

# Council fined £280,000 after death of six-year-old girl hit by falling tree

A council has been fined £280,000 after the death of a six-year-old girl who was hit by a falling tree in her school playground.

Ella Henderson was playing with friends at Gosforth Park First School in Newcastle upon Tyne on 25 September 2020 when a decaying willow tree collapsed.

The Year 2 pupil was freed from under the tree by emergency services and taken to Newcastle's Royal Victoria Infirmary, where she died the following morning.

Her parents Neil and Vikki Henderson today paid tribute to their daughter and said every part of their family's lives had changed since losing Ella.

Several other children were hit by the falling tree but managed to escape, some with superficial injuries.

An investigation by the Health and Safety Executive (HSE) found the tree had decayed and was in a poor condition.

Newcastle City Council had failed to identify the extent of the decay or to manage the risk posed by the tree.

Newcastle City Council pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £280,000 and ordered to pay costs of £8,020 by South Tyneside Magistrates on 10 January 2023.

HSE Inspector Ashfaq Ali said: "This terrible incident led to the avoidable death of a young girl. HSE hopes others will learn from what happened to Ella. Our thoughts remain with Ella's family."

Mr and Mrs Henderson said: "We would like to thank the police and the Health and Safety Executive for their thorough investigations, and the kindness and sensitivity they have treated us with throughout.

"We are devastated beyond words to hear of the number of times that this outcome could and should have been changed. No family should ever have to go through what we are going through.

"We hope lessons will be learned from this and feel there needs to be better education and information around which trees are appropriate for school playgrounds and the size they are allowed to grow to.

"We would kindly ask that our privacy is now respected whilst we continue to try to navigate and rebuild our lives around the huge hole that has been created in our life without our beautiful Ella."

In a statement, Ella's mum Vikki, from Newcastle, said: "Up until 25th Sept 2020 we had the perfect life. There was not one thing we would have changed. We had two happy, healthy, little girls who were just the best of friends and life was amazing.

"Having lived that life, we now live with a complete hole in our lives. Having a six year old who loves life and wakes up every morning with 'What are we doing today, Mummy?', loving everything we did and everywhere we went, to suddenly this life, is just indescribable. Taking her big sister places now and knowing how much she would love everywhere we go and taking photos without her is heart breaking.

"It's not just the big things like birthdays, holidays and Christmas, it's also all the small everyday things like not washing her clothes, not buying her toys or clothes but knowing what she'd love, not setting her place at the table or booking a table in a restaurant for four.

"Going to restaurants and being constantly asked 'just one child' and having the empty chair at a table for four. Staying in a cottage and instead of her sharing a room together with her sister, there is now an empty bed. It's just a constant reminder, not that we will ever need one, that she's not here.

"Seeing everyone's life move on and their kids and her friends getting older while we stay still; always with a six year old who will never get her front teeth is devastating.

"When you lose a child you live two lives. The one you should be living and the life you have to live.

"Knowing how happy we would be and what we would have done in the last two years compared to the life we've had to live couldn't be further apart.

"The hardest part is that all we did was what every other parent does every day. She should have been so safe at school and knowing that I'm the only one who doesn't get to pick their child up every day is just the worst feeling.

"When I pass schools on the way somewhere and hear that innocent noise of children playing, I think, that was all she was doing. She was just playing ballerinas with her friends.

"Life is so unfair, and she was so loved and had so much to give this world. As her reception teacher said, "The world is a much sadder place without Ella in it."

"Every single part of our lives has changed. Getting up every morning, knowing it's another day without her and another day she'll miss.

"Being six and healthy makes it very hard to process that she's not here. I live for my girls and I loved taking them to school every day and picking them up, and doing everything with them, and knowing that I will never take her to school, or a party or holiday again – there are no words to describe how this feels.

“I read something online that sums up this life and it said “When you died my heart was torn in two. One side is filled with heartache and the other died with you.”

## 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. Guidance on [management of the risk from falling trees](#) can be found on the HSE website.

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## [Fine for BA subsidiary after father of two left in coma following fall at work](#)

An aircraft maintenance company has been fined £230k after a worker fell from height while inspecting wings at its facility in Cardiff.

Iain Mawson, a British Airways Maintenance Cardiff Ltd employee, was placed into an induced coma for three weeks such were the extent of his injuries, which included numerous skull fractures and a brain haemorrhage.

