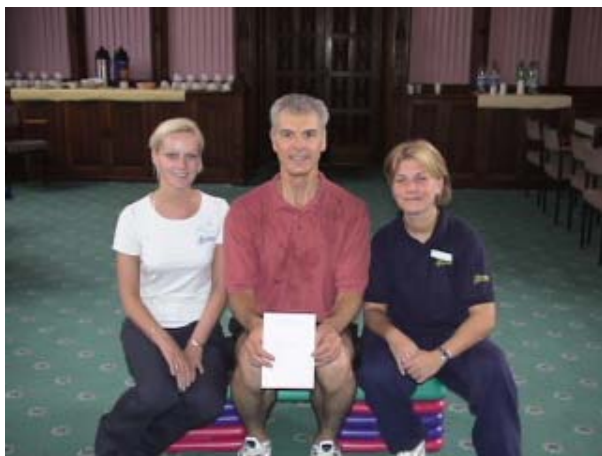
We used many different providers, including Adult Education who led sessions of Yoga, Relaxation Techniques, Stress Management, and Self Hypnosis. These were very popular and well received. If you would

The Relaxation Technique was wonderful!

like more details about Adult Education services contact Marisse Clarke on 01603 222322. Marisse can advise you on what courses are available and the nearest venue for you to attend.

Very useful, interesting and worthwhile.

Others to get involved included Norfolk County Services Ltd, who designed a range of healthy option meals for the County Hall menu, Education Well-being who presented sessions on life / work balance, and Cavell & Lind who carried out 'mini body MOTs'.



BRUCE McEWEN, WINNER OF THE FITNESS CHALLENGE



WHILE OTHERS FOUND IT MORE OF A "CHALLENGE"!

Bruce McEwen - ICT Officer Cultural Services attended many events in his own time.....

Bruce decided to focus on making lifestyle changes after suffering a major stroke at work. He made these changes through a healthier diet, more regular exercise and relaxation techniques.

"Once you get into doing this on a regular basis, it just becomes part of a normal way of life for the rest of your life. I haven't got the relaxation bit right, but this Risk Awareness week has provided a very helpful reinforcement. It would be good to do meditative relaxation on a regular basis at or near County Hall, perhaps during the lunch-hour or just after work.

"Your team should be applauded for putting together yet another beneficial event this year. It's probably the case that those who need this most did not attend any of the sessions, or were too late because of the limited number of places - well all the more reason to put on more events like these!"

Risk Awareness Week

Newton Flotman Primary

The Head Teacher Mrs G Cook from Newton Flotman sent many of her staff to attend at least one session on Risk Awareness Week.

“We take well-being seriously as we feel that if the staff are content in their jobs this provides a better teaching environment for the pupils. We get together on a regular basis to have a social event such as a sponsored walk, to encourage team ethos and it's great to have something like this during work time.

“To prevent disruption to the school during the week, staff got together to organise cover for each other so that no one would miss out”.



LIN SMITH OF CTD LEADS THE FOCUS ON YOU WORKSHOP

Swanton Morley Primary

Janet Alderton – Well-Being Co-ordinator decided to hold her own well-being programme for the staff. This involved yoga, aquafit, a healthy eating day, bowling and on Friday they made sure they could all get together for lunch in the library. Janet said “It was great to get the staff together and there was a great response”.

Chief Executive's H&S Trophy 2003

The seventh annual Chief Executive's Health and Safety Award was this year awarded to the Moving and Handling trainers of Social Services.

In a first for the award, the nomination came from an individual from outside the Department.

The nomination gave a number of reasons why they felt the Moving and Handling trainers should win.

- They are pivotal to the control of a key risk area within their department.
- The group has shown its commitment providing a safe and healthy environment for both employees and service users.
- The group has also shown a desire to carry out their role well.
- They influence and improve practice; and assist the authority in meeting its legal requirements.
- The group carries out their role in addition to their normal work duties.

Special mention should also go to the other nominated areas and individuals:

- The Training Team of the Road Safety Unit, Planning and Transportation
- Sarah Ellis, Principal Occupational Therapist, Social Services Department
- The Norfolk Education Advisory Service, Professional Development Centre

Hello John, got a new motor!

Beware if selling your car privately, of a new type of scam operating to relieve you of your vehicle and your money.

Reports have been received of people who place classified adverts being approached by fraudsters. They use the guise that they have been searching for a specific type of vehicle for export purposes. By “coincidence” it just happens to be the type that is being sold. They are desperate to obtain one in a hurry, because their original deal fell through.

The person selling is then offered a cheque for more than the asking price of the car, with the request that the difference is sent abroad (usually to Africa) by Western Union when the cheque clears.

