

Mr [REDACTED]  
Chief Executive Officer  
UK Biocentre Limited  
Units 1 & 2,  
Spectrum Way Adswood,  
Stockport,  
Cheshire,  
SK3 0SA

FOD Ops  
[REDACTED]

FOD Ops Unit 5 Group 18  
Bedford - Woodlands

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Tel: 07 [REDACTED]

[REDACTED]@hse.gov.uk

**Letter sent by email only**

Date 29<sup>th</sup> September 2020

Dear Mr [REDACTED]

#### HEALTH AND SAFETY AT WORK ETC ACT 1974

I visited your site Units 2&3 Java Park, Bradbourne Drive, Tilbrook, Milton Keynes MK7 8AT on 25th September 2020 to assess how well you were managing health and safety. I met [REDACTED], Health and Safety Officer, [REDACTED] Chief Executive Officer, [REDACTED], Laboratory Director, [REDACTED] Business Director, [REDACTED] Chief Operating Officer (zoom), [REDACTED] and others from the warehouse, laboratory and logistics teams. I was accompanied by HM Inspector of Health and Safety [REDACTED].

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 write to me by e-mail confirming that you have acted on each of these matters by **Monday 19<sup>th</sup> October 2020**. I may visit you to check that appropriate action has been taken.

It is important that you deal with the matters raised in this letter 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. Please provide a copy of this letter for your employees to read, for example, by placing a copy on the staff noticeboard at the site.

You will find information and advice about health and safety on our website <http://www.hse.gov.uk/>

Yours faithfully

[REDACTED]

[REDACTED] [REDACTED]  
**HM Inspector of Health and Safety**

Letter sent by email to; [REDACTED]@ukbiocentre.com, [REDACTED]@ukbiocentre.com,  
[REDACTED]@ukbiocentre.com, [REDACTED]@ukbiocentre.com

## **MATERIAL BREACHES – NOTIFICATION OF CONTRAVENTION**

As you are aware, HM Inspector [REDACTED] carried out an inspection of your premises on 21<sup>st</sup> September 2020 focusing solely on your arrangements for controlling the spread of Covid-19. During the inspection, Inspector [REDACTED] identified concerns relating to the management of health and safety on site and I was asked to visit the above premises on 25<sup>th</sup> September to carry out a review of your arrangements.

This Notice of Contravention letter should therefore be read in conjunction with the second letter of the same date written by Inspector [REDACTED]

I gave consideration to the service of Improvement Notices relating to sections 1 and 2 below. However, you gave me assurances during our meeting on 25<sup>th</sup> September that the matters would be addressed within 3 weeks. If the matters identified in sections 1 and 2 are not resolved by the defined timescales, I will revisit this decision and may take further enforcement action.

### **1. Management of Health and Safety at Work Regulations 1999, Regulation 5 Health & safety management arrangements**

#### **Reason for opinion:**

The above regulation requires employers to control, monitor and review any preventive and protective measures within the workplace.

When Inspector [REDACTED] and I arrived on site on 25<sup>th</sup> September, we asked to speak to the person in charge of the site. We were told that no senior managers were present on site. The health and safety officer was on leave. It took half an hour for the person we initially spoke to to find someone to show us around the site. The person identified was a facilities officer. It took almost an hour before we were passed to a representative on site with management responsibility.

Whilst on site, we asked for a copy of an organisation chart detailing who was responsible for the management of health and safety on site, but since the departure of key individuals, we were told that the organisation chart and management structure had not been updated. We asked several workers on site who was responsible for health and safety on site at the time and no one knew.

We subsequently spoke to senior managers on site and discussed the report from your consultants, [REDACTED], dated 7th July 2020. No one spoken to knew of the existence of the report. Limited action had been taken by UK Biocentre Limited to address the concerns identified in this report. Limited action had also been taken to address the actions identified in your risk assessment (for Covid-19) dated 23rd July 2020.

The above concerns mean that you do not have adequate arrangements to manage health and safety on site. Because you have no management systems to monitor and review your arrangements, you were completely unaware either that a risk assessment and external audit had taken place, or of the necessity to implement the identified actions.

