

Construction Company fined after serious injury to 16-year-old on work experience

A 16-year-old boy suffered serious injuries after becoming trapped under a tractor while on paid work experience.



Tom Cutler was gaining experience of vehicle repair work at Earlcoate Construction & Plant Hire Limited, Folds Farm, in the New Forest, ahead of hopefully starting a vehicle maintenance course at Sparsholt College.

On August 3, 2021, the teenager from the New Forest was driving a tractor down an incline when it came off the track and overturned. He was alone and the tractor did not have a seat belt fitted. Tom was thrown out of his seat and his upper leg was trapped under the roof of the tractor – fortunately he was found in time by passers-by who were able to call for assistance. Emergency services attended and he was taken to hospital for treatment.

Tom's dad, David Cutler, said: "Tom was only 16 when this incident happened, and it's changed his life forever.

"Had it not been for his own bravery and the amazing work by the emergency services we could have lost him.

"Tom acted quickly and used his belt as a tourniquet to stem bleeding; he punched out the cab window to check his leg and managed to break off a wing mirror to enable him to turn off the tractor and prevent a fire from fuel that was escaping.

"He spent a month in hospital and has undergone seven different operations but can't do the things he used to do. He was a keen mountain biker and cricket player but that has all stopped.

“He doesn’t sleep properly and is more anxious; he had to put his education on hold for a year and we as a whole family have found it extremely tough.”

An investigation by the Health and Safety Executive (HSE) found that Earlcoate Construction & Plant Hire Limited, had failed to adequately protect Tom through a failure of supervision, and by not providing adequate information, instruction, and training to him.

HSE has guidance regarding [younger workers](#) and providing [information, training and supervision](#).

At Southampton Magistrates’ Court on 16 October, Earlcoate Construction & Plant Hire Limited of Folds Farm, Fordingbridge, New Forest pleaded guilty to breaching Regulation 2(1) of the Health and Safety At Work Act 1974. The company was ordered to pay a fine of £50,000 and costs of £9,223.

After the hearing, HSE Inspector Nicola Pinckney said: “Tom is lucky the outcome was not worse. This was due to his quick thinking, the fact he was found by in time by passers-by and the outstanding work carried out by the emergency services and those in hospital providing his care.

“The incident could so easily have been avoided by understanding the risks involved with employing young people. This could have been achieved by carrying out a suitable risk assessment and putting in place appropriate information, instruction, and training to both Tom and those working with him, and most importantly, ensuring adequate supervision was in place to ensure correct control measures and safe working practices were implemented.

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

This HSE prosecution was supported by HSE enforcement lawyer Samantha Wells.

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.
 2. More information about the [legislation](#) referred to in this case is available.
 3. Further details on the latest [HSE news releases](#) is available.
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Try the shout test – protect workers' hearing

Bosses who have to shout at work to get heard may not actually be angry! Instead, they may have a noise problem within the workplace.

Research on noise induced hearing loss (NIHL) shows around a fifth of the British working population could be exposed to high noise levels while doing their job.

While Britain has seen new cases of [occupational deafness](#) significantly drop over the past decade, the Health and Safety Executive (HSE) is urging workplaces to consider the shout test to manage noise at work and ways to give workers' ears a break.

HSE's noise expert Chris Steel said: "If you are shouting at work and can't be heard from two metres away, the chances are there's a noise issue. Try it out for yourself and see if you can be heard.

"Preserving hearing at work is crucial as noise can cause temporary or permanent hearing damage.

"But there needs to be a balance. While too little noise reduction could cause hearing damage, too much could isolate the worker and lead to accidents."

The issue of noise at work is the subject of a scientific report recently discussed by specialists in the field.

The Workplace Health Expert Committee (WHEC) report says about 20% of the working population in Great Britain could be exposed to high noise levels (>85 dBA).

The report goes on to say that while there are limited statistics on the prevalence of noise induced hearing loss (NIHL) in Britain, the most likely affected groups of workers are those who have been employed in the armed services, shipyards, construction, and agriculture.

HSE has important guidance in relation to [noise at work](#) although evidence suggests new cases of occupational deafness is in decline.

Chris Steel continued: "People often experience temporary deafness after leaving a noisy place like a nightclub or a bar.

