

# Company and director sentenced after two workers injured in falls from height

A facilities and construction management company, along with the director, have been fined after unsuitable scaffolding partially collapsed, injuring two workers.

Newport Magistrates' Court heard that on 8 March 2018, workers on a six-metre high scaffolding tower were carrying out demolition activities at the Citizens Advice Bureau in Church Place, Bargoed when the platform of the tower partially collapsed. One man suffered broken ribs, tendon damage and since the incident depression and short-term memory loss. The other man suffered three broken vertebrae and has since been diagnosed with post-traumatic stress disorder (PTSD).

An investigation by the Health and Safety Executive (HSE) found that the tower scaffolding was not suitable for the type of work being undertaken. It was not erected by a person trained and competent to do so, had been erected to a height above recommendation and was loaded with a weight greater than the safe working load stated by the manufacturer.

Invictus Facilities and Construction Management Limited of Pontprennau, Cardiff pleaded guilty to breaching Section 3(1) of The Health and Safety at Work etc. Act 1974. They were fined £106,000 and ordered to pay costs of £8,501.

Director of the company Simon Paul Wright of Tredegar pleaded guilty to Section 33 (1a) by virtue of Section 37(1) of The Health and Safety at Work etc. Act 1974 and was ordered to undertake 150 hours of unpaid work.

Speaking after the hearing, HSE inspector Gemma Pavey said: "Failure to select suitable and sufficient scaffolding towers and the failure to have them erected and dismantled by a competent person creates risk to workers who could be injured by a fall or collapse.

"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. [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>

For more information and guidance on the use of tower scaffolds please see:

<https://www.hse.gov.uk/construction/safetytopics/scaffold.htm>

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## [Two construction companies fined after worker injured during lifting operation](#)

Two construction companies have been fined after a worker was seriously injured when a part of an air conditioning plant fell on him while it was being lowered from a roof.



Southwark Crown Court heard that on 10 November 2017 three roofers had been working on Bromley High Street in London, finishing off a large roof refurbishment project. The workers were instructed to dismantle a decommissioned air conditioning plant and remove it from the roof in high winds. As part of the plant was being lowered, it became detached from the rope and hook. It fell and struck one of the workers on the pavement below, fracturing his left femur.

An investigation by the Health and Safety Executive (HSE) found that only a basic manual gin wheel was provided to lower the parts, no one was assigned to supervise and none of the workers had any formal training on carrying out lifting operations or slinging loads. There were also other failings at the site relating to working at height, control of asbestos, emergency arrangements, manual handling and a total lack of any welfare facilities for

the workers.

NMC Surfacing Limited (NMC) who operate nationally, had subcontracted the roof refurbishment work to a smaller local business, Fraden Contracts Limited. The client was unaware NMC had subcontracted the construction work. The Court heard NMC provided them with modified versions of Fraden's risk assessment records with all references to Fraden erased.

NMC Surfacing Limited of Railway Court, Reading Bridge House, Reading, who had been the Principal Contractor for the project, was found guilty after a trial of a breach of Regulation 13(1) of the Construction (Design and Management) Regulations 2015. The company was fined £350,000 and ordered to pay £45,122.36 in costs.

Fraden Contracts Limited of Northside House, Mount Pleasant, Barnet who had been contracted by NMC Surfacing Limited to carry out the work, had already pleaded guilty to a breach of 15(2) of the Construction (Design and Management) Regulations 2015. This company was fined £14,000 and ordered to pay £6,015.26 in costs.

HSE inspector, Andrew Verrall-Withers, commented after the hearing: "Little thought was giving to planning the lifting operation by the companies and it was the workers who identified passing members of the public were at risk and borrowed some barriers to try and protect them.

"It is vital construction companies do not assume that because workers have been in an industry for years, that they automatically know everything about how to safely use equipment.

"A worker suffered an injury which means he can no longer work as a roofer despite three decades of previous experience. He, or a passing member of the public, could have been killed."

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3. HSE news releases are available at: <http://press.hse.gov.uk>
4. For more information on lifting equipment at work please visit our website <https://www.hse.gov.uk/pubns/indg290.htm>

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## [Sole trader sentenced after worker sustains serious injuries in fall from height](#)

Sole trader, Ian Pitman, has been fined after a sub-contractor fell five metres through a sky light onto a concrete floor.

Bristol Magistrates' Court heard how on 20 July 2017 a man working for Ian Pitman was renewing the guttering between two buildings in Chipping Sodbury in Bristol. While fitting a roof panel back into place he fell backwards through a sky light, hitting the rail of a lift truck below and landing on the concrete floor. He suffered multiple injuries including a fractured skull and broken ribs.

An investigation by the Health and Safety Executive (HSE) found that Mr Pitman failed to ensure that work at height was properly planned, appropriately supervised and safe in such a way as to ensure that persons not in their employment were not exposed to risks to their health and safety.

