

HSE Successful Prosecution

December 2022

Company fined £200,000 after employee badly injured in fall

- City Property (Glasgow) LLP of Exchange House, George Street, Glasgow pleaded guilty to breaching Section 2(1), 2(2)(a) and (c) of the Health and Safety at Work etc. Act 1974, and were fined £200,000 at Glasgow Sheriff Court on 21 December 2022.

Building firm fined after worker hurt falling through collapsed floor

- Lusson Ltd, of Barking Road, London, pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 and was fined £66,667 and ordered to pay costs of £1,907 at Westminster Magistrates Court on 21 December 2022.

Food company fined £858,000 after worker loses arm

- David Wood Bakery Limited pleaded guilty to breaches under the Provision and Use of Work Equipment Regulations 1998, Regulation 11(1)(b) and was fined £858,000 and ordered to pay £8,000 costs at Folkestone Magistrates Court on December 21, 2022.

Company fined £100,000 and director given suspended prison sentence after worker dies

- Thorndyke Developments Limited, of Rodney Street, Liverpool pleaded guilty to breaching Regulation 4(1) of The Construction (Design and Management) Regulations 2015. They were fined £100,000 and ordered to pay £8,401.59 in costs at Wirral Magistrates' Court on 15 December 2022.
- David Peter Hartley, a director at North West Facilities Limited, pleaded guilty to breaching Regulation 13(1) of The Construction (Design and Management) Regulations 2015, by virtue of 37(1) of the Act. Mr Hartley, of Trearddur Road, Holyhead, Anglesey was given 26 weeks imprisonment, suspended for two years, and ordered to pay £5,836 in costs at Wirral Magistrates' Court on 15 December 2022.

Firm fined after blind man falls into open manhole

- A & R Services, of Stonehaven, Aberdeenshire pleaded guilty to breaching Sections 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £4,000 at Aberdeen Sheriff Court on December 14, 2022.

Confectionery firm fined after worker is injured in fall

- Lees of Scotland Limited, North Caldeen Road, Coatbridge pleaded guilty to breaching Regulations Section 2(1) and Section 33(1)(a) of the Health and Safety at

Work Act etc 1974. It was fined £5,000 at Airdrie Sheriff Court on December 13, 2022.

Fire authority fined after firefighter breaks both legs

- Cleveland Fire Authority, of Endeavour House, Queens Meadow Business Park, Hartlepool, pleaded guilty to breaching Sections 2 (1) of the Health and Safety at Work etc Act 1974 and was fined £600 with £7,304 costs by Teesside Magistrates' Court on December 7, 2022.

Company fined after worker contracts blood infection

- Adler and Allan Limited of Station Parade, Harrogate, Yorkshire, pleaded guilty to breaching Section 2(1) of the Health and Safety Act 1974 and Regulation 20(1) of the Workplace (Health, Safety and Welfare) Regulations 1992. The company were fined £126,100 and ordered to pay costs of £43,494 at Cannock Magistrates' Court on 29 November 2022

Company fined after fall leaves grandad with life-changing brain injuries

- Autoneum Great Britain Ltd, of Stanley Matthews Way, Trentham Lakes, Stoke on Trent Staffordshire pleaded guilty to breaching Section 2(1) of the Health and Safety at work etc Act 1974 and was fined £30,000 and ordered to pay £10,126 costs at Cannock Magistrates Court on December 2, 2022.

Engineer jailed for illegal gas work

- Peter Read of Seafield Road, Portsmouth, pleaded guilty to breaching Regulation 3(1) and 3(3) of the Gas Safety Installation and Use Regulations 1998 and section 22 of the Health & Safety at Work etc Act 1974. He was handed a custodial sentence of 20 weeks at Portsmouth Magistrates' Court on 2 December 2022.

Company fined £800,000 after employee suffers serious burns

- International Paint Limited, of Stoneygate Lane, Gateshead pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £800,000 with £14,032 costs at Newcastle upon Tyne Magistrates' Court on November 30, 2022.

HSE Summary Statistic at Work

<https://www.hse.gov.uk/statistics/>

Key facts



1.8 million

Work-related ill health cases (new or long-standing) in 2021/22

Source: Estimates based on self-reports from the Labour Force Survey, people who worked in the last 12 months



0.9 million

Work-related stress, depression or anxiety cases (new or long-standing) in 2021/22

Source: Estimates based on self-reports from the Labour Force Survey, people who worked in the last 12 months



0.5 million

Work-related musculoskeletal disorder cases (new or long-standing) in 2021/22

Source: Estimates based on self-reports from the Labour Force Survey, people who worked in the last 12 months



11.2 billion

Annual costs of new cases of ill health in 2019/20, excluding long latency illness such as cancer

Source: Estimates based on HSE Cost Model



36.8 million

Working days lost due to work-related ill health and non-fatal workplace injury in 2021/22

