

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.