

# Blackpool clothing company fined after worker hit by forklift truck

A Blackpool clothing firm has been fined £40,000 after a man was seriously injured when he was hit by a forklift truck.

Self-employed delivery driver Andrew “John” Robinson suffered multiple leg fractures and a dislocated ankle as he collided with the vehicle while delivering goods at T. Print Limited’s Bristol Avenue site in Blackpool on 25 March 2022.

The 53-year-old, from Blackburn, had to be airlifted from the scene and spent a month in hospital because of his injuries. He has required multiple follow-up operations and, over a year later, has still not recovered sufficiently to be able to work.

Mr Robinson says the incident and recovery has ‘taken a toll on his mental health.’

A Health and Safety Executive (HSE) investigation found T. Print Limited had failed to ensure that there were adequate measures in place to ensure the safe segregation of delivery drivers from the unloading and loading activities, as Mr Robinson was not instructed to stand or wait in a safe area during the unloading of his vehicle. The dangers should have been identified by a suitable and sufficient assessment of the risks.

HSE guidance can be found at: [Introduction to workplace transport safety – HSE](#)

In a statement presented to court, Mr Robinson, 53, said: “During the incident I sustained serious injuries to both of my legs. I have had six surgeries in the last year, including bone and skin grafts.

“I am still not allowed to weight bear on one of my ankles and have no freedom currently due to my injuries; I cannot drive, and my mobility is limited. I live in a first-floor flat, but the stairs are not manageable without help. Before, I was a strong independent man, but the incident and slow recovery has taken a toll on my mental health.

“Sometimes I wish that I had lost my legs instead, as I have had enough of the pain.”

T. Print Limited, of Bristol Avenue, Bispham, Blackpool, Lancashire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £40,000 and ordered to pay £4,696.95 in costs at Liverpool Magistrates’ Court on 20 July 2023.

HSE inspector Matthew Shepherd said: “The company had failed to implement a safe system of work for its loading and unloading activities thereby exposing

delivery drivers, such as Mr Robinson, to the risk of being struck by the forklift truck conducting the unloading operation. Mr Robinson sustained serious injuries which have had a significant impact on his life.

“All work settings that use forklift trucks to load or unload goods, need to consider the risks arising from their use and implement adequate segregation controls to ensure the safety of pedestrians, such as delivery drivers, during these activities.”

This HSE prosecution was supported by HSE enforcement lawyer Krystal Savoie and HSE paralegal officer David Walker.

**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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## **Boarding school fined £50,000 after pupils overexposed to radon radioactive gas**

A private boarding school has been fined £50,000 after exposing two employees, five pupils, and two other children to high levels of radioactive radon gas.

Five pupils at Kingswood School in Bath, Somerset were exposed to levels of radioactive radon gas almost 8 times the legal limit. Two other children, who were not pupils at the school, were exposed to levels of radon gas almost 14 times the legal limit. Two employees were exposed to radioactive radon gas  $\frac{3}{4}$  of the legal limit. Exposures to radiation need to be kept as low as reasonably practicable.

The radioactive gas radon is a hazard in many homes and workplaces and breathing in radon is the second largest cause of lung cancer in the UK resulting in over 1,000 fatal cancers per year. Radon is a colourless, odourless, radioactive gas that occurs in rocks and soils, some building materials and water. The ground is the most important source as radon can seep out and build up in houses and indoor workplaces like schools.

The legal limits for radiation exposure in the workplace are defined in [The Ionising Radiations Regulations 2017 \(IRR17\)](#).

These exposures to radioactive radon gas occurred in 2019. The two employees and their two children were exposed to the elevated radon gas levels as a result of working and living at the school. The five overexposed pupils studied and lived at the school during this time.

An investigation by the Health and Safety Executive (HSE) found that the school knew they had a radon problem as far back as 2007 when they carried out monitoring and installed some remediation to reduce radon levels. However, from 2010 to 2018 the school carried out no subsequent radon monitoring and had no systems in place to ensure radon control measures were adequate. Only following HSE intervention in 2018 did the school find out about their previous radon problem and further radon monitoring and remediation was carried out to reduce radon levels.

Kingswood School Trustees Limited, of Lansdown, Bath, Somerset pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £50,000 and was ordered to pay £19,222 costs at a hearing at Taunton Magistrates' Court on 19 July 2023.

After the hearing, HSE Principal Specialist Inspector (Radiation) Stewart Robertson, said: "The fine imposed on Kingswood School Trustees Limited should underline to everyone in the education sector that the courts, and HSE, take a failure to follow the regulations extremely seriously."

"We will not hesitate to take action against companies, including schools, who do not do all that they should to keep people safe. Every workplace needs to consider radon as a risk to its employees and others."