Ian Pitman of Kingston St Michael, pleaded guilty to contravening Regulation 4(1) of the Work at Height Regulations 2005. He received a four-month custodial sentence, suspended for 18 months and given 180 hours of unpaid community work. He was ordered to pay costs of £13,500 and a victim surcharge of £115.

Speaking after the hearing, HSE inspector Stacey Gamwell, said: "Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known. This serious incident could have been avoided if basic safeguards had been put in place.

"HSE will not hesitate to take appropriate enforcement action against those

that fall below the required standards.”

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information about working safely at height can be found here: <http://www.hse.gov.uk/construction/safetytopics/roofwork.htm>  
<http://www.hse.gov.uk/pubns/cis60.pdf>

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## [COVID spot checks and inspections on businesses continue as lockdown measures ease](#)

As we continue the roadmap out of lock down and more businesses re-open, the Health and Safety Executive (HSE) is working with local authorities to carry out spot checks and inspections on local businesses.

The reopening of the economy means that the opportunity for COVID to spread is increased substantially, so it is critical that businesses shouldn’t become complacent. They still need to have COVID-secure measures in place.

The HSE is calling and visiting all types of businesses, in all areas, to check the measures they’ve put in place to manage the risk from coronavirus, are in line with the current guidance. This includes businesses that have continued to operate throughout the pandemic, those that have recently reopened and those due to open in the coming weeks.

We are continuing to work closely with local authorities, assisting them in their targeting of premises in the sectors they regulate such as hospitality and retail.

During spot checks and inspections, we provide guidance and advice where required, but where businesses aren’t managing the risk, action will be taken. This can range from the provision of specific advice, issuing

enforcement notices and stopping certain work practices until they are made safe. Where businesses fail to comply, this could lead to prosecution.

The COVID-secure measures businesses should have in place include:

- [Risk assessment](#): every workplace should have a [COVID risk assessment](#). Update it to reflect any changes in legislation or guidance that may impact your work activity.
- [Social distancing](#): where possible you should keep people two metres apart. If this is not viable, keeping one metre apart with risk mitigation, such as screens, is acceptable.
- [Cleaning, hygiene and handwashing](#): keeping your workplace clean reduces the potential for coronavirus to spread. It is a critical part of making and keeping your business COVID-secure.
- [Ventilation and air conditioning](#): can help reduce the risk of spreading coronavirus.
- [Talk to workers: provide information](#) about providing support and maintaining control measures.
- [Working from home](#): provide the equipment they need, keep in regular contact and discuss their wellbeing.
- [Vulnerable workers](#): talk to staff, provide information and consider the risk to workers who are particularly vulnerable to coronavirus – putting controls in place to reduce that risk.

Angela Storey, Director of Transformation and Operational Services at HSE, said: “As we come out of lockdown, we are continuing to work with local authorities to check businesses are COVID-secure and providing guidance and advice where needed.

“Our spot checks and inspections support the cross-government work in helping employers and employees that have worked throughout the pandemic and those returning as lockdown measures ease. All workplaces are in scope for spot checks which means businesses of any size, in any sector can receive an unannounced check from HSE or an inspection from the local authority, to check they are COVID-secure.

“If you are contacted by the HSE or your local authority, please engage with us. By checking businesses have measures in place to manage the risks, we can benefit the health of local communities as well as support the local and national UK economy.”

Please ensure your workplace is safe by following the guidance on [being COVID-secure](#). Further information on [spot checks and inspections](#) is available on our website.

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3. For HSE's working safely guidance

see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

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## [Company fined after fatal collision at former television centre](#)

Grundon Waste Management Limited (Grundon), has been fined after a traffic marshal was struck and killed by one of its vehicles on a construction site.

A jury at Southwark Crown Court heard that on 22 February 2016, a waste lorry had been reversing down a ramp at the former BBC Television Centre in London to collect waste from a customer's loading bay. In the process, it struck and fatally injured traffic marshal, Kiril Karadzhov.

An investigation by the Health and Safety Executive (HSE) found that Grundon failed to identify reversing as a hazard that needed to be eliminated or controlled and that suitable actions had not been taken to control the risk of reversing. This exposed pedestrians to risks to their safety. If reversing had been identified as a risk then the risk could have been eliminated or reduced, such as by developing a clear and safe system of work to access the loading bay on their customer's sites.

Grundon Waste Management Limited of Oxford Road, Benson, Wallingford, Oxfordshire, was found guilty of breaching Section 3(1) of the Health and Safety at Work Act 1974 and was fined £550,000 and instructed to pay £96,874.15 in costs.

Speaking after the sentencing hearing, HSE inspector Sharon Boyd, said: "If the hazard of reversing vehicles had been properly identified and appropriate discussions had taken place with those responsible for traffic management, a

consistent system of work which properly controlled the risks associated with the hazard could have been developed and Mr Karadzhev's death could have been avoided.

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

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3. HSE news releases are available at [press.hse.gov.uk](https://www.hse.gov.uk/press)
4. For more information on working safely with vehicles, please visit our page here: <https://www.hse.gov.uk/workplacetransport/>

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