

# Engineering company sentenced after apprentice narrowly escapes serious injury

A plant hire company has been fined after an apprentice avoided a potentially fatal crush injury from a mobile crane.

During proceedings at Knights Chamber, Nightingale Court, in Peterborough it was heard that on 3 August 2016, an apprentice at M&J Engineers Limited had climbed on to the roof of an accommodation cabin to attach a power float to the chains of a mobile crane. The crane operator, who had not been appropriately trained, began to extend the boom and move the crane into position. The crane had not been set up correctly and the boom of the crane toppled over toward the apprentice. The apprentice jumped out of the way of the boom avoiding a potentially fatal incident. However, his fall from height caused injuries to his leg and back.

An investigation by the Health and Safety Executive (HSE) found the company did not have a safe system of work in place and the crane operator had not been adequately trained. There was no clear instruction concerning the use of the crane or which areas the crane was prohibited from operating. They also had no way of ensuring that the apprentice was suitably managed.

M&J Engineers of Cashel Works, Cadwell Lane, Hitchin, Hertfordshire was found guilty of breaching Section 2(1) Health and safety at Work etc Act 1974. They were fined £220,000 and ordered to pay costs of £65,443.72.

Speaking after the hearing, HSE inspector Nigel Fitzhugh said: "Those in control of work have a responsibility to provide adequate training to their employees so that they can operate equipment safely and devise safe methods of working. This includes providing the appropriate information, instruction and training to their workers."

Further information about managing health and safety is available here:

<http://www.hse.gov.uk/managing/index.htm>

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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## [Engineering firm sentenced after employee suffers permanent nerve damage](#)

An engineering company has been fined after a worker was diagnosed with hand-arm vibration syndrome (HAVS).

Manchester Magistrates' Court heard that prior to 22 October 2018, an overall lack of management relating to the use of vibrating tools at AIM Engineering Ltd led to an employee being diagnosed with HAVS. Regular use of vibrating tools causes the painful and disabling disorder which, in this case, has left the employee with irreparable nerve damage to the hands and arms.

An investigation by the Health and Safety Executive (HSE) found that AIM Engineering Ltd of Wythenshaw, Manchester did not monitor how much work the employees were doing with vibrating tools. In addition, the company did not have any health surveillance in place, which would have picked up early signs of the disease. In 2017 an external company made recommendations to reduce employees' exposure to vibration when working with vibrating tools, and to implement health surveillance. This resulted in an employee being diagnosed with HAVS.

AIM Engineering Ltd of Southmoor Industrial Estate, Southmoor Road, Manchester pleaded guilty to breaching of Regulation 2 (1) of the Health and Safety at Work Act etc. 1974 and was fined £300,000 with costs of £7,831.90.

Speaking after the hearing, HSE inspector Jennifer French said: "This was a case of the company completely failing to grasp the importance of controlling employees' exposure to vibration. Had appropriate controls been in place to reduce the amount of vibration workers were exposed to, and appropriate health surveillance put in place, the employee's condition would not have been allowed to develop to a severe and life altering stage."

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## [Her Majesty's Prison & Probation Service accepts Crown Censure after prison officers sustain serious burns in training exercise](#)

Her Majesty's Prison & Probation Service (HMPPS) has been issued with a Crown Censure by the Health and Safety Executive (HSE) after nine prison officers suffered burns in a training exercise.

On 28 June 2018, the prison officers were taking part in a petrol bomb training exercise as part of an eight-day commanders' course at The National Tactical Response Group (NTRG) training facility when the incident occurred. On completion of the course officers would be qualified to play an important leadership role should a prison disorder take place.

It was an extremely hot day with temperatures in excess of 30 degrees and no breeze. The staff had set up a water fountain near to the exercise space where officers could cool off whilst wearing their protective kit.

Each of the trainee commanders had already completed the petrol bomb activity twice while leading serials of six prison officers, using their shields for protection, navigating a petrol bomb at their feet and a second petrol bomb to the side without any issues.

After those exercises were complete the trainee commanders were told to form into a serial of 18 in three rows of six and were petrol bombed as a group; witness reports state that between four and 10 petrol bombs were thrown. The officers became engulfed in flames, which burnt through their protective clothing, forcing them to break ranks to try and extinguish the flames underneath the water fountain.

The officers suffered burns to their bodies, varying in severity from minor burns and scalds to third degree burns.

"My clothes were burning, my helmet bubbled up and my body armour was charred", said one of the officers. "One of the petrol bombs hit me on the head and I was overcome with fire, the flames were 12 feet easily, I was really scared as it got hotter and hotter," said another.

An investigation by HSE found that HMPPS did not call an ambulance to the scene and officers were taken to hospital in a minibus. HMPPS failed to report the injuries to HSE until four months after the incident.

The investigation also found that the practice of petrol bombing the whole group of trainee commanders was not part of the official training and there was no requirement for it in any documentation or training manual. The prison officers interviewed had almost 270 years of service between them and had never been petrol bombed in any live disorder incident.

There was a failure to provide adequate risk assessments for the handling of petrol and the exercise itself. The person making the petrol bombs for the exercise had no recall of being trained in the handling of petrol or having any instruction in how much petrol each bomb should contain; and had created a maximum of 48 petrol bombs consisting of two thirds of a pint of petrol in each milk bottle.

