

## Improvement Notice

Name **Greater Glasgow Health Board**

Address **JB Russell House, Gartnavel Royal Hospital, Great Western Road, Glasgow, G12 OXJ**

I, *(Inspector's full name)* **Kathryn Wilson**

one of Her Majesty's Inspectors of Health and Safety, being an Inspector appointed by an instrument in writing made pursuant to section 19 of the said Act and entitled to issue this Notice

of **Glasgow - Cornerstone, Floor 3 West Regent Street, Glasgow, G2 2BA**

Telephone number **020 3028 2457**

hereby give you notice that I am of the opinion that at

*(Location of premises or place of activity)* **Ward 4C, Queen Elizabeth University Hospital, 1345 Govan Road, Glasgow, G51 4TF**

you, as **an employer**

are contravening the following statutory provisions :

**Health & Safety at Work etc. Act 1974, Section 3(1)  
Control of Substances Hazardous to Health Regulations 2002, Regulations 7 (1) and 7 (3)  
Management of Health and Safety at Work Regulations 1999, Regulation 5 (1)**

The reasons for my said opinion are:

**You have failed to ensure, so far as is reasonably practicable, that the ventilation system within Ward 4C is suitable and sufficient to ensure that high risk patients who are vulnerable to infection are protected from exposure to potentially harmful airborne microbiological organisms.**

and I hereby require you to remedy the said contraventions or, as the case may be, the matters occasioning them, by

**31<sup>st</sup> March 2020** *(Date for compliance)*

and I direct that the measures specified in the Schedule which forms part of this Notice shall be taken to remedy the said contraventions or matters

Signature  Date **17<sup>th</sup> December 2019**

An Improvement Notice is also being served on

of

related to the matters contained in this Notice

This is a relevant notice for the Environment and Safety Information Act 1988

This page only will form the register entry

Signature  Date **17<sup>th</sup> December 2019**

## NOTES

1. Failure to comply with this Improvement Notice is an offence as provided by section 33(1)(g) of the Health and Safety at Work etc Act 1974 and section 33(2) and Schedule 3A of this Act renders the offender liable on summary conviction, to imprisonment for a term not exceeding 6 months in England and Wales and 12 months in Scotland, or to a fine, or both, or, on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine, or both.
2. An Inspector has power to withdraw an Improvement Notice or extend the period specified in the notice, before the end of the period specified in it. If you wish this to be considered you should apply to the Inspector who issued the notice, but you must do so before the end of the period given in it. Such an application is not an appeal against this notice.
3. The issue of this notice does not relieve you of any legal liability for failing to comply with any statutory provision referred to in the notice or to perform any other statutory or common law duty resting on you.
4. You can appeal against this notice to an Employment Tribunal. Details of the method of making an appeal can be found on the GOV.UK website at <https://www.gov.uk/employment-tribunals/make-a-claim>. An appeal can either be submitted online at the above website address, or by downloading form ET1 and posting it to either the Employment Tribunal Central Office (England and Wales), PO Box 10218, Leicester, LE1 8EG; or Employment Tribunal Central Office (Scotland), PO Box 27105, Glasgow, G2 9JR.

**If you do not have access to the Internet, contact the person who issued the Notice and ask to be supplied with a hard copy of form ET1 and guidance T420: Making a claim to an Employment Tribunal.**

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### Time limit for appeal

A notice of appeal must be presented to the Employment Tribunal within 21 days from the date of service on the appellant of the Notice, or Notices, appealed against, or within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the notice of appeal to be presented within the period of 21 days.

The entering of an appeal suspends the Improvement Notice until the appeal has been determined or withdrawn, but does not automatically alter the date given in this notice by which the matters contained in it must be remedied.

The rules for the hearing of an appeal are given in The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (SI 2013 No 1237).

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### Public availability of information on all enforcement notices

1. The Health and Safety Executive (HSE), for its own purposes, records and monitors trends in the enforcement action it takes, and in the convictions and penalties imposed by the Courts. It is HSE's policy that this information should be brought to the public's attention. HSE also has a statutory obligation under the Environment and Safety Information Act 1988 to maintain a public register of certain notices. Details from this notice will therefore be stored on an electronic database, which is available on HSE's Website ([www.hse.gov.uk](http://www.hse.gov.uk)).
2. Information on a notice will not be entered onto the database until after the right of appeal against the notice has expired. Where a notice is withdrawn or cancelled on appeal no entry will be made. Entries relating to notices served on individuals will be kept on the database for a period of 5 years from the date of issue. Notices served on individuals under the age of 18 will be removed sooner.
3. Information will be withheld where, in HSE's belief, its disclosure would:
  - cause harm or prejudice; or
  - be in breach of the law.
4. Personal information is dealt with in accordance with the Data Protection Act 1998. Where disclosure of personal information would be incompatible with the Act it will not be included on the database.
5. If you are not satisfied with the information contained in the entry you have a further right to appeal to the HSE in the first instance.

## Schedule

To comply with this notice, you must:

- 1) Carry out a verification of the Ventilation System for the Rooms in Ward 4C where High Risk and Vulnerable Patients are being treated.
- 2) If the rooms/ward is rated as 'poor' following verification you must arrange to undertake a separate fundamental review of the Specialised Ventilation which includes as a minimum but is not limited to:
  - a) A systematic comparison of the existing ventilation system in the ward with the published Standard in SHTM 03-01 Parts A & B in order to determine the extent of any non-compliance. The assessment should include the level of positive or negative pressure being achieved, air changes per hour and the provision of HEPA filtration.
  - b) An assessment of the risk to patients' safety arising from non-compliance and deviation from the standards.
  - c) Identification of the remedial action(s) that are required to:
    - i) Bring the ward into alignment with the standards in SHTM 03-01 Parts A & B or
    - ii) If a decision is made to deviate from SHTM 03-01 Parts A&B, a suitable and detailed record of the rationale for derogation should be prepared.
  - d) If it is determined that it is not possible to achieve compliance with SHTM 03-01 Parts A&B, or where derogation has been agreed, a suitable and sufficient risk assessment should be undertaken to determine the suitability of the ward for accommodating the present cohort of patients.

AND

- 3) Identify and put in place suitable and sufficient contingency plans for the ward for when/if the Specialised Ventilation fails or requires to be switched off - for example for maintenance.

AND

- 4) Prepare a prioritised action plan with suitable timescales

AND

- 5) To be suitable and sufficient, the review must be undertaken and signed off by named appropriate and competent representatives from Infection Control, Estates and Clinicians.

OR

- 5) Any other equally effective measures to comply with this notice.