

Safety News For Golf Clubs

Sentencing Guidelines

In February 2016, the sentencing guidelines were updated for Health and Safety, Food Hygiene and Corporate Manslaughter Offences. Since the changes, courts have not been shy about imposing significant fines or custodial offences for individuals in breach of legislation.

The principle guideline is to ensure that fines are proportionate and have an economic impact on the business. They are spotlighting to boards, management and other stakeholders the importance of complying with health and safety legislation.

Since the introduction of the guidelines fines for safety breaches have increased significantly, the upwards trend showing little sign of abating.

The structure of the guidelines is tariff based on a scaled approach. The first thing the court must assess is culpability. There is a scale with a range from "deliberate breach or flagrant disregard" of The Regulations to "significant efforts were made to address the risk."

Factors considered in culpability are "Seriousness of harm risked" and the "likelihood of the harm occurring". These are evaluated balanced against the employer's duty to provide "So far as is reasonably practicable" a safe place of work. Also considered is the number of people exposed, the higher the number, the greater the culpability.

In step two the court considers the turnover of the business; this provides a starting point for the fine, based on a scale within the guidelines — the scale starts with micro-businesses; those with a turnover of less than £2M. The starting point for fines starts at 250,000 with high culpability and serious outcome, dropping to £200 for low culpability and minor outcome. The ranges within those categories is a maximum of £450,000 and a minimum of £50. To demonstrate how the guidelines work, here are some examples of fines awarded in 2019.

Group Company worker fell 4 m off a ladder while removing vegetation, puncturing his lung: Fine £4m.

Construction Company worker lost consciousness from Carbon Monoxide poisoning when using a petrol-powered saw in a confined space: Fine £15K.

Golf Course worker burnt from substance explosion: Fine £10,000.

You can see from the examples above that the scale attempts to balance the size of the business against the harm, or potential harm. The reasoning in the guidelines is to be proportionate and balanced.



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“Tolerable Risk” is a risk deemed acceptable by society, a first aid injury that can be dealt with in house is tolerable, an work related injury that involves loss of income, places a demand on the emergency services or NHS, or an adjustment to an individuals lifestyle is intolerable.

Cellar Safety

Bar Cellar Safety

Managing safety a bar cellar is not quite as simple as it seems, notwithstanding the need to keep pipes and glasses clean, there is also the need to manage; lone working; handling cash, compressed gas cylinders; bulky deliveries; manual handling; overhead storage; hazardous substances; sharps; events and staff noise exposure; nuisance noise and slips and trips.

Bar work can in certain venues also involves; working in basement cellars with exposure to work at height; basement flooding; even enclosed spaces.

Despite its range and scope the above list is not a definitive, every venue will have its own specific risks as a result of the bar design, maybe its age, the equipment or perhaps the fittings.

Managing Cellar Safety

Every employer has a duty to carry out a suitable and significant risk assessment for all activities undertaken by staff, if they employ 5 or more people those risk assessments must be recorded (in a retrievable form). There is no set way of doing this, however the employer should identify all significant risks, any risk assessment should be proportionate and reach realistic conclusions on the hazards that staff are exposed to. The purpose of a risk assessment is to enable informed decision making. Having undertaken the risk assessment, the employer would be expected to put into place the necessary measures to reduce the risk to tolerable levels.

What to Do

Training is so important, induct staff properly, induct them into the workplace informing them of any risks to which they are exposed and the controls you have in place. At the early stages of employment be very clear about what staff can and cannot do! Ensure they are supervised and mentored until they and you have sufficient confidence in their work. Never expose staff to risks identified in your risk assessments as significant **before** they have been thoroughly trained in the procedures that you have in place to ensure that the risk is controlled.

Learning

1. Have staff safety meetings, allow staff to air concerns and highlight areas and issues where they feel improvements could be made.
2. Conduct leadership tours, in these tours look at the working environment and work practices. Try to identify weaknesses before they occur.
3. Record accidents and near misses, discuss them at board level, every event should be considered a learning event, the different outcome between an accident and a near miss is good fortune. for this reason, they should be treated equally.
4. focus on identifying why the accident happened, remember the immediate cause of an accident may have been human failure, but the root cause will always be elsewhere. Looking at the root cause means moving away from a blame culture and accepting that the failures usually lie elsewhere.

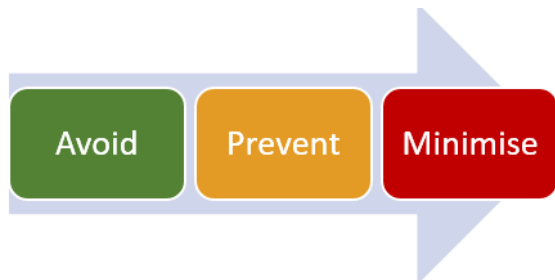
Work at Height

The circumstance in the picture to the right did not result in an accident, no one fell from or through the roof, no one was injured as a result of tiles falling from above. The roof was retilled as agreed .

However upon seeing the picture the HSE decided to, and were successful in prosecuting the roofing company on the basis that “they put lives at risk for the sake of saving money”. The company owner was sentenced to 6 months in prison suspended for 2 years and 240 hours community service.



Falls from height remain the main cause of work related fatalities, for that reason the work at Height Regulations imposes a very straight forward hierarchy of control on the em-



1. **Avoid** work at height, do as much as possible from ground level.
2. If work at height cannot be avoided, **prevent** falls from height.
3. If falls cannot be prevented **minimise** the distance and the consequence of the fall

Where work at height cannot be avoided the employer must do all that is reasonably practicable to prevent falls, technological advances in; scaffold edge protection; mobile elevated working platforms; mobile scaffold towers; work restraint harnesses have all produced safe and affordable solutions.

If it really is not possible to safely provide one of these due to workplace design constraints (not cost), then we must minimise the distance of the fall by using nets, crash decks or fall arrest harnesses.

We can minimise the consequence of a fall by using inflatable bags or fall arrest systems.

Remember

- If someone can fall and injure themselves, they are working at height.
- All work at height must be planned.
- Work at the lower end of the hierarchy needs a rescue plan.
- There does not need to be an accident to be a breach of duty.

About John Ross (CompliantGrounds)

Once a Head Chef, then a Golf Course Manager, now a Chartered Member of IOSH working as a safety practitioner to golf and sports clubs. I have developed over the years efficient and productive systems that keep golf clubs the right side of the safety regulations.



Chartered Safety and Health Practitioner

