

## Manufacturing company fined after employee suffered fatal injury

A manufacturing company has been fined after an employee was found fatally injured under the forks of a side-loader lift truck.

Dudley Magistrates' Court heard that on 2 September 2019, a Cutting Edge Trading Limited employee, Mitchell Poutney, was fatally injured at the company site on Station Road, Rowley Regis, West Midlands during a lifting operation. The unsupported forks and carriage of a side-loader lift truck descended, crushing him whilst he was working underneath it.

An investigation by the Health and Safety Executive (HSE) found the company had failed to provide a safe system of work for unloading palletised goods using the side-loader forklift truck.

Cutting Edge Trading Limited of Station Road Industrial Estate, Rowley Regis, West Midlands 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 £10,153.

Speaking after the hearing, HSE Principal Inspector Jenny Skeldon said: "This tragic incident could have easily been prevented if this employer had acted to identify and manage the risks involved and put a safe system of work in place."

### 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. [www.hse.gov.uk](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [www.legislation.gov.uk/](http://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

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## Asbestos removal company fined for failing to protect workers

An asbestos management company director has been jailed after failures to protect workers from asbestos exposure during a major refurbishment project in Plymouth.

Plymouth Magistrates' Court heard that in February 2017, concerns were raised by workers at Ensure Asbestos Management Limited who believed they were being put in danger whilst carrying out refurbishment work at a department store.

An investigation by the Health and Safety Executive (HSE) found irregularities in the asbestos surveys and clearance certificates, with some found to be fraudulent. Ensure Asbestos Management Limited had been contracted to carry out an asbestos survey, remove all identified asbestos-containing materials (ACMs) from the building and then carry out the initial strip-out of the building before it was refurbished. However, the company was found to have deliberately cut corners in managing the danger of asbestos exposure putting workers at risk.

- Ensure Asbestos Management Limited of Station Road, Sawbridgeworth, Hertfordshire pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £100,000. Because the company is in liquidation, there is no prospect of a payment being made and so no order for costs was made.

Director of Ensure Asbestos Management Billy Hopwood of Swanstead, Basildon, Essex pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work Act 1974. He has been sentenced to 10 months imprisonment, immediate concurrent on each charge. He has also been disqualified as a director for five years

Contracts Manager at Ensure Asbestos Management Phillip Hopwood of Churchgate Street, Harlow, Essex pleaded guilty to breaching Sections 2(1), 3(1) and 33(1)(m) of the Health and Safety at Work etc Act 1974. His sentencing was adjourned until a later date.

Speaking after the hearing HSE inspector Georgina Symons said: "Ensure Asbestos Management Limited – a previously licensed asbestos removal contractor – failed to work within the law despite having a wealth of knowledge on the risks associated with exposure to asbestos and the necessary training to have done so safely. They deliberately falsified documents and cut corners.

"Workers should be supported by their employers when they raise health or safety concerns.

"The dangers associated with asbestos are well known and a wealth of advice and guidance is freely available from HSE and other organisations."

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## School prosecuted after mountain rescue team called to evacuate children

A group of schoolchildren had to be rescued by Keswick Mountain Rescue Team (KMRT) from Helvellyn after becoming stranded in winter conditions.

Today, Thursday 17 February 2022, their school has been sentenced for its failures to adequately manage the risks posed by the trip.

Newcastle Magistrates' Court heard that on 5 March 2020, the group of 13 Year 10 pupils from The Gateshead Cheder were on an organised trip to Helvellyn in the Lake District, led by one teacher and a teaching assistant. Weather conditions on the day were cold and icy. Despite reviewing the Lake District Weatherline Report, which stressed the dangers to those ascending above the snow line, the school decided the trip should still go ahead as planned. Their route included ascending from Wythburn via Birk Side, and descending Helvellyn via Browncove Crag.

Despite the winter conditions many of the school children did not have suitable equipment, a number of them were wearing school shoes and school trousers; and others were wearing trainers. In winter conditions it is essential that hikers wear full winter clothing, including mountain boots, and that those venturing above the snowline carry appropriate equipment including ice axes and crampons.

The adults leading the trip had no formal qualifications in mountain leadership or any experience of mountain environments in winter conditions. The party had a map but relied on a smartphone app as a compass.

During their ascent, at least two members of the public warned the Gateshead Cheder party to turn back, but the group continued their ascent and managed to reach the summit of Helvellyn without incident. However, as the party made their descent, they inadvertently ventured off the path and unknowingly began traversing the west face of Helvellyn towards a section of steep terrain

featuring vertical rock faces of around 20 metres in height.

While descending one of the pupils slid on the ice and fell several metres sustaining minor cuts. This caused another pupil to panic and run from the group down the mountain. The two adults remained with the injured pupil and the other school children. By this time, it had begun to get dark and the temperature was dropping.