Source: Estimates based on self-reports from the Labour Force Survey



0.1 million

Workers suffering from COVID-19 in 2021/22 which they believe may have been from exposure to coronavirus at work (new or long-standing)

Source: Estimates based on self-reports from the Labour Force Survey, people who worked in the last 12 months



0.6 million

Workers suffering from a work-related illness caused or made worse by the effects of the coronavirus pandemic (new or long-standing) in 2021/22

Source: Estimates based on self-reports from the Labour Force Survey, people who worked in the last 12 months



18.8 billion

Annual costs of work-related injury and new cases of ill health in 2019/20, excluding long latency illness such as cancer

Source: Estimates based on HSE Cost Model



0.6 million

Workers sustaining a non-fatal injury in 2021/22

Source: Estimates based on self-reports from the Labour Force Survey



123

Workers killed in work-related accidents in 2021/22

Source: RIDDOR



12,000

Lung disease deaths each year estimated to be linked to past exposures at work

Source: Counts from death certificates and estimates from epidemiological information



7.6 billion

Annual costs of work-related injury in 2019/20

Source: Estimates based on HSE Cost Model

<https://www.hse.gov.uk/statistics/overall/hssh2122.pdf>

Key figures for Great Britain (2021/22)

- 1.8 million working people suffering from a work-related illness, of which
 - 914,000 workers suffering work-related stress, depression or anxiety
 - 477,000 workers suffering from a work-related musculoskeletal disorder
 - 123,000 workers suffering from COVID-19 which they believe may have been from exposure to coronavirus at work
- 2,544 mesothelioma deaths due to past asbestos exposures (2020)
- 123 workers killed in work-related accidents
- 565,000 working people sustained an injury at work according to the Labour Force Survey
- 61,713 injuries to employees reported under RIDDOR
- 36.8 million working days lost due to work-related illness and workplace injury
- £18.8 billion estimated cost of injuries and ill health from current working conditions (2019/20)

HSE strategy 2022 to 2032 – protecting people and places

<https://www.hse.gov.uk/aboutus/assets/docs/the-hse-strategy.pdf>

A fair and just HSE

We will challenge businesses with the poorest health and safety records to improve their performance. As a responsible regulator, we will continue to target our work appropriately, including towards high-risk activities.

We will use our full range of enforcement approaches to take proportionate action against businesses who:

- do not comply with the law
- put people at risk by cutting corners for profit

All our work will be evidence based. We will use data and intelligence so we can direct our resource and expertise in the right way, in the right places and at the right time.

A financially viable HSE

Those who create risk should pay the cost of our interventions. We will recover the full cost when:

- we identify a breach of the law
- the risk profile of the sector or hazard requires our input
- we provide our expertise to help others where their activities align with our own strategy

Through a combination of cost recovery and government funding, we will make the right level of investment required to deliver our prevention, assurance, and enforcement activities.

Enforcement Policy Statement

<https://www.hse.gov.uk/pubns/hse41.pdf>

In our dealings with duty holders, we will ensure that our enforcement action is proportionate to the health and safety risks* and to the seriousness of any breach of the law. This includes any actual or potential harm arising from any breach, and the economic impact of the action taken.

Some health and safety duties are specific and absolute. Others require action “so far as is reasonably practicable”. Our inspectors will apply the principle of proportionality in relation to both.

Prosecution of individuals

Subject to the above (Public Interest), we will identify and prosecute individuals, or recommend prosecution, where we consider this is warranted. We will consider the management arrangements and the role played by individual directors and managers and will consider taking action against them where the inspection or investigation reveals that the offence was committed with their consent or connivance or was attributable to their neglect and where it would be appropriate to do so in accordance with this policy. Where appropriate, we will seek disqualification of directors under the Company Directors Disqualification Act 1986.

Enforcement Management Model – Summary

<https://www.hse.gov.uk/enforce/emm.pdf>

The Enforcement Management Model (EMM) is a logical system that helps inspectors to make enforcement decisions in line with the Health and Safety Executive's (HSE's) Enforcement Policy Statement (EPS). The EPS sets out the principles inspectors should apply when determining what enforcement action to take in response to breaches of health and safety legislation. Fundamental to this is the principle that enforcement action should be proportional to the health and safety risks and the seriousness of the breach.

Step 3: Gap analysis

Principles

35 During a regulatory contact inspectors collect information about hazards and control measures. This is used to make an initial assessment of the health and safety risks posed by the various activities and determine the **actual risk** (where the dutyholder is). They should compare this to the risk accepted by the law or guidance and decide the **benchmark risk** (the level of risk remaining once the actions required of the dutyholder by the relevant standards, enforceable by law, are met). The difference between where the dutyholder is and where they should be is the **risk gap**.