The incident has had long term consequences with some of the officers involved reporting that they continue to suffer from their physical injuries and others from symptoms of post-traumatic stress disorder (PTSD).

Carol Downes MBE, an HSE inspector on HSE's Defence and Public Protection Team, said: "HMPPS was using practical training to prepare officers to deal with high risk situations of serious disorder in prison establishments. We accept that this type of training comes with an additional level of risk, but this does not mean that the risks during that training should be uncontrolled.

"HMPPS, like any other employer, has a duty to make sure that where work or training is to be done that causes danger, that danger or risk is controlled as far as they reasonably can. Unfortunately, on this day those risks were not adequately controlled resulting in nine prison officers suffering burn injuries."

By accepting the Crown Censure, HMPPS has acknowledged that but for crown immunity, there was sufficient evidence to provide a realistic prospect of conviction for breaching Section 2(1) & Section 3(1) of the Health and Safety at Work etc. Act 1974.

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. As a Government body, Her Majesty's Prison and Probation Service (HMPPS) cannot face prosecution in the same way as private or commercial organisations this is known as Crown Immunity.
4. Section 2(1) of the Health and Safety at Work etc. Act 1974, states that: "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees".

5. There is no financial penalty associated with a Crown Censure.

6. More information on Crown Censures can be found here:

<http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm> [1]

7. The Code for Crown Prosecutors [2] sets out the principles for prosecutors to follow when they make enforcement decisions. HSE's approach to Crown Censure is set out in its enforcement policy statement[3].

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## [Company sentenced after worker injured in fall from roof](#)

A conservatory and window fitting company has been sentenced after a worker, who was replacing a conservatory roof in adverse weather conditions at a property in Nantwich, slipped and fell sustaining broken ribs and bruising.

Manchester Magistrates' Court heard that on 1 February 2018, the 34-year-old-man was getting down from the roof, when he slipped on ice and fell, landing on step ladders.

An investigation by the Health and Safety Executive (HSE) found that the director of the company at the time of the incident, Andrew Bradshaw, ignored concerns from workers regarding adverse weather. Inspectors also found that there wasn't any edge protection in place to prevent a fall from height.

DNA Home Improvement (Cheshire) Limited of Ideal House, Lower Walsall Street, Wolverhampton pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc. Act 1974. The company was fined £30,000 and ordered to pay costs of £4,771.92.

The former director of the company, Andrew Bradshaw, of Chapel House, Middlewich Road, Minshull Vernon, Crewe pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc. Act 1974 by virtue of section 37(1) of the same act. He was issued with a 12-month community order requiring him to undertake 150 hours of unpaid work. He was also ordered to pay costs of £4,807.62

Speaking after the hearing, HSE inspector Rebecca Hamer said: “The risks from working at height are well known. Those in control of the work have a responsibility to devise safe methods of working, which should include ensuring the use of suitable work equipment and adequate supervision.”

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## **[HSE is checking businesses in the transport sector are COVID-secure](#)**

In the run up to the festive period, the Health and Safety Executive (HSE) is working with local authorities to inspect businesses in the transport and logistics industry to ensure they are managing the risk of coronavirus (COVID-19).

With the current lockdown restrictions, the demand for online shopping is already high and this is expected to increase over the next few weeks. This will also increase demand in the supply chain for the sector.

HSE inspectors and local authority officers will be visiting warehouses and distribution centres across the country to make sure workplaces are COVID-secure and following the relevant guidance.

Being COVID-secure means that businesses need to put in place workplace controls such as social distancing and cleaning arrangements to manage the risk and protect workers and others from coronavirus.

They will be making sure that businesses have suitable toilet and handwashing facilities for all workers, including visiting drivers. They will also check other health and safety matters if required.

HSE provides a range of advice and guidance to support businesses, this includes:

- [Making your workplace COVID-secure](#)
- [Driver welfare](#)
- [Social distancing – a step-by-step guide](#)
- [Risk assessment](#)
- [Vehicles at work](#)

Information from the visits will be shared to promote good practice and assist the industry in meeting the combined challenges of COVID and the seasonal surge in demand.

Harvey Wild, Head of HSE's Transport and Public Services Unit, said: "The logistics and distribution industry overall has seen a significant increase in business activity over the past few months and, with shops and retail centres closed, there will be a surge in online shopping in the run up to the festive period.

"As a result of this, we will see an increase in the number of agency and temporary workers in the transport and logistics sector to meet the demand. It's important that all workers and also customers feel confident that measures are being taken to protect them from Covid-19.

"Employers have a legal duty to protect workers and others from harm and this includes taking reasonable steps to control the risk and protect people from coronavirus. We encourage businesses to consult with their workers on the changes they put in place to become COVID-secure. This is to provide reassurance for workers and to also increase confidence in customers and the local community.

"Becoming COVID-secure not only benefits the health of our communities and vital businesses, it also good for the health of the UK economy."

We are looking to work with employers but where we find they're not managing the risk, HSE and local authority officers will take action. 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.

Further guidance is also available for [England](#), [Wales](#) and [Scotland](#).

You can also receive information on HSE's latest inspections and campaigns by [signing up to our newsletter](#).

**Ends**

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2. HSE news releases are available at <http://press.hse.gov.uk>
3. For HSE's working safely guidance see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

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