

# [Building contractor fined following dumper truck incident](#)

A building contractor has been fined after an employee suffered serious injuries when the forward tipping dumper truck that he was operating rolled over at a construction site in Windermere, Cumbria.

Barrow Magistrates' Court heard that, on 5 June 2019, S M Dixon Building Contractors Ltd had been working on the renovation of a detached property when the dumper truck, removing rubble over uneven ground, overturned resulting in multiple fractures to vertebrae in the worker's back

An investigation by the Health and Safety Executive (HSE) found that the employee had not received adequate training on how to operate the forward tipping dumper truck, including not being clearly instructed to always wear the seat belt when operating the machine. This led to the dumper overturning and the employee being ejected from the dumper and crushed.

S M Dixon Building Contractors Limited, 25 Main Street, Staveley, Kendal pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc Act 1974. The company was fined £10,000 and ordered to pay costs of £4,087.24.

Speaking after the hearing, HSE inspector Michael Griffiths commented: "The injuries sustained by the worker were life changing and he could easily have been killed.

"This incident could have been avoided if measures were in place to ensure the dumper truck was operated safely through the provision of appropriate training and supervision."

## **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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# [Metal pressings manufacturing company fined after worker was struck by a forklift truck](#)

G-Tekt Europe Manufacturing Limited, a company that manufactures metal pressings and sub-assemblies for the automotive industry, has been fined after a worker was struck by a forklift truck and suffered a serious brain injury.

Newport Magistrates' Court heard how, on 23 November 2018, a worker needed to be placed in an induced coma after a forklift truck struck him at a premises in Crown Business Park, Dukestown, Tredegar.

An investigation by the Health and Safety Executive (HSE) found that there was inadequate control of workplace transport risks. This included lack of segregation between vehicles and pedestrians, no safe pedestrian crossings where vehicle and pedestrian routes crossed and insufficient safety signage to highlight hazards.

G-Tekt Europe Manufacturing Limited of Gloucester Business Park, Golf Club Lane, Brockworth, Gloucester was found guilty of breaching Section 4(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and was fined £525,000 and ordered to pay costs of £8,014.40.

Speaking after the case, HSE inspector, Sian Donne said: "Failure to ensure that workplace transport is managed safely is a serious breach of fundamental health and safety duties."

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## [MoD accepts Crown Censure over fatal diving incident](#)

The Ministry of Defence (MoD) has been issued with a Crown Censure by the Health and Safety Executive (HSE) after a military diver died during training.

On 14 November 2018, 26-year-old Marine Benjamin McQueen was brought back to surface after he became separated from other divers. He was sadly pronounced dead after CPR was performed.

He had been involved in a maritime training exercise when the incident occurred in Portland Harbour.

HSE served two Crown Improvement Notices on 25 February 2019 relating to the failure to conduct suitable and sufficient risk assessments for the exercise. MoD rectified these issues by 12 March 2019.

Nick Deppe, an HSE inspector who specialises in diving, said: "This was a tragedy for all concerned, however just like any other employer, the MoD has a responsibility to reduce dangers to its personnel, as far as they properly can. The scenario of a diver becoming separated is a very real risk that needs to be managed."

By accepting the Crown Censure, the MoD has acknowledged that but for crown immunity, there was sufficient evidence to provide a realistic prospect of conviction for breaching Section 2(1) of the Health and Safety at Work etc. Act 1974.

### Notes to Editors:

1. As a Government body, the MoD cannot face prosecution in the same way as private or commercial organisations this is known as Crown Immunity.
2. Section 2(1) of the Health and Safety at Work etc. Act 1974, states that: "*It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees*".
3. There is no financial penalty associated with a Crown Censure.
4. More information on Crown Censures can be found here:

<http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm> <sup>[1]</sup>

5. The [Code for Crown Prosecutors](#) <sup>[2]</sup> sets out the principles for prosecutors to follow when they make enforcement decisions. HSE's approach to Crown Censure is set out in its [enforcement policy statement](#) <sup>[3]</sup>.

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## [HSE to prosecute Essex Partnership University NHS Foundation Trust \(EPUFT\)](#)

A Health and Safety Executive (HSE) prosecution is being brought against Essex Partnership University NHS Foundation Trust (EPUFT) following an investigation into North Essex Partnership University NHS Foundation Trust (NEPUFT).

HSE has investigated how NEPUFT managed environmental risks from fixed potential ligature points in its inpatient wards between 25 October 2004 and 31 March 2015.

Essex Partnership University NHS Foundation Trust of The Lodge, Lodge Approach, Runwell Wickford, Essex will face a charge under Section 3(1) Health and Safety at Work Act 1974.

The first hearing is due to take place on 12 November 2020 at Chelmsford Magistrates' Court.

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3. HSE news releases are available at <http://press.hse.gov.uk>
4. Until the 1 April 2015, decisions whether or not to investigate patient safety matters in England were made in line with our HSWA Section 3

policy: <http://www.hse.gov.uk/enforce/hswact/priorities.htm>. After this date, the Care Quality Commission (CQC) became the lead inspection and enforcement body under the Health and Social Care Act 2008 for safety and quality of treatment and care matters involving patients and service users in receipt of a health or adult social care service from a provider registered with CQC.

5. HSE has not investigated individual patient deaths as this does not fall within our remit.
6. The investigation timescales predate the existence of Essex Partnership University NHS Foundation Trust which came into existence when North Essex Partnership University NHS Foundation Trust (NEPUFT) merged with another trust.

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## [Woodworking company fined after worker suffers serious injuries](#)

Woodworking company, Peter Ramsey & Sons (Denholme) Timber Ltd, has been fined after a worker became entangled in an unguarded drive shaft and suffered serious injuries.

Leeds Magistrates' Court heard that, on 8 March 2018, the worker was working on an automated wood planer machine which is used to process large pieces of wood into different sizes ordered by customers at the company's Wellington Street sawmills in Bradford.

The worker reached over an unguarded rotating driveshaft to adjust a piece of wood after it had come out of the machine, his hi-vis jacket and t-shirt became entangled, drawing him into the machine. He sustained a torn tendon in his left fourth finger, a broken left wrist, a break to his little finger and nerve damage to his left arm.

An investigation by the Health and Safety Executive (HSE) found that the company failed to appropriately assess the risk posed by the machine following the installation of a new conveyor line.

Peter Ramsey & Sons (Denholme) Timber Ltd Wellington Street sawmills Bradford pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £56,000 and ordered to pay £3,484.84 in costs.

After the hearing, HSE inspector Darian Dundas commented: "The company should have produced a detailed risk assessment when the conveyor was added to the existing machine. This could have identified that there was an unguarded

rotating drive shaft which required guarding to prevent access.

“This injury could have been easily prevented, and the risk should have been identified.”

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