

# Farming partnership fined after worker suffered multiple fractures

W Gibson & Son was sentenced for safety breaches after a self-employed farm worker fell approximately three metres from a 360-excavator vehicle.

Leeds Magistrates' Court heard that the 31-year-old worker had been carrying out maintenance work on the gable end of a barn on the farm. He was working from a non-integrated work platform or 'man-cage' attached to the boom of a 360-excavator vehicle. The man-cage fell from the boom of the excavator and he fell approximately three metres sustaining a fractured sternum, six broken ribs, a fractured bone in his back and three broken teeth.

An investigation by the Health and Safety Executive (HSE) found that the man-cage was used with the excavator because the partnership thought it had better reach and manoeuvrability to undertake the job of fixing the gable ends to the fascias of the shed.

W Gibson & Son of Mayville Farm, Cayton, Scarborough North Yorkshire pleaded guilty to breaching Section 3(1) of the Health & Safety at Work etc Act 1974. The company has been fined £18,000 and ordered to pay £787.87 in costs.

After the hearing, HSE inspector Chris Tilley commented: "Excavators should not be used under any circumstances for lifting people as they are primarily designed for excavating with a bucket and consequently are capable of operating speeds and movements which make them totally unsuitable for lifting people. Non-integrated work platforms should not be used for pre-planned activities such as periodic maintenance.

"This incident could so easily have been avoided by properly assessing the risk and employing suitable work at height equipment, such as the use of scaffolding or an integrated work platform, including Mobile Elevated Work Platforms (MEWPs)".

## **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. [hse.gov.uk](https://www.hse.gov.uk)<sup>[1]</sup>
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)<sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>
4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:

<https://www.hse.gov.uk/pubns/pm28.pdf>

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## [Engineering company fined after employee scalped](#)

An engineering company has been fined after one of its employees suffered scalping injuries when her hair became entangled in a pillar drill.

Coventry Magistrates' Court heard how on 10 September 2019, a P&D Engineering Limited employee suffered life changing injuries when her scalp and part of her ear were torn off after her ponytail became wrapped around a rotating drill. In the months following the incident she underwent surgery nine times involving skin grafts to re-construct her scalp. Her ear was also amputated.

An investigation by the Health and Safety Executive (HSE) found that the rotating parts of the drill were not guarded in accordance with standard industry practice. The investigation also found that P&D Engineering Limited's own risk assessment for using the drill had identified a guard should be fitted, but evidence obtained indicated the drill had been operated without one for a number of years.

P&D Engineering Limited of Crondal Road, Exhall, Coventry pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974. They were fined £62,334 and ordered to pay costs of £1,459.90.

Speaking after the hearing, HSE inspector Charlotte Cunniffe 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 standard"

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## [Company fined after worker fatally injured](#)

Egger (UK) Limited has been fined after a self-employed lorry driver was killed making a routine delivery of recycled wood.

Kilmarnock Sheriff Court heard that on 3 October 2017, whilst standing on open ground at the rear of the trailer of his articulated vehicle, the driver Kenneth Aitchison was struck by a wheeled shovel loader operating in the yard at their Auchinleck premises in Scotland.

An investigation by the Health and Safety Executive (HSE) revealed that the company's risk assessments for workplace transport were not suitable or sufficient. This resulted in a failure to identify that pedestrians, including delivery drivers, were at risk of being struck by moving vehicles in the yard, despite the high level of vehicle movements and previous near misses. Consequently, the company failed to implement appropriate measures to control that risk, including the provision of designated pedestrian walkways.

Egger (UK) Limited of Technology House, Goldsworth Road, Woking pleaded guilty to breaching Sections 2(1) and Section 3(1) of the Health and Safety at Work Act etc 1974 and was fined £910,000.

Speaking after the hearing HSE inspector, Kathryn Wilson said: "The risks to pedestrians where vehicles are operating is well known. This incident could so easily have been avoided had the company identified the risks and put straightforward control measures and safe working practices in place. Had they done so the delivery driver would still be alive.

"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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3. HSE news releases are available at <http://press.hse.gov.uk>
4. For more information on working safely with vehicles, please visit our dedicated page here: Vehicle and transport safety at work ([hse.gov.uk](http://hse.gov.uk))

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## [Roofer and scaffolder sentenced following fatal fall from height](#)

A roofer and a scaffolder have been sentenced following a fatal fall from height at a two-storey terraced house on Rosevine Road, Wimbledon.

Southwark Crown Court heard that on 26 November 2018, Philip Drinkwater and Anthony Bradley were working on the roof, which was accessed using a ladder and scaffolding that had been erected by Dean Glen. Later that day, Mr Drinkwater asked his co-worker, Mr Glen, to help him move some slates up onto the roof using an electric hoist. While he was carrying out this operation, he fell approximately six metres through a gap, which was adjacent to the hoist and landed on the ground where he died almost immediately.

An investigation by the Health and Safety Executive (HSE) found that Mr Glen had erected the scaffold leaving a 1.17m gap in the edge protection at the ladder access point without fitting a scaffold gate. Mr Glen had erected the scaffold when not fully qualified to do so and it did not comply with industry standards or legal requirements. Mr Drinkwater was in charge of the

roof work, which he allowed to proceed despite the gap and unsafe ladder access. He lacked the training to manage health and safety on the site and failed to appoint a suitably qualified scaffolder to erect the scaffold.

Philip Drinkwater (trading as Prestige Roofing) of Meldone Sheepphouse Way, New Malden pleaded guilty to breaching section 3(2) of the Health and Safety at Work etc Act 1974. He was fined £5,000 and ordered to pay costs of £6,318.

Dean Glen (trading as DDP scaffolding) of Woodroyd Avenue, Horley pleaded guilty to breaching section 3(2) of the Health and Safety at Work etc Act 1974. He was fined £5,000 and ordered to pay costs of £6,318.

Speaking after the hearing, HSE inspector Kevin Smith: "The tragedy of this incident was that it was totally avoidable.

"Preventative measures were inexpensive and required little time or effort. Reducing the size of the opening in the guard rails and installing a self-closing scaffold gate would have stopped this man from falling to his death. A scaffold gate costs around £40 and only takes a few minutes to install.

"Those involved in scaffolding and roof work on smaller sites need to be aware of the potentially devastating consequences of failing to put basic safeguards in place."

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4. Guidance on HSE's website: <https://www.hse.gov.uk/construction/faq-height.htm>
5. The National Access and Scaffolding Confederation (NASC) produce scaffold safety guidance which can be downloaded free via their website. This includes SG25:14 – Access and Egress from Scaffolds, via Ladders and stair Towers etc. which provides specific guidance on protecting access openings in guard rails on working platforms – [https://nasc.org.uk/shop/page/2/?swoof=1&product\\_cat=health-and-safety-guidance](https://nasc.org.uk/shop/page/2/?swoof=1&product_cat=health-and-safety-guidance)

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