Cardiff Magistrates Court heard how Mr Mawson fell through a gap in the guard rail of the docking platform where safety barriers had been removed.

The 52-year-old also suffered multiple fractures to his ribs, scapula, vertebrae and collar bone as a result of the incident on 10 November 2019 and has not been able to return to work since.

An investigation by the Health and Safety Executive (HSE) found that the company had failed to adequately analyse the risks and avoid removal of guardrail safety barriers or ensure safety barriers were replaced.

British Airways Maintenance Cardiff Ltd of Waterside, PO Box 365 Harmondsworth UB7 0GB pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £230,000 and ordered to pay costs of £21,623.

Speaking after the hearing, HSE inspector Sara Lumley said: “This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

“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 extends lead in ammunition restriction process by six months](#)**

A consultation under UK REACH on restricting the use of lead in ammunition has had an overwhelming response since it launched.

Great Britain’s workplace regulator, the Health and Safety Executive (HSE) is therefore moving the expected date of publishing its opinions along with a response to the consultation by six months due to the high volume of responses submitted.

The use of lead ammunition for outdoor shooting over wetlands is already subject to regulation in Great Britain. HSE is establishing whether additional controls are needed for outdoor shooting.

The agency has received 2,759 responses including many detailed and technical submissions that need to be worked through. This was nine times that of a similar exercise across the EU, which also saw a six-month extension.

HSE confirmed the extension today, Thursday 5 January 2023, as the agency that operates UK REACH, a system of ensuring that chemical substances used in Britain are safe.

To help HSE understand how to provide the most effective, proportionate and practical approach to manage risks to health and the environment, a public consultation was opened for six months. It was published on 6 May 2022, alongside the restriction dossier, to gather information from different

groups affected.

Dr Richard Daniels, HSE's Director of Chemicals Regulation Division, said: "It has been really encouraging to see the level of interest received, underlining that it is important we get this exercise right for the benefit of affected groups, peoples' health and the environment.

"Although we have more than tripled the number of people working on the consultation responses, our technical specialists will need more time to both consider responses and put forward our concluding opinions.

"The UK REACH legislation enabled us to make an extension if needed. We are making the necessary changes to the legal timetable, and keeping ministers updated."

An initial review of responses indicates that alternative risk management options (including alternative derogations) may need to be considered. HSE is therefore working with external specialists to understand technical information submitted to the public consultation. The agency is also further engaging with interested parties to refine any derogation proposals.

HSE initially received a request in April 2021 from the Secretary of State for Environment, Food and Rural Affairs (Defra), with the agreement of the Scottish and Welsh Governments, to prepare a restriction report assessing the use of lead in ammunition under the UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulations.

The [restriction dossier](#) on lead in ammunition was published on 6 May 2022. HSE specialists are preparing draft opinions and engaging with independent experts on the REACH Independent Scientific Expert Pool (RISEP), who form a Challenge Panel providing knowledge, scrutiny and challenge during the opinion-forming stage.

Dr Daniels continued: "To fulfil their roles, members of the REACH Independent Scientific Expert Panel (RISEP) require accurate and comprehensive information for them to scrutinise and challenge the Agency's draft opinions. The 6-month extension enables the Agency to provide this level of detail to RISEP."

The restriction proposals for [tattoo inks and permanent make-up](#), which were also published on 6 May 2022, will follow their original timescales. HSE will send the final risk assessment opinion and socio-economic opinion on these proposals to the Appropriate Authorities by February 2023 and May 2023 respectively.

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2. HSE is the Agency for UK REACH and therefore have responsibility for the majority of the regulatory functions under UK REACH. In the delivery of these functions, HSE is supported by and/or reportable to a number of other government organisations.
3. HSE news releases are available at: <http://press.hse.gov.uk>.
4. The EU equivalent restriction, which informed the GB restriction, received 319 responses to their six-month public consultation and the European Chemicals Agency (ECHA) also extended their restriction process by six months to consider their responses.
5. HSE will therefore send the final risk assessment and socio-economic opinions on the GB restriction proposals to the Appropriate Authorities (i.e. the Defra Secretary of State and the Scottish and Welsh Governments) by August 2023 and November 2023 respectively. After receiving the final socio-economic opinion, the Appropriate Authorities will then have three months to make a decision on whether to accept the proposals.

