

# Pork pie maker fined £800,000 after two workers lose fingers

A company that specialises in making pork pies has been fined £800,000 after two young workers lost fingers in incidents at two different Nottingham bakeries.

Pork Farms Ltd, which makes other savoury goods such as quiches, at several sites across England, was given the fine after both workers were injured just weeks apart at the end of 2022.

The first incident took place on 16 November when a 22-year-old worker had his hand trapped while trying to clear a blockage on a conveyor at the firm's Tottle Bakery on Dunsil Drive. He had to have a finger amputated after his hand was trapped between a chain and sprocket on a conveyor at the site.

However, just weeks later, on Christmas Eve, Mahamad Hassan, who was just 19, suffered similar injuries at Pork Farms Limited's Riverside Bakery. The teen also had a finger amputated as a result of coming into contact with a rotating shaft on a conveyor.



An x-ray image of Mahamad Hassan's left hand

Nottingham Magistrates' Court heard that the company had failed to ensure that the conveyors involved in both incidents were adequately guarded.

An investigation by the Health and Safety Executive (HSE) found that dangerous parts of both conveyors were accessible at the time of each incident. At the Tottle Bakery, an unsuitable interlock was used on a hinged guard over a chain conveyor system and an inadequate inspection and maintenance regime led to this interlock failing. The chain conveyor automatically moved as he tried to adjust the position of the chain following a blockage in the area.

At the Riverside Bakery, a section of the driveshaft of a lineshaft style conveyor was unguarded and spacing of the rollers was sufficient for a persons arm to pass through and reach the driveshaft below. Mr Hassan was injured when his arm went between the rollers and his gloved hand became entangled in the rotating driveshaft. In addition to physical guarding issues, there was no warning system to give notice that the conveyor was about to start working and emergency stop controls were not readily accessible.

Pork Farms Limited, of Queens Drive, Nottingham, pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £600,000 for the incident at the Tottle Bakery and £200,000 for the incident at the Riverside Bakery. The company was also ordered to pay costs of £6,482 at Nottingham Magistrates' Court on 18 March 2024.

Speaking after the hearing, HSE inspector Tim Nicholson said: "Both of these incidents were completely preventable.

"They left two young men with injuries that they will carry with them for the rest of their lives.

"Companies shouldn't overlook important machinery safety basics, including provision and maintenance of adequate guards and protection devices, to ensure that access to dangerous parts of machinery is prevented.

"Companies should be aware that HSE 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.
4. Guidance on [working safely with machinery](#) is available.

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## **Major pizza maker fined £800,000 after**

# two workers caught up in machinery

One of the nation's largest producers of supermarket pizzas has been fined £800,000 after two workers suffered serious injuries at its factory in Bolton.

Stateside Foods Limited produces millions of pizzas each year, supplied to major UK supermarkets. The company was hit with the fine after the employees were caught up in machinery at the Westhoughton site in two separate incidents during 2020.

Bolton Crown Court heard how one man had his arm drawn into an inadequately guarded conveyor belt at the Lancaster Way factory, on 8 January 2020. The injury to his arm resulted in the removal of muscle and required a skin graft. He has not returned to work since the injury and has been diagnosed with hypersensitivity in the affected arm.



Stateside Foods  
produce millions of  
pizzas each year

Following on from this, on a night shift just nine months later, father of two Andrew Holloway had part of his middle figure severed after his hand was drawn between a roller and a conveyor belt on 14 October 2020. The acting team leader had been told of an issue on the production line and gone to investigate when the horrific incident happened.

"My right hand was drawn into the roller on the machine and when I pulled my hand out my fingers were hanging off," he said.

"I was taken to hospital and was in and out of consciousness due to the shock and pain I was suffering.

"The pain was unbearable after the initial shock wore off; I have never experienced pain this bad in my life before.

"After I woke from the first operation, the surgeon informed me that he could not save my middle finger and had to remove the top section. They managed to save my ring finger by inserting a wire into it."

Mr Holloway required a second operation to remove more of his middle finger as the tissue had not healed properly.

"I was unable to care for my three-year-old son after the accident as I couldn't even get myself dressed let alone a three-year-old," he added.

"I suffer with pain every day due to the accident; my fingers are stiff and very sensitive; every winter is unbearable due to the cold.

"My favourite hobby used to be Art, which I really enjoyed, but I cannot do this for more than five minutes now. Even simple things, like holding a knife and fork when eating can be difficult.

"This has been the worst period of my life by far, not only have I suffered but so have my family."



Andrew Holloway had part of his middle finger severed after his hand was drawn between a roller and a conveyor

Although Mr Holloway returned to work after a six-month absence he left after just a couple of days – which resulted in him starting his career again.

An investigation by the Health and Safety Executive (HSE) found the company did not adequately guard their machinery, did not provide suitable and sufficient checks to ensure that their protective measures were working effectively, and allowed the disabling of guarding systems and access to dangerous parts of machinery.

