

# Company fined after worker suffers multiple injuries in fall from height

Construction company, Sir Robert McAlpine Ltd was sentenced for safety breaches after worker, Mark Smith, fell 4.8 metres through an unprotected opening.

Leeds Magistrates' Court heard how, on 28 April 2016, Mr Smith, aged 36, was working at Stone Gappe Hall, Lothersdale, Keighley, owned by Richard McAlpine, a director of the McAlpine group of companies. Mr Smith was attaching straps to a water tank whilst preparing to move it to a lower floor of a water tower at the property, in order to paint the floor.



An investigation by the Health and Safety Executive (HSE) found that Mr Smith fell through an opening that did not have fixed edge protection. As a result, he sustained serious injuries including: a right tibial shaft fracture, a distal fibular fracture, a fracture to the left patella, orbital and nasal fractures, lacerations to the face, a concessional head injury, injury to his ribs and he was hospitalised for nine days. Mr Smith continues to suffer from psychological damage and has been unable to return to work.

Sir Robert McAlpine Ltd of Eaton Court, Maylands Avenue, Hemel Hemstead, Hertfordshire pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974, Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999 and Regulation 13(1) of the Construction (Design and Management) Regulations 2015. The company has been fined £260,000 and ordered to pay £38,299 in costs.

After the hearing, HSE inspector Paul Thompson commented: "Falls from height often result in life-changing or fatal injuries. In most cases, these incidents are needless and could be prevented by properly planning of the work to ensure that effective preventative and protective measures are in place such as edge protection or barriers built to the correct standard.

"This incident could have easily been prevented if the company had undertaken a thorough risk assessment and installed adequate edge protection around the opening to prevent falls."

## 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: [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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