

# Sole trader jailed after man crushed under van at Bootle garage

The partner of a man who got stuck and crushed under a vehicle at a motor repair company and later died has spoken of her struggles coping with her loss.

Kenneth (Kenny) McCord, 56, died following an incident on 16 July 2020 at JJ Tyres & Recovery based in Bootle, Merseyside.

Joseph Jones, the owner of JJ Tyres & Recovery in Bootle, was jailed for ten months at a hearing at Liverpool Crown Court on 4 August 2023.

The court heard that Mr McCord was assisting in the removal of the flat rear bed of a tipper van – to salvage spare parts – when the hydraulic system of the tipper bed was released without the support arm being in place. The flatbed then fell and crushed him while he was working underneath it.



Kenny McCord who was killed in his workplace

Mr Jones and two other employees on site managed to get Mr McCord out from under the tipper bed and the chassis of the vehicle. He appeared shaken but was still able to talk and have a drink of water.

Shortly afterwards Mr McCord's condition started to rapidly deteriorate, and an ambulance was called. He was taken to Aintree hospital where it was found he was suffering from significant internal injuries caused by the crushing. Mr McCord underwent surgery but later died from his injuries.

Nicola McCall, Kenny's partner of more than 20 years, said: "I feel like this was a terrible accident that could have so easily been avoided."

The Health and Safety Executive (HSE) has guidance available on [working under](#)

[vehicles.](#)

An investigation by the HSE found sole trader Joseph Jones had no risk assessments, safe systems of work or lifting plan. The company did not provide staff with adequate training or made them aware of the dangers associated with removing the flat bed from a vehicle.

The investigation also found that if the support arm which props the tipper bed while in the raised position had been in place at the time, this incident would have been avoided.

Joseph Jones, of JJ Tyres & Recovery, Lodwick Street, Bootle, Liverpool pleaded guilty to breaching Section 2(1) and Section 33(1) of the Health & Safety at Work etc. Act 1974. Mr Jones was jailed for ten months at Liverpool Crown Court on 4 August 2023. This HSE prosecution was supported by HSE enforcement lawyer Radha Vaithianathar.

Nicola McCall and Kenny lived together in Bootle. The 51-year-old said: "My life has changed massively since Kenny's death.

"Since his death my health has not been good, and I've struggled to come to terms with his loss as he was such a big part of my life.

"Emotionally I was a mess, I struggled to talk about the incident, I would cry constantly and still do, and wouldn't leave the house in case I met somebody that we both knew, and it would bring up all my feelings again.

"I miss the silly things that Kenny used to do like always tormenting people in fun ways and cherish the videos that I still have of him on my phone.

After the hearing, HSE inspector David Bellis said: "Nicola is, sadly, correct. We found that had the support arm been applied, the collapse would not have happened.

'This will only take me a minute' is a phrase we hear all too often, yet it is crucial the correct equipment is used when working under vehicles.

"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 take fatal accidents seriously no matter the size of the company and will not hesitate to take appropriate enforcement action against those that fall below the required standards."

## **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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## **Company fined after worker left paralysed**

A manufacturing company has been fined after a worker became entangled in a machine and has been left paralysed from the chest down.

The man, from Worcester, had been working for Mountfield CNC Ltd at the firm's site at Berry Hill Industrial Estate in Droitwich when the incident took place on 4 January 2022.

He had been setting up a CNC machine when he became entangled with the machine's rotating saw.

This has led to the 65-year-old man suffering a fractured neck resulting in him becoming paralysed from the chest down.

A Health and Safety Executive (HSE) investigation into the incident found Mountfield CNC Ltd failed to take effective measures to prevent access to dangerous parts of the CNC machine. The machine was fitted with interlocked guards, but the interlocks had been defeated before the incident – allowing the machine to move without guards in place. The company should have identified the need for effective interlocking guards and monitored safeguards to ensure they had not been tampered with.

HSE guidance can be found at: [Health and safety in engineering workshops HSG129 \(hse.gov.uk\)](#)

Mountfield CNC Ltd, of Unit 2 W Stone, Berry Hill Industrial Estate, Droitwich, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £18,000 and ordered to pay costs of £3,094 at Kidderminster Magistrates' Court on 27 July 2023.

HSE inspector Harry Shaw said: "This life-changing injury was

easily preventable, and the risk should have been identified. Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery.”

This HSE prosecution was supported by HSE enforcement lawyer Nathan Cook.

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## **Companies fined more than £400,000 after hospital staff violently attacked by patients**

Two companies have been fined a combined total of more than £400,000 after staff working at a South Wales mental health hospital were subjected to violent attacks by patients over a three year period.

Parkcare Homes (No.2) Limited and Priory Central Services Limited, both part of The Priory Group, pleaded guilty after failing to manage risks to care staff and patients from violence and aggression.

Cardiff Magistrates Court heard that Priory Hospital in Aberdare – a facility owned by Parkcare Homes (No.2) Limited – was a specialised institution for people with complex mental health, behavioural and learning issues. At any one time, there were up to 12 in-patients being cared for by the staff.