36 The concept of risk gap is fundamental to the decision-making process. Risk gap analysis is used in two ways. First, to assess what enforcement is necessary to secure compliance with the law and second, to determine whether prosecution should be considered. Risk gap analysis is not appropriate for non-risk based compliance or administrative arrangement issues.

37 When using risk gap analysis in relation to securing compliance with the law, all of the issues that make up the priority for action are considered in turn. Where there is only a single issue, risk gap analysis is straightforward. Where there are several issues, each one is considered separately to determine its particular risk gap. This individual **risk gap** is used to arrive at the **initial enforcement expectation** appropriate to secure compliance for that particular part of the priority for action.

38 When using gap analysis in relation to punitive action, the **overall risk gap** associated with the priority for action is considered. If the priority for action is a single issue, then the overall risk gap will be the same as the gap used when considering compliance with the law. However, where there are a number of issues, the cumulative effect is used to assess overall risk. It is this overall risk gap that is used (along with the 'authority' of the most relevant standard) when considering prosecution.

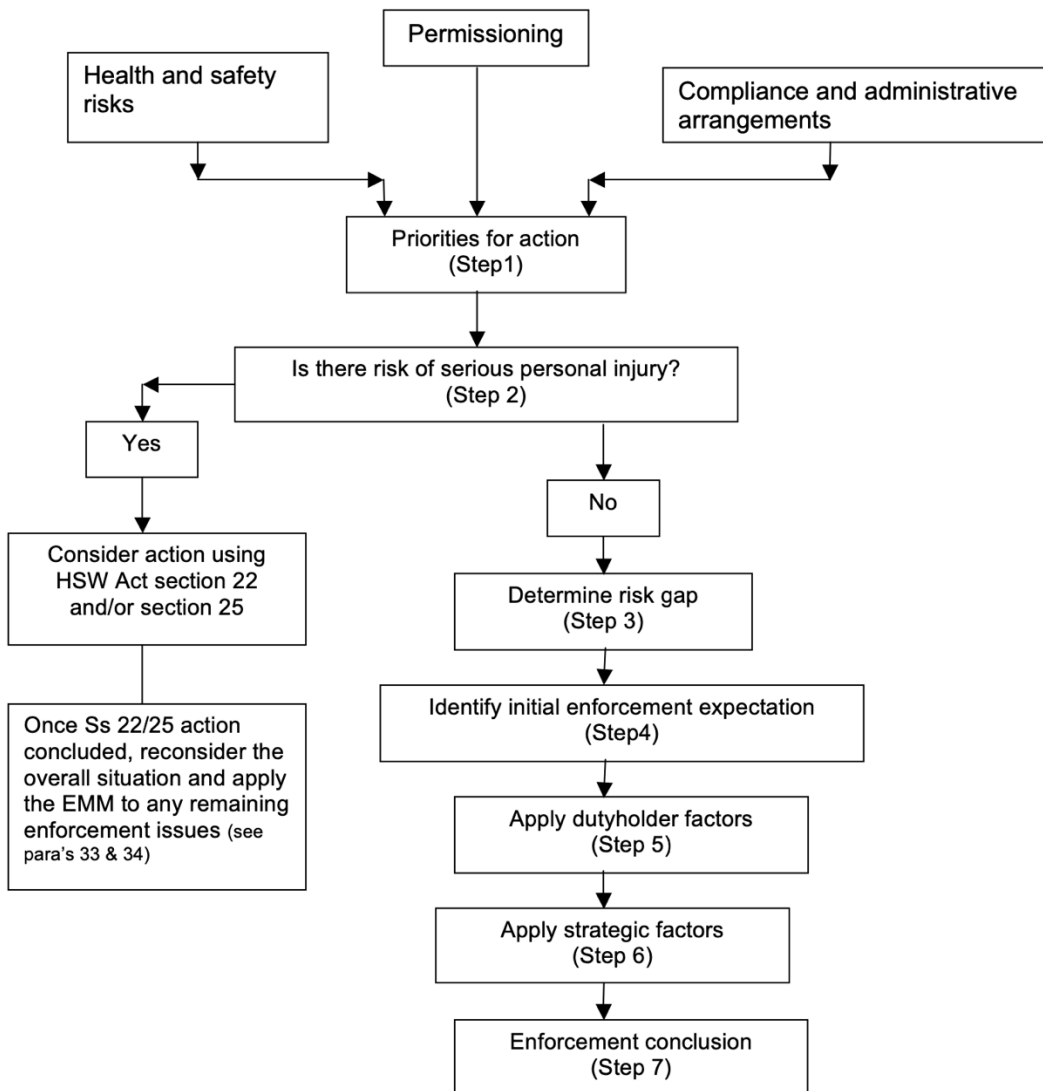


Figure 1 Process of the EMM

PROSECUTION PROCEDURE FLOW CHARTS

<https://www.hse.gov.uk/foi/internalops/og/ogprocedures/prosecutions/prosflow.pdf>