

Health and safety matters as experts warn not to cutback on checking air conditioning and ventilation ducts due to the recession in light of Minster College roof collapse.

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The recent unfortunate incident at Minster College on the Isle of Sheppey, when a large section of heating and ventilation duct fell on a group of students taking some examinations, is a timely reminder for all to ensure that health and safety is at the forefront of the attention of those responsible for a work place or premises to which the public have access. In times of financial difficulty, there may be a temptation to cut back on property maintenance or inspection but, if you do so, such cut backs may be a dangerous and false economy. Robin Humphreys, Associate Solicitor in the Civil Litigation Department at leading Worcestershire law firm, Thursfields who have offices in Worcester, Kidderminster and Stourport, points out the key responsibilities of business owners and public sector organisations and highlights the consequences of non-compliance with health and safety regulations.

“All occupiers of premises have a duty to ensure that premises are reasonably safe for all visitors. This is likely to require those responsible for a work place or public premises to carry out, and importantly document, regular inspections to ensure that the premises are safe and to deal with items of disrepair. The Health and Safety at Work Act 1974 and the many and various regulations made under that Act also require those responsible to carry out risk assessments and to ensure as far as is reasonably practicable the health and safety of employees and others and to ensure that places of work and other premises are safe. Specifically in relation to mechanical ventilation systems, Section 5 of the Work Place (Health, Safety and Welfare) Regulations 1992 requires mechanical ventilation systems to be maintained (including cleaned as appropriate) in an efficient state, in efficient working order and in good repair. At a minimum this will require those responsible regularly to inspect and ensure that fixing points for such ventilation systems are secure, that there are no leaks and that the systems are clean in order to avoid the catastrophic mechanical failure experienced at Minster College and to avoid spreading airborne disease. Accurate record-keeping and a document trail will be essential.

“Failure to comply with such common-sense legislation can have a number of consequences. Firstly, there may be incidents of the type experienced here leading to serious injury to employees and members of the public. There may be criminal penalties for breach of this legislation, with potentially terms of imprisonment, fines and the disqualification of directors being available to courts. There can also be civil consequences with claims for compensation which may be dealt with by an organisation’s insurers. Frequently overlooked however are the hidden costs associated with having to deal with a Health and Safety Executive investigation, loss of productivity, business and reputation, adverse publicity, the closure of a business or important premises and the much greater costs of repairing or rectifying a problem which could have been avoided more cheaply by proper inspection, maintenance and minor remedial repair at the time.”

Robin concludes,

“All thoughts are primarily with those who were injured in this incident. Investigations are ongoing into what caused the failure of the heating and ventilation ducts on the Isle of Sheppey, but you can be sure that, if those investigations show that the incident could have been prevented by proper

installation in the first place or by inspection and maintenance thereafter, further action is likely to be taken against those responsible.”

Ian Wall, Director at Ductbusters one of the country’s leading specialists in the field of ventilation system hygiene & maintenance also commented,

“A regular cleaning visit or risk assessment can highlight the poor condition of ductwork fixings and can suggest the appropriate remedial action to take. It is important that such work is undertaken by accredited companies registered with the Heating and Ventilating Contractors Association who have the staff with the necessary experience to spot potentially dangerous situations such as the one at Minster College.”

For further information on this press release please contact Robin Humphreys at Thursfields on Tel: 01905 730450 or e-mail: rhumphreys@thursfields.co.uk.

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