

Health board fined following the death of an elderly patient and failure to comply with an Improvement Notice

A Health Board has been fined following the death of a vulnerable patient who left a hospital ward unnoticed through an unsecured door.

The Health and Safety Executive (HSE) investigation concluded that Cwm Taf Morgannwg Health Board failed to act on previous absconding incidents, which would have better protected 74-year-old Lynwen Thomas, who went on to fall in icy conditions in the hospital grounds and suffer a fatal head injury.

On 13 November 2019 Mrs Thomas, a patient on Llynfi Ward at Maesteg hospital, who was a known wanderer, left the hospital after 8pm unnoticed by hospital staff. That evening was very cold with snow on the ground. Mrs Thomas fell on a path resulting in her fatal injury.

An investigation by the Health and Safety Executive found that despite previous absconding incidents, including one involving Mrs Thomas, no reasonably practicable measures were taken at Llynfi Ward until after the fatal incident to protect vulnerable patients from wandering and potentially coming to serious harm.

Following another patient absconding incident at Princess of Wales Hospital, HSE served an Improvement Notice on the Health Board on 30 September 2020. The Notice applied to the Bridgend locality and required the Health Board to assess the risk to patients from escaping, absconding or wandering. The Notice was not complied with by the due date.

Before Cardiff Magistrates' Court, Cwm Taf Morgannwg Health Board pleaded guilty to charges of breaching Section 3(1) and Section 33(1)(a) of the Health and Safety at Work etc. Act 1974 and were fined £850,000 with full costs awarded of £10,627.30

Speaking after the hearing, HSE inspector Helen Turner, said: "Lynwen Thomas was a vulnerable patient, and known to abscond. Cwm Taf Morgannwg Health Board had a duty to protect her and other patients on Llynfi Ward, and they failed to identify or act on absconding risk.

"Despite significant warnings, there was no risk assessment or physical security measures introduced to prevent vulnerable patients from leaving the ward unnoticed. This incident was easily preventable and the risks should have been identified."

A family statement issued on behalf of Lynwen Thomas said: "Our mother was the loving and kind heart of our family who always put others before herself, especially her children and grandchildren. She was an incredibly caring, loving, and selfless person.

“We are devastated to lose her under such tragic and preventable circumstances.

“Today’s prosecution by the Health and Safety Executive is the first step towards establishing what happened to our mother and we are grateful for their professionalism and engagement with us as a family.

“We want everyone to know how wonderful, caring, and intelligent our mother was. She loved us all very much and we loved her in return. We miss her terribly and it’s only when this is all over that we can start to properly grieve for her.

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Notes to Editors:

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. www.hse.gov.uk
2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>
4. .Contact HSE’s media team for the full family statement on 0151 922 1221 or email media.enquiries@hse.gov.uk

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[Manufacturing company fined after worker loses part of hand](#)

Laxtons Limited, a West Yorkshire manufacturing company, has been fined for safety breaches after a worker lost part of their hand in a textile machine.

On 24 March 2021 an employee of Laxtons Limited was running a number of textile machines. When he opened a guard to check on a build-up of fibres, he reached in to remove material, losing part of his hand.

An investigation by the Health and Safety Executive (HSE) found that one of the machines had a defective interlock device. This allowed the machine to

continue running when the guard, which was located over a pair of in-running rollers and gears, was opened.

Laxtons Ltd of Baildon, Shipley, West Yorkshire pleaded guilty to breaching Regulation 11 (1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £15,750 and ordered to pay £759 in costs at Leeds Magistrates' Court.

HSE inspector Julian Franklin said: "Machine guarding should be in line with the appropriate standard, and regularly checked.

"This incident could so easily have been avoided by simply training staff in the safe and correct way of operating machinery, and regularly checking that safety devices are functioning."

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2. More about the legislation referred to in this case can be found at: legislation.gov.uk/^[2]
3. HSE news releases are available at <http://press.hse.gov.uk>^[3]
4. Please see the link below to doing it the right way when working with machinery: <https://www.hse.gov.uk/agriculture/topics/machinery/farm-vehicles.htm>

Company fined after gable wall collapses

A building company has been fined £40,000 after the unsupported gable wall of a house collapsed on to a neighbouring property leaving a resident with a fractured sternum and collarbone.

The wall fell during a home refurbishment project in which the existing property had been reduced to a shell with its roof, internal walls, and structural support members for both gable ends removed.

Temporary supports to prevent the collapse of both gable ends were not in place and the correct sequencing of works and co-ordination with the scaffolding contractor failed to take place, resulting in the collapse.

An investigation by the Health & Safety Executive (HSE) found that the

incident at a house in Grange Road, Bushey, Hertfordshire, on 5 April 2021, could have been prevented by effective planning of the dismantling sequence of works.

Barote Construction Ltd of Clydesdale Avenue, Stanmore pleaded guilty to breaching Regulation 19 (1) of the Construction (Design and Management) Regulations 2015. The company was fined £40,000, ordered to pay costs of £686 and a victim surcharge of £190 at St Albans Magistrates Court on 6 July 2022.