#### **Notes to editors:**

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  2. More about the legislation referred to in this case can be found at: [L121 – Work with ionising radiation: Approved Code of Practice and guidance \(hse.gov.uk\)](#)
  3. HSE has guidance on assessing radon risk in the workplace: [Radon in the workplace \(hse.gov.uk\)](#)
  4. Further details on the latest [HSE news releases](#) is available.
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# Plumber given suspended prison sentence for carrying out unsafe gas work

A self-employed plumber has received a suspended prison sentence after carrying out unsafe gas work in Hampshire and for pretending to be Gas Safe registered.

Ben Craig Siddle, trading as BCS Gas and Plumbing, worked on numerous homes in Hampshire in 2021 and 2022 even though he was not a Gas Safe registered engineer.

Mr Siddle, 24, falsely represented himself as a Gas Safe registered engineer to customers and did not carry out the work to appropriate standards, leaving residents at risk from unsafe gas appliances.

He left two of the properties he worked on in an unsafe condition.

Gas Safe registered engineers were later required to correct and repair installations Mr Siddle had carried out at these properties. At one property on East Cosham Road, Portsmouth, the boiler and flue Mr Siddle installed were deemed immediately dangerous. A boiler Mr Siddle installed at another property on Howard Road, Portsmouth, was classed as at risk. Having been prohibited from further gas fitting work by the Health and Safety Executive (HSE) in July 2021 and between March 2022 to August 2022, Mr Siddle committed further gas installation offences at a house in Stakes Road, Waterlooville.

A HSE investigation found Mr Siddle had falsely presented himself as Gas Safe registered while carrying out gas work at these properties. HSE inspectors found Mr Siddle had failed to comply with a Prohibition Notice issued by HSE which required him to stop carrying out gas work.

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

Ben Craig Siddle, of Hatchmore Road, Waterlooville, Hampshire pleaded guilty to five breaches of Regulations 3(7) and 3(3) and 5(3) of the Gas Safety (Installation and Use) Regulations 2005 and two breaches of Section 33(1)(g) of the Health and Safety at Work etc. Act 1974. He was handed a six-month custodial sentence, suspended for 12 months, ordered to complete 150 hours of unpaid work and pay £5,000 in costs at Portsmouth Magistrates' Court on 18 July 2023.

HSE enforcement lawyer Jon Mack said: "Mr Siddle was a convicted fraudster and rogue gas fitter who had dishonestly and intentionally breached the law with no regard for the safety of his customers or their families. When challenged by one of his customers, a childminder, Mr Siddle had shown her a photoshopped Gas Safe Register entry which he had stolen from an unconnected company, BCS Plumbing & Heating. He repeatedly lied in WhatsApp messages to

another customer.

“Gas work should only be undertaken by someone who is competent and qualified to do so, and that means they have to be on the Gas Safe Register. Every engineer has a unique ID card showing the work they are qualified to undertake, and the public are encouraged to contact Gas Safe Register to check the person undertaking their gas work or if they have any concerns regarding gas work carried out.”

#### **Notes to Editors:**

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. The Gas Safe Register web site can be found at: <https://www.gassaferegister.co.uk>

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## **Company fined after employees diagnosed with life-changing condition**

A manufacturing company has been fined following reports that two of its employees had been diagnosed with hand-arm vibration syndrome (HAVS).

The two staff members at Ross & Catherall Limited – a company that manufactures and supplies metal bars for the aerospace and automotive industries – worked at the firm’s Forge Lane site in Killamarsh, Sheffield, South Yorkshire, in 2019.

The two employees carried out a variety of tasks, which included the use of vibrating tools, throughout the company’s manufacturing process.

Both operators used these tools for extended periods of time, over a number of years, without adequate systems in place to control their exposure to vibration.

RIDDOR reports submitted by Ross & Catherall Limited in May 2019 revealed the employees had been diagnosed with HAVS.

The RIDDOR reports prompted a Health and Safety Executive (HSE) investigation.

The HSE investigation found there was no hand-arm vibration risk assessment in place prior to, and at the time of the workers' diagnoses, to identify what level of vibration the operators were exposed to. There were also no control measures in place to reduce exposure levels, with reasonably practicable measures only being implemented following HSE's intervention. Health surveillance was also inadequate. This was not carried out annually and there was no initial health surveillance assessment for new operators. Additionally, referrals were not carried out in a timely manner for those employees displaying symptoms of HAVS.

HSE guidance can be found at: [Hand arm vibration at work \(hse.gov.uk\)](https://www.hse.gov.uk/hav/)

Ross & Catherall Limited, of Bretby Business Park, Ashby Road, Burton upon Trent, Staffordshire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £200,000 and ordered to pay £7605.37 in costs at Derby Magistrates' Court on 17 July 2023.

HSE inspector Lindsay Bentley said: "Those in control of work have a responsibility to assess the risk from exposure to vibration, put in controls to reduce this risk and ensure that health surveillance is adequate to identify symptoms in a timely manner.

