

# Company and director sentenced after work left seriously injured

A Swindon-based scaffolding company and its director have been sentenced after a worker was left with life-changing injuries.

Swindon Magistrates' Court heard how the worker was erecting scaffolding on 19 December 2016 when the structure came into contact with 33KV overhead power lines. The father of five received an electric shock which led to the amputation of his left arm above the elbow, right arm below the elbow and both of his feet. The 32-year-old also suffered severe burns to his legs and back, damage to his vocal chords, and was in an induced coma for six weeks.

An investigation by the Health and Safety Executive (HSE) found the scaffolding should not have been built to that height so close to overhead power lines. The company and its director failed to ensure a safe system of work was in place for erecting a scaffold under overhead power lines.

Boundary Scaffolding Limited, of Unit 10 Kendrick Industrial Estate Swindon SN2 2DU, pleaded guilty to breaching Regulation 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £80,000 and has been ordered to pay full costs of £1415.10.

Company director Jonathon Lee Griffiths-Clack, of 12 Grosmont Drive, Swindon, pleaded guilty to breaching Regulation 2(1) of the Health and Safety at Work etc. Act 1974 as well as Section 37 of the Health and Safety at Work etc Act 1974. He was sentenced to six months in prison, suspended for 12 months. He has been ordered to repay costs of £1545.30.

In a statement the injured man Jamie Mines said: "I can't quite put into words how it feels to wake up with no hands. I had five-month-old twin girls at the time of the accident, all I could think of when I woke up was the things I wouldn't be able to do, for example I wouldn't be able to hold my babies' hands again, I wouldn't be able to draw, play catch or teach my girls any of the things that I had learned with my hands.

"There's so many things I can't do it's hard to imagine, but to never feel anything with my hands again is what I struggle with the most.

"Sitting here now in my wheelchair nine months after the accident and I still don't walk, for a man who was very active before the accident it has been extremely difficult! I was a keen sportsman as well as someone who enjoyed his job and was really hands on with my babies. How my life has changed is almost indescribable."

Speaking after the hearing, HSE inspector Ian Whittles said: "This incident could have been prevented had the company and its director properly planned a safe system of work and ensured the scaffolding was erected in line with HSE regulations. Due to their failings, a young father of five has been left with

life-changing injuries and the lives of an entire family have been changed forever.”

Further safety in construction guidance can be found here:  
<http://www.hse.gov.uk/construction/safetytopics/overhead.htm>

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

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. It helps Great Britain work well by applying a broad range of regulatory interventions and scientific expertise, to prevent work-related death, injury and ill-health. It does so through research, information and advice, promoting training, new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement.  
[hse.gov.uk](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at:  
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3. HSE news releases are available at <http://press.hse.gov.uk>

Journalists should approach HSE press office with any queries on regional press releases.

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## **Road haulage company fined after worker killed**

An Essex-based road haulage firm has been fined after an employee was crushed between two articulated vehicles and subsequently died from his injuries.

Southend Magistrates Court heard how an HGV driver employed by YCT Limited suffered fatal injuries when his vehicle rolled forward out of control whilst he was coupling the HGV tractor unit to a trailer.

An investigation by the Health and Safety Executive (HSE) into the incident, which occurred on 20 October 2015, found that YCT Limited failed to implement safe systems of work or monitoring arrangements to ensure that its drivers were consistently undertaking coupling and uncoupling operations safely, in line with widely available industry guidance. As a result of this, a culture developed whereby its drivers were not always applying trailer parking brakes.

YCT Limited, previously of Port Centric House, Thurrock Park Way, Tilbury, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc Act 1974. The company has been fined £170,000 and ordered to pay costs of £6,268.80

Speaking after the case, HSE inspector Jessica Churchyard said “This tragic incident led to the avoidable death of a young man, and was caused in part by the failure of his employer to implement and monitor safe systems of work to prevent vehicle runaways.

“This death could have easily been prevented if his employer had acted to identify and manage the risks involved, and followed the industry guidance.”

### Notes to editors

1. The Health and Safety Executive (HSE) is Britain’s national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [gov.uk](http://gov.uk)<sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk](http://legislation.gov.uk)<sup>[2]</sup>
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## [Company fined after employee suffers serious burn injuries](#)

A liquified petroleum gas (LPG) service provider has been fined after a worker suffered serious burn injuries when an LPG vessel ignited.

