

# Company and care home owner admit criminal liability after care home resident dies following lift fall

A lift maintenance company has been sentenced and a care home owner cautioned after a resident and care worker plunged four metres to the basement in a faulty lift at a residential care home.

Damage to the lift had been reported only a week before the incident, which resulted in the death of 85-year-old Kenneth Bardsley. The care worker sustained minor injuries to her mouth, face and left eye.

Manchester Minshull Street Crown Court heard that on 30 January 2017, the employee of the care home on Greenfield Avenue, Manchester entered the lift on the first floor to transport Mr Bardsley to the ground floor dining room. The lift began to descend, but stopped after a few seconds as the corner of a damaged door caught on the lintel plate of the ground floor landing entrance causing it to bend. The lift was held for a few moments until the weight of the lift and its occupants caused the lift door to buckle, which in turn allowed the lift to drop four metres uncontrolled to the basement.

An investigation by the Health and Safety Executive (HSE) found that damage to the left-hand door of the lift had been reported to Lancs and Cumbria Lifts UK Ltd, responsible for the maintenance of the lift, on 23 January 2017. Engineers had attended on the same day to deal with the problem and found that a part was required to complete repairs, but by the time of the incident no repair had taken place.

In the interim, Lancs and Cumbria Lifts UK Ltd attended the care home on the day of the incident for a planned quarterly maintenance visit, but did not follow up on repairing the door and the lift remained in use. An HSE investigation found that mechanical repairs had not been carried out in accordance with good engineering practice and maintenance was of a poor standard.

The care home was owned by Premum Care Ltd, but trading as Serendipity Care Home. It was managed by its sole director Tabinda Dahir who despite being fully aware of ongoing issues with the lift did not ensure that there was a system in place to deal with reports of defects and that action was taken in response to issues identified.

Whilst thorough examination reports had been carried out every six months, as required by law, these had not been provided by Premum Care to Lancs and Cumbria Lifts UK Ltd nor requested by the lift maintenance company to inform maintenance work, despite it being a contractual obligation for them to be provided with the reports.

Lancs and Cumbria Lifts UK Ltd of Douglas Bank House, Wigan Lane, Wigan

Manchester pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. It was accepted that its failings had not been causative of the lift falling on the 30 January 2017. The company was fined £14,400 and ordered to pay £45,000 in costs.

Premum Care Ltd, of Greenfield Avenue, Urmston, Manchester went into liquidation shortly after the criminal prosecution began.

Speaking after the hearing, HSE inspector Jennifer French said: "This sad case involving a vulnerable resident and a care worker highlights the importance of good communication.

"If Lancs and Cumbria Lifts UK Ltd had been in receipt of the reports, which identified repeated faults, further opportunity would have been afforded to carry out the necessary repairs earlier and prevent this tragic incident occurring.

"Where several parties are responsible for the management of risk an effective system should be place to deal with reports of defects when they are identified."

#### **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:  
<https://www.hse.gov.uk/work-equipment-machinery/loler.htm>  
<https://www.hse.gov.uk/legislation/hswa.htm>
3. HSE news releases are available at <http://press.hse.gov.uk>