

# 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.
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## **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."

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  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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## Garden landscaper sentenced after worker dies

A garden landscaper has been handed a suspended prison sentence after a worker was killed when a moving circular saw kicked back into his groin.

The labourer, who had been working for Watford-based gardener Mr Fernando Araujo for just two days, was killed in the incident at a house on Harewood, Rickmansworth, on 11 August 2021.

The 31-year-old had been assisting Mr Araujo, 54, with the installation of railway sleepers along the edge of the front garden driveway.

At the time of the incident he was using an angle grinder fitted with a toothed circular saw blade to cut the wooden sleepers.

Prosecuting, Health and Safety Executive (HSE) enforcement lawyer Jon Mack told St Albans Magistrates' Court that the use of a toothed saw blade on an angle grinder made it a dangerous machine.

The guard had also been removed from the grinder as the circular saw blade fitted was larger than the original grinder disc on the power tool.

In addition, the sleeper had been placed in a skip and was not secured whilst being cut. While attempting to cut the sleeper, the tool kicked back under power into the worker's groin causing him to sustain a serious, fatal laceration.



The sleeper had been placed in a skip and was not secured whilst being cut.

An investigation by the HSE found that Araujo failed to ensure that work equipment was used only for operations for which, and under conditions for which, it was suitable. Changing from the use of an abrasive wheel through fitting of a circular saw blade meant a dangerous machine was created.

HSE guidance can be found at: [Provision and Use of Work Equipment Regulations 1998 \(PUWER\) \(hse.gov.uk\)](https://www.hse.gov.uk/laws/regulations/puwr.htm)

Sentencing, District Judge Margaret Dodd said: "Whatever sentence I pass will not compensate his family for their loss. Nothing can compensate the family for their loss, and the sentence in no way indicates the value of a life."

Mr Fernando Araujo, of Croxley View, Watford, pleaded guilty to breaching Regulation 4(3) of Provision and Use of Work Equipment Regulations 1998 and Section 33(1)(C) of the Health and Safety at Work etc. Act 1974. The 54-year-old was sentenced to six months in prison, suspended for two years, ordered to complete 200 hours of unpaid work and pay £3,467.72 in costs at St Albans

Magistrates' Court on 9 January 2024.

HSE inspector Jenny Morris said: "This tragic incident led to the avoidable, horrific death of a young man. It could easily have been prevented if the correct equipment was selected so that the wooden sleepers could have been cut safely. Power tools should be used safely and only for the purpose for which they have been designed."

This prosecution was brought by HSE enforcement lawyer Jon Mack and supported by HSE paralegal officer Sarah Thomas.

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## [Arriva and cleaning firm fined after worker killed at bus depot](#)

A national bus company and a commercial cleaning firm have been fined after a "much loved young man" was killed at a depot in Hemel Hempstead.

Albin Trstena, from Tottenham, was working for Cordant Cleaning Limited, when he was hit by a reversing bus being driven by a colleague on 5 November 2019.

The 25-year-old had been working in the yard of Arriva's Hemel Hempstead bus depot when the vehicle was reversed out of the wash down area. He sustained fatal injuries.

By law, people near a route where vehicles pass must be kept safe. HSE guidance on [separating pedestrians and vehicles in the workplace](#) sets out clear steps those responsible should take.



Twenty-five-year-old Albin Trstena was killed by a reversing bus at Arriva's bus depot in Hemel Hempstead

In a statement read at St Albans Magistrates' Court, Albin's sister Albina said how his death had been 'devastating' for their family.

"When we received the news Albin had died, we were left devastated and our whole world came crashing down around us," she said.

"His presence at home was so alive.

"Albin would always do lots for the family, but not just for the family, he gave of himself and would always help other people where he could.

"He was a brother and son to be proud of."

An investigation by the Health and Safety Executive (HSE) found that Arriva failed to properly assess the risk of vehicle-pedestrian conflict, and both they and Cordant Cleaning Limited, subsequently known as C.L.C Realisations Limited, failed to implement a suitable system of work to control this risk.

There were also insufficient measures in place to protect pedestrians from vehicles being moved around the depot and to ensure that walkways within the perimeter of the yard were being utilised.

C.L.C Realisations Limited of Wellington Street, Leeds (in administration) offered no plea but was found guilty of breaching Section 2(1) of the Health and Safety at Work Act 1974 and fined a nominal £1,000.

