

# Man handed community order for illegal removal of asbestos

A Hartlepool man has been handed a community order after he admitted removing asbestos from a school when he wasn't licenced to do so.

Sean Thomas Faulkner, 55, also intentionally falsified clearance paperwork after removing asbestos containing materials from Our Lady Lourdes School in Shotton Collery in March 2021. He carried out similar work several months earlier at a domestic property on Park Road in Middlesbrough in November 2020.

The Health and Safety Executive (HSE) has recently updated its guidance on [asbestos safety](#) and has just launched its [Asbestos: Your Duty](#) campaign that aims to improve understanding of what the legal duty to manage asbestos involves.

Teesside Magistrates' Court heard that Faulkner failed to hold a licence to safely remove asbestos. He also failed to ensure a four-stage clearance was carried out on both jobs by a person accredited by an appropriate body, posing serious risk.

A HSE investigation found Faulkner had received the relevant training on how to safely remove licenced asbestos and was therefore fully aware of the legal requirement to hold a licence.

Faulkner of Berkeley Avenue, Hartlepool pleaded guilty to six charges, three charges at each offence location including contravening Regulations 8(1) and 20(3) of the Control of Asbestos Regulations 2012 and breaching Section 33 (1)(m) of the Health and Safety at Work etc. Act 1974.

He was given an 18-month community order, which consists of 15 days of rehabilitation, 90 days of monitored alcohol abstinence as well as him carrying out 150 hours of unpaid work. He will also pay costs of £1000.

HSE inspector Stuart Whitesmith said: "Asbestos related disease still kills around 5,000 workers each year in Great Britain. It can be present today in any building or industrial process plant built or refurbished before the year 2000.

"In this case Mr Faulkner intentionally falsified paperwork necessary to ensure the safety of both workers, other staff and vulnerable members of public.

"We will not hesitate to take action where individuals disregard health and safety law such as can be seen in this case."

This HSE prosecution was brought by HSE enforcement lawyer Karen Park.

## 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. HSE has recently updated its guidance on [asbestos safety](#) and has just launched its [Asbestos: Your Duty](#) campaign that aims to improve understanding of what the legal duty to manage asbestos involves.
- 

## [Company fined and director receives suspended prison sentence after scaffolder suffers electric shock](#)

A Kent scaffolding company has been fined and its director given a suspended prison sentence after a scaffolder suffered an 11,000-volt electric shock.

Steven Gilmore, 36, was working for contractor Canterbury City Scaffolding Ltd alongside a small team of scaffolders, to erect a temporary roof scaffold at an open-air drinks depot in Snow Hill, Crawley, West Sussex.

Canterbury City Scaffolding Ltd had been contracted by Drinks Warehouse UK Ltd to erect the temporary roof structure over its open-air depot in order to provide shelter for operations during the winter months.

On 29 November 2021 the father-of-one struck a live 11kV power line running across the site while lifting a six-metre scaffold tube. He then fell over five meters to the ground suffering a badly broken leg. Mr Gilmore sustained life-changing electrical burns to both hands, which he will never regain full use of.

An investigation by the Health and Safety Executive (HSE) found that Canterbury City Scaffolding Ltd and its director had failed to ensure the high-risk temporary roof scaffold assembly job near a high voltage line was properly risk assessed.

The investigation also highlighted that, despite being fully aware of how close the temporary roof scaffold was being built to the 11kV line, no attempt was made by the scaffold contractor or its director to consult UK Power Networks (Network Operator) about line voltage and safe clearance

distances.

While directing the scaffold assembly works on site himself, the director allowed his team of scaffolders to use six-metre-long metal scaffold tubes at near vertical angles within striking distance of the high voltage line without any precautions to prevent injury.

Work around [overhead power lines](#), no matter how temporary, is high risk with serious or fatal consequences if not carefully planned and carried out. Every year people at work are killed or seriously injured when they come into contact with live overhead power lines. Those responsible for work near overhead lines must have a clear understanding of the associated risks and precautions that need to be taken.

At Brighton Magistrates' Court on 22 September 2023 Canterbury City Scaffolding Ltd pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. Director, Ian Pepper, 48, of Hoath near Canterbury pleaded guilty to an offence under Section 37(1) of the Health and Safety at Work etc. Act 1974. Sentencing was adjourned to 15 January 2024.

The company was fined £50,000 and Ian Pepper was sentenced to 18 weeks in prison, suspended for 12 months, and ordered to undertake 200 hours unpaid work and 20 rehabilitation activity requirement days.

Speaking after the sentencing hearing, HSE Inspector Susie Beckett said: "This scaffolder's injuries were life-changing and could have been fatal.

"This incident could have been avoided if this high-risk scaffold job had been properly planned, including seeking free advice from the Network Operator on what precautions to take, and then implementing those well-established precautions to prevent accidental contact with the overhead line."

This prosecution was brought by HSE enforcement lawyer Jon Mack.

#### **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.
-

# Keep people safe from future dangers of asbestos, regulator warns

- The dangerous material was banned from construction 25 years ago
- Asbestos may still be present in buildings built before 2000
- New HSE campaign emphasises legal duties to manage asbestos

Buildings that people use in their daily lives, such as workplaces, schools and hospitals are the focus of a new campaign to keep people safe from asbestos.

