

# Woodworking company fined following collision death

A wood recycling company has been fined after an employee was killed when he was struck by a JCB wheel loader.

On 29 April 2019, Thomas Brooke was walking across the yard at John Brooke (Timber Treatments) Limited in Nottingham. A JCB wheel loader, with its bucket raised, was operating in the yard along with other vehicles, but as the shovel moved forward, it collided with Tom who died from his injuries.



Thomas Brooke

Tragically, Tom was working for the family company. At the time of the incident, Tom's son Rupert was aged four. His wife, Jessica Brooke described Tom as a kind and caring person who was dedicated to his family and was loved by everyone who knew him.

In a statement, she said: "Our hearts are broken. The pain and suffering of his loss has been immense, and no words can describe the impact that his loss has had; both Rupert and I have been forever changed.

"We were partners in crime, soulmates and best friends and together took on whatever challenges life threw in our direction."

Describing the relationship Tom had with Rupert, who is now nine, Jessica said: "From the moment that Rupert was born Tom was a natural father and Rupert and Tom had a very special bond. They were as thick as thieves, both being at their happiest when in the other's company. Tom was a brilliant role model to Rupert in every respect; he was Rupert's favourite person in the whole world and Rupert couldn't have wished for a better father.

"I grieve the future that we will never have but also, and particularly, that Tom will never see Rupert's future."



Family photo with Jessica and Rupert.

The family have asked for their privacy to be respected at this difficult time.

An investigation by the Health and Safety Executive (HSE) found that John Brooke (Timber Treatments) Limited did not properly organise its workplace to keep pedestrians safe. There were no control measures, such as physical barriers, to prevent pedestrians accessing areas where loading shovels, lorries, forklift trucks and 360 grabs operated. It failed to properly assess the risks from operating machinery with reduced visibility and did not properly train, instruct and monitor employees. [Click here to enter text.](#)

Every workplace must be safe for the people and vehicles using it and traffic routes must be suitable for the people and vehicles using them. HSE has [guidance on workplace transport](#) with advice on keeping traffic routes safe and separating people from vehicles.

On 20 August 2024, John Brooke (Timber Treatments) Limited of Fosse Way, Widmerpool, Nottingham pleaded guilty to breaching regulation 17(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and section 33(1)(c) of the Health and Safety at Work etc. Act 1974 at Nottingham Crown Court. They were fined £22,500 and agreed to pay costs of £44,227.28.

Speaking after the sentencing, HSE inspector Lindsay Bentley said: “This has been a very difficult case for all concerned. However, those in control of work have a responsibility to implement safe methods of working. Had simple measures been taken, this tragedy could have been prevented. “

This HSE prosecution was brought by HSE enforcement lawyer Kate Harney and supported by HSE paralegal officer Rebecca Forman.

#### **Notes to Editors:**

1. [The Health and Safety Executive](#) (HSE) is Britain’s national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

4. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences can be found [here](#).
  5. Link to relevant guidance: [Workplace transport – HSE](#)
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## **East Sussex body fined as dog walkers struck by tree**

A body that manages a major forest in East Sussex has been fined after a husband and wife were struck by a tree, with the latter suffering a traumatic brain injury.

Caroline Leafe, 70, was walking along a deer track in Ashdown Forest with her husband, Kenneth, and their dog, Monty, when the pair were hit by a silver birch tree that was being felled on 25 January 2023.

The Conservators of Ashdown Forest, the body that manages Ashdown Forest, had identified that the 12-metre tree was rotting and needed to be cut down.



Caroline Leafe and her dog Monty

The tree was located in the corner of Broadstone Car Park on Colemans Hatch Road in Upper Hartfield, East Sussex and surrounded by public footpaths, including the main pathway to the visitor centre.

The tree began to fall after a forest ranger made a sink cut with a chainsaw. As it was falling, the ranger noticed Mr and Mrs Leafe walking on the nearby deer track and attempted to warn them but it was too late.

Mrs Leafe suffered a traumatic brain injury, a fractured collar bone, several fractured ribs and a shoulder dislocation. She spent considerable time in hospital following the incident and continues to undergo physical and cognitive therapy several months later. She also had to surrender her driving licence.



The tree began to fall after a forest ranger made a sink cut with a chainsaw

She said in a statement: "I have suffered a loss of independence and Ken has had to do a lot more support to me. I haven't been able to drive for nearly a year. The head injuries included speech problems and emotional problems.

"There were school children at the forest when we were there and we are relieved that our accident didn't happen to them. Ken and I hope an incident like this never happens again."

Mr Leafe suffered cuts and bruising.

A Health and Safety Executive (HSE) investigation found The Conservators of Ashdown Forest failed to identify the risk to members of the public from tree felling. This meant precautions, such as posting warning signs and using barriers and banksmen, were not implemented to prevent members of the public

from accessing areas where the tree felling was taking place.



The tree was located in the corner of Broadstone Car Park

The Conservators of Ashdown Forest pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The trust was fined £8,000 and ordered to pay £3,589.80 in costs at Brighton Magistrates' Court on 12 August 2024.

