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HM Principal Inspector of Health and
Safety
Mrs Emily Osborne

FAO Jamie Stephenson (Operations Director)

Thursday 15th October 2020

Dear Sir,

HEALTH AND SAFETY AT WORK ETC ACT 1974

I have recently conducted an investigation into your COVID-19 arrangements at Units 6-7, New Building Engineers Park, St Ives Way, Factory Road, Deeside, after a report was made to the Health and Safety Executive on 23/09/20. The report highlighted several concerns with regards to COVID-19, and how staff are managed when they are displaying symptoms.

As a result of the investigation, I have 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 email me with your progress on these matters by Monday 23rd November 2020

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. As such, I am enclosing a second copy of this letter which you should bring 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 faithfully



Joe Boast

HM Inspector of Health and Safety

MATERIAL BREACHES – NOTIFICATION OF CONTRAVENTIONS

I have identified the following material breaches which are outlined below. These were discussed as Notification of Contraventions and I have provided information with regards to how the law has been broken and what actions need to be taken in order to stop breaking the law.

Contravention 1.

Section 2 (1) of the Health and Safety at Work Act 1974 states -

‘It shall be the duty of every employer to ensure, so far as reasonably practicable, the health, safety and welfare of all his employees.’

This duty extends to managing and controlling risks of infection from coronavirus in the workplace and includes measures such as frequent cleaning of surfaces such as door handles, taps etc, social distancing, and other mitigation measures.

During my investigation of your COVID-19 arrangements at the Deeside depot, I requested a copy of your cleaning policy and this was not provided.

The Operations Manager advised that Romec cleaning company are used to clean the welfare facilities including hard surfaces in communal areas, every morning between the hours of 0700-0930hrs. No further cleaning of the welfare facilities takes place. Hard surfaces in the communal areas such as door handles, taps, windows etc are not cleaned at regular intervals throughout the day.

You must as far as reasonably practicable, provide facilities that are safe and without risk to health. The current cleaning arrangements are not sufficient to minimise the risks associated with COVID-19.

You should increase how often and how thoroughly you normally clean your workplace, as well as cleaning surfaces that you do not normally clean.

You must develop a cleaning policy for facilities at your Deeside depot. The cleaning policy should cover the following:

- What areas need to be cleaned and how often.
- How those areas are cleaned.
- What equipment is required.
- Who will complete the task.
- Who will monitor to ensure staff are following company policy, and how often monitoring takes place.
- How a record is kept ensuring staff are following company policy.

I now require you to develop and implement a cleaning policy for your facilities at the Deeside depot. All staff should be informed of the policy content and instructed on the cleaning procedure. You must ensure that arrangements are in place to monitor the cleaning of facilities, and that records are kept ensuring staff are following company policy.

Contravention 2.

Section 2 (1) of the Health and Safety at Work Act 1974 states -

‘It shall be the duty of every employer to ensure, so far as reasonably practicable, the health, safety and welfare of all his employees.’

This duty extends to managing and controlling risks of infection from coronavirus in the workplace and includes measures such as frequent cleaning of surfaces such as door handles, taps etc, social distancing, and other mitigation measures.

During my investigation following a phone conversation with your Operations Manager, I was sent a poster about vehicle cleaning, however I was not sent a policy.

Your Operations Manager advised that drivers are expected to clean their vehicle at the end of each shift. Limited time is provided to enable staff to clean their vehicle to the required standard. There is currently no supervision or monitoring of this activity and staff advised that cleaning of vehicles was not always completed.

You must as far as reasonably practicable, provide facilities that are safe and without risk to health. The current cleaning arrangements of vehicles are not sufficient to minimise the risks associated with COVID-19.

You must ensure that your members of staff are cleaning their vehicle after each use. This is important to prevent any transmission of COVID-19 by touching contaminated surfaces. At present, no supervision or monitoring is taking place, which is providing an opportunity for staff to skip this important task. In addition, limited time is provided to your staff to facilitate the cleaning of their vehicle. It is reasonable to suggest, that due to lack of supervision and limited time allocated, this important task is not always completed.

