

**DERBYSHIRE COUNTY COUNCIL**

**MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES**

**03 November 2015**

**Report of the Strategic Director, Health and Communities**

**TRADING STANDARDS SAFETY SURVEY – STEP LADDERS; UPDATE REPORT**

**1. Purpose of Report:**

To provide the Cabinet Member, Health and Communities with details of further concerns about the safety of telescopic ladders on sale in Derbyshire.

**2. Information and Analysis:**

1.1 Further to the Cabco report dated July 2015, the Trading Standards Division has been approached by the Coroner for Oxfordshire following the death of a Oxfordshire resident who fell from a telescopic ladder similar to the one tested by this Authority. Derbyshire Trading Standards were asked if there was anything further that could be done to prevent future deaths. As a consequence the Division has:

- Liaised with trading standards colleagues of authorities in which the retailer was based and where the suspected unsafe ladder was allegedly purchased.
- Liaised with the retail company concerned.
- Been in contact with consumers who had bought similar ladders at the same time.
- Made test purchases of telescopic ladders of a similar design but from other retail outlets identified in responding to the Coroner.
- Submitted a bid on behalf of the East Midlands to the Department of Business Innovation and Skills for Market Surveillance funding to carry out further tests of telescopic ladders on sale in Derbyshire and the East Midlands.

1.2 As previously reported, one of the ladders that was safety-tested following concerns raised by a local company was of a telescopic design. Such ladders seem to be increasingly popular because of their versatility. They can extend to a maximum height of around 3.5m yet collapse down when not in use which allows them to be easily moved and stored. When extended, each rung is held in place by sliding bolts that secure the rung to the vertical sides and prevent collapse.

- 1.3 The telescopic ladder sampled and submitted for testing by Derbyshire trading standards had been imported into the UK by a well-known high street retailer based in Yorkshire. The ladder had been manufactured in China and sold for several years in the UK. On testing, the ladder was found not to satisfy some of the strength tests in the standard, specifically:
- The ladder rotated 26° 57' clockwise when submitted to the torsion test whereas the maximum permitted rotation is 18°.
  - The ladder rotated 24° 30' anti-clockwise when submitted to the torsion test whereas the maximum permitted rotation is 18°.
  - There was permanent distortion which impaired the use of the locking devices when tested.
- 1.4 Following an investigation by the Division, it was ascertained that the company had relied on a test certificate from the Chinese manufacturer which was out of date. However, as the retailer agreed to withdraw their current stock of approximately 1,300 ladders from sale and there had been no accidents reported to them, it was decided to issue the company with a Formal ('Simple') Caution. This is a process prescribed by the Home Office which avoids the necessity of going to Court, but can be taken into account if the company is subsequently prosecuted for a similar offence.
- 1.5 In June 2015, we received a formal letter from the Coroner for Oxfordshire following the sad death of a man from Oxfordshire. Under the Coroners (Investigations) Regulations, the Coroner is empowered to produce a 'Regulation 28 Report to Prevent Future Deaths'. The deceased was a roofer by trade and had purchased two telescopic ladders from the Swindon branch of the same retailer that Derbyshire Trading Standards had previously investigated. On 1<sup>st</sup> October 2014 he was using a telescopic ladder in connection with his business when it snapped and he fell approximately 8 feet resulting in fractured ribs. He was admitted to Hospital but died several weeks later due to pneumonia following damage to his lungs which was exacerbated by a pre-existing heart condition.
- 1.6 Because the ladders bought by the deceased were alleged to be the same as the one previously tested by Derbyshire Trading Standards, the Coroner wanted our help to establish whether the retailer needed to take further steps to instigate a product recall. However, things were not straightforward. The retailer accepted that it had sold two sets of telescopic ladders to the deceased but said that the 'accident' ladder was not their ladder but an entirely different design. They commissioned an engineering consultant to compare their ladder with the accident ladder which identified what they considered to be material differences. They had also conducted some market research and had identified two other examples of telescopic ladders on sale via the internet that closely resembled the accident ladder.
- 1.7 The retailer's records showed they had sold ladders to four other local Swindon residents so Derbyshire Trading Standards asked local colleagues in Swindon to collect these ladders so that we could check whether they resembled the

accident ladder or not. This has been done and it has now been established that they do not look like the accident ladder. It has now been accepted that the retailer Derbyshire investigated did not sell the accident ladder.

- 1.8 As a consequence of the further actions arising from the Coroner's report, Derbyshire Trading Standards' attention had been drawn to two other telescopic ladders which closely resembled the accident ladder and were on sale to the public. Test purchases of these were made via the internet from their respective suppliers – one based in Herefordshire, the other in Nottinghamshire. Samples of each item were then submitted to the British Standards Institute for testing against the BS EN Standard. Both ladders have failed and below is a summary of the key points of failure:

**1) 3.2 m 10 rung 10 section aluminium telescopic extending ladder**

- Bending Test of Stiles: the deflection of each of the stiles was 44.5 mm whereas the maximum specified is 38.36 mm
- The lateral deflection of the ladder was 17.5 mm whereas the maximum specified is 13.85 mm
- Following the 'Drop Test' the ladder had visible signs of damage such as cracks, indentations or visible permanent deformation or damage (see photos below)
- Essentially the ladder is not robust enough to withstand the testing requirements of the standard.





**2) 3.7 m 12 rung 12 section aluminium telescopic ladder**

- Whilst applying the 'Strength Test of Stiles' test, the ladder suffered a complete structural failure to both stiles under test and therefore further testing was not possible.



Both ladders were unable to meet the structural requirements of the Standard and were considered to be dangerous products by BSI.



- 1.9 Following the notification by BSI of the failed safety tests, the Division has been in contact with both suppliers and their respective local Trading Standards Services. Steps are now being taken to investigate the supply of these ladders; to remove them from sale and to warn members of the public who may have purchased and still be using the ladders.
- 1.10 Because all three of the telescopic ladders we have had tested have been deemed to be unsafe, we have applied to the Department for Business Innovation and Skills (BIS) for funding to carry out further testing of ladders of this design. A quick internet search has identified some 34 suppliers of telescopic ladders that range in price from £49.99 to £216. We are concerned that other ladders at the cheaper end of the market could similarly be unsafe and have enlisted the support of regional colleagues to participate in a further market surveillance of this sector. BIS are the government department responsible for determining policy for safety legislation which is enforced at a local level by trading standards services.
- 1.11 The BIS bid is for additional funding to cover the cost of buying an additional 10 – 12 sets of telescopic ladders for testing and for money to cover the testing fees charged by BSI. Each telescopic ladder costs £900 to test. If successful, four Trading Standards Services in the region will buy samples, submit them for testing and then, subject to the results, deal with any follow-up investigations. The main aim of the project is simply to remove dangerous goods from the UK market.

### **3. Other Considerations:**

In preparing this report the relevance of the following factors has been considered; human resources, legal, financial, prevention of crime and disorder, equality of opportunity; environmental, health, human resources, property and transport considerations.

**4. Background Papers:**

CabCo Report dated 28 July 2015: Safety of Step Ladders

**5. Key Decision:**

No

**6. Call-in:**

Is it required that call-in be waived for any decision on this report? No

**7. Officer's Recommendation:**

That the Cabinet Member, Health and Communities notes the activities undertaken to assess the safety of goods on sale to the public in Derbyshire.

**David Lowe  
Strategic Director  
Health and Communities**