

Residents put at risk of deadly disease as company fined £900k

A company has been fined following an outbreak of legionella at its sheltered housing accommodation in Birkenhead, putting vulnerable residents at risk of contracting Legionnaires' disease.

The deadly bacteria was detected at Vincent Naughton Court following the sampling of its water systems in the communal areas and flats in July and August 2018.

With all 44 samples testing positive for legionella, the residents were then evacuated from the Sanctuary Housing premises in August 2018, before returning in October and November 2018 after the water system was remedied through the installation of a chlorination unit.

A Health and Safety Executive (HSE) investigation found Sanctuary Housing poorly managed the risk of legionella in the water system of Vincent Naughton Court, with staff inadequately trained and supervised. The residents were a particularly vulnerable group due to their age and underlying health issues, putting them at a higher risk of contracting Legionnaires' disease.

The HSE investigation found that legionella was detected during testing on 16 and 31 July, which prompted a letter being written by Sanctuary Housing to residents, advising that work would be carried out on the water system on 6 August.

The letter, dated 3 August, misleadingly stated that the contaminated tap water could be stored in sinks and boiled in kettles. More importantly, the letter failed to inform residents that they should avoid using their showers, which would lead to residents being exposed to the risk of Legionnaires' disease.

Further testing on 8 and 15 August confirmed legionella was still present as work to fix the water system was carried out. The residents were later evacuated on 24 August.

HSE guidance can be found at: [Legionella and legionnaires' disease – HSE](#)

Sanctuary Housing Services Limited, of Castle Street, Worcester pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £900,000 and ordered to pay £11,480.60 in costs at Liverpool Crown Court on 22 October 2024.

HSE inspector Rose Leese-Weller said: "Sanctuary Housing failed to protect vulnerable residents living at Vincent Naughton Court through its mismanagement of the site's water system. It is very fortunate that none of the residents became ill as they were allowed, without any proper warnings, to continue to use the grossly contaminated water for a large period of time. Not only was there a failure by Sanctuary Housing to manage the risk of

contamination in its water systems, but the company had not provided its staff with adequate instruction and training.”

This HSE prosecution was brought by HSE enforcement lawyer Kate Harney and supported by HSE paralegal officer Lucy Gallagher.

Notes to editors:

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.
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Two non-executive directors join HSE board

The Secretary of State for Work and Pensions has confirmed two non-executive director appointments to the board of the Health and Safety Executive (HSE).

Professor Christopher Johnson and Dr Cathie Mackay replaced non-executive directors Susan Johnson and John McDermid on 1 October and will be in their roles for the next five years.

Chair of HSE, Sarah Newton, has welcomed the appointments.

She said: “I am delighted that Christopher and Cathie will be joining the HSE board. I am confident that they will both make a significant contribution. They are joining an effective and committed team of non-executive directors who are focussed on enabling the delivery of HSE’s vitally important mission of protecting people and places.”



Dr Cathie Mackay

Christopher was the first Chief Scientific Advisor to the UK Department of Science, Innovation and Technology, whereas Cathie has held health and safety leadership roles at FTSE 100 companies.

A registered safety practitioner, Cathie has led international graduate deployment programmes for environment, health and safety professionals, holds a PhD in environmental management and auditing and is also a non-executive director at the Institute of Environmental Management and Assessment.

After setting up and leading cyber security labs for UK civil nuclear licence holders, Christopher later became head of computing at the University of Glasgow, before serving as pro vice chancellor for engineering and physical sciences at Queen's University Belfast.

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Farmer handed suspended prison sentence after worker dies from fall

A farmer from Hampshire has received a suspended prison sentence after a worker fell to his death.

Phillip France lost his life after falling from the roof of a cow shed at Tickner Bros in Hampshire.

The self-employer labourer had been dismantling the cow shed with two other workers when he fell through a rooflight, landing on the concrete floor below on 7 June 2021.

He died from his injuries on 13 June 2021.

The team of workers had been working under the supervision of Philip Tickner.

An investigation by the Health and Safety Executive (HSE) and Hampshire Constabulary found Mr Tickner failed to put arrangements in place to either avoid working at height, prevent a fall or mitigate the consequences of a fall. None of the team of workers were competent enough to work at height as they lacked the understanding of the risks and the associated controls to manage the risks while working at height.



The incident took place at Tickner Bros in Hampshire

The joint investigation found Mr France had been removing bolt heads from the roof panels with his two colleagues who were walking along the roof with the removed panels, before loading them onto a telehandler. Mr France's colleagues largely continued this working practice the day after the 57-year-old fell.

HSE guidance can be found [here](#).

Philip Tickner, of Upper Lanham, Old Alresford, Alresford, Hampshire, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974. He was handed a six-month custodial sentence, suspended for 18 Months, and ordered to pay £2,000 in costs at Winchester Crown Court on 18 October 2024.

HSE inspector Nicola Pinckney said: "Mr France was a well-known and liked man who lived in the local area and worked on different farms. He regularly visited and helped his elderly mother. He also leaves behind a sister and two brothers.

"This was a tragic incident that could so easily have been avoided. Readily available work at height equipment, and well known safe systems of work could have been created and implemented, using workers who were trained and competent to work at height, none of which happened in this case. I hope this case serves as an example and a reminder to others in the industry of the deadly risks they often undertake and how they should be approached."