You have a responsibility to manage and control the risk of infection from COVID-19, therefore suitable monitoring must be implemented to ensure this task is completed to the required standard. In addition, you must provide adequate time to your staff, to facilitate the cleaning of their vehicle at the end of each use.

Your current vehicle cleaning policy is not sufficient and needs to cover the following areas:

- What areas need to be cleaned and how frequently.
- How those areas are cleaned.
- What equipment is required.
- Who will complete the task.
- Who will monitor to ensure staff are following company policy, and how often are staff monitored.
- Where is the waste generated during cleaning disposed.
- Where do staff obtain cleaning equipment.
- How a record is kept ensuring staff are following company policy.
- How much time is provided to staff to facilitate the cleaning of their vehicle.

I now require you to develop and implement a vehicle cleaning policy at the Deeside depot. All drivers should be informed of the policy content and instructed on the cleaning procedure. Appropriate cleaning materials must be made available and sufficient time provided to allow vehicle cleaning. You must ensure that arrangements are in place to monitor the cleaning of vehicles, and that records are kept demonstrating which vehicle/driver was inspected and whether they were following company policy.

Further advice and guidance can be found at the below link;

<https://gov.wales/sites/default/files/publications/2020-07/working-in-or-from-vehicle-coronavirus-workplace-guidance.pdf>

Compliance date: 23/11/20

FFI AM YMYRRAETH

Rheoliadau Iechyd a Diogelwch a Niwclear (Ffioedd) 2016, Rheoliadau 22 a 23

Bydd HSE yn adfer y costau mae'n eu tynnu am y gwaith mae'n ei wneud mewn cysylltiad â thoriadau ar ddeddfau iechyd a diogelwch sy'n doriadau perthnasol. Mae toriad perthnasol yn rhywbeth mae Arolygydd yn ystyried ei fod yn ddigon difrifol bod angen iddynt eich hysbysu ohono mewn ysgrifen.

Mae'r ffi wedi'i seilio ar faint o amser roedd rhaid i'r Arolygydd ei dreulio yn nodi'r toriad, yn eich helpu i'w unioni, yn ymchwilio ac yn cymryd camau gorfodi. Mae hyn yn cynnwys y gost am yr holl ymweliad, gyda gwaith cysylltiedig arall.

Weithiau gall Arolygydd benderfynu ysgrifennu atoch ynghylch materion nad ydynt yn doriadau perthnasol. Mae hyn yn cynnwys unrhyw faterion a restrir fel 'Cyngor'. Ni fydd HSE yn adfer costau am yr amser mae'n ei gymryd i wneud hyn.

Rydym yn anfon anfonebau allan bob dau fis a bydd gennych 30 diwrnod i dalu. Efallai byddwch yn derbyn mwy nag un anfoneb os yw'r gwaith a wnaed gan yr Arolygydd yn cwmpasu mwy nag un cyfnod anfonebu.

Gallwch herio'r anfoneb. Gallwch ganfod gwybodaeth bellach ynghylch ffioedd am ymyrraeth a manylion ynghylch sut i herio anfoneb yn y daflen HSC14 – Pan fydd arolygwr iechyd a diogelwch yn galw – Beth i'w ddisgwyl pan fyddwn yn ymweld â'r busnes, ar <http://www.hse.gov.uk/pubns/welsh/hsc14w.pdf>.

Hefyd mae gwybodaeth bellach ar gael ar wefan HSE yn <http://www.hse.gov.uk/fee-for-intervention/>

FEE FOR INTERVENTION

Health and Safety and Nuclear (Fees) Regulations 2016, Regulations 22 and 23

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.

You can dispute the invoice. You can find further information about fee for intervention and details of how to dispute an invoice 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>.

Further information is also available on HSE's website at <http://www.hse.gov.uk/fee-for-intervention/>