

North Yorkshire Fire and Rescue Authority
Headquarters
Alverton Court,
Crosby Road,
Northallerton,
DL6 1FE

Reference 4691377

For the attention of [redacted] (Chief Fire
Officer), [redacted] (Group Manager –
Operational Training) and [redacted] (Health and
Safety Manager)

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HM Principal Inspector
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Date 4th August 2021

Dear Sirs,

HEALTH AND SAFETY AT WORK ETC ACT 1974

I visited your training centre at Oaklands Way, Easingwold and Northallerton Fire Station on 29th July 2021, with HSE Visiting Officer [redacted], to assess how well you were managing health and safety, specifically regarding RTC drill exercises. I met [redacted] (Health and Safety Manager), [redacted] (Group Manager - Operational Training), [redacted] (T/Watch Manager), [redacted] (Watch Manager), [redacted] (Enable Health and Safety Advisor), [redacted] (Enable Health and Safety Advisor), [redacted] (FBU Brigade Chair and Health and Safety committee member), [redacted] (Watch Manager), [redacted] (Watch Manager), [redacted] (Crew Manager), [redacted] (Crew Manager) [redacted] (Fire Fighter), [redacted] (Fire Fighter) and [redacted] (Fire Fighter).

I identified contraventions of health and safety law. This letter explains what was wrong, why it was wrong and what you need to do to put things right. Please e-mail or write to me confirming that you have acted on each of these matters by Friday 15th October 2021. I may visit you again to check that appropriate action has been taken.

It is important that you deal with these matters to protect people's health and safety. If you do not understand what action to take then please contact me or my Principal Inspector and we will explain further.

You will have to pay a fee because I have identified contraventions of health and safety law which are material breaches. The enclosed section on Fee for Intervention provides further information.

Section 28(8) of the Health and Safety at Work etc Act 1974 requires me to inform your employees about matters affecting their health and safety. Please bring a copy of this correspondence to the attention of your employees.

You will find information and advice about health and safety on our website <http://www.hse.gov.uk/>

Yours

[redacted]

Regulatory Inspector

MATERIAL BREACHES – NOTIFICATION OF CONTRAVENTION

I did not examine the whole of your organisation. There may be additional areas to those I identified which also require your attention. It is your responsibility to identify the measures you need to take to comply with the requirements and prohibitions imposed by the different statutory provisions.

The Management of Health and Safety at Work Regulations 1999.

1. Risk assessment; Regulation 3 (1)

a. The purpose of the inspection was to review the assessment of risk, systems of work, training and supervision and monitoring of Road Traffic Collision (RTC) drill exercises at the training centre and on stations, specifically the task of setting up drills with the scenario of a car on its side or roof. In advance of the visit I was provided with copies of the following risk assessments;

i. Workplace Training Risk Assessment - Road Traffic Collision & Extrication Training - TG20-Training Centre, dated 12/05/20

ii. Workplace Training Risk Assessment - RTC Drill - TG20 – Northallerton, dated 25/01/2019

b. I have reviewed the content of each risk assessment, observed the setting up and delivery of a RTC drill scenario at Easingwold and discussed with operational personnel the systems of work used to set up drill exercises both on station and at the training centre. In my opinion, the two documented risk assessments detailed above, are at present not suitable and sufficient, as they do not identify reasonably foreseeable risks associated with RTC drill activities. The reason for my opinion is as follows;

i. The RTC and extrication training risk assessment for the training centre fails to identify and assess the risks associated with setting up an RTC drill.

ii. Whilst the RTC drill workplace training risk assessment for Northallerton identifies setting up and positioning of a vehicle and a vehicle on its side or roof as risk, there is a lack of detail in the control measures section, which states “All vehicles to be positioned using mechanical means” and “Safe system of work to be implemented”. I was informed that operational personnel are required to use two winches or a winch and a tirfor to a position vehicle on its side or roof, therefore, I would expect this control measure to be detailed in the risk assessment.

iii. The Northallerton RTC drill risk assessment fails to identify reasonably foreseeable risks, which are present in the training centre RTC training risk assessment, for example machinery hazards and mechanical lifting operations. Furthermore, for the common risks detailed in both assessments, there appears to be a greater level of detail in the control measures section of the training centre risk assessment, which could be included in the Northallerton risk assessment.

c. **Regulation 3 (1)** of the above regulations requires you to make a suitable and sufficient assessment of the risks to the health and safety of your employees to which they are exposed whilst they are at work. You should review the training centre RTC workplace training risk assessment and the on station risk assessment for RTC drills, to ensure that all reasonably foreseeable risks are identified and assessed and measures are implemented to either eliminate the hazard, or if this isn't possible, control the risk. You should record your findings and ensure that suitable arrangements are in place to periodically review the assessments.