The party were eventually located and rescued by KMRT, who cut steps into the snow to assist the party back to the path and down the mountain. The other pupil was lucky enough to make it back down the mountain and was found by members of the public.

An investigation by the Health and Safety Executive (HSE) found that neither of the adults with the party had the appropriate skills, knowledge and experience to lead the trip, and that the school had not taken advice from a suitably competent person to plan or organise of the excursion. There was no effective system to check the suitability of the clothing and equipment the children had with them and no effective contingency plan in place if conditions became too difficult to proceed.

The Gateshead Cheder Limited of Bede House, Tynegate Precinct, Sunderland Road in Gateshead pleaded guilty to breaching sections 2(1) and 3(1) of The Health and Safety at Work (etc) act 1974. The school was fined £30,000 and ordered to pay a victim surcharge of £181 and costs of £4,574.90.

Speaking after the hearing, HSE inspector Stephen Garner said:

“On this occasion, none of the party came to serious harm, however, the school were aware of the weather and ground conditions, but decided to proceed without the appropriate planning, equipment, or suitably trained leaders. Those taking part in the trek that day were placed in serious danger and there was a clear failing by the school to adopt sensible precautions to ensure their safety.

“Excursions into mountains, particularly in winter, need to be led by people with the appropriate skills, knowledge and experience. If a school does not have access to the necessary expertise in house, then licensed Adventure Activities providers are available to manage the technical aspects of this type of trekking activity.”

He added: “This incident was entirely avoidable – while we are supportive of school expeditions of this nature, this trip should not have gone ahead on the day in question. Mountain Rescue Teams are volunteers who put their own lives at risk to carry out rescues, often involving ill-prepared groups.”

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## Sheetmetal fabrication company in court after worker's finger crushed

A company specialising in manufacturing canopies and ventilation ducting has been fined after an employee's hand was drawn into the rotating parts of a machine, resulting in serious injury.

Manchester Magistrates' Court heard how on 14 October 2019, an apprentice of R Briggs Sheetmetal Fabrication Ltd, was instructed by another apprentice and a trainee on how to operate a swaging machine. This consisted of two rotating wheels controlled by a foot pedal, used to put a groove around a ducting tube. After carrying this process out on approximately four pieces of tubing, the apprentice was left to proceed on their own, unsupervised. Whilst continuing the task a the fabric safety glove worn by the apprentice caught in the rotating wheels of the machine. On releasing the foot pedal, the wheels took a few seconds to stop, drawing the apprentice's hand between them. The employee suffered from a crushed fingertip and a fracture. As a result of the incident the worker was unable to work for two months.

An investigation by the Health and Safety Executive (HSE) found that the company had not performed a risk assessment for using the machine or implemented any safe systems of work including recognising that the gloves presented a drawing-in and entanglement hazard on that machine. They did not provide staff with adequate training or assess the additional risks presented by a young, inexperienced person working with machinery and being unaware of existing or potential risks.

R.Briggs Sheetmetal Fabrication Ltd of Bond Street, Colne, Lancashire, pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. The company was fined £13,000 and ordered to pay costs of £2,682.

Speaking after the hearing, HSE inspector Leanne Ratcliffe said: "This incident could so easily have been avoided. Employers should ensure they carry out an assessment of the risks and put in safe system of works for the operation of all machinery. Companies should be aware of their responsibility to recognise the way in which their employees are working. Employers should also be aware of the use of gloves when operating machinery where there is a risk of entanglement."

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## National Apprenticeship Week 2022: Meet one of our apprentices!

*I'm Jack Mellor and I've been part of HSE's Science Division – Health Capability Group for almost seven years. Our group provides scientific expertise and an analytical service to not only HSE but also our external customers with the extensive laboratory and world experts we have based in Buxton.*



*I'm currently studying towards a BSc in Chemical Science at Manchester Metropolitan University, which is being fully funded by HSE through the apprenticeships scheme. Not only is this a degree in itself but also a Laboratory Scientist Degree Apprenticeship, which means it additionally involves the practical laboratory skills/training element necessary for working within the chemical sciences sector. I'm able to put what I have learnt during my degree apprenticeship into practice at HSE during my typical working day, which is so rewarding. My course is heavily chemistry based and*

*has given me the ability to now answer some of the questions that I have always wondered, such as, 'so why does that actually happen?'*

*The degree course is informative and can be extremely challenging at times, which is just how I like it. I currently spend twenty percent (one day) of my working week studying as part of the apprenticeship agreement with HSE and now, in my final year, I feel as though I know exactly how to blend it in with my work-life balance. From my experience over the last few years I believe this is one of the keys to success when undertaking a course such as this.*