Stateside Foods Limited of Lancaster Way, Westhoughton, Bolton, pleaded guilty to breaching Section 2 (1) and 3 (1), of the Health and Safety at Work

etc Act. The company was fined £800,000 and was ordered to pay £5,340 costs at a hearing on 15 March 2024 at Bolton Crown Court. The prosecution was brought by HSE enforcement lawyers Sam Crockett and supported supported by senior paralegal officer Stephen Parkinson.



The company was fined after two employees sustained injuries in 2020

After the hearing, HSE inspector Leanne Ratcliffe said: "This is one of the country's major food companies.

"The injuries sustained by both of these workers has been truly life changing.

"This case should send a message to industry about how important it is understand the risks of bypassing guarding arrangements, and to re-evaluate their own guarding arrangements and procedures to eliminate any access to dangerous parts of machinery.

"We will always be prepared to take action when companies fall short of their duties and responsibilities to protect their staff."

HSE Enforcement Lawyer Kate Harney presented the case at Bolton Crown Court.

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## Construction firm fined after worker dies from fall

A construction company in Kent has been fined after a sub-contractor fell and died from his injuries.

Mark Tolley, 51, fell nearly two metres through an opening in a scaffold on 5 July 2017 while working on the construction of six houses on Smarden Road in Kent.

He sustained several broken ribs and serious internal injuries including a punctured lung. He later died on 13 July 2017.

Mr Tolley had been installing vertical hanging tiles on one of the new properties when he fell 1.8 metres through an unguarded opening in the scaffold and landed on the ground below.



An investigation by the Health and Safety Executive (HSE) found Amberley Homes (Kent) Ltd, the principal contractor for the project, had not appointed a person with the necessary skills, knowledge, experience and training to manage the construction site. The company had not ensured that a safe working platform on the scaffold was maintained throughout the different phases of the project. Access to and from the first lift working platform was unsafe as

multiple openings had been made which could subsist for several weeks. The openings were unguarded and therefore there was a significant risk of falling circa 1.8 metres from the working platform.

Amberley Homes (Kent) Ltd did not control the site effectively. Its monitoring was ineffective as it did not act on concerns raised by its safety consultant when he drew the problems with site management.



HSE guidance states principal contractors must plan, manage, monitor and coordinate health and safety in the construction phase of a project. More on this can be found at: [Construction \(Design and Management\) Regulations 2015 \(hse.gov.uk\)](https://www.hse.gov.uk/construction/dmregulations2015/)

Amberley Homes (Kent) Ltd, of London Road, Sevenoaks, Kent, entered a guilty plea to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 during a trial at Maidstone Nightingale Court in January 2024. The company was fined £25,000 and ordered to pay £83,842.34 in costs at Canterbury Crown Court on 15 March 2024.

HSE principal inspector Ross Carter said: "This tragic death could have been so easily avoided by implementing suitable site management to ensure that the scaffold was appropriately adapted by competent persons for the needs of the different sub-contractors.

"This case highlights that principal contractors should be aware that HSE will not hesitate to take appropriate enforcement action against those who fall below the required standards and do not plan, manage and monitor the construction phase effectively."

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3. HSE news releases are available at <http://press.hse.gov.uk>

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## **Letter to industry: Registration of the Building Control Profession – transitional arrangements**

Director of Building Safety for HSE, Philip White, has today written to the Building Control industry outlining new transitional arrangements for the registration of building control inspectors in England.

The Building Safety Regulator has listened to the concerns raised by the profession, including the potential impact on the construction industry if there are not enough inspectors registered to practice by the legal deadline.

It is crucial these concerns are balanced with the requirement for BSR to implement the Building Safety Act, 2022 and the need to raise standards in the profession; it is also important to remember that these changes were introduced in the wake of the Grenfell Tower tragedy.

A competence assessment extension period of **13 weeks** will be introduced from **6 April to 6 July 2024** to enable those who meet specific criteria to continue to operate. This is not an opportunity to delay completing registration as an RBI and there will be no extension to these arrangements.

BSR has seen a positive response to the changes among the profession and it is encouraging to see a large number of people already engaging with the process. As of today (14 March) **3,261** professionals have started their applications to register.

In line with BSR's [enforcement policy statement](#) and the principles of proportionate regulation, BSR will target its regulatory activity at those who present the greatest risk, particularly those who are not engaging with the new regulatory regime.

[Open letter to Building Control professionals – March 24](#)

## **Letter from the Director of Building Safety to industry:**

*Dear colleague,*

As you will be aware, a number of concerns have been expressed by the building control profession about whether enough building control professionals will be registered as RBIs by 6 April.

I understand those concerns and have been working with colleagues in BSR and across government to consider what we can do to support the profession. To that end, the decision has been taken to implement a competence assessment extension period for those meeting set criteria.

Professionals who are not registered by 6 April will not benefit from the extension period and will not be able to continue to work on regulated building control activities.