"HAVS can be a life-changing condition which impacts all aspects of your life. Prevention of vibration damage is key and there is plenty of guidance available for employers to help them protect their employees' health on the HSE website."

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

#### **Notes to Editors:**

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## **[Building Safety Regulator announces first step towards regulating the](#)**

# building control profession

The Building Safety Regulator has today announced two independent provider schemes for building control professionals to take the first step in becoming registered building inspectors. Registration is a key part of making building control a regulated profession.

The Building Safety Competence Foundation and the Chartered Association of Building Engineers (CABE) have been named as the first organisations to become independent competence assessors for all building control surveyors in England. The competence assessment is part of the pathway for building control professionals to become registered building inspectors.

More than 4,500 practicing building control professionals will need to be assessed and certified by April 2024. This will support them to become a registered building inspector. They will no longer be able to work in Building Control across the whole built environment in England without certification. Registration is required by the Building Safety Act 2022. The register will open in October 2023, with registration mandatory from April 2024, when Building Control will officially become a regulated profession.

From that date (April 2024), individual building control professionals, working for both the private sector and local authorities, will need to have passed an independent competence assessment to operate, and they will be required to be registered on the Building Safety Regulator's register of building inspectors. BSR will provide a programme of support and guidance ahead of registration to help individuals and employers understand what they need to do to meet the requirements, as well as how to register.

As part of the BSR approved independent competence assessment schemes, candidates will be evaluated against the Building Inspector Competence Framework (BICoF) classes 2 – 4 every four years. Assessments include interview and examination pathways and continuous professional development.

The BICoF focuses on the skills, knowledge, experience and behaviours expected of registered building inspectors. BICoF is split into nine interrelated subject areas, which broadly cover technical competence, competent application of knowledge and understanding in core building inspection functions and activities, and management competence.

Dr Gavin Dunn, Chief Executive of CABE, said: "Building control professionals have a vital role in helping to deliver buildings that are safe, sustainable, and accessible to all. CABE is delighted to be able to play its part in supporting professionals to demonstrate their competence and in developing a culture of continuous improvement that will help protect the public interest in the long term. We do not underestimate the challenge in getting the building control profession ready by the April 2024 deadline. It is a huge undertaking, and we are in constant talks with relevant organisations to make this transition as smooth as possible."

The BSCF's Chief Executive Lorna Stimpson said: "Dame Judith Hackitt asked industry for change; she asked for a change of mindset to reprioritise safety, a change of culture and the introduction of measurable competence. Dame Judith challenged industry, and in particular building control to "get on with it, don't wait to be told what to do". The BSCF scheme, which is developed in accordance with the requirements of ISO17024, and is audited and accredited by UKAS, is a robust, impartial and unbiased competency assessment which assesses a building control professional's individual skills, knowledge, ethics and behaviours. The BSCF's model reflects the changes Dame Judith called for and the change our communities deserve. It puts people's safety first and holds up to scrutiny from all, including service users, senior managers and insurers.

We are delighted to have received approval from the Building Safety Regulator to provide independent competence assessments for building control surveyors in England. We have been impressed by the rigour of the BSR's process for acceptance which holds true to Dame Judith's vision of safety above all else, and we are actively encouraging building control professionals to prove their competence and make their application for registration."

HSE's Director of Building Safety, Philip White said: "This is a pivotal moment for the building control profession. It will enable individual building control professionals to have independent recognition of their years of investment in their skills, knowledge and experience. It's also another important step on the path to rebuilding confidence in the profession after Grenfell.

Our advice to those working in building control is to embrace this positive and important change and to begin the process early to avoid ending up in a queue."

Making building control a regulated profession that is required to demonstrate its competency to the Regulator is part of the legacy of the Grenfell Tower fire tragedy.

It is also a crucial component in BSR's work in assuring the public that buildings are designed, built and maintained safely

## **Notes to editors:**

**About BSR:** The Building Safety Regulator (BSR) is an independent body established by the Building Safety Act, 2022, and is part of the Health and Safety Executive (HSE). We will raise building safety and performance standards and oversee a new stringent regime for high-rise residential buildings, as well as overseeing the wider system for regulating safety and performance of all buildings, and, increasing the competence of relevant regulators and industry professionals.

**About HSE:** 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.

**About CABE:** As a professional body CABE bring together members, who work across the life cycle of the built environment, specialising across a wide variety of disciplines. CABE shares knowledge, raises standards and develops professionals, enabling them to meet the highest standards we all expect of them.

**About Building Safety Competence Foundation:** Created in 2021; the Building Safety Competency Foundation (BSCF) delivers robust competence assessment for public and private sector building control practitioners. The BSCF is a Community Interest Company, working for the public benefit, public safety and consumer protection. The BSCF's mission is to lead cultural change in the construction industry by instilling ethics, elevating competence and raising standards in those responsible for the regulation, design, construction and maintenance of our built environment.