

# **THE PROPOSED 'SAFE OPERATION OF SKIP AND HOOK LOADERS: APPROVED CODE OF PRACTICE' CONSULTATION RESPONSE REPORT**

## **Executive summary**

The movement of skips and containers is a high risk activity and results in a number of serious accidents and personal injuries in both Jersey and the UK every year. In 2014, an employee of a skip hire company was crushed to death between his skip vehicle and a granite wall whilst attempting to deliver a skip to a construction site in St Helier.

At the conclusion of the inquest into his death, in April 2017, the Coroner exercised his powers, under Rule 12 of the Inquests and Post-mortem Examinations Rules 1995, to recommend to the Minister for Social Security that action be taken to address a number of issues raised during the inquest in order to prevent future deaths. This is being achieved through the development of an Approved code of Practice (ACoP).

An initial consultation involving all known skip and hook loader operators in the Island commenced in August 2017, with a reminder about the opportunity to provide comment sent in November 2017. No adverse comments were received.

A wider public consultation on the proposals was launched on 6 July 2018 and ran for a 5 week period until 9 August 2018.

8 formal written responses were received; 2 from commercial skip and hook loader operators, 3 from a health and safety professional, 2 from a training provider and 1 'other'.

The results showed unanimous agreement that the introduction of an ACoP covering the safe operation of skip and hook loaders would be of benefit to the Island. There was also clear consensus that the approach adopted in the draft ACoP was considered sensible, proportionate and achievable, with no adverse feedback received.

A recommendation will therefore be made to the Minister for Social Security to formally approve the ACoP in accordance with Article 10 of the HSW Law. The final ACoP will reflect the consultation document, with a few minor amendments to reflect constructive suggestions made by consultees where it was felt that additional guidance may be helpful.

## **Section 1: The consultation process**

The consultation process has involved:

- An initial targeted consultation involving all known skip and hook loader operators in the Island. This commenced in August 2017 and involved all known commercial operators being written to and provided with details of the proposal to introduce an ACoP, together with guidance on the principles it was intended to address. Comments were invited at that time, as well as an offer for a meeting with the Director of Health and Safety to discuss any aspect of the proposals. A copy of the correspondence is included as appendix 1.

- Follow up contact being made with those included in the targeted consultation above, in November 2017, to provide a further opportunity to inform the development of the consultation document being prepared for wider public consultation
- The proposed ACoP and forthcoming public consultation being highlighted in 2 presentations provided to industry representatives in June and July 2018 (total attendance of 100+)
- Public consultation commencing on 6 July 2018, with the consultation document being available on the States website, both in the Health and Safety at Work Inspectorate section and the consultation section. A simple questionnaire, although not compulsory to use, was provided to assist respondents
- Notification of the consultation being sent to a range of professional and representative bodies including the Jersey Safety Council, Jersey Construction Council, States of Jersey Health and Safety Manager, various training providers and health and safety professionals known to work in this industry sector

## Section 2: Findings – main conclusions

The information presented below is an analysis of the results and findings from the consultation questionnaire. General observations and representative quotes and comments are also presented where these can be anonymised. A copy of the questionnaire is included as appendix 2.

**General principles** *(some questions have been précised to provide a summary of the intent only)*

100% of respondents to the questionnaire answered yes to the following questions:

Do you think the introduction of an ACoP covering the safe operation of skip and hook loaders would be beneficial?

Do you think that the way that the proposed ACoP is structured into 3 parts is easy to understand?

Do you consider the requirements relating to the training and assessment of competence of operators to be proportionate to the risks involved with skip and hook loader operations?

## Key areas where views were specifically sought:-

Please comment on any areas set out in Part 1: Safe vehicle which you think are problematic

Of the 2 respondents providing a written response to the above question, 1 stated 'none', 1 suggested that the requirement for a 6 monthly thorough examination of the lifting chain be extended to an annual examination\*

*\*It is noted that there is a statutory requirement for lifting chains to be thoroughly examined at least once in every 6 months under the Chains, Ropes and Lifting Gear (Jersey) Regulations 1980, so this prescriptive legal requirement must be reflected in the ACoP*

Please comment on any areas set out in Part 3: Safe working procedures which you think are problematic

No respondent identified any areas that they considered problematic.

