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Principal Inspector
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Letter sent by email only

29th September 2020

Dear [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 21st and 25th September 2020 to assess how well you were managing health and safety with respect to controlling the spread of Covid-19. I met [REDACTED], Health and Safety Officer, [REDACTED] Chief Executive Officer, [REDACTED] Business Director, [REDACTED] Chief Operating Officer (zoom), [REDACTED], University of Oxford, [REDACTED] and others from the warehouse, laboratory and logistics teams. On 25th September I was accompanied by HM Inspector of Health and Safety [REDACTED].

I 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 e-mail or write to me confirming that you have acted on each of these matters by 23rd October. I may visit you again to check that appropriate action has been taken.

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

[REDACTED]

[REDACTED]
HM Inspector of Health and Safety

MATERIAL BREACHES – NOTIFICATION OF CONTRAVENTION

An HSE Covid-19 spot check is a snap shot of how you are controlling the exposure of your staff to Covid-19. During the spot check I focused only on the transmission between staff irrespective of how the infection was acquired. I did not consider the fact your staff are working with Covid-19 samples.

Health and Safety at Work etc Act 1974, Section 2(1)

Section 2 of the Health and Safety at Work Act requires every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.

1. Social Distancing

Reasons for opinion

You are failing to ensure, so far as is reasonably practicable, the health and safety of your employees at work because you have not implemented necessary measures to prevent the spread of COVID-19.

This is because you have not where possible maintained social distancing i.e. introduced measures to allow employees (and others) to remain at least 2m apart;

The signage around your site refers to keeping 1.5m apart but with no mention of application of additional control measures to control the spread of Covid-19 for example wearing masks, working side by side or back to back. When questioned not one of the staff in the warehouse, the lab or the logistics area could tell me what 1m+ meant. They all thought it meant they should try and be 1m away from each other. There was no mention of the mitigating factors to be employed when working at less than 2m. When challenged you did not appear to have a justifiable basis for the 1.5m distance that you have used on the signage.

You have no markings around the site to show the appropriate social distancing distances, e.g. in the food collection area, at the clocking in and out points and in office areas and the warehouse or logistics area.

Your risk assessment dated 23rd July 2020 under action 2.2 page 6 highlighted the lack of enforcement of social distancing measures. There is an action for the introduction of Covid-19 Champions with an action date of 1st September 2020 but these were not in place at the time of the inspection.

Action 2.3 page 6 in your risk assessment calls for meetings to be held via teams. You have changed the shift handover in the laboratory from a paper based report left for the next shift to a ten person face to face meeting thus exposing both shifts in a day to each other.

Laboratory coats were hung on top of each other in the ante-room and when questioned staff admitted that they would have no way of knowing if their lab coat had accidentally been worn by somebody else. There were also disposable lab coats, in addition to the ones opened and not used for visitors, hanging in the corridor which were presumably going to be re-used next shift.

In the warehouse the use of one large table with multiple persons around it to open boxes means at times these people are working shoulder to shoulder.

During my visit on Monday 21st I observed three people around one small circular table and two sets of people both working at the same computer screen consulting each other over something working shoulder to shoulder.

The report from your consultants, [REDACTED], on 7th July 2020 highlights several concerns over social distancing and gave prioritised list of actions including:

- i) Lack of social distancing in the laboratory/ laboratory changing area.
- ii) Lack of social distancing in the offices

- iii) Lack of social distancing in the canteen,
- iv) Lack of social distancing in the warehouse/ sample delivery area.

These places all still lacked social distancing during my inspection some ten weeks after the report.

Actions to be taken: Social distancing

You should review and implement the findings from your safety consultant's report, and the elements that we discussed during our meeting. Consideration should be given to the hierarchy of control to ensure that where possible the risk is eliminated, if that is not possible engineering controls are put in place, if that is not possible collective controls are utilised, with PPE being the lowest element in the hierarchy.

i) The laboratories;

- Use of screens if possible between work areas/fume hoods,
- Splitting up the large central benches to make separate working areas,
- Using the natural breaks in the process e.g. where treated samples are presented to those who will use them in the PCR machines. I observed these being left on a table for them to collect. You should try to identify other breaks in the process and use these to make social distancing breaks and formation of smaller teams within the laboratory,
- You may need to further segregate teams to facilitate continuous running through breaks. This could result in some staff having to do the "boring" work for longer periods than currently, so you should consider developing teams that follow the whole process and allow people to rotate their work within the team. This will mean that a team covers all the work stations in the lab, and where there are multiple workstations for the same task these are socially distanced from each other possibly by screens or other mitigating measures. Thus, allowing persons doing the same task to be on different teams. You should involve your section leaders in discussions about this and try to get past the prevailing "it's too hard we all have to be in the same big team" attitude,
- Identification of work tasks that cannot be done at 2m, for example witnessing, and defining and recording the mitigating measures to be used for those tasks,
- Ensuring social distancing in the changing areas, possibly by splitting up the sections of pegs. Ensure that only the lab coats of those who are on a break are stored in the lab ante-room/handwashing area and that the pegs are segregated into team groups, and that it is possible for people to easily identify their own lab coat and for it not to be piled on top of/touching other lab coats,
- Ensure the correct use of disposable lab coats to eliminate the potential for them to be reused.
- Move the shift hand over meeting to a virtual meeting via teams.

ii) The offices

Space desks so that there is 2m between occupants are where this is not possible install some form of mitigation e.g. a Perspex screen. Remove the round meeting desks in various offices if these are not large enough for the meetings held there.

iii) The canteen

- Implement and enforce social distancing in the canteen queue and at the tables. This may require formal staggering of the break times, and partitioning up the available food to be distributed in separate areas for each team. The objective is not to bridge the teams through break times.