Over a three year period between 2014 and 2017, there were incidents of violence and aggression towards both care staff and patients, resulting in serious injuries, including loss of consciousness and permanent scarring. Due

to the frequency and severity of incidents, concerns were formally raised by senior management of the hospital in November 2016 to Priory Central Services Limited, which was responsible for the provision of training and equipment and the employment of staff at Aberdare. Priory Central Services Limited failed to take prompt and appropriate action to rectify the deficiencies and incidents were allowed to continue.

An investigation by the Health and Safety Executive (HSE) found there were no suitable and sufficient risk assessments carried out and the equipment and environment was not fit to diffuse violent situations. Staff were not provided with adequate information or training to cope with patients with aggressive traits.

The investigation also found staff were not given the appropriate personal protective equipment, including bite resistant clothing and personal safety alarms.

There were no post incident de-brief sessions carried out with staff involved or even when individuals return from sick leave following an injury. No investigations were carried out of incidents to establish what had happened to identify lessons learnt despite repeated serious and significant injuries being caused.

The companies were fined at a sentencing hearing on 26 July 2023 after entering guilty pleas at an earlier date. Parkcare Homes (No.2) Limited of Fifth Floor, 80 Hammersmith Road, London, W14 8UD pleaded guilty to breaching Sections 2(1) & 3(1) of the Health and Safety at Work etc. Act 1974. Priory Central Services Limited of Fifth Floor, 80 Hammersmith Road, London, W14 8UD pleaded guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974.

Parkcare Homes (No.2) Limited was fined £363,000 and ordered to pay £43,656 in costs. Priory Central Services Limited was fined £40,000 and ordered to pay £21,828 in costs.

After the hearing HSE Principal Inspector Anne Marie Orrells said: "Priory are a leading independent provider of mental healthcare and adult social care in the UK. It is a long-established company and despite repeated warnings about systemic failures it failed to prevent its staff being injured.

"Care providers should have adequate arrangements to effectively plan and organise preventative measures to prevent violence towards staff and other patients."

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## [New non-executive director to join HSE Board](#)

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

Ken Rivers will replace Ken Robertson, who left HSE's Board in July 2023, bringing with him a wealth of experience from the oil and chemical sectors that will help HSE continue to deliver on its 10-year strategy.

Chair of HSE, Sarah Newton, welcoming the appointment, stated:

"I am delighted that Ken Rivers will be joining us on the HSE Board. I'm looking forward to welcoming Ken into our team of effective and committed non-executive directors focused on enabling the delivery of HSE's vitally important mission, vision and ten-year strategy."



Ken Rivers

### **Ken Rivers**

Ken has significant experience of working with government and regulators in the oil and chemical sectors. HE has been a CEO of the listed company Refining NZ and held senior positions within Shell.

Ken has skills and experience relevant to organisations operating in regulated environments where safety is critical. Until recently, he was chair of the COMAH Strategic Forum and successfully chaired this tripartite group for the last eight years since inception.

Ken is a member of the Industry Safety Steering Group monitoring industry's progress in implementing the Building Regulation and Fire Safety review post-Grenfell. He also chaired the industry/regulator task force in the wake of the Buncefield Terminal explosion. Ken has a track record of managing change and business turnarounds based on developing a clear strategic direction and building organisational capability.

## About HSE

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. HSE also has added responsibilities, such as becoming the appointed Building Safety Regulator. 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).
2. HSE is an Executive Non-Departmental Public Body sponsored by the Department for Work and Pensions (DWP).

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## Construction company fined after Shropshire bricklayer fractures skull

A construction company has been fined £12,000 after a Shropshire bricklayer fell through a stairwell opening and fractured his skull.

Scott Ife, 30, from Bridgnorth, was working for 2 Counties Construction (Midlands) Ltd when the incident took place on 8 June 2020. The company had been hired as the principal contractor overseeing the refurbishment of agricultural barns into houses on Humber Lane in Telford.





Scott Ife fell through an unprotected stairwell opening from the first floor of the renovation project

Working alongside another employee, Mr Ife, who was 27 at the time, was laying the blocks to form the gable walls for a two-storey extension. The pair set up a working platform using Youngman boards on the first floor of the property. As there was an unprotected stairwell opening in the property, one end of the Youngman boards was unsupported.

While leaning over to point up the blocks in the gable walls, the worker lost his balance before falling onto the unsupported Youngman boards and through the stairwell opening.

He fell four-and-a-half metres onto the concrete floor below, fracturing his skull and damaging his facial nerve. The man was hospitalised for three days following the incident.



The stairwell void below the first floor of the property

An investigation by the Health and Safety Executive (HSE) identified a series of failings on the part of 2 Counties Construction (Midlands) Ltd including a lack of suitable controls for preventing falls into the building and through the stairwell openings. There was also inadequate planning, a lack of



selection of equipment for working at height and inadequate site management arrangements.

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

2 Counties Construction (Midlands) Ltd, of Taylors Lane, Broomhall, Worcester, pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015. The company was fined £12,000 and ordered to pay £4,139 in costs at Cannock Magistrates' Court on 21 July 2023.

HSE inspector David Brassington said, "This incident could and should have been easily avoided. Work at height needs to be properly planned and managed to ensure that appropriate precautions are used.

"We are fortunate that the injuries resulting from these failings were not more serious."

This prosecution was supported by HSE enforcement lawyer Nathan Cook.

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3. Further details on the latest [HSE news releases](#) is available.
4. Guidance on [working at height](#) is available.