The cheque initially clears and so the refund is made as instructed. Only when the cheque is found to be stolen or forged does the seller realise he has been conned. The cost to the seller is the loss of the car and the refund that has been sent abroad.

Christmas Risk Quiz



1. When do most road accidents happen?
A In daylight
B At night
2. Minibuses require their first MOT after
A one year
B two years
C three years
3. The average daily calorie intake should be 2,000 to 2,500. How much do we consume, on average, on Xmas Day?
A 4,000
B 5,000
C 6,000
4. Which of these numbers can you use to call the UK emergency services?
A 999
B 112
C 911
5. How long does a drink-drive conviction stay on your driving licence?
A 4 years
B 5 years
C 11 years
6. On average, how many people die each year from watering a Christmas tree with the lights plugged in?
A None – no one would be that stupid!
B Five – yes they would!
C More than five – yes they would, and there are lots of them!
7. How many calories in a Big Mac?
A 500
B 700
C 900
8. In a standard three core wire, what colour is the live wire?
A Brown
B Yellow and green
C Blue
9. What percentage of people are expected to suffer disabling back pain at some time during their lifetime?
A 20%
B 40%
C 50%
10. What proportion of people who work with the public have experienced violence while at work?
A 1 in 5
B 1 in 10
C 1 in 15

Answers

1 - A, 2 - A, 3 - C, 4 - A+B, 5 - C, 6 - B, 7 - C, 8 - A, 9 - C, 10 - A



Committee risks

Appointments to outside bodies

In our last issue we looked at some of the risks involved with local groups and committees. But, what happens if you are appointed to a committee or other entity as part of your job?

The County Council gives an indemnity to its employees for claims made against an employee for acts of negligence, error or omission committed by the employee. This applies as long as the employee is acting within his/her authority and includes when appointed to outside bodies.

However the case of *Burgoine & Cooke v London Borough of Waltham Forest* (1996) casts doubt on whether this indemnity can be applied in all circumstances. In this case two employees of Waltham Forest were appointed by their council as directors of a joint venture company established to provide a water park. The venture failed and liquidators sought substantial sums from the officers for “wrongful trading” (this being something for which directors of a company can be personally liable).

At first the officers felt re-assured by the indemnity their council had given them. Unfortunately the council was found to have no legal power to undertake this particular activity and was deemed therefore to have no legal power to indemnify the officers.

This now creates uncertainty for officers and councillors when appointed to sit on outside bodies.

So what can be done?

It is essential to make sure that the body concerned has a full range of appropriate insurances, including public liability and (if the

outside body has its own employees) employers liability cover. However contractual disputes and issues that go to employment tribunals are unlikely to be insured.

Another way forward is to register the appointment as an “observer only” and take no part in any of the decisions made by the body concerned.

The Local Government Act 2000 gave some hope of comfort. Firstly it widened the powers of Councils to include “well being powers”. This allows councils to carry out anything that will improve the economic, social or environmental well being of the area, as long as it is not already prohibited by existing law or the Secretary of State.

Secondly the Act enabled the Secretary of State to make an order giving councils the power to provide indemnities to officers and members for acts or omissions committed when appointed to outside bodies.

Hope for the future

Even though the order has yet to be issued there is some hope on the horizon. The Government issued a consultation paper in July 2003 that, if adopted, would enable councils to give indemnity or secure insurance (in all probability a mixture of both) including situations where a member or employee is appointed to an outside body.

The County Council will review the position as and when the regulation comes into force and will wish to protect employees and members as far as is possible. We will comment further as soon as the new regulations take effect.

Be safe and seen

Everyone using the road needs to be seen. Young or old; on foot or using a vehicle – letting others see you is very important.

Research has shown that a person wearing dark clothing at night in unlit areas becomes visible with dipped headlights at 23 metres. This is the overall stopping distance, ***in good conditions***, of a car travelling at 30 mph. In time this is just 1.5 seconds.

Pedestrians – If you wear dark clothing on a poorly lit or unlit road you may not be seen. Reflective equipment at your waist, on your arms or ankles will double the distance that you can be seen in. Wearing light coloured clothing or even carrying a newspaper or a light coloured bag will also improve your safety. High visibility clothing ought to triple the visibility distance. Fluorescent material is best for being seen in the day time, and reflective material best at night.

If you do wear a high visibility top, try to avoid covering it up with a dark bag.

Cyclists – The law says that if you ride your bike at night, you must have a white light at the front and a red one at the rear. Any flashing lights must be in addition to these. Reflective fitments to pedals, “hi-viz” leg and arm bands will all help the cyclist be seen, as will a brightly coloured cycle helmet. However there are still far too many cyclists on our roads with no lights on in the dark, probably wearing dark or certainly non-reflective clothing, who are risking their own safety.