"Although hearing recovers within a few hours, this should not be ignored. It is a sign that if they continue to be exposed to the noise, without an adequate break, their hearing could be permanently damaged. The same applies to noise in a workplace.

"While the prevalence of occupational noise induced hearing loss has

decreased over the last forty years, mostly through noise control technology, the dangers still need to be taken seriously.”

Bosses must assess and identify measures to eliminate or reduce risks from exposure to noise so that they can protect the hearing of their workers.

If you are already using hearing protection, it needs to be managed so try using CUFF:

C = Condition; is the hearing protection in good condition?

U = Use: are workers using the hearing protection all the times they should be?

F = Fit; does the hearing protection fit the wearer?

F = Fit for purpose; have you selected hearing protection that gives the right level of noise reduction?

The full [WHEC report](#) on occupational noise is available.

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2. Further details on the latest [HSE news releases](#) is available.
3. WHEC is a scientific and medical expert committee whose purpose is to consider the evidence linking workplace hazards to ill health. They provide independent, authoritative, impartial and timely expertise on workplace health. [Workplace Health Expert Committee \(WHEC\) – Science, engineering and evidence – HSE](#)

[Northwich furniture company fined over multiple wood dust failures](#)

A Northwich furniture company has been fined £16,000 after it repeatedly failed to protect its employees from exposure to wood dust.

Pineland Furniture Ltd, based on Witton Street in the Cheshire town, was inspected by the Health and Safety Executive (HSE) on two separate occasions over a two-year period – with both identifying identical breaches.

Nathan Cook, HSE senior enforcement lawyer, told Chester Magistrates Court, how a visit in December 2019 found significant breaches of the Control of Substances Hazardous to Health Regulations 2002 (COSHH) – resulting in six improvement notices being served. These included requirements for the company to undertake statutory examinations of its wood dust extraction systems and to undertake face fit testing for those employees required to wear tight fitting face masks.



- HSE inspectors identified Pineland Furniture had failed to protect its workers from wood dust

However, another visit to the same premises in November 2021 found identical breaches and again improvement notices were served.

This inspection came as part of HSE's national [campaign targeting woodworking businesses](#). The significant occupational health risks associated with wood dust and the continued failure to ensure control of exposure to wood dust resulted in HSE prosecuting the company.

Pineland Furniture Limited pleaded guilty to breaching regulations 7(1) and 9(2)(a) of COSHH. They were fined £16,000 and was ordered to pay £3008 costs at a hearing at Chester Magistrates Court on 11th October 2023.



- HSE inspectors identified Pineland Furniture had failed to protect its workers from wood dust

After the hearing, HSE inspector Ian Betley said: “Wood dust is a substance hazardous to health because it can cause serious non-reversible health problems, including asthma; dermatitis; and irritation to the eyes, nose and throat.

“Occupational lung disease causes the death of 12,000 people in Great Britain annually, and there are an estimated 19,000 new cases of breathing and lung problems each year, where individuals regarded their condition as being caused or made worse by work.

“It is important to carry out statutory thorough examinations of extraction equipment and ensure face fit testing, as required by COSHH to help prevent ill health.

“We will not hesitate to take enforcement action when necessary to make sure workers’ health is protected.”

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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. Guidance on [woodworking safety](#) is available.
5. HSE’s national [Dust Kills campaign microsite](#) contains helpful information.

Unregistered plumber handed suspended prison sentence for illegal gas work

A man from Essex has been given a suspended jail sentence after carrying out illegal gas work and breaching a Health and Safety Executive (HSE) enforcement notice.

On 18 April 2020, Joshua Pitman, 28, undertook gas work at a house in South Woodham Ferrers, Essex, which included installing gas pipework.

However, Mr Pitman’s installation at the house was found to not be up to current standards by a Gas Safe Registered engineer.



Andrew Parsons, who lives in the property with his wife Patricia Parsons, says Mr Pitman's illegal gas work caused him and his family a great deal of distress.

An investigation by HSE found that Joshua Pitman undertook illegal work while still serving a suspended jail sentence, having previously been convicted of the same offences.

