

Care provider fined for failing to manage risk of service user

The Action Group, who provides support to children and adults, has been fined £20,000 after HSE investigated how risks to staff were assessed, in the wake of an attack on an employee by one of its service users.

Edinburgh Sheriff Court heard that a female employee of the Action Group was abducted, assaulted, sexually assaulted and raped in 2018 while visiting the home of a male service user to provide support and care.

An investigation by the Health and Safety Executive (HSE), prompted by the police's investigation into the attack, found that the Action Group failed to carry out a suitable and sufficient assessment of the risks to the safety of their female employees posed by this service user. This was despite evidence indicating that concerns had been raised by support staff about their safety with this service user from as early as 1994.

The Action Group of North Park Centre, Albion Road, Edinburgh pleaded guilty to breaching Sections 2(1) and 33(1)(c) of The Health and Safety at Work etc Act 1974 and Regulation 3(1)(a) of The Management of Health and Safety at Work Regulations 1999. The group was fined £20,000.

Speaking after the hearing, HSE inspector Kerry Cringan said: "This was a harrowing case for all involved and could have been avoided by carrying out a suitable assessment of the risks, particularly those posed to female members of staff. If this had been done, appropriate control measures and safe working practices could have been put in place that would have protected their staff and prevented this incident."

A separate prosecution against the individual led by Police Scotland and The Crown Office and Procurator Fiscal Service (COPFS) was completed in 2019.

Notes to Editors:

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 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>
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UPVC manufacturer fined after worker suffered life changing injuries

UPVC manufacturer Solarframe Limited was sentenced for safety breaches after a machine operative was crushed under falling materials.

Sheffield Magistrates' Court heard that on 19 July 2017, an agency worker was assisting the driver of a forklift truck (FLT) in cataloguing and sorting UPVC materials that were stored on long metal frames called 'stillages', which in turn were stacked on top of one another on top of a wheeled dolly. The FLT was being used to pull out the dollies and stacks and lift each individual stillage down so the contents could be inspected and tidied at the yard in Fields End Industrial Park, Rotherham.

The FLT driver began to restack the completed stillages onto a pile on the dolly, when the tips of the FLT forks protruded beyond the dolly and caught underneath the stillages stacked behind it. The stillages became unbalanced and fell on to a 56-year-old worker who was in the yard looking for materials.

He sustained a double broken pelvis, a broken and dislocated left arm, broken ribs left and right side, punctured lung, broken scapula, double broken clavicle, double fractured jaw, fractured cheekbone which involved the eye socket, and two trapped vertebrae in the back of his neck. He was kept in an induced coma for three weeks following the incident.

A HSE investigation found that the company had failed to carry out a suitable and sufficient risk assessment, which identified the risk of lifting equipment making contact with other items located nearby. The FLT in use was too large for the planned activity and the height of the stillages was too great, which presented a danger of them becoming unbalanced. Measures should also have been taken to segregate pedestrians from moving vehicles at the site.

Solarframe Limited of Davey Road, Fields End Industrial Park, Thurnscoe, Rotherham, South Yorkshire pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £30,000 and ordered to pay costs of £5,346.

Speaking after the hearing, HSE inspector Jane Fox said: “The worker’s injuries were life changing and he could have easily been killed. This serious incident could so easily have been avoided if basic safeguards had been put in place.

“Assessing the risks involved in work activities allows businesses to foresee what might occur. It is then straightforward to implement simple control measures and safe working practices.”

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3. HSE news releases are available at <http://press.hse.gov.uk>^[3]

[Two new non-executive directors to HSE Board](#)

The Secretary of State for the Department for Work and Pensions has confirmed two non-executive director Board appointments to the Health and Safety Executive (HSE).

The two new additions to HSE’s Board bring with them a wealth of public service experience that will be welcomed into the existing team.

Debbie Gillatt CBE is currently a magistrate, Trustee at Penny Parks Charitable Trust and holds NED roles with Companies House and Insolvency Service. Previously she was the Director of Business Frameworks at the Department for Business, Energy and Industrial Strategy (BEIS).

Within BEIS, she led the teams responsible for the UK's company law, accounting standards and corporate governance rules, and those which lead on corporate transparency and anti-corruption initiatives. She also led on corporate responsibility and boardroom diversity initiatives.

Before BEIS, Debbie managed a £3.2bn Government grant fund for business and led the cross-Whitehall team which supported Lord Heseltine in producing his report on the UK's competitiveness. She has recently worked in the Cabinet Secretariat and managed Vince Cable's ministerial support team.

Her previous experience includes managing government's relationship with a range of business sectors from production machinery to telecoms, and ground-breaking work in both economic regulation and inward investment.

Professor Gina Radford is currently the Chair of Public Health England's COVID Non-Pharmaceutical Interventions Ethics Group and also a Member of National Police Chiefs' Councils Independent COVID Ethics Committee from 2020. She also serves as Vicar at Dart and Avon Mission Community, Devon.