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Contractor fined after worker left paralysed by falling tree

A contractor from Dorset has been fined after a tree fell onto a forestry worker and left him with life-changing injuries.

The 61-year-old man, who was 58 at the time, is now paralysed from the stomach down after the 21-metre ash tree landed on top of him at The Fonthill Estate in Salisbury, Wiltshire on 12 January 2022.

Gerald Hayward, who had been contracted as part of an ash dieback clearance programme, had been cutting the tree before it fell.

Mr Hayward, trading as G H Hayward Forestry Contractors, had been making a back cut to the tree when it fell in the wrong direction.

It then landed on the injured worker, who was standing in a nearby bridle path.



The tree fell onto the worker, who had been standing in a nearby bridle path

The worker, from Frome in Somerset, sustained eight broken ribs, a broken pelvis, two broken ankles, a collapsed lung and internal bleeding.

He was placed in an induced coma for two weeks and later spent four months in hospital.

An investigation by the Health and Safety Executive (HSE) found Mr Hayward, who was in charge of the tree felling, failed to implement a safe working zone around the tree as it was being felled. A safe working zone is usually twice the size of the tree, with only the felling operator permitted inside the zone. The tree fell in the unintended direction as the cut made by Mr Hayward did not leave a functioning hinge.

Gerald Hayward, of Blandford Forum, Dorset pleaded guilty to breaching Section 3(2) of the Health and Safety at Work etc. Act 1974. He was fined £1,000 and ordered to pay £1,000 in costs at Salisbury Magistrates' Court on 15 October 2024.

HSE inspector James Hole said: “This was a serious incident that has led to an individual sustaining life-changing injuries meaning he is now unable to work and requires lifelong care.

“Mr Hayward failed to create a safe working zone around the tree while it was being cut down – this is a standard working practice for tree felling in woodland.

“He failed to implement the correct control measures and a safe system of work. Had Mr Hayward done this then this incident would have been prevented and the individual would not be paralysed and facing the rest of his life without the use of his legs.”

This HSE prosecution was brought by HSE enforcement lawyer Gemma Zakrzewski and supported by HSE paralegal officer Gabrielle O’Sullivan.

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Cheshire farm owner fined after roofer dies in fall

A Cheshire farm owner has been fined after a man fell to his death from a forklift truck while attempting to repair the roof of a packing shed at his premises in Tarporley.

Denis Thornhill and his company D.S. Thornhill (Rushton) Limited were fined a combined £16,000 after 64-year-old Mark Young was killed at Moss Hall Farm on 1 February 2021.

Earlier this year, both Thornhill and the company been found guilty of breaching health and safety legislation following a six-week trial at Chester Crown Court. The jury cleared 78-year-old Thornhill on a charge of gross negligence manslaughter. They returned to the same court on 11 October 2024 to be sentenced.

During the trial, the court was told that on 29 January 2021, Mr Young, who worked as a roofer, had been asked to make repairs to a roof panel and fix a blocked gutter on the same building. However, as he was walking across the roof, he damaged a second roof panel so a replacement was purchased to carry out an additional repair.



Mark Young had been lifted up to the roof using this forklift truck

He returned with his son three days later to complete the work and asked to be raised up to do it. Denis Thornhill arrived with a forklift truck that had a potato box balanced on its forks. Mr Young was lifted up inside the potato box to a height of around 16 feet, while his son, who was on the roof, attempted to reposition the panel from above. As Mr Young moved to one side of the potato box, it caused it to overbalance and he fell to the floor sustained serious head injuries.

Although paramedics were called, they were unable to resuscitate him and he was pronounced deceased at the scene.

HSE Inspector Ian Betley said after the hearing: "This was a tragic incident that could so easily have been avoided.

"The forklift truck and potato box were the wrong pieces of equipment for the job and never a suitable platform for working at height. The work should instead have been carried out using a tower scaffold, scissor lift, or a cherry picker.

"In bringing the forklift truck and potato box and using it to lift Mark at height, the company was in control of the work but had failed to implement proper planning and safe execution of it.

"All companies have a legal duty to ensure the safety of workers they employ or who carry out work for them. If that had happened in this case, then Mark's life wouldn't have been lost."



The potato box used to lift Mark Young was unsecured to the forklift truck with him inside it

A joint investigation by Cheshire Constabulary and the Health and Safety Executive (HSE) found that on the day of the accident there was no safe system of work implemented for working at height and unsuitable work equipment was used. The potato box did not have the required safety features for a non-integrated work platform and had not been secured in a way to prevent it overbalancing. Additionally, the forklift truck had not been subjected to a thorough examination at the required frequency and was unsuitable for lifting people and Denis Thornhill was not formally trained in operating the forklift truck. Enforcement action was taken and a Prohibition Notice was served on the company prohibiting further work until a safe system was devised.

Denis Thornhill of Eaton Lane, Tarporley, Cheshire was cleared of manslaughter but was also found guilty of breaching Section 37 of the Health and Safety at Work etc. Act 1974, by virtue of 37(1) of the Act and was fined £4,000 and ordered to pay costs of £4,000.

D.S. Thornhill (Rushton) Limited of Moss Hall Farm, Moss Hall Lane, Tarporley, Cheshire was found guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £12,000 and ordered to pay costs of £10,000.

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