Experienced building control professionals who are not trainees but have not yet completed a competence assessment will have the scope of their registration temporarily extended provided they meet the following criteria:

*Temporary Class 1 Registration Extension Criteria:*

- They are an existing building control professional;
- They are registered as a Class 1 RBI by 6 April 2024;
- They are enrolled in, and in the process of having their competency assessed through, one of the BSR approved competency assessment schemes by 6 April 2024. These are: [cbuilde.com](http://cbuilde.com), [www.thebscf.org](http://www.thebscf.org), [www.ttd-education.org](http://www.ttd-education.org); and
- A scheme provider has not told them that they have not passed their competency assessment for a second time

Those who meet the above criteria will be allowed a period of 13 weeks from 6 April 2024 to 6 July 2024 to complete their competency assessment and upgrade their registration to Class 2 or 3 (and 4, if applicable).

During this period, the scope of their registration will be temporarily extended, and they can continue to undertake building control work for the class of RBI for which they are undertaking a competency assessment.

Those who meet the criteria but do not successfully complete a competency assessment and upgrade their registration class by 6 July will not be able to continue to undertake regulated building control activities.

More detail on the transitional arrangements can be found here:

<https://www.hse.gov.uk/building-safety/building-control/codes-standards.htm>

This must not be seen as an opportunity to delay – there will be no extension to these arrangements. From 6 July 2024 any professionals who have not completed a competency assessment and upgraded their registration class will only be able to undertake work under supervision.

We expect employers to support staff going through the assessment process by ensuring they have time to complete the assessment process and providing assistance and support to help them to succeed.

I encourage everyone who has not yet done so to register with BSR and enrol

*with one of the competency assessment schemes as soon as possible.*

**Philip White**

*Director of Building Safety, HSE*

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

- Plans for regulation of the Building Control profession were introduced in the Building Safety Act 2022. BSR has worked closely with representative bodies from the profession over a considerable period of time to prepare for implementation of the new requirements.
- The standards required to demonstrate competence have been regularly communicated to the profession. [The Building Inspector Competence Framework](#) (BICoF) went through a full public consultation between October and December 2022 and was published in April 2023.
- To continue to carry out building control restricted activity between 6th April 2024 and 6 July 2024, people who are already working as building control professionals but have not yet demonstrated their competence, must register as a Class 1 Registered Building Inspector, and have signed up with a competence assessment scheme.
- Registered Building Inspector's competence requirements are set out in the BICoF. The class of registration required to be achieved will depend on the complexity and risk of the building work being controlled. Inspectors must select a class of registration appropriate to their work and demonstrate their competence through an independent competence assessment scheme. There are 4 Classes of building inspector registration. Class 1, 2, 3 & 4.
- All Registered Building Inspectors sign up to the [Code of Conduct](#) and are accountable to the Regulator. The Code of Conduct also places a responsibility on registered building inspectors not to act beyond their individual competence.
- BSR will focus regulatory activity on building control bodies and inspectors who have not registered and who are not engaging with the regime.

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## **Company fined as worker suffers serious burns**

A company has been fined after a worker sustained serious burns to their body.

Carl Lowery had been working on new apartment blocks at The Crescent, Hulme Street, Salford when an electrical flash blew him backwards and burnt his

arms and face on 12 May 2020.

The then 37-year-old underwent multiple surgeries following the incident and required a skin graft from his thigh.

The incident happened almost three years after Carl lost his son Bradley to a rare form of cancer. Along with his wife Gemma, Carl established the Bradley Lowery Foundation, which helps families that are fundraising to obtain medical equipment and treatment.

Carl, now 41, had been working alongside a colleague at SRE Cabling and Jointing Limited, with the company sub-contracted by Aberla M&E Limited to carry out cabling and jointing works on the new apartments.



Carl Lowery

The pair were working on the building's main switchboard, with nearby bus bars left live with electricity and covered by a guard panel.

However, a gap in the guard panel led to a nut rolling behind and coming into contact with the live bus bars, causing an electrical flash which blew Carl

backwards and burnt his arms and face.

A Health and Safety Executive (HSE) investigation into this incident found Aberla M&E Limited had incorrectly assumed the guard panel was sufficient separation of the workers from the live bus bars. The company failed to take into account a gap in the guard panel, which risked nuts, bolts, tools and even fingers coming into contact with the bus bars. There was also a failure to issue a permit to work (PTW) on or near live components, which resulted in the main switchboard being left live. There was also a distinct lack of live works monitoring by the company, with the electrical site manager rarely visiting the work area.

Carl said in his victim personal statement: “Even when Bradley was poorly I worked. I’ve not been able to work since the accident either, mentally or physically.

“My left hand is my dominant hand and after the accident I had no grip. I had to try and learn how to use my non-dominant hand.”

HSE guidance states employers must produce a risk assessment prior to working with electricity. The risk assessment must cover who could be harmed by electrical hazards, how the level of risk has been established and the precautions taken to control the risk. More on this can be found at: [Electrical safety – HSE](#)

Aberla M&E Limited, of The Parklands, Bolton, Greater Manchester, 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 £20,000 in costs at Manchester Magistrates’ Court on 14 March 2024.

HSE inspector Lisa Bailey said: “This incident has had life-changing consequences for Carl and his family. It could have been avoided if the company had actively monitored and managed procedures, to identify risks and prevent incidents.

“Working with electricity is a high-risk activity and safety must be a priority. Proper planning to ensure that risks are eliminated at system design stage is essential.”

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