Arriva Kent Thameside Limited of Doxford International Business Park, Sunderland, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work Act 1974 and have been fined £32,000 and ordered to pay costs of £22,392.

HSE inspector Roxanne Barker said: "This tragic incident led to the avoidable

death of a much loved young man.

“There was a failure to undertake safety measures to segregate vehicles and pedestrians.

“They also failed to properly consider who was responsible for determining and implementing suitable measures to ensure safe working practices when contracting out some of the activities performed within a shared workplace.”

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## Monthly roundup – December 2023

The final month of the year has seen the Health and Safety Executive (HSE) conclude complex prosecutions against two care settings. December also saw cases relating to two frightening offshore incidents that resulted in fines totalling more than £1million. Another prosecution came about after a member of the public captured shocking footage on their mobile phone of a dangerous disregard to safety while working at height.

### Care home fined £125,000 after teenager’s death





James and Melissa  
Mathieson

A care home in Bristol was fined for not doing enough to keep people safe from vulnerable patients who posed a danger to themselves and others.

The complex HSE investigation and prosecution followed the death of Melissa Mathieson at Alexandra House on 12 October 2014. Jason Conroy murdered the 18-year-old and was jailed for life the following year, following a Crown Prosecution Service case.

Both Melissa and Jason were fairly new residents at the home having both moved there in August 2014, Melissa from Crawley, and Jason from a school in Shropshire.

You can read more on this story here: [Care home fined £125,000 after teenager's death | HSE Media Centre](#)

### **Construction fined after failing to provide basic facilities to workers**

A Cheshire construction company was fined £5,000 after it failed to provide workers with adequate welfare facilities.

C.B. Homes Limited was carrying out work at a site on Bunbury Lane in Alraham when it was visited by the Health and Safety Executive (HSE) on 23 March 2023. The proactive inspection found the company had failed to provide workers with adequate facilities for workers to wash their hands.

It wasn't the first time the Tarporley-based company had failed to provide such facilities with enforcement action being taken by HSE on three other occasions. It is a legal duty for companies to provide workers with suitable welfare facilities.

You can read the full press release: [Construction fined after failing to provide basic facilities to workers | HSE Media Centre](#)

### **Roofing firm and company business partner sentenced following HSE investigations**

A roofing company was fined a total of £881,000 after two workers were seriously injured during two separate incidents.

Billy Hewitt, a worker at Mitie Tilley Roofing Limited, fractured his pelvis after falling through a factory roof in Newcastle. Meanwhile, a 24-year-old labourer employed by RM Scaffolding broke his femur after falling through the roof of a building in Swansea while working on a project run by Mitie Tilley Roofing Limited.

The HSE investigated both incidents and prosecuted Mitie Tilley Roofing

Limited. Paul Robinson, a business partner at RM Scaffolding, was also prosecuted following the incident in Swansea.

The full press release can be read here: [Roofing firm and company business partner sentenced following HSE investigations | HSE Media Centre](#)

### **Fines for repair firm and its director after man crushed at London garage**



Company director Seyit Dilek left him standing under the vehicle while it was raised on a vehicle lift

A garage was fined £12,000 after a customer was crushed by his own vehicle at a garage in North London.

Tottenham resident Mahmut Emanet is “lucky to be alive”, according to HSE inspector Michelle Morphy.

The 62-year-old spent six days in a critical care unit after he sustained serious crush injuries in the incident. He has been left with permanent and life changing injuries.

You can read the full press release here: [Fines for repair firm and its director after man crushed at London garage | HSE Media Centre](#)

### **Leading textiles firm hit with £100,000 fine after worker loses hand**

A linen services company has been fined £100,000 after a man’s hand had to be amputated.

Scott Drummond, from Rhyl, North Wales, suffered serious injuries to his hand

after it became trapped in machinery at the laundry operated by Johnsons Textile Services Limited in Bumpers Lane, Chester, on 24 June 2021. The injuries were so serious that his hand was later surgically amputated above the wrist.

The 45-year-old had been investigating a fault on a large commercial dryer when he was caught by the machine.

You can read the full press release here: [Leading textiles firm hit with £100,000 fine after worker loses hand | HSE Media Centre](#)

## **Newport City Council fined £2million after death of much loved family man**



Stephen Bell was working for Newport City Council when he was killed

Newport City Council was fined £2million after “a hardworking man who loved his family very much” was killed while carrying out road repair works.

