

Consultant fined for providing incompetent health and safety advice

A self-employed consultant was fined for breach of legislation for providing health and safety advice on technical and complex matters while not being qualified to advise his clients.

Luton Crown Court heard how a self-employed health and safety consultant provided inadequate and flawed advice to small and medium sized enterprises on the management and control of risk in relation to hand arm vibration, work place noise and the control of substances hazardous to health.

A HSE investigation found that Clive Weal incorrectly identified risk from exposure to hand arm vibration as 'low' and advised to use 'anti vibration gloves' as an appropriate control measure. He also failed to identify that paints containing isocyanates can cause asthma. The poor and incompetent advice resulted in a lack of remedial action being implemented to prevent employees being exposed to levels of noise, hand arm vibration and chemical substances that may have a damaging impact on their health.

Clive Weal of Torksey, Lincolnshire, was found to be incompetent at advising his clients in the assessment and control of risks from workplace noise, hand arm vibration and substances hazardous to health. He pleaded guilty to breaching Section 3(2) of Health and Safety at Work Act 1974 and was fined £1,400.

After the hearing, HSE specialist inspector, Parmjit Gahir said: "Employers are more likely to use external consultants to provide assistance in complex situations where a higher level of competence is required.

"How consultants achieve competence is up to them, however they will have to be able to satisfy employers that they have a sufficient level of competence for the job in hand.

"Being a member of a relevant professional body, which sets competence standards for its members and operates continuing professional development schemes is one way of helping; as is presenting evidence of relevant experience such as references from previous clients; or obtaining qualifications."

Where health and safety consultants are found to be in breach of legislation, HSE will hold persons to account for their failings.

Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported

by globally recognised scientific expertise. hse.gov.uk

3. More about the legislation referred to in this case can be found at:
legislation.gov.uk/
4. HSE news releases are available at <http://press.hse.gov.uk>

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