Are there any other areas not currently addressed by the ACoP which should be included?

A number of general observations were made, including reference to:

- Lighting
- Positioning of skips on public roads
- Prevention of runaways
- Use of remote control units
- Repair and maintenance of skip bins
- Use of a skip loader for non-skip loads
- Ancillary risks such as work at height and being struck by falling materials
- The proposed 'Commercial Vehicle Operators Licensing Scheme' administered by DVS

### **Section 3: Conclusions**

There was unanimous support from those contributing to the consultation exercise for the introduction of an ACoP addressing the safe operation of skip and hook loaders.

The principles and requirements set out in the draft ACoP were considered proportionate and reasonably achievable by all respondents.

Comments made by respondents were primarily concerned with identifying areas where additional guidance may be considered helpful.

### **Section 4: Next steps**

The feedback gathered from this consultation will be considered during the development of the final draft ACoP, with the intention of this being formally approved by the Minister for Social Security before the end of October 2018.

## **Appendix 1 : Initial consultation correspondence**

### **Covering letter sent to all known skip and hook loader operators**

#### **Social Security Department**

**Health and Safety Inspectorate**

P.O. Box 55, La Motte Street

St. Helier, Jersey, JE4 8PE

Tel: +44 (0)1534 447300

address

23 August 2017

Dear Sirs,

#### **Health and Safety at Work (Jersey) Law 1989**

#### **Re: Proposed 'Safe operation of skip and hook loaders: Approved Code of Practice'**

Every year in Jersey and the UK activities involving the movement of skips and containers result in a number of serious accidents and personal injuries. This sadly includes a fatal accident which occurred locally in 2014, in which an employee was crushed between his skip vehicle and a granite wall whilst attempting to deliver a skip to a construction site. At the conclusion of the inquest into his death, in April 2017, the Coroner exercised his powers, under Rule 12 of the Inquests and Post-mortem Examinations Rules 1995, to recommend to the Minister for Social Security that action be taken to address a number of issues raised during the inquest in order to prevent future deaths. The Minister has subsequently tasked me to ensure these are actioned.

As a result, and in the interests of ensuring that there is a consistent and clear understanding of the standards of safety required in respect of the operation of skip and hook loaders, my intention is to develop an Approved Code of Practice (ACoP), in consultation with the industry. The final ACoP will be approved by the Minister under Article 10 of the Health and Safety at Work (Jersey) Law 1989 (HSW Law). An ACoP has a legal status in that it gives practical guidance on how to comply with the general duties imposed by the HSW Law. If you follow the guidance you will be doing enough to comply with the Law.

I have enclosed an information sheet which highlights the key areas where I believe it would be helpful to provide clarity and clear guidance on the standards of best practice within this high risk industry. It does not address the full scope of the final ACoP, or reflect any proposed detailed wording to be included, as these will be developed as the consultation process progresses.

I will contact you again in approximately 3 weeks to arrange a meeting to discuss the ACoP. This will provide you with the opportunity to review and consider the proposals and

help inform our discussions at that time. These discussions will be used to inform the development of the first draft of the ACoP, which will go out for wider public consultation.

Naturally you are welcome to submit any comments prior to our meeting should you so wish. These will be taken to form part of the formal consultation process and be included in the final consultation report accordingly.

Should you have any queries in respect of this matter at this stage please do not hesitate to contact me.

Yours Sincerely

Tammy Fage (Mrs)  
Director of Health and Safety

Direct line: +44 (0) 1534 447297

Email: [t.fage@gov.je](mailto:t.fage@gov.je)

Website: [www.gov.je/hsi](http://www.gov.je/hsi)

Information sheet enclosed with covering letter

# **Proposed 'Safe operation of skip and hook loaders: Approved Code of Practice'**

This information sheet is not intended to address the full scope of the final ACoP, or reflect any proposed detailed wording to be included, as these will be developed as the consultation process progresses. Instead, it is designed to highlight key areas where it is believed it would be helpful to provide clarity and clear guidance on the standards of best practice within this high risk industry.