HSE principal inspector Emma Stiles said: "Members of the public should be able to enjoy a walk in a forest without fear of being struck by a tree being felled. The guidance is clear on how to fell trees safely and this means keeping members of the public out of an area around the tree measuring two times the height of the tree.

"This can be achieved by various means including signs, barriers and

banksmen. Given the high levels of public access around this tree, all of these precautions should have been taken.”

This prosecution was brought by HSE senior enforcement lawyer Nathan Cook and supported by HSE paralegal officer Imogen Isaac.

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## [Grampian Health Board prosecuted after death of patient](#)

Grampian Health Board has been prosecuted after the death of a patient in Aberdeen.

Grampian Health Board, also referred to as NHS Grampian, pleaded guilty following the death of 40-year-old Vincent Mulsant at the Royal Cornhill Hospital on 28 March 2020.

The Board is responsible for commissioning health and care services for the residents in the local authority areas of Aberdeen City, Aberdeenshire and Moray.

Mr Mulsant had been admitted to the hospital on 31 December 2019. He had managed to abscond from the ward in two separate incidents, on 19 and 22 February, which resulted in him being placed under constant supervision.

An investigation by the Health and Safety Executive (HSE) found that Grampian Health Board had failed to adequately manage the risks posed to a patient’s health and safety.

Aberdeen Sheriff Court heard how on 28 March, two staff members found Mr Mulsant lying on the bathroom floor. Despite their efforts and those of paramedics in attendance, Mr Mulsant was pronounced dead at the scene.

As a result of this incident, changes have been made to the management of in-

patient wards within Royal Cornhill Hospital.

On 8 August 2024, Grampian Health Board pleaded guilty to breaching Sections 3(1) and Section 33(1)(a) of the Health and Safety at Work etc. Act 1974 and were fined £60,000 with a £4,500 victim surcharge.

Speaking after the case an HSE spokesperson said: "This tragic case highlights the need for suitable and sufficient systems to be put in place to ensure that vulnerable patients are kept safe while they are in hospital."

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## Multi-national food company fined after worker loses fingers

A multi-national food company has been fined more than £300,000 after one of its workers lost four fingers on his right hand while unblocking a machine at a site in Glasgow.

Kerry Ingredients (UK) Limited received the fine following an incident at its factory in Hillington on 4 August 2021. The 39-year-old man was working on a mixer at the site, where dry seasoning blends and mixes are manufactured for the food industry.

During the mixing process the machine began to develop a blockage, which the worker attempted to clear by inserting his right hand into the machine. However, as he did so, it came into contact with the rotating blades which resulted in the amputation of four of his fingers. Since the incident, the man has had to re-learn how to do everything with his left hand.

An investigation by the Health and Safety Executive (HSE) established that there were no fixed guards preventing access to the blades from the underside. It also found there were not any interlocked guards which would stop the rotating parts if any component on the underside of the mixer were to be removed.

Kerry Ingredients (UK) Limited of Bradley Road, Bristol pleaded guilty on 26 July 2024 to a contravention of The Provision and Use of Work Equipment



Regulations 1988, Regulations 11(1) and (2) and the Health and Safety at Work etc. Act

1974, Section 33(1)(c). At a further hearing on 8 August 2024, the company was fined £360,000.

HSE principal inspector Hazel Dobb said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

"Companies 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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## [Builder avoids immediate prison sentence after failing to protect workers](#)

A builder has been given a suspended prison sentence after he put the lives of workers at risk on a construction site in London

David Beadle, trading as Beadle the Builders, failed to comply with a prohibition notice issued by the Health and Safety Executive (HSE) in relation to unsafe working at height at the site on Woodyates Road in South East London.

Falls from height remain the leading cause of death within the construction industry and [HSE has published guidance](#) about how these incidents can be avoided.



The scaffold was a potentially dangerous structure at risk of collapse and in breach of the HSE prohibition notice.

A proactive investigation by HSE found Beadle allowed workers under his control on at least three occasions to continue using a scaffold which was not properly constructed. It was a potentially dangerous structure at risk of collapse and in breach of the prohibition notice.

Sixty-three-year-old Beadle also failed to ensure that suitable and sufficient measures were in place to prevent workers falling a distance that would have caused personal injury. No edge protection had been installed to the side of the roof, the flat dormer roof, the front elevation of the roof, and safe access was not provided.

He was given a 26-week custodial sentence, suspended for 12 months and was told to complete 150 hours of unpaid work.

Beadle of Rochester Way, London, pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulation 2005 and 33(1)(g) of the Health and Safety at Work etc. Act 1974. He was also ordered to pay £6,043 in costs at the hearing at Bexley Magistrates Court on 7 August 2024.

HSE Inspector Emma Bitz said “We will not hesitate to take appropriate enforcement action against those who fail to do all that they can to keep workers safe.

“The risks from working at height are well known, as are the control measures required to reduce those risks.

“Falls from height remain the largest cause of workplace deaths in the construction industry.”

This prosecution was brought by HSE enforcement lawyer Chloe Ward and supported by HSE paralegal officer Rebecca Forman.

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5. Guidance on [working at height](#) is available.