Stephen Bell was barrowing tarmac from the back of the local authority’s tipper lorry when he was struck by a farm vehicle passing the road works.

The 57-year-old’s wife Jenny said how the events of 18 July 2019 had changed their family’s life forever.

“I do not have the words to express the pain my family and I felt when we heard the news and losing him so suddenly has taken its toll on us all and has left us all heart broken,” she said.

The full press release can be read here: [Newport City Council fined £2million after death of much loved family man | HSE Media Centre](#)

## Offshore companies fined after grandfather injured on North Sea gangway



The damaged boot Mr Hill had been wearing at the time of the incident

Two offshore companies were fined a combined total of more than £1.2m after an offshore worker's feet were crushed while walking along a gangway over the North Sea.

HSE prosecuted both Shell and Ampelmann Operations following the incident off the Norfolk coast on 17 October 2017.

Martin Hill, a grandfather of eight from Norwich, says he now struggles to go on walks and carry out simple DIY tasks as a result of his injuries.

You can read more on this prosecution here: [Offshore companies fined after grandfather injured on North Sea gangway | HSE Media Centre](#)

## Farming business fined after a walker dies in cattle incident



Marian Clode

A farming business was fined after a member of the public died after being butted several times by a cow in front of two onlooking grandchildren.

Marian Clode, 61, was on a family walk on 3 April 2016 when the attack

happened on a public bridleway in Northumberland. She died in hospital three days later.

The family had been staying at a cottage at Swinhoe Farm, Belford and said Marian “was dearly loved and still so sadly missed.”

You can read more about this prosecution here: [Farming business fined after a walker dies in cattle incident | HSE Media Centre](#)

### **North Wales health board fined after failings resulted in woman’s death**



Dawn Owen

One of the largest health boards in Wales was given a £200,000 fine after a patient died in its care.

Llandudno Magistrates’ Court heard that 46-year-old Dawn Owen was found unconscious at the Hergest Unit – a secure mental health unit – at Ysbyty Gwynedd in Bangor on 20 April 2021.

Dawn’s family have called on Betsi Cadwaladr University Health Board to act on the findings of the HSE investigation, calling her death ‘wholly avoidable’ and ‘completely unnecessary’.

You can read more about this prosecution here: [North Wales health board fined after failings resulted in woman’s death | HSE Media Centre](#)

### **Company fined after worker spotted on pallet raised by forklift truck**



A company has been fined after shocked onlookers spotted an employee precariously working from height while standing on a pallet raised by a forklift truck at Ramsgate Harbour.

HSE was alerted to the activity after it was reported by a member of the public, who managed to capture the terrifying debacle on video.

The worker was part of a team of three at EAP Limited that were removing work equipment from the deck of a boat in the harbour's slipway.

You can read the full press release here: [Company fined after worker spotted on pallet raised by forklift truck | HSE Media Centre](#)

### **Offshore drilling company fined after crane boom collapse**



Damage to the lifeboats following the collapse

An offshore drilling company has been fined after a crane boom collapsed catastrophically.

Nobody was hurt in the incident on 31 March 2016 but a chaotic scene ensued after the collapse of the Rowan Gorilla VII's boom, with flying debris damaging a nearby vessel, whipping a hose out of control before it ruptured, leaving a cloud of cement dust.

It happened offshore in the North Sea as staff were preparing to recover a faulty submersible pump.

HSE inspectors described the incident as an "accident waiting to happen".

For more on this prosecution you can read the full press release: [Offshore drilling company fined after crane boom collapse | HSE Media Centre](#)

### **Company fined £900,000 after dad crushed to death**



Lee Benham with his wife Kelly and two children

A company in Leicestershire has been fined £900,000 after a father-of-two was crushed to death.

Lee Benham died on 4 November 2021 while attempting to move a scissor lift at Nationwide Platform Limited's workshop in Liskeard, Cornwall.

The 45-year-old LGV driver had operating a scissor lift from the ground to clear an access path so he could move pieces of machinery out of the workshop and load it onto his lorry in the yard.

Lee's wife, Kelly Benham, said: "There are no words that can describe when you have had your heart ripped out."

The full press release can be read here: [Company fined £900,000 after dad](#)

[crushed to death | HSE Media Centre](#)