For additional guidance on this matter please see; <https://www.hse.gov.uk/pubns/indg163.pdf> and <https://www.hse.gov.uk/pubns/priced/hsg268.pdf>

The Health and Safety at Work etc. Act 1974.

2. Safe systems of work and information, instruction and training; Section 2.

a. At Easingwold I observed a RTC drill scenario being set up by personnel from the training department. This involved the use of a telehandler to lift and manoeuvre a scrap car onto its side. At present, there is no documented safe system of work for this activity. Furthermore, there is an absence of a plan for the lifting operation, which is required by Regulation 8 (1) of the Lifting Operations and Lifting Equipment Regulations 1998.

b. I was informed that operational personnel are required to undertake RTC drills on station, including the scenario of a car on its side or roof, in order that specific competencies are maintained. There is an expectation that crews use either two winches or a winch and a tirlor to position the scrap vehicle on its side or roof, however, there is no documented safe system of work for this activity. Furthermore, whilst personnel are trained to operate the vehicle mounted winches and tirlors, there is no formal training delivered by the organisation on the system of work to be employed when using this equipment to manoeuvre a vehicle onto its side or roof for a RTC drill.

c. I discussed the availability of vehicle mounted winches and tirlors and was advised that specific fire appliances at Richmond, Malton, Northallerton and Harrogate do not have a vehicle mounted winch and therefore crews assigned to these appliances may not have ready access to the equipment required to safely position a car on its side or roof, i.e. a winch and a tirlor, as they only have one tirlor on the appliance. I was informed that there is an expectation that these crews liaise with other stations to organise joint RTC training drills so that lifting equipment is available in order to set up the drill scenario safely, however these instructions have not been formally documented. It was agreed during the visit that prompt action would be taken to ensure a written procedure is implemented and disseminated to all relevant personnel.

d. **Section 2** of the Health and Safety at Work etc. Act, requires every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees, including the provision of safe systems of work and information, instruction and training. You should therefore ensure that documented safe systems of work are devised and implemented for use of the telehandler at the training centre and use of winches and tirlors on station, to set up RTC drill scenarios of a car on its side or roof. Arrangements should also be in place to train all relevant personnel on these systems of work and to actively monitor adherence to said systems.

For additional guidance on this matter please see: <https://www.hse.gov.uk/pubns/priced/hsg65.pdf> and <https://www.hse.gov.uk/work-equipment-machinery/planning-organising-lifting-operations.htm>

FEE FOR INTERVENTION

Health and Safety and Nuclear (Fees) Regulations 2021, Regulations 23 and 24

HSE will recover the costs that it incurs for the work it does in relation to contraventions of health and safety law which are material breaches. A material breach is something an Inspector considers is serious enough that they need to inform you of it in writing.

The fee is based on the amount of time that the Inspector has had to spend identifying the breach, helping you to put it right, investigating and taking enforcement action. This includes the cost for the whole visit, along with other associated work.

Sometimes an Inspector may decide to write to you about matters which are not material breaches. This includes any matters listed as 'Advice'. HSE will not recover costs for the time it takes to do this.

We send out invoices every two months and you will have 30 days to pay. You may receive more than one invoice if the work done by the Inspector covers more than one invoicing period.

If you disagree with anything on your invoice, HSE operates a query and dispute process. You can query your invoice (within 21 days from the date of the invoice), and if you are not satisfied with the response, you can dispute it. You can find further information about fee for intervention and details of the query and dispute process at <https://www.hse.gov.uk/fee-for-intervention/i-dont-agree-with-my-invoice.htm>.

Further information is also available in the leaflet HSC14 – *When a health and safety inspector calls – What to expect when we visit your business*, at <http://www.hse.gov.uk/pubns/hsc14.pdf>.

More detailed information is given in HSE 47 - *Guidance on the application of Fee for Intervention* at <http://www.hse.gov.uk/pubns/hse47.pdf>.