Motor fraud update

Some of the UK's largest insurers are considering using lie detectors for household and motor claims. Motor insurer Admiral has been using voice risk-analysis software over the past six months to monitor claimants speech patterns to detect false claims. Since they started, a quarter of the claims received for having a vehicle stolen have been withdrawn by the policyholder.

If you would like this newsletter in large print, audio, Braille, alternative format or in a different language, please contact the helpline, 01603 222820.



School court cases

We recently had two of our public liability claims go to trial.

The claims both alleged the schools had been negligent but we were able to successfully defend each of them because the schools' procedures and practices were reasonable.

The details are:

Occupiers liability

In this case, a 17 year old pupil at a High school tripped over a 1 foot high metal chain placed across a school entrance and damaged her wrist in the fall.

The allegation was that the school failed to ensure that all parts of the site were safe and that the low chain was an obvious tripping hazard.

The chain was actually there to prevent other vehicles using the site illegally. The route was not intended for pupils.

The school's procedures were that they had put up notices stating that pupils should not use this route, pupils were also told regularly, including their first day at school, teachers stopped any pupils they saw trying to use this route, and teachers were supervising nearby.

As to whether the chain was a hazard, the claimant admitted to stepping over the chain regularly and was doing so again when she fell.

The judge found that the school had acted reasonably, especially with regard to the level of supervision of the high school students, and dismissed the case.

Supervision of play equipment

In this second case, a primary school pupil was pushed off a high tower of some play equipment by another pupil and broke her arm when she landed.

The allegation was that there was inadequate supervision and the equipment was inherently unsafe.

The school had a rule that no one was to use the equipment unless a supervisor was present. The claimant knew of this rule. The claimant had also been told not to use the equipment just a couple of minutes before the incident happened.

The judge said it would be unfair to criticise the school for failing to prevent the child using the equipment. He also noted that even if there had been supervision, the accident would not have been prevented.

The equipment had been obtained from a reputable supplier who had stated that it complied with British Standards (which it did at the time of supply). The school was entitled to rely on this statement when assessing the equipment for safety.

The judge found that the equipment was not unsafe and that the school had acted reasonably. He therefore dismissed the claim.

Costs

Even though we defended these cases, there is still a cost to the Council. While we can get some of our legal costs back, the judge will not normally allow us to claim them all. In the first case above our unrecovered costs were £2,300 and in the second £3,600.



Risky business

Purchasing Guide

The Purchasing Guide is the third in a trilogy of procurement guides. It covers most areas that purchasers need to consider.

Part One of the Guide should be read by everyone who purchases on behalf of the Council. It gives general basic guidance on matters that all purchasers should know and understand. On its own it gives adequate guidance on making simple purchases.

Part Two of the Guide should be read in conjunction with Part One and explains the Council's requirements for purchases above £30,000, i.e. tendering procedures. It also has a Chapter on the purchase of ICT (Information and Communication Technology) and purchasing professional services.

Part Three of this Guide addresses more complex purchasing issues and should be read in conjunction with Parts One and Two by those undertaking complex purchases.

The Guide is reviewed regularly. It is available on the NCC Intranet or from the Corporate Procurement Unit (CPU), 01603 222820.

Any feedback (good or bad) on the Purchasing Guide is welcome, please contact Wendy Baker, Procurement Manager, on 01603 223861.

More than you bargained for

When purchasing from the internet, beware of the potential for unscrupulous practices.

We have been informed that an internet company found a way to boost its profits by offering for sale its complete list of clients inclusive of their credit card details. Although this example was originally reported in relation to a pornographic web-site in Latvia, (we wonder who was brave enough to complain and publicise this?), there is a possibility that the practice could happen elsewhere.

Courier con

Many of our establishments will bundle up old printer cartridges for collection for recycling, or to be put to other charitable uses. Sometimes a small cheque is received in return.

Reports are being received that collections are being made, but no cheque is received. When the normal company is contacted they state that they haven't picked up any old cartridges. Not only that, but when the name of the courier is given to them they also state that the courier is not used by them.

One school rang the courier who picked up from them and obtained the name of the



person who requested the pick-up. When they contacted that person they were fobbed off with the story that it was a new company, no sales force yet in place, etc etc. Basically, it meant that the school received no money.

The original collector is currently investigating.

So beware when couriers arrive to collect items, they might not be from the company you are expecting to deal with. Check the documentation that the couriers have with them and if in doubt, hold onto the goods.

And finally . . .

More thoughts from David Brent

Accept that some days you are the pigeon, and some days you are the statue.

You don't have to be mad to work here! In fact we ask you to fill in a medical questionnaire to say you're not.

Statistics are like a lamp-post to a drunken man – more for leaning on than illumination.