Worcester Magistrates’ Court heard that on 8 June 2016 an unsecured LPG vessel that an employee was manoeuvring struck another vessel, resulting in the release of LPG at high pressure which then ignited. The S & E LPG Limited worker was caught by the flames. The fire spread to other vessels stored nearby, destroyed a workshop 10 metres away and lasted more than 24 hours.

An investigation by the Health and Safety Executive (HSE) into the offence found empty LPG vessels had not been stored correctly, on and before the date of the incident, and still had a fire and explosion risk. Well established industry standards were not followed.

HSE also found the LPG vessel had been moved from Aylesbury to Two Shires Road, Honeybourne, on 11 May 2016, while containing hundreds of litres of LPG. The vessel was not an approved container for transportation of such a large quantity of LPG. This delivery posed a significant risk of fire and explosion on a public highway.

S & E LPG Limited of Two Shires Road, Honeybourne, Evesham, Worcestershire pleaded guilty of breaching Regulation 5 of The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 and Section 3 of the Health and Safety at Work Act 1974. The company has been fined £26,600 and ordered to pay costs of £3550.90.

Speaking after the hearing HSE Inspector Wai-Kin Liu said "The worker's injuries were life changing and he could have easily been killed. This serious incident and devastation could have been avoided if industry well established standards had been put in place".

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## **Kitchen-fitting company fined after worker injured**

A kitchen-fitting firm has been fined after an employee's fingers were severed whilst using an unguarded circular saw.

Liverpool Magistrates' Court heard how, on the 27<sup>th</sup> June 2016, an apprentice of Kitchencraft (Wirral) Limited was working unsupervised on an unguarded table saw when his left hand came into contact with the blade. The apprentice suffered injuries including a laceration to his thumb while two of his fingers were completely severed. Despite his fingers later being reattached, the apprentice has been left with a lasting injury to his hand resulting in him having to reassess his future career.

The Health and Safety Executive (HSE) investigation found training had not been provided to the apprentice on the safe use of the saw and he had not been appropriately supervised. The company failed to ensure a suitable guard was provided and used, or that the employee was supplied with an adequate push stick or holder to use in conjunction with the saw.

The HSE investigation also found that Kitchencraft (Wirral) Limited did not have Employers Liability Compulsory insurance in place at the time of the incident.

Kitchencraft (Wirral) Limited of Edith Road, Wallasey, Wirral, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974 and Section 1(1) of the Employers' Liability Compulsory Insurance Act 1969.

The company was fined £2,000 and ordered to pay £1,000 in costs, the company was also ordered to pay a £17,000 compensation order.

HSE inspector Catherine Lyon said after the hearing: "Had the company in this case simply provided the appropriate guarding on the saw, this incident could have been prevented.

"Good management of health and safety applies to all duty-holders, including small companies, and every employer must ensure they have Employers Liability (Compulsory) Insurance in place. Where employers are found to be in breach of this requirement, they will be held to account by HSE."

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## **Council fined after worker diagnosed with HAVS**

Wrexham County Borough Council has been fined after a 57-year old man was diagnosed with Hand Arm Vibration Syndrome (HAVS).

Mold Magistrates' Court heard how the employee of the council's StreetScene department had been diagnosed with HAVS in September 2015.

An investigation by the Health and Safety Executive (HSE) found the council failed to address the issue of HAVS following an audit in February 2011 which identified a failure to assess the risk to employees from vibration. The council had developed a number of policies dating back to 2004 to tackle the risk of HAVS, however it was found these policies were not implemented.

Following the introduction of HAVS occupational health surveillance for users of vibrating tools a further eleven diagnoses of HAVS or Carpal tunnel syndrome have been reported.

Wrexham County Borough Council of the Guildhall, Wrexham pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974.

The council has been fined £150,000 and ordered to pay costs of £10,901.35

Speaking after the hearing HSE inspector Mhairi Duffy said: "This employee now suffers from a long term, life changing illness. The council should have implemented the policy they devised following the audit in 2011.

"Workers' health should not be made worse by the work they do; all employees have the right to go home healthy at the end of the working day."

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