

# Scaffolding company and director fined following fall from height fatality

Wembley Scaffolding Services Limited has been fined following an incident where a worker fell five metres and suffered a fatal head injury.

Southwark Crown Court heard how, on 16 February 2017, two operatives were dismantling a scaffold on Cricklewood Broadway, London, during this process the scaffold collapsed resulting in one of the operatives falling at least five metres onto a concrete pavement, causing serious head injuries. He later died from these injuries on 4 March 2017.

An investigation by the Health and Safety Executive (HSE) found that Wembley Scaffolding Services Limited's director, Sean Chapple, failed to carry out a suitable risk assessment, plan the work and provide a design for erection and dismantling of the scaffold. Sean Chapple himself was not knowledgeable about the measures required to do this without putting people at risk and therefore didn't follow the correct measures to ensure safe erection and dismantling of the scaffold.

Wembley Scaffolding Services Limited, Hillier Hopkins LLP, Radius House, Clarendon Road, Watford, pleaded guilty to breaching Regulation 3(3)(b) of the Work at Height Regulations 2005 and 8(b)ii; Section 33(1)(c) of the Health and Safety at Work etc. Act 1974. The company was fined £7,860 and ordered to pay costs of £8,940.

Director, Sean Chapple of York Road, Northwood pleaded guilty to breaching Regulation 8(2)(ii) of the Work at Height Regulations 2005; sections 33(1)(a) and 37(1) of the Act; Section 33(2) and Schedule 3A to the Act (as amended by section 1 of the Health and Safety (Offences) Act 2008. He was fined £1,000, received a 12 week prison sentence suspended for one year and was ordered to pay costs of £11,000.

After the hearing HSE inspector Saif Deen said: "This tragic incident led to the avoidable death of a young man. The case highlights the importance of following industry guidance in order to design and erect scaffolding in a safe manner, to prevent risk to workers using the scaffold. The death could have been prevented had the employer acted to identify and manage the risks involved, and to put a safe system of work in place."

## **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/) <sup>[2]</sup>
3. HSE news releases are available at <http://press.hse.gov.uk>
4. Further information about scaffolding available at <https://www.hse.gov.uk/construction/safetytopics/scaffoldinginfo.htm>

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## **[Company fined after fatal incident using high pressure water jetting equipment](#)**

A specialist industrial services company has been fined after a worker suffered a fatal injury whilst cleaning waste-water pipes.

Birmingham Magistrates' Court heard how, on 18 June 2017, Joseph McDonald, an employee of Leadc Limited, was using high-pressure water jetting equipment to clear paint residue from pipes in the paint shop at a car manufacturing site in Solihull. During the process Mr McDonald was struck by the end of flexi-lance, causing a fatal injury.

An investigation by the Health and Safety Executive (HSE) found that the

company recognised the risks of operating high-pressure water jetting equipment, but they had failed to put in place appropriate measures to mitigate the risks. They had not implemented or enforced the use of various control measures such as a pressure regulator or an anti-ejection device, which were missing at the time of the incident and, training and supervision were also not up to standard.

Leadec Limited of Leadec House, Academy Drive, Warwick pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £2,000,000 and ordered to pay £30,000 in costs.

Speaking after the hearing, HSE inspector Richard Littlefair said: “Companies must understand that high risk activities require a thorough risk assessment process and robust management systems to protect their employees from risk of serious or fatal injuries.

“It is not good enough for companies to assume they are doing all they can to control the risk just because there have been no previous incidents. Joseph McDonald’s death could have been prevented had Leadec Limited had the necessary control measures and management systems in place to protect its employees.”

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## **[Spot Inspections Target Bolton and Trafford](#)**

Bolton and Trafford are the latest areas the Health and Safety Executive (HSE) is specifically targeting with spot inspections to ensure workplaces

are COVID-secure.

Following a rise of COVID-19 cases in both Bolton and Trafford, they have been put into local lockdown measures. To ensure businesses in these areas are following the COVID-secure guidelines, HSE inspectors are calling and visiting businesses to carry out spot inspections.

During the spot inspections, the HSE provides advice and guidance to manage risk and protect workers and visitors but, where some businesses are not managing this, we will take immediate action. This can range from the provision of specific advice, issuing enforcement notices, stopping certain work practices until they are made safe and, where businesses fail to comply, this could lead to prosecution.

To support the understanding of the rise in coronavirus cases in the area, HSE is working alongside local public health authorities and the local councils.

To be COVID-secure means businesses need to keep up to date with the latest guidance and put measures in place to manage the risk and protect workers and others. There are practical steps that businesses can take:

- Carry out a COVID-19 risk assessment
- Develop increased cleaning, hand washing and hygiene procedures
- Maintain 2m social distancing where possible
- Where people cannot be 2m apart, manage transmission risk

Sally Nicholson, HSE Head of Operations, North West, said: "Becoming COVID-secure needs to be a priority for all businesses, especially in Bolton and Trafford.