Previously she was Deputy Chief Medical Officer (CMO) for England from 2015 to 2019. Before this she worked in the Department of Health where she oversaw the work to establish NICE before becoming Regional Director of Public Health for the East of England where she led on the Department's response to the Shipman Enquiry and represented CMO on the WHO's Western Pacific Regional Committee.

On leaving the Department of Health in 2007, Professor Radford has held a number of roles including; Director of Public Health in Fife; Director of Public Health for East of England and also Centre Director for Anglia and Essex for Public Health England.

Chair of HSE, Sarah Newton welcomed both appointments to the Board. She said: "I am delighted that Gina and Debbie will be joining us on the HSE Board. They both bring a wealth of knowledge and experience and I'm sure they will be a great asset to us. I look forward to working with them."

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. HSE is an Executive Non-Departmental Public Body sponsored by the Department for Work and Pensions (DWP).

Health and Safety Executive cracks down hard on dust

HSE's inspectors across Great Britain will be targeting construction firms to check that their health standards are up to scratch during a month-long inspection initiative, starting on Monday 4 October 2021.

This year inspections will focus on respiratory risks and occupational lung disease, looking at the control measures businesses have in place to protect their workers' lungs from construction dust including silica, asbestos and wood dust. This is part of HSE's longer term health and work strategy to improve health within the construction industry.



Inspectors to focus on respiratory risks

While the primary focus will be on health during this programme of inspections, if an inspector identifies any other areas of concern, including immediate safety risks, they will take the necessary action to deal with them.

Inspectors will be looking for evidence of employers and workers knowing the risks, planning their work and using the right controls. If necessary, they will use enforcement to make sure people are protected.

The initiative will be supported by HSE's WorkRight campaign, aimed at influencing employer behaviour by encouraging builders to download free guidance and advice, increasing knowledge and capability to protect workers' health.

More than 3,500 builders die each year from cancers related to their work, with thousands more cases of ill-health and working days lost.

HSE's chief inspector of construction, Sarah Jardine, said: "Around 100 times as many workers die from diseases caused or made worse by their work than are actually killed in construction accidents.

“Our inspection initiatives ensure that inspectors are able to speak to duty holders and visit sites to look at the kind of action businesses in the construction industry are taking right now to protect their workers’ health, particularly when it comes to exposure to dust and damage to lungs. These are mature health challenges that the industry ought to be managing effectively.

“There are a few simple things that everyone can do to make sure they are protecting their health and their future. Be aware of the risks associated with activities you do every day, recognise the dangers of hazardous dust and consider how it can affect your health. We want businesses and their workers to think of the job from start to finish and avoid creating dust by working in different ways to keep dust down and wear the right protective equipment.”

HSE is being supported by the Health in Construction Leadership Group (HCLG) and Tier 1 industry contractors. Throughout October 2021, HCLG members will carry out more than 1,000 site visits to assess the effectiveness of measures in place to controls workers’ exposure to respiratory risks from dust. Findings from site visits and a survey will allow industry to feed into HSE’s broader commitment to improve the health of construction workers by providing HSE with a wider dataset to evaluate ongoing practices across industry.

HSE and industry Insights will support HSE’s strategic plan to broaden the range and depth of future regulatory health interventions.

For more information on the programme of inspections visit the Work Right campaign

website: <https://workright.campaign.gov.uk/campaigns/construction-dust/>

Follow the campaign on [Twitter at @H_S_E](#), on [Facebook @hsegovuk](#), or on [LinkedIn](#). You can also join the conversation at #WorkRight.

To sign up for HSE’s construction e-bulletin go to: hse.gov.uk/construction/infonet.htm

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Recycling worker sustains serious injuries to leg in machine incident

A recycling company has been fined after an employee fell through a moving conveyor belt sustaining serious crush injuries to his right leg at the Accoil Paper Recycling Limited plant in Erith.

Westminster Magistrates Court heard how, on 19 January 2018, the worker was injured whilst trying to remove contaminants from a paper load prior to it entering a baler. He sustained multiple fractures, which have left him with reduced mobility and impacted on his ability to work.

An investigation by the Health and Safety Executive found the company failed to adequately manage the risk of workers being injured while operating machinery. It was common practice for workers and supervisors to jump on and off the moving conveyor belt feeding a paper baling machine to remove contaminants.

Accoil Paper Recycling Limited of Maypole Crescent in Darent Industrial Park, Erith was found guilty of breaching Section 2 (1) of the Health and Safety at Work Act 1974. They were fined £75,000 and ordered to pay costs of £7,706.

Speaking after the hearing HSE inspector Chris McDowell said: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction, and training to their workers on the safe system of working. Suitable supervision arrangements should also be in place to ensure that workers are following the safe system of work.

"If a suitable safe system of work had been in place prior to the incident, and supervisors were ensuring that this system was being followed, the injuries sustained by the employee could have been prevented."

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