

# Company fined after self-employed roofer falls from roof

Phoenix Roofing and Cladding Limited, a company specialising in roofing work, has been fined after a self-employed roofer was seriously injured when he fell from a roof.

Edinburgh Sheriff Court heard that, on 1 September 2016, a self-employed roofer was carrying out work for Phoenix Roofing and Cladding Limited, placing new roof panels and other materials on a roof at an industrial unit at the Butlerfield Industrial Estate, Newtongrange. Whilst traversing the roof, the roofer slipped and fell through an existing rooflight and landed on a suspended ceiling below.



An investigation by the Health and Safety Executive (HSE) found that the fall from height was possibly due to the unsafe working environment and unsafe methods of working being undertaken. It was established the main cause of the incident was insufficient identification of risk in the work being done.

Phoenix Roofing and Cladding Limited of Meeks Road, Falkirk pleaded guilty to breaching Section 3(1) of the Health and Safety at work etc Act 1974 and were fined £20,000.

Speaking after the hearing, HSE inspector Stuart Easson said: "Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standard."

**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](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## [Construction firm fined after worker falls from height](#)

A construction firm has been fined after a 17-year-old worker fell more than three metres through an opening for a roof light.

Cheltenham Magistrates' Court heard that, on 20 August 2018, an employee of Mark Holland Group Ltd fell through a sheet of insulation covering a skylight when walking across an unmarked and unguarded area on the first floor of a construction site in Southgate Street, Gloucester. He suffered multiple broken bones in his right leg and foot and, after two operations, was advised it was unlikely he could work in construction again.

An investigation by the Health and Safety Executive (HSE) found that the inexperienced young employee was not supervised properly and was unaware of the risks on site. There were no physical warnings that there was a hole or a fragile surface, and no verbal warning had been circulated to workers on site. There were also no physical barriers to stop anyone walking from the scaffold onto the flat roof. The company failed to ensure that work at height was properly planned and appropriately supervised. Despite this incident, the company continued to fail to ensure work at height was planned and managed on site. Numerous failings were identified by HSE during later visits to the construction site.

Mark Holland Group Limited of Victoria House, Churchill Road, Leckhampton, Cheltenham pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 and has been fined £55,620.

Speaking after the hearing, HSE inspector Laura Banks said: "This worker's injuries were life changing and he could have easily been killed. This serious incident and devastation could have been avoided if basic safe guards had been put in place.

“Falls from height remain one of the most common causes of injuries in the country and the risks associated with working at height are well known.

“Those in control of work at height should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards”.

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## **[Child fatally injured after being trapped between an unsecured power pole and fence](#)**

SPIE Limited has been fined after a child was fatally injured when he was trapped between an unsecured pole and a fence.

Dumfries Sheriff Court heard that, on 15 October 2017, an employee of SPIE Limited delivered an overhead power pole to a roadside verge adjacent to Mill Hill Medical Centre at Niviston Road and Corserig Crescent, Kelloholm. The pole was left unsecured at the top of an embankment and subsequently rolled down, trapping the 12-year-old between it and a fence and causing fatal injuries.

During an investigation by the Health and Safety Executive (HSE), two distinct failings that led to the tragic incident were highlighted. Firstly, there was a failure to provide a safe system of work for the delivery and storage of poles to ensure, so far as reasonably practicable, that the poles were delivered to the correct location and that they were properly secured to prevent rolling. Secondly, there was a failure to provide suitable training, information and instruction to ensure, so far as reasonably practicable, that employees engaged in the task of delivering poles properly secured them so that they could not roll.

SPIE Limited of Gracechurch Street, London pleaded guilty to breaching Section 3(1) of the Health and Safety at work etc Act 1974 and was fined £160,000.

Speaking after the hearing, HSE inspector Martin McMahon said: "This terrible and tragic incident led to the avoidable death of a child. This death could easily have been prevented if the risks involved had been properly managed, through the provision of safe systems of work and suitable training of employees. Sadly however, that was not the case.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standard".

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## **Companies fined following timber frame extension to residential home**

Three companies have been sentenced for failing to take adequate precautions against fire risk when building a timber frame extension to a sheltered accommodation residential home.

Worcester Crown Court heard that in the months leading up to October 2017 principal contractor E Manton Limited, timber frame designer, manufacturer and installer MTE (Leicester) Limited and principal designer Thornton – Firkin LLP were working on the project. This involved the installation of the timber frame three-storey construction with a timber frame link extension to an occupied sheltered accommodation residential home in Pershore, Worcestershire without adequate fire prevention controls in place, thereby

putting members of the public at risk.







An investigation by the Health and Safety Executive (HSE) found that the defendants failed to fulfil their respective duties to plan, manage and monitor construction work in a manner that prevents risks from fire and protects persons who may be affected by the project. The risks should have been prevented by designing out the major fire risks and implementing a plan to incorporate measures to minimise the residual fire risk during the construction phase in accordance with industry good practice.

E Manton Limited of Birmingham Business Park, Birmingham pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974 and has been fined £26,000 and ordered to pay costs of £6,944.

MTE (Leicester) Limited of Sunningdale Road, Leicester pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974 and has been fined £20,000 and ordered to pay costs of £6,413.

Thornton – Firkin LLP of Newhall Street, Birmingham pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work Act 1974 and has been fined £8,000 and ordered to pay costs of £7,133.

Speaking after the hearing, HSE inspector Christopher Gregory said: “These cases highlight the need for all duty-holders to take proactive action to ensure they are not putting workers and others at risk from foreseeable fire risks by taking reasonably practicable actions, in accordance with industry standards, to comply with their duties under the respective regulations. Fire

kills and members of the public have a right to be protected.”

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4. Further information about fire safety in construction can be found at: <http://www.hse.gov.uk/pubns/books/hsg168.htm>

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## [HSE to carry out inspections following safety alert](#)

HSE is reminding employers that they must protect their workers’ health by controlling the risks from welding fume.

The Health and Safety Executive’s (HSE) current programme of inspections will review health and safety standards across the country and businesses are encouraged to visit [HSE’s revised guidance](#) to remind themselves of the changes to control expectations.

To protect your workers’ health, you must ensure you have adequate controls in place to avoid or reduce exposure to welding fume. Employers should be using local exhaust ventilation where effective and provide suitable respiratory protective equipment where necessary to protect workers in the metal fabrication industry from inhaling fumes.

The inspections follow a safety alert that was issued in February 2019 after new evidence showed exposure to mild steel welding fume can cause cancer and HSE updated guidance to reflect this.

[Scientific evidence](#) from the International Agency for Research on Cancer

shows that exposure to mild steel welding fume can cause lung cancer and possibly kidney cancer in humans.

John Rowe, Head of Manufacturing at HSE said: “Employers and workers should know the risk, plan their work and use the right controls when welding activity is carried out. If they are not HSE will use enforcement to bring about improvements.”

“It is our mission that all workers are protected and are not made ill or killed by their work. Everyone should be able to leave work and go home healthy and safe.”

HSE has a range of guidance to help you protect your workers and [COSHH advice sheets](#) to help you control risk from hazardous substances in welding. You can also [sign up to our newsletter](#) to receive ongoing information and follow us on Twitter @H\_S\_E.

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