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Telephone: [redacted]
Email:
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Our Reference: 2021/81341
Unique Number: SEL77782R
ONR-EL-21-029

Your Reference: [ ]
Unique Number: [ ]

Date: 5th November 2021

For the attention of [redacted]

ONR ENFORCEMENT LETTER

Dear

Subject: ONR Investigation into [redacted] scaffold steps fall at Sellafield Ltd

I am writing to inform you of ONR's enforcement decision following the investigation into the [redacted] scaffold steps fall where an employee sustained injuries reportable under RIDDOR Reg 4(1)(a).

This enforcement letter identifies issues arising from the investigation, which require your attention to address the compliance breaches identified.

From the evidence gathered during my investigation, I am of the opinion that Enigma Industrial Services Ltd as contravened the following:

- The Work at Height Regulations 2005, Regulations 8 and 12.

The investigation concluded that a recommendation to prosecute was not appropriate in this case. Consequently, I have concluded that this Enforcement Letter should be issued to remedy the above contraventions.

The matters that give rise to my opinion are summarised in the investigation findings section of this letter.

1. Regulatory requirements:

- The Work at Height Regulations 2005, Regulation 8 - Requirements for particular work equipment:
  Every employer shall ensure that, in the case of a working platform -
  (i) Part 1 of Schedule 3 is complied with; and
  (*ii) where scaffolding is provided, Part 2 of Schedule 3 is also complied with.*

  Part 2 of Schedule 3:

  Depending on the complexity of the scaffolding selected, an assembly, use and dismantling plan shall be drawn up by a competent person. This may be in the form of a standard plan, supplemented by items relating to specific details of the scaffolding in question.

  Scaffolding may be assembled, dismantled or significantly altered only under the supervision of a competent person and by persons who have received appropriate and specific training in the operations envisaged.

- The Work at Height Regulations 2005, Regulation 12 - Inspection of work equipment:
  (1) This regulation applies only to work equipment to which regulation 8 and Schedules 2 to 6 apply.
  (2) Every employer shall ensure that, where the safety of work equipment depends on how it is installed or assembled, it is not used after installation or assembly in any position unless it has been inspected in that position.
  (3) Every employer shall ensure that work equipment exposed to conditions causing deterioration which is liable to result in dangerous situations is inspected at suitable intervals.

2. Investigation findings:

2.1 An initial investigation undertaken by Sellafield Ltd found that the rise heights of the scaffold steps were inconsistent. Some steps had a rise height greater than 225mm and others less than 175mm. Relevant good practice (RGP) provided by the National Association of Scaffolding Confederation NASC) Guidance (TG20) states that the rise of scaffold steps should be within the range of 175 mm – 225 mm, with the length of the going defined by the height of rise adopted. Further guidance is provided in BS EN 12811-1:2003.

Both BS EN 12811-1:2003 and NASC technical guidance are industry good practice and ONR would expect scaffolding to comply with these standards and for these standards to be reflected in the drawings, assembly plan and other relevant information provided to the scaffolding team as required by the Work at Height Regulations 2005, Regulation 8 (Schedule 3).

The Work at Height Regulations 2005, Regulation 8 (Schedule 3) requires a scaffolding platform (which includes stairways) to have an assembly plan which may be in the form of a standard plan, supplemented by items relating to specific details

of the scaffolding in question. Enigma Industrial Services produced a drawing (Enigma Ref: 20-NWIND-047-01) but it had no details about the dimensions of the scaffolding steps.

The Work at Height Regulations 2005, Regulation 8 requires scaffolding to be assembled under the supervision of a competent person. The supervisor and the scaffolders erecting the stairways claimed that their part 2/advanced scaffolder training included how to erect scaffold stairs but had not erected many scaffold staircases since their training. As such, it is likely that the scaffolders were not fully competent to build scaffold stairways.

The inspection of the scaffold platform, carried out under Regulation 12 of the Work at Height Regulations 2005 by the supervisor, failed to identify any issues with the scaffold stairs and the scaffolding was handed over to the client as safe to use.

The investigation has identified that the following issues are likely to have contributed to the inconsistency in the rise height of the steps:

- The scaffold steps had not been properly designed in accordance with TG20 etc.
- The assembly plan/drawing did not include specific details of the scaffolding stairs.
- The scaffolders, including the supervisor, were not competent to erect scaffold stairways.
- The scaffold stairs had not been properly checked prior to handing the scaffold over to the client and the discrepancies in rise heights not identified and remedied.

2.2 To determine the appropriate enforcement decision I have used the ONR Enforcement Management Model, which for these circumstances has resulted in this enforcement letter.

3. Action required by Enigma Industrial Services Ltd:

3.1 I require that:

Enigma Industrial Services Ltd reviews the arrangements for complying with Regulation 8 of the Work at Height Regulations 2005 and Part 2 of Schedule 3. This should include but is not limited to:

- Ensuring that scaffolding is adequately designed in accordance with TG20 and BS EN 12811-1:2003.
- Ensuring that adequate assembly, use and dismantling plans for scaffolding are drawn up by a competent person and sufficient job specific information and instruction provided to scaffolding teams.
- Ensuring that supervisors and scaffolders assembling, dismantling or significantly altering scaffolding are competent and have received specific training in the scaffolding operations envisaged. Competence is defined as a

combination of training, skills, experience and knowledge that a person has and their ability to apply them to perform a task safely.

Enigma Industrial Services Ltd reviews the arrangements for complying with Regulation 12 of the Work at Height Regulations 2005. This should include but is not limited to:

- Ensuring that work equipment, specifically scaffolding, is adequately inspected by competent persons after installation and at suitable intervals thereafter.

I also refer you to Regulation 5 of the Management of Health and Safety at Work Regulations and the need for suitable arrangements for the monitoring of the preventive and protective measures, including ensuring that inspections of work equipment, are carried out properly.

3.2 Please write to me by the 13th December 2021 detailing a plan and associated timescales to address the action above.

A candidate Level 3 Regulatory Issue (RI9055) relating to this matter will be raised on the ONR Issues Database to track progress with these the actions (subject to ONR Governance).

Information for employees

Section 28(8) of the Health and Safety at Work etc. Act 1974 requires me to give information to your employees about matters affecting their health, safety and welfare. I therefore respectfully request that you provide a copy of this letter to a representative of your employees for their information.

[redacted]

[redacted]
ONR Inspector – Nuclear Internal Hazards and Site Safety

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[redacted]