

Memo

To Safety Co-ordinators (for onward transmission to all schools and directorates)

From Dr Melanie Taylor, University Safety Advisor

Date 25th April 2005

Reference Safety Circular 8/2005

Work at Height Regulations 2005

These long-awaited regulations came into force on 6th April 2005. They are based on the familiar concepts of risk assessment and taking reasonably practicable steps to avoid, prevent or reduce the risks, and they do not introduce new requirements for those already implementing good practice when working at height. However, there are a number of specific issues of relevance to us.

The HSE will not be issuing an Approved Code of Practice or detailed guidance, but have published the following on their website:

- a basic guidance leaflet, at www.hse.gov.uk/pubns/indg401.pdf
- a series of good practice 6 case studies, at <http://www.hse.gov.uk/falls/wahrcasestudies.htm> These are more applicable to Estates activities as they include gutter cleaning, goods storage, installation of roof fans, rope access, and safety barriers on a mezzanine floor
- a series of questions and answers on work at height in the construction industry, at <http://www.hse.gov.uk/construction/pdf/fallsqa.pdf>
- there are numerous other guidance documents about specific types of work at height, such as the use of ladders, suspended access equipment, guarding, mobile elevated work platforms, scaffolding, etc etc.

The regulations themselves are at <http://www.legislation.hmso.gov.uk/si/si2005/20050735.htm>

The following comments are not intended to comprise a detailed examination of the regulations, but key points are:

1. "Work at height" is defined as work in any place where a person could fall a distance liable to cause personal injury. There is **no** numerical limit in this definition.
2. All work at height must be properly planned, organized and carried out by competent people. This includes the processes of risk assessment, selection of suitable work equipment, determination of methods of work, etc. The importance of the planning and preparation stages should not be underestimated.

3. There is the familiar hierarchy for managing risks which cannot be avoided or eliminated – ie use of collective control measures to prevent falls (such as guardrails and working platforms) in preference to control measures to mitigate the effects of falls (such as netting or airbags). If reasonably practical measures do not eliminate the risk, there is a specific requirement to minimize the consequences of a fall and to provide training. This could involve provision of air cushions, nets, fall arrest equipment and the like, and training in their proper use.
4. There is a specific regulation about working on fragile surfaces (Reg 9). The duty is primarily to **avoid** work which involves passing across or near, or working from or near a fragile surface. The definition of fragile surface is “*any surface liable to fail if any reasonably foreseeable load is applied to it*”, and this will include surfaces such as sky lights and other horizontal or angled glazing in roofs, asbestos cement sheets and other non-load bearing materials, light weight ceilings constructed over internal offices, etc.
5. There is another specific regulation about falling objects (Reg 10), and the need to prevent the fall of any object or material from elevated places of work. This includes items stored or being used on scaffolding, materials and equipment used by people working on ladders, etc. Where a risk of injury from falling objects cannot be eliminated, areas will need to be cordoned off and clearly marked.
6. Regulation 12 is about inspection of work equipment. Please note that the regulation specifically requires re-inspection for each new position the equipment is assembled for. Thus, when a scaffold tower is moved from one site to another, or a ladder is installed at a different window or light fitting, the equipment would need to be “inspected” to ensure it is safe to use in the new circumstances. In my view, an appropriate inspection here might be a visual check by the user to ensure the equipment has been properly and safely set up, and remains in good condition.
7. In Regulation 12(5), there is a requirement that no equipment should leave the employer’s undertaking or be obtained and used from outside the undertaking, unless there is physical evidence (ie a written report) that the last appropriate inspection has been carried out. This will have implications for non-employees asking to use University equipment (machinery and insurance inspectors, for example), and also for situations where academics collaborate with colleagues from other institutions and share experimental rigs.
8. This regulation also requires inspection at suitable intervals, which in the case of mobile elevated work platforms, means inspected on site every 7 days. The interval of inspection for other equipment will no doubt need to be determined through risk assessment, so anything subject to robust use will need more regular checking than equipment not subject to significant wear-and-tear.
9. The more formal “inspections” must be recorded, with details prescribed in Schedule 7 of the Regulations.
10. There is a demanding regulation about checking the surface, and every parapet, permanent rail or other such fall protection measure, of every place of work at height, on each occasion before the place is used. Thus, every visit by an academic researcher to roof-mounted sampling equipment will require that person (or other competent person) to check certain aspects of his work environment, including handrails or guardrails, parapet walls, etc. The word “check” is used here, not inspection, so my interpretation is that this involves a reasonably careful visual check that there is no obvious sign of damage or weakness.
11. Contrary to views expressed elsewhere, there is no prohibition on the use of ladders! However, their use must be subject to a risk assessment which shows that more suitable work equipment is not justified because of the low risk, and short duration of use or site

features which cannot be altered. It has been suggested by HSE conference speakers that 15 minutes use of a ladder as a *workplace* is a helpful interpretation of “short duration”. Existing features on site might be physical barriers that prevent access by, for example, mobile elevated work platforms.

12. There are a series of schedules about specific requirements for types of equipment:

| Schedule | Topic |
|---|---|
| 1 | Requirements for existing places of work and means of access or egress at height |
| 2 | Requirements for guard-rails, toe-boards, barriers and similar collective means of protection |
| 3 part 1 part 2 | Requirements for working platforms. Requirements for all working platforms Requirements for scaffolding |
| 4 | Requirements for collective safeguards for arresting falls |
| 5 part 1 part 2 part 3 part 4 part 5 | Requirements for personal fall protection systems Requirements for all personal fall protection systems Additional requirements for work positioning systems Additional requirements for rope access and positioning techniques Additional requirements for fall arrest systems Additional requirements for work restraint systems |
| 6 | Requirements for ladders |
| 7 | Particulars to be included in a report of inspection |
| 8 | Revocations, etc |

These Regulations will have more implications for Estates than most other sections of the University, and Dave Massey will be looking at this in detail. However, many other people will carry out work at height. Typical activities include:

- roof access for atmospheric monitoring and testing equipment
- taking samples from elevated locations on experimental rigs
- building and assembling rigs, pilot plants, etc
- unloading vehicles or moving goods around loading bays
- using kickstools, ladders, stepladders, elevated platforms, etc to access library shelves and storage, clean windows, access light bulbs or tubes, change the time on clocks, etc

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