## **Key areas to be addressed within the ACoP**

The proposed ACoP will address the well-recognised dangers from being struck by vehicles, vehicle overturns, and runaway vehicles, failure of lifting equipment, striking overhead cables / obstructions and stacking of skips. The ACoP will also set out the standards relating to the inspection, examination and maintenance of vehicles and lifting equipment and the training and assessment of competence of skip operators.

When considering the minimum standards of good practice reference will be made to authoritative guidance such as that published by the UK Health and Safety Executive (HSE), the Waste Industry Safety and Health Forum (WISH), the Driver and Vehicle Standards Agency (DVSA) and representative industry bodies such as the 'Container Handling Equipment Manufacturers Association' (CHEM). Naturally, where there are already relevant prescriptive Regulations in force, this will be cross referenced in the ACoP.

### ***Basic principles of safe operation of hook and skip loaders***

The ACoP will reflect the basic principles of ensuring a 'safe vehicle', 'safe worker' and 'safe working' set out in the HSE publication 'Safe use of skip loaders: Advice for Workers', and the general principles set out in the WISH Formal Guidance Document 'Skip and container safety in waste management and recycling'.

Rather than replicate these in this sheet a copy of both guidance documents has been provided for your convenience.

### ***Training and assessment of competence of skip loader operators***

The requirements for the training and assessment of operators of hook and skip loaders will align with the statutory requirements already in force for operators of cranes and other lifting appliances under the Cranes and Lifting Appliances (Jersey) Regulations 1978 and operators of fork lift trucks under the Safe Use of Rider-operated Lift Trucks: Approved Code of Practice.

Every person operating a skip loader must be properly trained, assessed and authorised as competent to do so.

Employers must satisfy themselves that operator training is only carried out by instructors who have themselves undergone appropriate training in instructional techniques and skills' assessment. Instructors also need sufficient industrial experience to enable them to put their instruction in context and an adequate knowledge of the working environment in which the operators will be expected to operate.

There are a number of nationally recognised training schemes for hook and skip loader operators, including the 'National Plant Operators Registration Scheme' (NPORS), which provide a verified set of competence standards for the industry. Whilst employers may devise and operate their own in-house training scheme, they must be able to demonstrate that this meets the equivalent standard to that provided by the more formal, independent training courses available.

As training is typically carried out in a controlled environment, this training should be consolidated through structured, on-the-job training to enable the acquisition of the appropriate knowledge and accumulation of relevant operational experience (ie

competence), which will develop incrementally throughout an operator's career. Training should extend to address not just the technical knowledge required to operate the skip loader, but also the wider safety critical matters such as the assessment of hazards and risks associated with the different environments, eg ground conditions, type of skip movement, operating in restricted areas, etc.

#### *Assessment of experienced operators*

Where employees claim to be trained and competent, employers should insist on evidence. Where such evidence is not available, the employer should arrange for an assessment of competence to be carried out by a competent person – and provide any training that the assessment indicates is necessary before allowing the employee to operate the hook/ skip loader.

Detailed records of all training and/or assessments of competence should be maintained.

The '*Competence to operate construction plant: Good practice guide*' published by the Plant Safety Group in conjunction with the UK Health and Safety Executive (HSE), provides practical guidance on appropriate methods to manage, develop and record employees' competencies, and will be referenced in the ACoP. A copy is available through the HSI website [www.gov.je/hsi](http://www.gov.je/hsi)

#### ***Monitoring and supervision***

By the nature of the job skip operators are typically required, on a daily basis, to undertake potentially high risk work, often in unfamiliar and changing environments, without direct supervision.

Every employer must therefore have sufficient arrangements in place to supervise and monitor performance of employees out in the field to satisfy themselves that employees understand, and adopt, the safe systems of work expected of them. These should include both 'active' methods, eg spot checks on site to observe an employee working and 'reactive' methods eg investigating accidents and sickness absence records.