In October 2019, Mr Pitman was sentenced to 12 weeks in prison, suspended for two years, after being prosecuted by HSE. This HSE prosecution was in relation to illegal gas work Mr Pitman carried out in Brentwood, Essex, in November 2016, where he installed a boiler in one property and relocated a boiler at another despite not being registered with Gas Safe Register. During this prosecution, Mr Pitman was also served with a Prohibition Notice by HSE which banned him from carrying out gas work while being unregistered. Mr Pitman breached this enforcement notice while working on Mr Parsons' home in April 2020.

Mr Pitman has never completed the required Nationally Accredited Certification Scheme (ACS) qualifications to demonstrate he is competent to carry out gas work nor been registered with Gas Safe Register.

HSE guidance can be found at: [Gas – HSE](#)

Mr Parsons, 49, said: “[Joshua Pitman] did not have a Gas Safe certificate [and this] caused a lot of disruption for myself and my family via having to put all that work right – the involvement of Cadent, HSE and various other contributory factors that have come in to get that fixed and therefore cost a fair amount of money, but also more importantly, put my family in danger by somebody purporting to be Gas Safe Registered and in fact not being and doing the work without those qualifications.

“So the result today of him pleading guilty, hopefully that will encourage others who may be thinking of doing this sort of work, the sentences that he has got, the compensation he is going to have to pay, hopefully that will deter other people from doing similar work.”

Joshua Pitman, of Whitesmith Drive, Billericay, Essex, pleaded guilty to breaching Section 33 of the Health and Safety at Work etc. Act 1974 and Regulation 3 of the Gas Safety (Installation and Use) Regulations 1998. He was sentenced to 16 months imprisonment, suspended for two years, fined £22,500 and ordered to complete 200 hours of unpaid work at Chelmsford Crown Court on 10 October 2023. He was also ordered to pay costs of £40,000 and £5,810 in compensation to Mr Parsons.

HSE inspector Connor Stowers said: “Joshua Pitman undertook gas work which he knew to be illegal and that he was not registered to do. All gas work must be carried out by registered Gas Safe engineers to ensure the highest standards are met to prevent injury and loss of life. The sentence should highlight that HSE and the courts take illegal gas work very seriously because of the danger it can pose both to homeowners and the wider community.”

Mr Parsons continued: “I would urge anybody out there who is going to employ a plumber, heating engineer, anybody who is going to be doing gas work, make sure you check the certificates, make sure you check those people are who they say they are, that they have got all the right qualifications and that they have all the right certifications to do that work and not putting anybody in danger.”



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 3. HSE news releases are available at <http://press.hse.gov.uk>
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Food processing company sentenced after worker suffers serious injuries

A company has been fined £20,000 after an employee's arm was drawn into machinery and seriously injured.

The worker, Piotr Zielinski, 58, from Nottinghamshire, was working for food processing company Belwood Foods Limited.

His right arm was drawn into a machine and wrist crushed while cleaning poultry processing machinery at Belwood Food's site at Lowmoor Business Park, Kirkby-in-Ashfield, Nottingham, on 22 November 2019.

He had been removing debris that was trapped on the hinges of an open access panel door at the base of a hopper machine. The door had been opened to allow the debris to drain from the auger.



The access panel door at the base of the hopper

While removing the debris however, the auger was still in operation and caught the worker's right arm, drawing it into the machine up to the elbow.

This led to skin and muscle being removed from Mr Zielinski's right arm with his wrist also being crushed. His injuries required surgery.

An investigation by the Health and Safety Executive (HSE) found that the access panel door was able to be opened freely whilst the auger was in

motion. There were no controls in place to prevent the panel from being opened while the auger was moving. It was not locked or interlocked, and there was no safe isolation procedure for this weekly cleaning task.

HSE guidance can be found at: [Equipment and machinery – HSE](#)

Belwood Foods Limited, of The Henley Building, Newtown Road, Henley-on-Thames, Oxfordshire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay £7,839.21 in costs at Nottingham Magistrates' Court on 9 October 2023.

HSE inspector Lee Greatorrex said: "This injury was easily preventable. Employers have a responsibility to properly assess the risks from all aspects of their operations, including cleaning and maintenance, and implement effective control measures to minimise the risk from dangerous parts of machinery. HSE will not hesitate to take action against companies which do not do all that they should to keep people safe."

This prosecution was supported by HSE enforcement lawyer Samantha Wells.

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