Speaking after the hearing, HSE inspector Rauf Ahmed, said: "This serious incident could have been avoided if the company had implemented a safe system of structural support for the gable end walls to prevent collapse."

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[Workplace fatality figures published](#)

- **123 workers died in work-related accidents in 2021/2022**
- **2,544 deaths in 2020 through past exposure to asbestos**

A hundred and twenty-three workers were killed in work-related accidents in Great Britain in the last year, according to figures published today (Wednesday July 6) by the Health and Safety Executive (HSE).

The annual data release covers the period from April 2021 to March 2022, during which time most pandemic restrictions were lifted and the economy began returning to normal.

The industries with the highest deaths were construction (30), agriculture, forestry, and fishing (22), and manufacturing (22); though agriculture, forestry and fishing has the highest rate of fatal injury per 100,000 workers.

The three most common causes of fatal injuries continue to be falling from height (29), being struck by a moving vehicle (23), and being struck by a moving object (18).

The 123 worker deaths in 2021/22 is lower than the previous year, though it is in line with pre-pandemic figures. There has been a long-term downward trend in the rate of fatal injuries to workers, though in the years prior to the coronavirus pandemic the rate was broadly flat.

A further 80 members of the public were killed following a work-related accident in 2021/22. This is an increase on the previous year but below the pre-pandemic level. This is likely to reflect the various COVID-19 restrictions in place.

The release of the annual figures coincides with the 50th anniversary this month of the publication of the Robens report. The landmark report led to the Health and Safety at Work Act in 1974, which ultimately led to the HSE being set up the following year.

Since then, Great Britain has become one of the safest places in the world to work with the number of workplace deaths and injuries falling significantly.

HSE's Chief Executive Sarah Albon said: "While Great Britain is one of the safest countries in the world to work, today's figures show we must continue to ensure safety remains a priority. Every loss of life is a tragedy, and we are committed to making workplaces safer and holding employers to account for their actions, as part of our mission to protect people and places."

The figures relate to work-related accidents and do not include deaths arising from occupational diseases or diseases arising from certain occupational exposures (including Covid-19).

The HSE has also published the annual figures for Mesothelioma, which is a cancer that can be caused by past exposure to asbestos. The figures show that 2,544 people died from the disease in 2020. This is in line with the average of 2,523 deaths over the previous eight years. Current mesothelioma deaths reflect exposure to asbestos that mainly occurred before the 1980s and annual deaths are expected to decline during the next decade.

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2. HSE news releases are available at: <http://press.hse.gov.uk>
3. Work-related fatal injuries: [Fatal injuries in Great Britain \(hse.gov.uk\)](http://www.hse.gov.uk/fatal-injuries)
4. Mesothelioma: [Mesothelioma statistics for Great Britain](http://www.hse.gov.uk/mesothelioma)

[Building contractor sentenced over unsafe work practice](#)

A Blackburn based building contractor has been sentenced after unsafe work methods constituted a public risk and resulted in asbestos being disturbed.

Preston Crown Court heard that in November 2020, Mr Mohammed Shafiq, owner of a roller shutter business, purchased a former warehouse in Manner Sutton Street, Blackburn to convert into smaller work units, including one for his own use. He was using his own employees for this.

A report was received by the Health and Safety Executive (HSE) from a member of the public, concerned about the fact that bricks from the blocked-up windows were being knocked out from inside onto the street below, causing risk to passers-by.

The HSE investigation found that as well as the risk posed to pedestrians, no edge protection had been installed to prevent the employees from falling. They were also at risk of an internal fall down an open shaft. Additionally, an asbestos survey had not been carried out on the building prior to work commencing.

As a result, piles of disturbed asbestos containing materials such as asbestos cement and insulation, were lying throughout the site. Workers were dry sweeping construction dust and debris possibly containing carcinogenic asbestos dusts without any respiratory protective equipment or suitable personal protective equipment. None of them had been provided with any training in asbestos awareness.

Live electric cables were being trained through water without RCD protection, posing a risk of electric shock, and there was a general lack of training and suitable equipment for work to be carried out in a safe manner. An experienced principal contractor should have been hired to assess risks and undertake refurbishment work in a controlled manner.

Mohammed Shafiq of Whitehead Street, Blackburn pleaded guilty to breaching Regulation 5 of the Control of Asbestos Regulations 2012, Regulation 4 of the Construction (Design and Management) Regulations 2015 and Regulation 4 of the Work at Height Regulations 2005. He received a 12 month suspended sentence and was fined £5,000 and ordered to pay costs of £4636.08

HSE inspector Christine McGlynn said after the hearing: "The public can be reassured that HSE takes concerns seriously and will not hesitate to investigate thoroughly and prosecute those who put workers and members of the public at risk."

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2. More about the legislation referred to in this case can be found at: [Are you a tradesperson? – Asbestos \(hse.gov.uk\)](http://www.hse.gov.uk/are-you-a-tradesperson/)

[Construction – Assessing all work at height – HSE](http://www.hse.gov.uk/construction/assessing-all-work-at-height/)

[Construction \(Design and Management\) Regulations 2015 \(hse.gov.uk\)](http://www.hse.gov.uk/construction/design-and-management-regulations-2015/)

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