

# School trust fined after member of public hit by falling tree branch

A school academy trust has been fined and a man given a suspended prison sentence after a member of the public was hit by a falling tree branch.

Bishop Bewick Catholic Education Trust and gardening services provider Nicolas Thépot (trading as 'The Green Yem') both pleaded guilty to health and safety breaches following the incident, which left a 68 year-old with serious injuries.

Gillian Gardner had been walking her dog on the pavement along West Road in Newcastle when she was hit by the falling branch, which, as a result of the impact, knocked her on to the road and into the path of incoming traffic.



Thépot continued working on the tree the very next day with the only change being that some cones and tape were placed on to the pavement.

The incident took place on 9 August 2022. Thépot had been contracted by the trust to fell two trees in the grounds of St Cuthberts Catholic High School on Gretna Road. He and a young apprentice set about the work and having climbed one of the trees, Thépot was using a chainsaw to remove branches and sections of the trunk. He had been using a rope to tie to the branches to be removed, with his young apprentice tasked with pulling each one inside the school boundary as they fell.

However, it was during this operation that the rope snapped, causing both it and the falling branch to crash into Mrs Gardner and her dog.

In a statement, she said her ordeal had left her unable to leave the house for several weeks, with the injuries sustained including several broken ribs.

"It probably took about a year to totally recover she said.

"I still can't carry anything heavy.

"I feel like it has all been downhill since my accident and I've lost confidence in what I can and can't do.

“I haven’t been able to return to my weekly swimming I was used to before the accident.

“My dog has been very therapeutic for me and we’re inseparable.”



Thépot had no training or qualifications in arboriculture or use of chainsaws

An investigation by the Health and Safety Executive (HSE) found that Thépot had no training or qualifications in arboriculture or in the use of chainsaws. He was using an unsafe method to fell the tree, by carrying out aerial chainsaw work above the open footpath and road.

The investigation also found Bishop Bewick Catholic Education Trust had made no checks on Thépot’s experience, competence or qualifications. The trust had not checked how he intended to do the work in advance of awarding the contract, made no check on the method used during the work, and did not stop the work after the incident.

In fact, Thépot continued working on the tree the very next day using the same method. The only change made was that some cones and tape were placed on to the pavement. There was no way around the coned off area for pedestrians without stepping into the busy road, nor was there any signage in place to indicate risk. Members of the public were still walking underneath the tree while Thépot was working with a chainsaw – with the risk not immediately obvious to members of the public from the path. The trust did not attempt to stop him working in this manner despite the obvious risks and the incident the previous day.

The work was only stopped when HSE inspectors became aware of the incident, arrived on the scene, and served prohibition notices on both the trust and Thépot.



The rope being used to tie to branches snapped during the tree felling work

Bishop Bewick Catholic Education Trust, pleaded guilty to breaching their duty under section 3(1) of the Health and Safety at Work Act 1974 to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in their employment are not exposed to risks to their health or safety. It was fined £20,000 and ordered to pay £4,344 in costs at Newcastle Upon Tyne Magistrates Court on 17 April 2025.

Nicolas Thépot, (of Netherwitton Way, Newcastle upon Tyne) as a self-employed person, failed to discharge his duties under section 3(2) of the Health and Safety at Work Act 1974, to ensure persons not being his employees are not exposed to risks to their health or safety. He pleaded guilty at South Tyneside Magistrates Court on 7 May 2025 and was given a 12 week prison sentence, suspended for 12 months. He must also complete 100 hours of unpaid work and ordered to pay £1,000 towards the prosecution costs.

After the hearing, HSE inspector Stephen Garner said: "This incident was completely avoidable had the tree been felled by a safe method with controls put in place to protect members of the public from being struck by falling branches.

"It is particularly concerning that, in this case, the work continued by the same method the very next day, even after a member of the public was injured.

"This prosecution demonstrates HSE will not hesitate to take action against those who put the public at risk through unsafe work methods."

#### **Further information:**

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](#).