

Council fined after teacher assaulted by pupil

Luton Borough Council has been sentenced today after a teacher was assaulted by a pupil.

Luton Crown Court heard how on 17 June 2016, the assistant head teacher at Putteridge High School was called to deal with a disruptive pupil who was refusing to go into a detention room. After clearing the classroom of the other pupils, the pupil launched a sustained assault on the teacher, using a mobile phone and inflicting life changing injuries.

An investigation by the Health and Safety Executive (HSE) found that there were significant shortcomings in relation to the measures at the school, regarding violence and aggression posed by the pupils to others. No effective consideration was given to the risk of injury or death posed by the pupils to others and measures were not taken to reduce that threat to as low as reasonably practicable.

Luton Borough Council did not ensure that the school had people with sufficient competence in the management of health and safety involved in running the school to ensure that the threat was addressed. The Council did not see to it that staff members at the school had the training either to remedy that shortcoming or to deal with violent and aggressive pupils in a way which did not expose them to risk. The council also failed to monitor the adequacy of the measures Putteridge High School had in place and the council therefore failed to pick up and address the shortcomings.

Luton Borough Council of Town Hall Upper George Street Luton pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £104,000 with £60,000 costs. The fine was reduced from £300,000 due to the Council's lack of revenue as a result of the coronavirus pandemic.

Her Honour Judge Mensah in sentencing said: "There is no doubt in my mind that this was a properly brought prosecution. Not to have brought a prosecution in this serious case would, apart from anything else, have sent a completely wrong message to the school, its governors, the staff and pupils, other local authorities with responsibilities under the Education Acts and to the public generally.

"This was a large organisation which, to a very large extent, relied on employees conducting the day to day running of the school as it could not, and did not, have complete control over the daily functioning of the school. However, I am satisfied that the systems that were in place were inadequate and oversight by the local authority was 'light' – I accept that no concerns were brought to the attention of the local authority but that equally, it does not appear that the local authority invited matters to be brought to its attention."

Speaking after the hearing, HSE inspector Emma Page said: "In community schools, where the local authority is the employer, the local authority must monitor the arrangements it's schools have in place to manage the risk from violence and aggression".

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

The post [Council fined after teacher assaulted by pupil](#) appeared first on [HSE Media Centre](#).

[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.”

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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>^[1]
5. The [Code for Crown Prosecutors](#)^[2] 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](#)^[3].

The post [MoD accepts Crown Censure over fatal diving incident](#) appeared first on [HSE Media Centre](#).

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.

The post [HSE to prosecute Essex Partnership University NHS Foundation Trust \(EPUFT\)](#) appeared first on [HSE Media Centre](#).