

# School trust fined after children injured by classroom ceiling collapse

An educational trust has been fined after 15 school children and their teacher were injured when their classroom ceiling collapsed during a lesson.

Fifteen Year 3 pupils, aged between seven and eight, and their teacher had the ceiling collapse onto them at Rosemead Preparatory School in London, at around 9.30am on 15 November 2021. Tables and chairs being stored in the attic above were among the falling debris.

The children and teacher sustained upper limb fractures, cuts as well as concussion.

Emergency services attended the school on Thurlow Park Road, Dulwich, following the incident with the class teacher and several pupils taken to hospital for assessment and treatment. There were 16 pupils in the class but one student was by the doorway when the incident happened.

A Health and Safety Executive (HSE) investigation found items such as desks and chairs were stored in an unsuitable area in the school's attic. This area was not designed to be load bearing and led to the ceiling collapsing.

The HSE investigation also found Thurlow Educational Trust had failed to undertake any structural or load bearing capability assessments of the area being used to store the items. The trust had also failed to assess whether the area in question was appropriate to be used for the storage of these items.



HSE guidance can be found [here](#).

Thurlow Educational Trust, of Thurlow Park Road, Dulwich, London, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974. The trust was fined £80,000 and ordered to pay £7,116.31 in costs at Westminster Magistrates' Court on 29 August 2023.

HSE inspector Samuel Brown said: "This incident has resulted in injuries to multiple young children due to the failings of the school to ensure that chairs and tables were safely stored above their classroom.

"Schools should be a place where children can come to learn from teachers and one another without having to worry about their safety.

"Fortunately, this incident did not cause any more serious injuries, but the mental and emotional impact of such an event should not be understated.



“Employers need to take action to ensure that building stability and solidity problems are not caused through overloading areas not designed to bear weight. As proven, the failure to do so can have severe consequences.”

This HSE prosecution was supported by HSE enforcement lawyer Samantha Crockett.

#### **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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## **[Five HS2 workers injured in incident](#)**

Inspectors from the Health and Safety Executive (HSE) are today (Tuesday 29 August) at the site of an incident where five HS2 workers were injured.

Work is underway to identify the cause following the incident at the Mandeville Road site next to Northolt Tube station in London, on Saturday 26 August. Emergency services responded.

Four people involved in the incident have been discharged from hospital while one worker remains in hospital.

HSE inspector Gordon Nixon said: "We are working with all parties involved. At the moment, we are making initial enquiries. If there will be a full HSE investigation, this will take time."

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## [£535,000 fine for oil and gas firm after man injured on North Sea platform](#)

An oil and gas company has been fined £535,000 after a worker sustained life changing injuries following the uncontrolled collapse of a crane.

Greig Philip Harwood and John Divers, employees of Enermech Limited, were injured while working on the Fulmer Alpha North Sea oil platform on 11 September 2017. Aberdeen Sheriff Court heard that the 13 tonne, 45 metre long crane boom fell to the deck without warning, with flying parts hitting both men.

Mr Harwood suffered a fractured jaw and lacerations to his chest. He had his jaw wired together and three titanium plates fitted. He could not eat solid food for around four months. He also suffered psychological damage and was diagnosed with anxiety, trauma and depression as a result of this trauma and has stopped working in the offshore industry. He continues to have physical symptoms where he cannot open his mouth fully and has no feeling in his lower jaw due to nerve damage.

John Divers also suffered physiologically and required counselling sessions. He could not face working offshore for 12 months.

By less than half a metre, the crane boom missed a high pressure flare line, a fuel gas line and the main oil line. If any of these had been hit it could

have resulted in a serious hydrocarbon release.

An investigation by the Health and Safety Executive (HSE) found that the company had failed to carry out a suitable and sufficient assessment of the risks of the work and had failed to maintain the crane braking systems and equipment in a safe condition before work commenced.

Repsol Sinopec Resources UK Limited of Holburn Street, Aberdeen pleaded guilty to breaching Section 3(1) and Section 2(1) of the Health and Safety at Work etc Act 1974 and were subsequently fined £535,000.

Speaking after the hearing, HSE principal inspector Dr Stephen Hargreaves said:

“Greig Harwood and John Divers are lucky to be alive. This incident could so easily have been avoided by simply carrying out suitable control measures and safe working practices.

“A North Sea Oil Platform is a hazardous environment, and it was again pure luck that the crane boom, which crashed to the deck, narrowly missed high pressure gas and oil processing equipment.. This incident could have been avoided had the company properly planned and risk assessed the work and adequately maintained their cranes.”

“It is very disappointing that we are seeing failings of this nature bringing those working on North Sea Installations perilously close to disaster.”

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**[Construction firm fined £90,000 after](#)**

# exposing public to asbestos during renovation work

A Warrington-based construction company has been fined £90,000 after exposing people to asbestos during a renovation project in the Hanley area of Stoke-on-Trent.