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## [Top HSE scientist honoured by the King](#)

A leading scientist at Britain's workplace regulator has been recognised in the King's New Year Honours List 2023.

Professor Andrew Curran, Director of Science and Chief Scientific Adviser at the Health and Safety Executive (HSE) has been awarded a CBE – a Commander of the Order of the British Empire – for his significant contribution to public service.

With a career spanning more than three decades, Professor Curran – who is also the Deputy Head of the Government Science & Engineering Profession – has led crucial research into protecting people's health and safety at work – from occupational diseases, to reducing carbon emissions and exposure to harmful substances.

He also led the largest study in the world to better understand the transmission of Covid-19, which helped support the UK's response to the pandemic.

Reacting to his award, Professor Curran said: "I am absolutely delighted, honoured and extremely proud.

"I see it as recognition of the contribution HSE's scientists, engineers and analysts make to providing a strong evidence base for our policy and regulatory activity.

"I joined the Health and Safety Executive in 1991, where I began researching

the causes of occupational lung disease including exotic materials such as shellfish, insects (used as food for pet reptiles) and henna (used for hair dyes). I then moved into different management and leadership roles which have all led to me being recently appointed as the HSE's Director of Science, where I am also Chief Scientific Adviser – a role I have held since 2015.

“My thirty-year career has been focused on understanding how exposure to nasty materials in workplaces can cause harm and how to effectively manage those risks in large-scale hazardous facilities – protecting people in work or affected by work.

“Given the HSE's wide remit, the variety of my job is incredible. It varies from large-scale, explosive tests using hydrogen to see how we can use it to help reduce our carbon emissions, deliberately damaging batteries to see how they behave under these conditions, to being an active SAGE participant and leading the largest study in the world into understanding the transmission of the Covid virus.

“All of this work has been delivered by scientists, engineers and analysis in both HSE and beyond, and I see this honour as recognising their efforts and the impact it has had on keeping Great Britain as one of the safest places to work in the world.

“I love my job because I genuinely learn something new every day. I believe I have one of the best jobs in science in the country. Our science really makes a difference. I can think of no greater motivator in what I do.”



Professor Andrew Curran, Director of Science and Chief Scientific Adviser at the Health and Safety Executive (HSE) has been awarded a CBE

As the HSE's Director of Science and Chief Scientific Adviser, Professor

Curran is constantly monitoring where more evidence is needed to understand new risks in the workplace. The major focus areas were recently published in [the HSE's new strategy](#).

Looking to the HSE's future, Professor Curran said: "I would highlight mental ill health in the workplace and the transition to a net-zero economy as being particularly important to understand.

"Through high quality research, and learning where things go wrong, we can hopefully help to enable the innovation required to deliver these challenging goals."

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## **HSE warns residents in Hampshire to check gas work is carried out by Gas Safe registered engineers**

Health and safety inspectors believe illegal gas fitters are operating in Hampshire.

Great Britain's workplace regulator, the Health and Safety Executive (HSE), is investigating several reports of unsafe gas work carried out in Portsmouth and Havant.

Investigations are ongoing after several houses needed gas servicing work to be redone by competent Gas Safe registered engineers.

Anyone who has had gas work recently carried out in their home should check that the work has been undertaken by a competent Gas Safe registered engineer. This is easily checked on the [Gas Safe website](#).

The Gas Safe Register is the official list of gas businesses registered to work on gas appliances and fittings. By law, anyone working with gas must be listed on the register.

Where residents in Hampshire think that gas work may have been carried out by an unregistered gas fitter, the gas work should be checked by a Gas Safe registered engineer. Concerns should also be reported to [Gas Safe](#).

HSE inspector Nicola Pinckney said: "While gas is an incredibly safe way of fuelling your home, any work carried out should be done by an engineer who is on the Gas Safe register.

"HSE will investigate any rogue fitters operating in the area."

HSE recommends homeowners get gas appliances, flues, and pipework regularly maintained and serviced every year by a suitably qualified engineer listed on



the Gas Safe Register.

If you smell gas call 0800 111 999. More information on what to do if you smell gas can be found at: [What To Do in a Gas Emergency – Gas Safe Register](#)

For more information on gas health and safety visit HSE's [website](#).

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