

## **HSE Successful Prosecution**

**May 2022**

### **Scottish care provider found guilty of Health and Safety breaches following death of a vulnerable adult**

- The Richmond Fellowship Scotland of Cumbernauld Road, North Lanarkshire pleaded not guilty to charges under Section 3 of the Health and Safety at Work (etc) Act 1974 but were found guilty following a two-week trial.
- The organisation was fined £450,000.

### **Sea food processing company fined after fatality involving forklift**

- QA Fish Ltd of Blacksness Pier, Shetland have pleaded guilty to breaching Section 2(1) and Section 33(1)(a) of the Health and Safety at Work Act 1974 and have been fined £80,000, to be paid within 12 months.

### **Timber company fined after employee severs thumb**

- Watford Timber Company Limited of Olds Approach, Tolpits Lane, Watford pleaded guilty to breaching Regulation 11(1) of the Provision and Use of Work Equipment Regulations 1998 and Regulation 5 of The Management of Health and Safety at Work Regulations 1999. The company was fined £13,400 and ordered to pay costs of £5,358.05.

### **Construction company fined following fall from height.**

- Side Extension Limited of Penningtons, Bishop's Stortford, Hertfordshire, pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005. The company was fined £50,000 and ordered to pay costs of £10,061.86.

### **Two men sentenced after worker suffers fatal injuries after falling through fragile roof**

- Ian Blacklin of Capheaton, Newcastle upon Tyne, pleaded guilty to breaching Regulation 3(2) of the Management of Health and Safety at Work Regulations 1999, Section 3(2) of the Health and Safety at Work Act 1974 and Regulation 8(2) of the Construction (Design and Management) Regs 2015 and was sentenced to 16 months imprisonment, suspended for 18 months.
- Dennis Spence of Denton, Newcastle upon Tyne, pleaded guilty to breaching Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999, Regulation 4(1) of the Work at Height Regulations 2005 and Regulation 6(1) of the work at Height Regulations 2005 and was sentenced to 14 months imprisonment, suspended for 18 months with £1,800 costs.

### **Furniture manufacturer fined after failing to manage employee's exposure of vibration**

- Westbridge Furniture Designs Limited of Greenfield Business Park, Greenfield, Holywell pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £150,000.00 and ordered to pay costs of £14,033.50.

### **Kent scaffolding company fined following collapse of scaffold**

RPS Scaffolding Ltd of 24 Chaplin Drive, Headcorn, Ashford, Kent pleaded guilty to a breach of Regulation 8(b)(ii) of the Work at Height Regulations 2005. The court fined them £40,000 and awarded full costs of £4,705.16.

### **West Yorkshire companies fined after delivery driver injured by falling pallets**

- Brighthouse Pallet Services Ltd of Elland Road, Brighthouse, West Yorkshire pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £4,000 and ordered to pay £4806.60 in costs.
- Seal It Services Ltd of Riverbank Way, Elland, West Yorkshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £50,000 and ordered to pay £4,654.90 in costs.

### **Goat farming company fined after fatality**

- Yorkshire Dairy Goats of Seaton Ross, East Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £180,000 and ordered to pay £20,000 in costs.

### **Lancashire County Council fined over Hand Arm Vibration issues**

- Lancashire County Council of County Hall, Fishergate, Preston pleaded guilty to breaches of Section 2 (1) and 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 8 of the RIDDOR Regulations 2013. The Council was fined £50,000 and ordered to pay costs of £10,366,78.

## **Pick of the Month**

### **Two men sentenced after worker suffers fatal injuries after falling through fragile roof**

Two men have been fined and received suspended sentences after a worker fell over five metres through fragile roof panels suffering injuries that subsequently proved fatal.

Newcastle Crown Court heard how that on 16 November 2015, the worker was carrying out over-cladding work, involving the installation of new roofing material over an existing fragile asbestos cement roof, at an industrial building on West Chirton (South) Industrial Estate, North Shields, Tyne and Wear.

An investigation by the Health and Safety Executive (HSE) found that the method of work was unsafe and there were inadequate precautions to prevent or mitigate against falls from or through the roof as well as an effective assessment of risk, selection and use of appropriate work equipment, safe system of work and effective supervision.

Ian Blacklin of Capheaton, Newcastle upon Tyne, pleaded guilty to breaching Regulation 3(2) of the Management of Health and Safety at Work Regulations 1999, Section 3(2) of the Health and Safety at Work Act 1974 and Regulation 8(2) of the Construction (Design and Management) Regs 2015 and was sentenced to 16 months imprisonment, suspended for 18 months.

Dennis Spence of Denton, Newcastle upon Tyne, pleaded guilty to breaching Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999, Regulation 4(1) of the Work at Height Regulations 2005 and Regulation 6(1) of the work at Height Regulations 2005 and was sentenced to 14 months imprisonment, suspended for 18 months with £1,800 costs.

After the hearing, HSE inspector Andrea Robbins, said: "In this case there was a significant failure to plan and manage the over-cladding of roofs over fragile roofing material.

“Roof work should only be undertaken by people who have the necessary skills knowledge and experience, assessing the associated risks, selecting and using appropriate equipment to prevent/mitigate falls and ensure effective supervision is in place.”

#### **Regulation 8(2) of the Construction (Design and Management) Regs 2015**

**8.—**(1) A designer (including a principal designer) or contractor (including a principal contractor) appointed to work on a project must have the skills, knowledge and experience, and, if they are an organisation, the organisational capability, necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project.  
(2) A designer or contractor must not accept an appointment to a project unless they fulfil the conditions in paragraph (1).

#### **Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999**

**3.—**(1) Every employer shall make a suitable and sufficient assessment of—  
(a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and  
(b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,

#### **Regulation 4(1) of the Work at Height Regulations 2005**

**4.—**(1) Every employer shall ensure that work at height is—  
(a) properly planned;  
(b) appropriately supervised; and  
(c) carried out in a manner which is so far as is reasonably practicable safe,

#### **Regulation 6(1) of the work at Height Regulations 2005**

**6.—**(1) In identifying the measures required by this regulation, every employer shall take account of a risk assessment under regulation 3 of the Management Regulations.

#### **Kind of accident statistics in Great Britain, 2021**

<https://www.hse.gov.uk/statistics/causinj/kinds-of-accident.pdf>

1. Forty-five percent of the fatal injuries to workers over the last five years were accounted for by just two different accident kinds - falls from a height and struck by moving vehicle.
2. Falls from a height accounted for 25% of all fatal injuries (an average of 34 fatal injuries per year.
3. 53% of all fatal injuries due to falls from a height were in the construction sector (annual average 18 per year)
4. Falls from a height, the most common cause of fatal injury to workers in recent years, accounted for 8% of employee reported non-fatal injuries in 2020/21.