

HSE Successful Prosecution

January 2023

Total cases = 11

Safe System of Work = 5

Work at Height = 1

CDM = 3

Electricity at Work = 1

Provision and Use of Work Equipment Regulations (PUWER) = 1

Bupa Care Homes fined £400k after falling tree crushes child

- Bupa Care Homes pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc. Act 1974 and received a fine of £400,000. The company was also ordered to pay costs of £3,275 and a victim surcharge.

Wine company fined £800k after HGV driver killed at Salford depot

- At a sentencing hearing at Manchester Magistrates' Court on 25 January, Kingsland Drinks Ltd of The Winery, Fairhills Road, Irlam, Manchester, pleaded guilty to breaching section 2(1) and 3(1) of the Health and Safety at Work Act. They were fined £800,000 and ordered to pay costs of £5,614.30.

Building firm fined for multiple failings that included workers being lifted by raised bucket

- Hoyle Developments Limited, of Edenfield Road, Rochdale pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974. The company was fined £120,000 and ordered to pay £3,165.15 in costs at Manchester Magistrates' Court on 25 January 2023.

Company fined after worker breaks rib falling into pit

- Peel Jones Copper Products Limited, of Kilton Lane, Carlin How, Saltburn, Cleveland pleaded guilty to breaching Section 2(1) of the Health and Safety At Work Act 1974. They were fined £26,666 and ordered to pay £4,105 in costs at Teesside Magistrates' Court on 24 January 2023.

Man left permanently disabled after being crushed by tonne of glass

- United Pallet Network (UK) Ltd of Vantage Business Park, Leicester pleaded guilty to Section 2(1) of the Health and Safety at Work Act 1974 and it was fined £94,667 and ordered to pay costs of £7,590.34.

£146k fine for company after joiner crushed to death by 20-tonne excavator

- Birch Brothers (Kidderminster) Ltd of Barracks Road, Sandy Lane Industrial Estate, Stourport-on-Severn, DY13 9QB, pleaded guilty to breaching Regulation 27(1) of the Construction (Design and Management) Regulations 2015 and were fined £146,000 and ordered to pay costs of £4,621.90

Director given suspended prison sentence and firms fined after worker dies

- Leyton Homes (Perry Barr) Limited, of Walsall Road, Birmingham was found guilty of breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and Regulation 4 (1) of the Work at Height Regulations 2005. They were fined £100,000 and ordered to pay £55,084.67 in costs at Birmingham Crown Court on 20 January 2023.
- Evergreen Construction (UK) Limited, of Fowler Road, Essex was found guilty of breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974 and Regulation 4 (1) of the Work at Height Regulations. They were fined £115,000 and ordered to pay £52,561.96 in costs at Birmingham Crown Court on 20 January 2023.
- Jalal Rana, of Walsall Road, Birmingham was found guilty of breaching Section 37 (1) of the Health and Safety at Work etc. Act 1974. He was sentenced to nine months imprisonment, suspended for two years, and ordered to pay £57,171.95 in costs at Birmingham Crown Court on 20 January 2023.

Company fined after surveyor dies

- Global Energy Nigg Limited of Henderson Road, Inverness, Highland pleaded guilty to breaching Section 3(1) and Section 33(1)(a) of the Health and Safety at Work etc Act 1974. They were fined £80,000 at Tain Sheriff Court on 18 January 2023.

Company fined £180k after woman's hand had to be amputated

- Vita Cellular Foams (UK) Ltd of Oldham Road, Middleton, Greater Manchester pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. They were fined £180,000 and ordered to pay costs of £4,337.00 at Manchester Magistrates' Court on 17 January 2023.

Civil engineering firm fined £4.4m following M6 works

- In relation to the first incident, Kier Infrastructure and Overseas Limited, of Clippers Quay, Salford pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. In relation to the second incident, they pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 13(1) of the Construction (Design and Management) Regulations 2015.
- In total, the company were fined £4.415m and ordered to pay costs of £87,759.60 at Manchester Crown Court on 12 January 2023.

Council fined £280,000 after death of six-year-old girl hit by falling tree

- Newcastle City Council pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £280,000 and ordered to pay costs of £8,020 by South Tyneside Magistrates on 10 January 2023.

Fine for BA subsidiary after father of two left in coma following fall at work

- British Airways Maintenance Cardiff Ltd of Waterside, PO Box 365 Harmondsworth UB7 0GB pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £230,000 and ordered to pay costs of £21,623.

Safe Systems of Work

A safe system of work (SSoW) is a formal procedure based on a systematic examination of work in order to identify the hazards. (Allianz)

It defines safe methods of working which eliminate those hazards or minimise the risks associated with them. Put simply, a safe system of work is a defined method of doing a job in a safe way.

Employers must ensure that safe systems of work are available for all work activities that create significant risk, in the same way that it's their responsibility to carry out [risk assessments](#) for all work activities.

Safe systems of work become particularly important when significant residual risk remains after all practicable control measures have been introduced into work processes and where control measures that are usually present need to be removed so that a task can be completed, for example, during maintenance, servicing, inspection work, cleaning and/or construction activities.

Key action points to consider in relation to safe systems of work

- Make sure the person(s) that develops a safe system of work is competent, i.e. they have appropriate knowledge, experience and training so they properly understand the work activity being analysed.
 - Have the competent person(s) work with those employees that will be doing the work/completing the task; This is critical as it should enable the employees to:
 - provide information about the practical knowledge and skills required to do the work/complete the task; and
 - gain a better understanding of the hazards and risks and the way in which the safe system will minimise those risks.
 - Identify and characterise all significant and foreseeable hazards (based on valid risk assessments), analyse and evaluate those hazards, and then determine the appropriate options for controlling the risks. In developing a safe system of work it's important to consider:
 - People – who is it for?
 - Equipment – the type of plant and equipment involved and any safety equipment that may be required, for example.
 - Materials – what materials might be used and handled during the work.
 - Environment – in what environment (with respect to elements like space, lighting, temperature, etc.) will the work take place?
 - Technical/engineering, procedural and behavioural controls.
 - Ensure that the safe systems of work are integrated within the framework of a well-defined health and safety management system that implements the organisation and arrangements set out in the [health and safety policy](#).
 - Incorporate the safe systems of work into written safe operating procedures (or job safety or work instructions, for example).
 - For simple and low risks they may be expressed as documented safety rules.
 - Communicate the safe systems of work properly and support them by providing instruction and formal training (which should be recorded, preferably alongside signed acknowledgement), with regular competency tests where appropriate.
 - Arrange supervision and monitoring of safe systems of work to uphold compliance.
 - Review safe systems of work on a regular basis or whenever there are changes relating to the work activity.
- It can be helpful to think in terms of the following six steps when developing and implementing safe systems of work:**
- 1 Select the job or task to be analysed;
 - 2 Record the steps or stages of that job or task;
 - 3 Consider the hazards associated with each step or stage and evaluate the risks;
 - 4 Develop a safe working method;
 - 5 Implement a safe working method;
- Monitor the safe system of work and working method to ensure that they continue to be implemented and remain effective.



Health and safety management systems

<https://www.hse.gov.uk/managing/health.htm>

Leading health and safety at work

Actions for directors, board members, business owners and organisations of all sizes

<https://www.hse.gov.uk/pubns/indg417.pdf>