"As we have seen a rise in COVID-19 cases in these areas, it is essential workplaces take reasonable steps to control the risk and protect people from coronavirus. This means making business adjustments to become COVID-secure.

"We advise employers to work with their employees when implementing changes, to help increase confidence with workers, customers and the local community while reducing the risk of transmission. Simple steps can help save lives."

As inspections are ongoing, HSE has been utilising different ways to gather intelligence and reach out to businesses across Bolton and Trafford with a combination of site visits, phone calls and through collection of supporting visual evidence such as photos and video footage.

All businesses are in scope for inspections, that means any size business in any sector can receive an unannounced inspection.

Some of the common issues HSE inspectors are finding include: failing to provide arrangements for monitoring, supervising and maintaining social distancing, failing to introduce an adequate cleaning regime – particularly at busy times of the day – and providing access to welfare facilities to allow employees to frequently wash their hands with warm water and soap.

Francine Cheney, HSE Head of Operations for Construction, said: “All businesses in Bolton and Trafford are in scope for spot checks which means businesses of any size, in any sector can receive an unannounced visit from us to ensure they are COVID-secure.

“We want all workers to remain safe in the workplace and to continue to follow government guidelines travelling to and from work, back at home and socially as this can make a real impact in halting the spread of coronavirus.

“By making sure that businesses have measures in place to manage the risks, we can benefit the health of the local community as well as support the local and national economy.”

For more information on spot inspections, see <https://www.hse.gov.uk>

Ends

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2. HSE news releases are available at <https://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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## [Scottish Water authority fined after lone worker fell through insecure flooring](#)

Scottish Water Ltd has been fined after an employee, working alone at night, fell through insecure flooring into a storm channel and was seriously injured suffering life threatening and lifelong debilitating injuries.



Edinburgh Sheriff Court heard how, on 9 June 2017, an employee of Scottish Water entered into the screen well area at Prestonpans Pumping Station and fell through the insecure floor panels into a sewage filled storm channel some 3.1 metres below.

An investigation by the Health and Safety Executive (HSE) found that the main causal factor was an unfixed floor which had become dislodged by floodwaters leaving gaps in it and creating an unsafe working environment. The custom and practice that had existed for over 10 years was simply to work around the gaps in the floor, created when displaced by floodwaters, until they could be recovered and refitted. There was no risk assessment or safe system of work for these activities. It was readily foreseeable that someone would eventually fall.

Scottish Water, (Headquarters address) of Pitreavie Castle, Dunfermline pled guilty to breaching Regulation 3(1)(a) of the Management of Health and Safety at Work Regulations 1999 and Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £140,000.

After the hearing, HSE inspector, Kathy Gostick, 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.

"Scottish Water had identified good control measures for work at height risks companywide but had not adequately identified where they should be implemented resulting in this serious accident which could so easily have been a fatality. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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## [HSE issues MoD with Crown Censure following death of military diver](#)

The Ministry of Defence (MoD) has been issued with a Crown Censure by the Health and Safety Executive (HSE) after a military diver died during training.

On 26 March 2018, 27-year-old Lance Corporal George Partridge was brought back to surface after he stopped responding to lifeline signals while he was underwater. He was sadly pronounced dead after CPR was performed. He had been on a training course at the National Diving and Activity Centre in Chepstow. Lance Corporal Partridge and his dive buddy were tasked with attaching a distance line from the base of a shot line to the underwater wreck of a helicopter at a depth of 27m. When he was recovered his cylinders were found to be empty.

HSE served two Crown Improvement Notices relating to the failure to train all army divers how to undertake air endurance calculations and to assess the risk of a diver running out of air.

Julian Turvey, a HSE inspector who specialises in diving, said:

“This was a tragedy for all concerned however just like any other employer, the MoD has a responsibility to reduce dangers to its personnel, as far as they properly can. The scenario of a diver running out of air is a very real risk that needs to be managed.”

Today, at Whale Island, by accepting the Crown Censure, the MoD admitted breaching its duty under Section 2(1) of the Health and Safety at Work etc. Act 1974 in that they failed to ensure, so far as was reasonably practicable, the health, safety and welfare at work of all its employees, including George Partridge, in relation to the risks associated with diving exercises.

### **Notes to Editors:**

1. The breach of law the Censure is being issued over is: Section 2(1) of the Health and Safety at Work etc. Act 1974, which 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”*.

2. The MoD cannot face prosecution in the same way as non-Government bodies and a Crown Censure is the maximum sanction for a government body that HSE can bring. There is no financial penalty associated with Crown Censure, but once accepted is an official record of a failing to meet the standards set out in law.
3. More information on Crown Censures can be found here:  
<http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm><sup>[1]</sup>
4. The [Code for Crown Prosecutors](#)<sup>[2]</sup> 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](#)<sup>[3]</sup>.

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