#### **Action Required**

By **Monday 19<sup>th</sup> October**, you should produce an organisation chart (or similar) identifying who (named individual/s or job roles) is responsible for the management of health and safety in each department throughout your organisation. You should ensure that this information is communicated throughout the business. You should ensure that consideration is given to the arrangements for night and weekend staff.

You should ensure that each manager, director and board member identified as having responsibility for health and safety is given objectives for ensuring key targets are met.

You should ensure that health and safety meetings (see section 4 below) take place on a regular basis, that minutes of the meetings are produced and that identified actions are taken. You should ensure that action taken, or not taken, is fed back to employees.

You should implement systems to audit your health and safety arrangements to ensure that action identified in risk assessments has been taken and that risk assessments are reviewed on a regular basis.

Further information is available in the HSE publication: <https://www.hse.gov.uk/pubns/priced/hsg65.pdf>.

## **2. The Management of Health & Safety at Work Regulations 1999 - Regulations 7(1) & 7(3) Health & safety arrangements**

### **Reason for opinion:**

The above regulations require you as an employer to appoint a sufficient number of 'competent persons' to provide health and safety advice to UK Biocentre Limited.

You have appointed [REDACTED] Health and Safety Officer, as your internal 'competent person'. [REDACTED] is expected to provide both health and safety competence and also to provide training to all of the 350+ employees on site. Since the departure of [REDACTED] previous line manager, there is no support structure for [REDACTED]. It is clear that [REDACTED] is identifying matters of concern, but without any support, these concerns are being ignored and going unresolved.

In my opinion, you currently have insufficient access to health and safety 'competence' for a site of your size and complexity.

### **Action Required**

You should therefore appoint a sufficient number of 'competent person' to assist you in complying with your legal duties.

In the short term, this may involve appointing an external consultant to support Mr [REDACTED]. You should then consider your medium to longer-term arrangements for managing health and safety and appoint additional permanent resource. On an on-going basis, you may consider appointing an external consultant to monitor and review your health and safety arrangements (see section 1 above).

To find a 'competent' person, you should consult the occupational health and safety consultants register; <https://www.oshcr.org/>.

You should provide evidence demonstrating how you will comply with this requirement by **19<sup>th</sup> October 2020**.

Further information is available on the HSE website at; <https://www.hse.gov.uk/competence/what-is-competence.htm> and <https://www.hse.gov.uk/business/competent-advice.htm>.

## **3. The Management of Health & Safety at Work Regulations 1999 – Regulation 13 Training**

### **Reason for opinion:**

The above regulations require you as an employer to provide health and safety training to your employees.

Several employees spoken to had not received health and safety training. This is likely to be as a consequence of the matters identified in section 2 above.

Apart from ██████, no departmental managers have been provided with additional health and safety training to enable them to effectively manage health and safety within their own departments or areas of responsibility.

#### **Action Required**

By **Monday 19<sup>th</sup> October** you should produce a time-bound action plan detailing who (named individual/s or job roles) requires health and safety induction training and then provide that training.

You should produce a training matrix (or similar) to ensure you keep training records for every employee on site and to enable you to ensure that the training is updated on a regular basis.

By **Monday 19<sup>th</sup> October** you should produce a time-bound action plan detailing which departmental managers and senior managers / directors (named individual/s or job roles) require an additional level of health and safety supervisory training and then provide that training.

Further information is available in the HSE publication: <https://www.hse.gov.uk/pubns/indg345.pdf>.

#### **4. Health and Safety (Consultation with Employees) Regulations 1996 Health & safety consultation**

##### **Reason for opinion:**

The above regulations require you as an employer to consult with your employees, or their representatives, on health and safety matters.

We spoke to several workers on site who said that they had health and safety concerns, but that their concerns fell on deaf ears.

Despite the best efforts of Mr ██████ you currently do not have any arrangements in place to consult with your employees on health and safety matters.

#### **Action Required**

By **Monday 19<sup>th</sup> October**, you should produce a written document detailing how you will consult with your employees. You should ensure that the arrangements take social distancing measures into account. You should ensure that one named individual is identified in each area or department. You should ensure that consideration is given to the arrangements for night and weekend staff.

Further information is available in the HSE publication; <https://www.hse.gov.uk/pubns/indg232.pdf>.

## 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/>