Whilst the level of supervision provided to employees will depend on their level of experience and competence, it should never stop completely.

#### ***Stacking of skips***

Taking into account guidance published by the HSE and DVSA, empty skips can be stacked on a skip vehicle up to three high, as long as they are securely 'nested'. Loaded, or partly loaded skips should not be stacked on top of each other, or nested in an empty skip, on the back of the skip vehicle.

When skips are stored in yards the height of the stack should be determined by risk assessment to ensure its stability. Issues such as ground conditions, accessibility for the skip loader and safe access for an operator to attach and detach chains should all be taken into account.

#### ***Maintenance, inspection and thorough examination of skip loaders and skip bins***

##### *The skip loading mechanism*

In accordance with the principles set out in the UK 'Safe Use of Lifting Equipment, Lifting Operations and Lifting Equipment Regulations, 1998' the safety critical parts of the skip



lifting mechanism, loading arms, hydraulics etc should be thoroughly examined by a competent person, such as an engineer surveyor, at least once every 12 months.

*Chains used for lifting skips*

The chains used for lifting skips fall within the definition of 'lifting gear' as defined under the 'Chains, Ropes and Lifting Gear (Jersey) Regulations, 1979. They must therefore be subject to thorough examination by a competent person at least once every 6 months.

*Skip bins*

In accordance with the principles set out in the UK 'Provision and Use of Work Equipment Regulations, 1998, a written inspection regime for skip bins should be drawn up. This should identify the interval between inspections, taking into account factors such as the severity of the conditions to which the equipment is exposed, the type of use to which the skip is subjected and the risks associated with its use.

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Health and Safety at Work Inspectorate  
August 2017

## Appendix 2 : Consultation questionnaire

### Proposed 'Safe operation of skip and hook loaders: Approved Code of Practice'

#### The consultation questionnaire

#### Respondent's details:

<b>Name</b>	
<b>Email</b>	
<b>Address</b>	

To assist with the review and analysis of the consultation responses, please confirm if your response is being made in your capacity as:-

An employer		A Health and safety professional	
An employee		A training provider	
Self-employed		Other ( <i>please specify</i> )	
An official representative on behalf of a professional body ( <i>please specify</i> )			

If you have a direct interest in, or experience of, skip and/ or hook loader operations which role best describes you (*choose one option*):-

I run a commercial skip or hook loader business		A construction worker	
Principal contractor		Domestic client or customer	
Commercial client		Other ( <i>please specify</i> )	

#### Confidentiality

We aim for a full and open consultation and aim to publish responses to this consultation in due course. Please ensure that your response is marked clearly if you wish your response or name to be kept confidential, and provide an explanation for this request. Confidential responses will be included in any statistical summary of comments received and views expressed. It should be noted that any requests for confidentiality will be respected as far as is possible, subject to the freedom of information Law.

## Questions

1. Do you think the introduction of an Approved Code of Practice covering the safe operation of skip and hook loaders, identifying the standards of good practice and that required to comply with the general duties under the Health and Safety at Work (Jersey) Law 1989, would be of benefit?

Yes	
No	

Please provide comments if you wish

2. Do you think that the way the proposed ACoP is structured into 3 parts is easy to understand?

Yes	
No	

Please provide comments if you wish

3. Please comment on any areas set out in Part 1: Safe vehicle which you think are problematic

4. Do you consider the requirements relating to the training and assessment of competence of operators, set out in Paert 2: Safe worker, to be proportionate to the risks involved with skip and hook loader operations?

Yes	
No	

If no, please explain

5. Please comment on any areas set out in Part 3: Safe working procedures which you think are problematic

6. Do you think there are any areas which are currently not addressed by the ACoP which should be included?

Yes	
No	

If yes, please comment

7. If you have any other comments on the proposed AcoP, or questions/ comments covered by this consultation document, please provide comments below.

Thank you for taking the time to complete this questionnaire. Your views are valued.