Despite failing to attend Staffordshire Magistrates' Court on 24 August 2023, Esskay Construction Ltd was found guilty in its absence.

Nathan Cook, prosecuting on behalf of the Health and Safety Executive (HSE) told the court how the regulator received a concern on 31 August 2021 about asbestos disturbance. The concern related to a refurbishment project under the control of the company at an address in Brunswick Street in Hanley.



- Access to the site was limited after concerns were raised to HSE

Representatives from the local authority had attended the site and discovered significant amounts of asbestos-containing debris to the front and rear of the building and along the public highway.

An inspector from HSE then went to site and served two Prohibition Notices – prohibiting all work within, and access to, 12 Brunswick Street and the surrounding area, other than by a licensed asbestos removal contractor for the purpose of making safe. A licensed asbestos removal contractor was then appointed to carry out a clean-up operation.

However, further investigation by HSE found that Esskay Construction Ltd had failed to appoint a competent person to carry out a refurbishment and demolition asbestos survey of the premises prior to carrying out work on site. The company then allowed refurbishment to commence without knowing where the asbestos containing materials were, resulting in them being

disturbed and potentially exposing workers and members of the public to harmful asbestos fibres.



- Significant amounts of asbestos-containing debris to the front and rear of the building and along the public highway

Esskay Construction Ltd of Mandarin Court, Warrington, Cheshire, failed to attend court but were found guilty in their absence, to breaching Regulations 5, 11 and 16 of the Control of Asbestos Regulations 2012. Esskay Construction Ltd were fined £90,000 and ordered to pay costs of £6,009 and a victim surcharge of £190.

Speaking after the hearing, HSE inspector Will Gretton said: "Asbestos is a class 1 carcinogen which is known to kill around 20 tradesmen each week. Carelessness at this scale, met with a failure to attend court, is unacceptable.

"For that reason, any building constructed prior to the year 2000 must be assessed for the presence of asbestos prior to any disturbance work taking place, and any asbestos containing materials must be left undisturbed or be removed by a competent contractor under controlled conditions.

"By failing to take these simple steps, Esskay Construction Ltd put workers and members of the public at risk of being exposed to a substance known to cause fatal illnesses including mesothelioma, lung cancer and asbestosis.

"HSE will not hesitate to take action where contractors are found to be flouting the law and putting people at risk, and this case should serve as a reminder to those engaged in this type of work that they have responsibilities when it comes to managing the risks associated with asbestos."

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  4. Detailed [guidance on asbestos](#) is also available
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# [Manchester company director fined after obstructing HSE investigation](#)

A Manchester-based construction company and its director have been fined after a catalogue of health and safety failings following an inspection.

On 13 January 2022, Health and Safety Executive (HSE) inspectors visited a timber-frame housing development under construction off Brookwood Drive in Meir, Stoke-on-Trent by a company called Amro Construction Ltd.

At hearing at North Staffordshire Magistrates Court on 24 August, HSE enforcement lawyer Nathan Cook said that the regulator had identified several health and safety failings, including the presence of an open flame gas stove amongst large volumes of combustible material, a lack of fire precautions, poor site security and inadequate washing facilities.

HSE has guidance about fire safety in construction which can be found at: [Construction – Fire safety industry health & safety \(hse.gov.uk\)](#).

Mr Cook went on to say that a HSE investigation found Amro Construction Ltd had also failed to assess the on and off-site fire risks, despite it being a timber-frame project in a highly residential area. This was despite previous advice and enforcement from HSE in relation to the matter. As a result, the company failed to implement measures to prevent a fire from occurring or spreading, putting workers and members of the public at risk. The investigation also found the company had received previous enforcement in relation to the provision of adequate washing facilities.

During the course of the investigation, David Taylor, Amro Construction Ltd managing director, also deliberately obstructed the inspector by refusing to provide information requested as part of his enquiries – causing a delay of several months.



At North Staffordshire Magistrates Court on 24 August, Amro Construction Ltd of The Junction, Rolls Crescent, Hulme, Manchester, pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay costs of £1,587.

David John Taylor of Clarendon Street, Hulme, Manchester, pleaded guilty to breaching Section 33(1)(h) of the Health and Safety at Work etc. Act 1974 and was fined £3,000 and ordered to pay costs of £1,935.

Speaking after the hearing, HSE Inspector Rob Gidman said: "This type of proactive prosecution should highlight to the construction industry that HSE will not hesitate to prosecute companies for repeated breaches of the law, and that directors will also be prosecuted where they intentionally obstruct our inspectors.

"To protect workers and the public, it's vital that fire risks are adequately considered when planning timber frame construction work so that suitable control measures can be put in place from the outset.

"This includes considering how to prevent a fire spreading from site during the construction phase, as well as providing general fire precautions such as fire alarms and detection devices."

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