- Give consideration to fixed seating to discourage staff moving chairs to be with each other. During the inspection we observed staff had moved a chair around a Perspex barrier so that they could chat more easily.

iv) The warehouse/sample deliveries

- Develop and implement a social distancing policy based on keeping 2m apart. This may mean changing the layout to use multiple smaller tables rather than a large one. You have the opportunity of moving the warehouse operation to a new area which should allow you to build in extra social distancing.
- You should try to implement a one-way system within the warehouse area to ensure people can maintain the 2m social distancing. Where this is not possible you should give consideration to adopting give-way points to indicate who has priority and where people should wait while others pass.

Please send me a time bound action plan giving details of the social distancing measures you put in place by 23rd October 2020 and evidence of the implementation of the plan e.g. photographs of signage and markers on the floor, the solution you devise for storing lab coats, details of the social distancing measures in the laboratory, details of the social distancing measures in the offices and information on how the measures will be enforced and monitored by 6th November 2020

Cleaning Regime

Reasons for opinion

You are failing to ensure, so far as is reasonably practicable, the health and safety of your employees at work because you have not implemented necessary measures to prevent the spread of COVID-19. This is because you have not introduced a cleaning regime to ensure that frequently touched objects and surfaces are regularly cleaned.

During the inspection you advised that the contract cleaners came three times a day (two hours in the morning, two hours in the afternoon and two hours in the evening) to clean the high touch areas. This means that there is no cleaning of these areas during the day or during the night shift. There are no cleaners on site to deep clean the canteen areas after the breaks. You advised that you had not included high touch door plates in the cleaning regime as the doors were held open by a fire safe system. However, we observed the doors were closing due to the sound generated by the onsite building contractors and thus were having to be opened regularly. Also, we observed the entrance to the building for approximately half an hour and saw between twenty and thirty people open/touch the doors there but no cleaning of doors or touch points took place.

Your risk assessment dated 23rd July 2020 at action 1 page 5 with an action completion date of 1st September 2020 calls for UKBC to employ their own cleaners for the site to ensure cleaning is carried out for more than just a few hours a day. This had not been done by the inspection on 21/25 September 2020.

During the inspection on 21st September I spoke with laboratory staff on their break in the tea room. When asked how they cleaned down the tables and chairs they said that they couldn't do it as the supply of paper towel had run out and they did not know how to get it replenished. On the return visit on 25th September I met the same group who advised that they now had cleaning materials and cleaned the table before they used it but not afterwards as it was the responsibility of the next users to clean it for themselves. Staff were concerned that no extra time was given for breaks to allow time for cleaning. This means it is less likely to be done

Actions to be taken cleaning regime

You should review and implement the findings from your safety consultant's report, and the elements that we discussed during our meeting, including;

- Review the areas of the building and the through flow of people to identify those areas of high occupancy/touch.
- Determine which areas need to be cleaned by the users e.g. the tables in the canteen, work surfaces in the laboratory, shared areas such as printers or meeting room computers and screens and ensure sufficient cleaning materials are supplied and that specific instructions are given to ensure cleanliness and to ensure that there is no ambiguity over whether a surface has been cleaned.
- Development and implementation of a suitable and sufficient cleaning regime for dedicated cleaners to cover the areas of high occupancy/touch and ensure that there is adequate cleaning for both the day and night and weekend shifts.

Please send me details of the cleaning regime, including how it is recorded and monitored, you implement by 6th November 2020.

You should review all aspects of your Covid-19 control system against the guidance issued by the government which is available to download free of charge here: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/labs-and-research-facilities> for laboratories and here <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/offices-and-contact-centres> for office work.

2. Welfare

Reasons for opinion

You are failing to ensure, so far as is reasonably practicable, the health and safety of your employees at work because you have not implemented necessary measures to prevent the spread of COVID-19. This is because you have not provided access to welfare facilities to enable employees to frequently wash their hands with soap.

During my visit on 21st September 2022 two of the three sinks in the Covid laboratory ante room had no soap. When challenged the staff in the anteroom, and others passing through, did not know how to arrange for more soap to be supplied, nor did they know whose job it was to ensure a suitable and sufficient supply of soap.

Action to be taken

You should devise and implement a system to ensure that cleaning materials such as soap, cleaning sprays, paper towels and hand sanitiser and wipes should be readily available at all times in places appropriate to their use. This should include signage in appropriate locations advising how to get more supplies and some form of check system to show that supply levels have been reviewed and replenished when necessary.

Please send me details of the system you implement to ensure adequate supplies of products used for Covid control measures at all points of use by 6th November 2020.

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/>