

Field Operations Directorate

**Fiona Coffey**

Midlands Division

HSE  
City Gate West  
Toll House Hill  
Nottingham  
NG1 5AT

Tel: 0115 971 2814  
Fax: 0115 971 2802  
fiona.coffey@hse.gsi.gov.uk

<http://www.hse.gov.uk/>

HM Principal Inspector of Health  
and Safety  
Dr Andrew Turner

Mr W Lumley  
Chief Executive Officer  
Bolsover District Council  
Sherwood Lodge  
Bolsover  
S44 6NF

Date: 1<sup>st</sup> March 2010

Reference 4195814/01

Dear Mr Lumley

#### **HEALTH & SAFETY AT WORK ETC. ACT 1974**

I refer to my visit to your premises at Sherwood Lodge, of 19<sup>th</sup> February 2010 with my colleague Linda Hoskins (HM Inspector of Health and Safety – Occupational Health).

I am writing to confirm the matters discussed with Mr Walker (Health & Safety Officer) as part of our investigation into the RIDDOR report concerning Mr Gary Carby, bricklayer. The report stated that Mr Carby had suffered Carpal Tunnel Syndrome in both hands.

#### **Risk Assessment for Hand Arm Vibration**

The work you are carrying out at Bolsover District Council is liable to expose your employees to risk from vibration. The Control of Vibration at Work Regulations 2005 requires you to do all that is reasonably practicable to reduce vibration exposures. Regulation 5(1) requires you to make a suitable and sufficient assessment of the risk to your employees resulting from their exposure to vibration.

Some of the tools that your employees use are likely to expose them to significant levels of vibration, and therefore, to assess the magnitude, type and duration of exposure to vibration, you should conduct risk assessments, for all high risk areas, which will identify measures to eliminate or control the risk of exposure to vibration. These risk assessments should account for vibration levels of tools and the trigger times for employees.

Risk assessments should consider the effects of exposure to vibration on employees whose health is at particular risk from exposure to vibration, any information given by manufacturers of the work equipment, availability of replacement equipment which would reduce exposure to vibration, specific working conditions such as low temperatures and any appropriate information obtained from health surveillance.

It may be worthwhile in your assessment to consider the following:

- 1) Whether the process can be eliminated by design i.e. mechanisation of processes
- 2) Provide information, instruction and training to employees
- 3) Introduce a policy of buying low vibration equipment as and when equipment is replaced.
- 4) Maintain equipment

- 5) Keep the operator's hands warm, to act contrary to the onset of symptoms. Ensure air tools or anti-vibration handles do not blow cold air onto the hand.
- 6) Consider whether job rotation could reduce the time spent with the tools.

As discussed with Mr Walker it is important for Bolsover District Council to take a proactive approach to the hand arm vibration exposure of your employees in order to eliminate or control the risk so far as is reasonably practicable.

At the time of the visit, Mr Walker was not able to produce risk assessments for all tasks which expose your employees to hand arm vibration, only a risk assessment for garage activities. I have therefore served an improvement notice (FC4195814) requiring you to conduct a suitable and sufficient assessment of the activities within your house refurbishment/construction department, which put them at risk of hand arm vibration, and identify the steps that need to be taken to eliminate or control those risks.

**The Improvement Notice expires on 24<sup>th</sup> May 2010, by which time you must have confirmed to me in writing what measures you have taken to comply with this notice, and have sent me a copy of the risk assessment you have carried out for activities exposing employees to hand arm vibration.**

You should read carefully the notes accompanying the Notice, particularly the potential penalties for non-compliance with a Notice. **Failure to comply with an Improvement Notice before the expiry date is an offence which will leave you liable to prosecution.** The notes also outline your right to appeal against a Notice to an Employment Tribunal, further details of which are provided in the leaflet enclosed.

Your attention is drawn to the provision to extend the Improvement Notice. In the event of any unavoidable delay in carrying out the work required by the Notice, you should get in touch with me in good time so that an extension may be considered. **An extension of an Improvement Notice cannot be considered if that request is made after the expiry date of the Improvement Notice.**

May I also draw your attention to the section headed "Public Availability of Information on Other Notices", which informs you of a 14 day period to notify HSE if the Notice contain commercially confidential information.

### **Information for Employees**

In accordance with duties placed upon me by section 28(8) of the Health and Safety at Work etc. Act 1974 to provide information to employees, I enclose a copy of this letter and the notice for their attention. I would be grateful if you could ensure these copies are displayed in a prominent position within the workshop.

**You should confirm to me in writing by 24<sup>th</sup> May 2010 what action you have taken to comply with the notice.**

Should you require any further information or advice contact me at the address above.

Yours sincerely

**Fiona Coffey  
HM Inspector of Health and Safety**