

# HSE to prosecute Newcastle City Council

A Health and Safety Executive (HSE) prosecution is being brought against Newcastle City Council following the death of six-year-old Ella Henderson.

Ella was hit by a falling tree at Gosforth Park First School on Friday, 25 September 2020. She died at the Royal Victoria Infirmary, Newcastle the following morning.

Newcastle City Council will face a charge under section 3(1) of the Health and Safety at Work etc. Act 1974.

The charge follows an investigation by HSE, initially led by Northumbria Police.

The first hearing is due to take place at South Tyneside Magistrates' Court on 10 January 2023.

## **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. [hse.gov.uk](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

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# Guidelines launched to help staff succeed at work and get businesses growing

- New guidance will help employers support disabled people and those with long-term health conditions thrive at work
- Firms will be given advice on retaining staff as many businesses face recruitment difficulties

Disabled people and those with long-term health conditions will get more support from employers to help them succeed in the workplace thanks to new guidance.

The Health and Safety Executive (HSE), Great Britain's workplace regulator, has issued guidelines that state what employers can do to support staff.

The UK has record rates of employment, but disabled people are less likely to be employed than non-disabled people and are twice as likely to fall out of work.

The [new guidance](#) stresses the importance of making sure workplaces are accessible, that staff communication is clear and inclusive, and appropriate occupational health support is available.

Helping people succeed at work is critical to growing the country's economy, especially as firms are finding it more difficult to fill vacancies.

The new guidance was launched today (November 15) on the eve of Disability History Month.

Sarah Albon, Chief Executive of HSE, said: "The aim of this guidance is to provide clarity to employers about what they should be doing to support their staff. This can be a sensitive, complex area so we want to give employers confidence to act.

"We have to make the workplace better for disabled people and those with long-term health conditions. Not only is that the right thing to do but doing so will also bring big economic benefits at a time when we have high employment and firms are struggling to find staff."

Mims Davies MP, Minister for Social Mobility, Youth and Progression, said: "We want to grow our economy and that means we need more of us to be productive and economically active. We cannot afford to have people who have skills, experience and talent feeling left behind, and even worse shut out of the workplace because they have a disability or health condition.

"This key guidance from HSE and other work across government is part of our plan to support employment, cut ill-health related job loss and make sure employers have the teams they need to grow, and their employees are able to progress in work and truly thrive."

HSE worked with disability charities, unions, and business representatives to develop the new guidance.

Kamran Mallick, Chief Executive at Disability Rights UK, said: "We welcome this new guidance to support businesses to do things differently and remove the barriers that stop disabled people from flourishing in work. Keeping disabled talent in your business is good business.

"The lived experience of disabled people is an asset, and by making small changes everyone benefits through inclusive cultures."

The guidance will help employers retain talent at a time when many businesses are struggling to fill vacancies. For workers, the guidance will help them thrive and perform at their best in the workplace. And we know staying in work can help individuals on many levels, such as giving them financial independence and providing a sense of purpose and wellbeing.”

An estimated 149.3 million working days were lost because of sickness or injury in the UK in 2021, equivalent to 4.6 days per worker. Cutting this number will help grow productivity in the UK.

The guidance is aimed at small-to-medium sized businesses who employ 61% of all UK employees. The Federation of Small Businesses found 51% of small businesses have employed a disabled person or someone with a health condition in the last three years.

The guidance helps workers understand what they might expect from, and should discuss with, their employers while makes it clear how employers can help their staff. Among the recommendations is making sure managers and workers feel confident talking about health and disability, and that any requests for changes to working patterns or modifications in the workplace are dealt with quickly.

The guidance focuses on early and supportive action that employers should take, outlines employers’ responsibilities, and preventative steps they can take to help people stay in work and be a productive team member.

The central part of the guidance outlines seven steps employers should take to support disabled workers and those with long-term health conditions:

[Create a supportive and enabling workplace](#)

[Take an inclusive approach to workplace health](#)

[Understand the work barriers that impact on workers](#)

[Make suitable workplace adjustments or modifications](#)

[Develop skills, knowledge and understanding](#)

[Use effective and accessible communication](#)

[Support sickness absence and return to work](#)

#### **Notes to editors:**

The Department for Work and Pensions has also issued guidance for employers and managers offering support with employee health and disability. To find out more: [Support with employee health and disability – GOV.UK \(dwp.gov.uk\)](#)

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## [Company fined after skylight fall puts worker in a six-week coma](#)

A Hertfordshire construction company has been fined after a worker fell through a skylight while working on a six-storey house. The man fell over three metres and received serious head injuries that led to him being in a coma for six weeks.

MH Costa Construction Limited had been completely renovating the property at Moore Park Road, Fulham, London, which included building a basement and an extension.

