

Director sentenced after apprentice injured in fall from height

The director of an air conditioning company has been sentenced after a worker sustained a broken back when he fell five metres to the ground.

Chelmsford Magistrates' Court heard how, on 24 October 2019, Coolzone Air Conditioning Limited were contracted to replace an air conditioning unit at Eastman House, Radford Cres, Billericay.

As part of the works, an employee, who had never worked on a roof before, was required to go onto the roof to replace the external unit of an air conditioner. After accessing the roof via a man cage, the worker fell through a rooflight to the warehouse floor five metres below. The employee sustained a broken back and has not returned to work since the incident.

An investigation by the Health and Safety Executive (HSE) found that the company director, Daniel Biagioni, attended the site a month prior to the incident and as part of his risk assessment, identified that the rooflights on the warehouse roof presented a fall risk.

However, Mr Biagioni failed to implement the controls he identified in his risk assessment and sent the inexperienced apprentice onto the roof unsupervised.

Daniel Biagioni of Barrow Chase, Chelmsford, Essex pleaded guilty to breaching Section 37(1) of the Health and Safety at Work Act 1974 and received a six-month custodial sentence suspended for 12 months. As part of his sentence he is required to complete 150 hours of unpaid work. Mr Biagioni was also ordered to pay costs of £4,886 and a victim surcharge.

Speaking after the hearing, HSE inspector David, Tonge said: "Roof work is a high-risk activity and duty holders must ensure they put measures in place to protect against this risk.

"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 the work to ensure that effective preventative and protective measures are in place."

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)

1. More about the legislation referred to in this case can be found at: legislation.gov.uk/www.hse.gov.uk/pubns/priced/hsg33.pdf
2. HSE news releases are available at <http://press.hse.gov.uk>