

THE INQUEST TOUCHING THE DEATH OF BEN COLLINS – ACTION TO PREVENT FUTURE DEATHS

Ben Collins tragically died on the 27 July 2015 following a work accident involving a suction and vacuum excavator.

The inquest concluded on 1 August 2016 with the jury returning a verdict of accidental death. Following the hearing HM Coroner served a Regulation 28 report on the HSE requiring written response to the following areas of concern:

'[That] the HSE give consideration to the provision of guidance regarding training and the use of suction excavation equipment including a recommendation for the provision of a second man fully trained to use the Suction Excavator and associated equipment, regular servicing of remote controllers together with the proper documentation of such.'

HSE responds to the Regulation 28 report as follows:

GUIDANCE – HSE publishes a wide range of health and safety guidance written for use by industry and interested parties. For more technical or targeted guidance HSE now finds that it is more effective to assist industry trade bodies to write their own guidance. This allows the guidance to be more relevant and specific to users, easier to keep up to date and to access. The HSE has been working closely with the Construction Plant-hire Association (CPA) to improve standards regarding the use of suction excavators. The CPA has formed a Suction and Vacuum Excavator interest group, which comprises of representatives from the HSE, manufacturers, users and hire companies. The main thrust of the group is to produce guidance. At the time of writing this has reached the stage of a second draft which is out for consultation within the group.

Their next meeting is in mid-October and they hope to have the guidance published in early 2017 (no specific date has been set and the timescale is dependent on the goodwill of industry participants who contribute in their spare time). The guidance will be available to download free of charge from the CPA website and will be reviewed and updated as this niche industry develops.

The second draft includes sections on training, the use of a second person, maintenance and examples of daily and weekly checks and inspection records.

THE USE OF A SECOND PERSON – The draft guidance states "In principal, excavation with a suction and vacuum excavator should be considered a two –person operation unless the risk assessment allows for single person operation for the particular task. Each new activity must be risk assessed before single person operation can be authorised." The default position in the current draft of the guidance is therefore two person operation but with the rider to allow single person operation for extremely simple work.

The second person is defined in the draft guidance as: " personnel trained to have machine operating skills used to support the excavating activity and the principal operator, and can take charge in emergency situations." The draft guidance outlines the areas of training and or familiarisation that should be undertaken, which includes emergency- stop procedures

and locations of emergency – stop controls, and re activation of the machine following emergency stop control activation.

MAINTENANCE – the draft guidance states that: “the function of all controls and safety devices should be checked by the suction and vacuum excavator operator for correct working before the excavator commences. The remote control units should be checked to ensure sufficient battery power is available for the intended operations, clean, free from damage and the operation of the emergency stop button and any other isolating devices must be checked for operational function.” HSE will also recommend to the CPA that the text should stress that remote control units contain sensitive electronic devices and that any damage or malfunction noted means the unit should not be used until it has been repaired.

The guidance also covers routine inspection and maintenance that should be aligned to manufacturer’s requirements.

TRAINING - The Construction Industry Training Board (CITB) has set up a voluntary national training course for suction and vacuum excavator operators. This includes both a practical and theory test. The practical test will be led by an assessor who is independent of the trainer. Successful candidates will obtain a Construction Industry Training Board (CITB) accredited qualification.

As with most examined CITB courses there will be an option for operators who were trained in-house and are suitably experienced to bypass the CITB training course and achieve qualification by undertaking the written and practical test. The pass mark for CITB assessed courses and the method of testing is designed to assist those with literacy problems whilst maintaining the pass criteria at a suitably high level i.e. all candidates need to demonstrate a high level of knowledge and understanding to achieve a pass mark.

At the time of writing, this course and the assessment scheme is being launched. Once established this should, subject to duty holders implementing effective management arrangements, exclude untrained operators from the market and within a period estimated to be approx. 2 years will result in a near fully trained suction and vacuum workforce. This time period is necessary to enable a backlog of current in-house trained operators to pass through the new system.

It is the HSE’s opinion that the new guidance, once published; and the new accredited training scheme, once established, will cover the key points raised by the HM Coroner.