On 30 November 2018, the worker, along with others, was working on the extension's flat roof when he fell through an opening created for the installation of a skylight. The opening was covered with loose planks and work was in progress immediately by the opening.

An investigation by the Health and Safety Executive (HSE) found it would have only taken a small movement to dislodge the planks. The worker either fell or stepped onto a plank, which then tipped, causing him to fall to the basement below.

The company's risk assessment records did not consider how to prevent falls through the opening. Additionally, there was no scaffolding or other measures to prevent falls off the sides of the flat roof.

HSE also found other areas where workers could fall, as well as issues relating to manual handling, trip hazards, hazardous wood dust and the storage of flammable materials. There was also no evidence the injured worker had been provided with any formal health and safety related training.

MH Costa Construction Limited of Beauchamp Court, Victors Way, Barnet, Hertfordshire, pleaded guilty to a breach of Regulation 13 (1) of the Construction (Design and Management) Regulations 2015. They were fined £96,000 and ordered to pay £18,965.66 in costs at Southwark Crown Court on 14 November 2022.

HSE inspector Andrew Verrall-Withers said: "It is well known in the construction industry that working on roofs is a high-risk activity. Roofers account for 24% of all workers who are killed in falls from height while at work. It is essential it is carefully planned.

“The worker suffered serious injuries and may never be able to work again. It is just good fortune he was not killed, but it must have been terrible for his family waiting for those six weeks when he was in a coma.

“The company ignored good opportunities to review and improve their arrangements before this tragic incident. HSE had served Notification of Contraventions on the company at two other sites during the previous six months, including highlighting unsafe working at height. At one site in Fulham a visiting health and safety advisor provided the company with audit reports which raised edge protection issues as needing immediate attention.”

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4. More information and guidance can be found at: <https://www.hse.gov.uk/work-at-height>

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## [Transport company fined after driver killed loading and unloading a trailer](#)

A transport company has been fined £400,000 after one of its drivers was killed after being knocked off his trailer while loading and unloading it.

On 16 November 2020, Robert Gifkins, who worked for Arnold Laver & Company Ltd, was delivering timber to a company in Whaddon near Salisbury. He had climbed onto the bed of his trailer to sling the load and attach it to the vehicle-mounted crane. While moving the load using the crane’s remote control he was struck by the crane and fell from the vehicle to the ground. Mr Gifkins was taken to hospital and subsequently died on 17 December 2020.

An investigation by the Health and Safety Executive (HSE) found that this incident was the result of health and safety failings by the company. The risks associated this work at height had not been properly assessed and the risk of falls had not been adequately prevented or controlled. The company had also not provided Mr Gifkins with sufficient training and instruction on the safe operation of the remote crane controls on the vehicle.

At a sentencing hearing at Salisbury Magistrates’ Court on 13 October, Arnold

Laver & Company Ltd, Bramall Lane, Sheffield, pleaded guilty to breaching section 2(1) of the Health and Safety at Work Act. Passing sentence today (November 9) they were fined £400,000 and ordered to pay costs of £19,841.99.

Speaking after the hearing HSE Inspector Leo Diez said: "Falls from vehicles can be overlooked by employers when considering risks from work at height. Simple control measures would have prevented this accident."

In a victim personal statement from Mr Gifkins' family, his mother Betty Gifkins, said: "The pain of losing a son is only made worse by the fact this is the second son I have lost. I try not to think of him in the hospital as this only adds to my sadness. I miss him every day."

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4. For guidance on preventing falls from vehicles, visit: <https://www.hse.gov.uk/workplacetransport/vehicles/preventingfalls.htm>

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## [Scrap metal company fined after worker loses four fingers](#)

A scrap metal company has been fined for safety breaches after a worker lost parts of four fingers while operating poorly maintained machinery.

On 27 March 2020, a man working for Infinity Metals Limited suffered amputations to multiple fingers while operating the machinery at Vickerdale Works, Arthur Street, Stanningley, Pudsey, Leeds.

An investigation by the Health and Safety Executive (HSE) found that while the employee was operating the crocodile shear, he leant over the machine while it was in motion to clear metal and caught his right hand in the machine. This caused him to suffer an amputation to four of his fingers.

Infinity Metals Limited, of Spur Road, Quarry Lane Industrial Estate, Chichester pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company was fined £26,680 and ordered to pay prosecution costs of £7,005.50 at Leeds Magistrates' Court on 9 November

2022.

After the hearing, HSE inspector Darian Dundas said: “The lack of clear roles and responsibilities together with insufficient training and poorly maintained machinery played a significant part in this incident.

“This incident could so easily have been avoided by simply maintaining the machinery in good working order, ensuring that the correct control measures were present, and ensuring that safe working practices were adhered to.”

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