Asbestos: Your Duty launching today, Monday 15 January, aims to improve understanding of what the legal duty to manage asbestos involves.

The Health and Safety Executive (HSE) wants anyone with responsibilities for buildings to do everything they must do to comply with the law and prevent exposure to this dangerous substance, which was widely used in post-war construction before it was completely banned in 1999.

The legal duty to manage asbestos covers a wide range of buildings such as museums, schools, hospitals, and places of worship, as well as workplaces like offices and factories.

Businesses and organisations responsible for premises built before the turn of the century, and especially those between 1950 and 1980 when the use of asbestos in construction was at its peak, must carry out the necessary checks and understand their legal responsibilities.

People who visit or work in these buildings will not be exposed if asbestos is properly contained. But it can become dangerous when disturbed or damaged.

Updated information, new templates (including an asbestos management plan template), and explanatory videos can be found on [HSE's website](#) to help anyone who is unsure of their legal duties – or just need to refresh themselves – on what they need to do.

HSE will check how asbestos is managed when visiting a range of buildings – like schools and hospitals – requiring those responsible for managing asbestos risks to ensure they have the right arrangements in place.

Sarah Albon, HSE's chief executive said: "To keep people safe from the harms of asbestos, a culture of safely managing asbestos is needed in our building industry and among those responsible for buildings.

"Asbestos exposure in Great Britain is still the single greatest cause of work-related deaths due to exposures decades ago.

"Together, we must protect people in the workplace and reduce future work-related ill health."

## 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. Further information on where [asbestos can be found](#) is available on HSE's website.
  3. Further details on the latest [HSE news releases](#) is available.
- 

## [Company fined after hospital staff left with life-changing conditions](#)

A company in York has been fined more than £16,000 after staff at a hospital were left with life-changing medical conditions after being exposed to ionised hydrogen peroxide.

Workers at Bio Decontamination Limited attended Scarborough Hospital on 18 September 2019 after being hired to carry out the decontamination of the Aspen ward.

The company used ionised hydrogen peroxide to decontaminate the rooms in the ward. They failed to appropriately seal the rooms, meaning the ionised hydrogen peroxide escaped into the adjacent corridor where hospital staff were working.

It is a legal requirement to adequately control exposure to materials that cause ill health. How people can get exposed must be carefully considered. [Guidance is available about what you need to do.](#)

Three members of hospital staff required treatment at the Accident and Emergency department after being exposed to the substance. They suffered from itchy skin and became lightheaded. All three continue to suffer with life changing medical conditions as a result of their exposure and struggle to carry out day to day tasks or work

An investigation by the Health and Safety Executive (HSE) found that the work had not been properly risk assessed prior to being undertaken. The employees carrying out the work were not appropriately trained nor supervised and the working practices displayed was below the required standard. The level of ionised hydrogen peroxide was not adequately monitored to warn of release, exposing people to dangerous levels.

Bio Decontamination Limited, of Micklegate, York, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974 and Section 3 of the Management of Health and Safety at Work Regulations 1999. The company was fined £16,775 and ordered to pay £27,228 in costs at York Magistrates' Court on 5 July 2023.

HSE inspector Darian Dundas said: "This case recognises the dangers of not carrying out a suitable and sufficient risk assessment and not appropriately training and supervising staff members.

"These failures left three members of staff so ill they couldn't return to work.

"It could so easily have been avoided by simply implementing the correct control measures and safe working practices."

#### **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.

---

## **[NHS trust fined after employee found unconscious in manhole](#)**

Kettering General Hospital NHS Foundation Trust has been fined £480,000 after an employee suffered a brain injury after he was found unconscious in a manhole.

The man had been unblocking a drain at the hospital on 1 February 2022 when he was discovered by other members of staff.

He was rescued from the manhole by Northamptonshire Fire and Rescue Service and was treated at hospital for acute sulphate intoxication. This resulted in a traumatic brain injury, and ongoing issues with memory loss and nerve damage.

HSE guidance can be found at: [Introduction to working in confined spaces \(hse.gov.uk\)](#)



The worker was found unconscious in a manhole (pictured)

A Health and Safety Executive (HSE) investigation found that Kettering General Hospital NHS Foundation Trust failed to identify the manhole as a confined space, and thereafter, failed to properly risk assess the activity. The trust failed to prevent entry of employees into confined spaces at the site – which was custom and practice for a number of years. The trust also failed to identify a safe system of work or method statement for clearing blocked drains and no precautions were identified to reduce the risk of injury.

HSE's investigation also highlighted that no confined space training was given to members of the estates team and insufficient information and instruction was provided to those involved as to the methods to be adopted, the risks involved and the precautions to be taken, when clearing drains and entering deep drains or manholes.

Kettering General Hospital NHS Foundation Trust, of Rothwell Road, Kettering, Northants, pleaded guilty to breaching Section 2(1) of The Health & Safety at Work etc. Act 1974. The trust was fined £480,000 and ordered to pay £4,286.15 in costs at Wellingborough Magistrates' Court on 9 January 2024.

The prosecution was brought by HSE enforcement lawyer Samantha Wells.

HSE inspector Heather Campbell said: "This case highlights the dangers of working in confined spaces. The manhole should have been identified as a confined space, and risk assessed accordingly. Safe systems of work for entry into confined spaces should have been in place, such as those outlined in the HSE's Approved Code of Practice."

## 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>