

Scottish Water authority fined after lone worker fell through insecure flooring

Scottish Water Ltd has been fined after an employee, working alone at night, fell through insecure flooring into a storm channel and was seriously injured suffering life threatening and lifelong debilitating injuries.



Edinburgh Sheriff Court heard how, on 9 June 2017, an employee of Scottish Water entered into the screen well area at Prestonpans Pumping Station and fell through the insecure floor panels into a sewage filled storm channel some 3.1 metres below.

An investigation by the Health and Safety Executive (HSE) found that the main causal factor was an unfixed floor which had become dislodged by floodwaters leaving gaps in it and creating an unsafe working environment. The custom and practice that had existed for over 10 years was simply to work around the gaps in the floor, created when displaced by floodwaters, until they could be recovered and refitted. There was no risk assessment or safe system of work for these activities. It was readily foreseeable that someone would eventually fall.

Scottish Water, (Headquarters address) of Pitreavie Castle, Dunfermline pled guilty to breaching Regulation 3(1)(a) of the Management of Health and Safety at Work Regulations 1999 and Section 2(1) of the Health and Safety at Work etc Act 1974 and was fined £140,000.

After the hearing, HSE inspector, Kathy Gostick, said: "Falls from height remain one of the most common causes of work-related fatalities in this country and the risks associated with working at height are well known.

"Scottish Water had identified good control measures for work at height risks companywide but had not adequately identified where they should be implemented resulting in this serious accident which could so easily have been a fatality. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

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 [Scottish Water authority fined after lone worker fell through insecure flooring](#) appeared first on [HSE Media Centre](#).

[HSE issues MoD with Crown Censure following death of military diver](#)

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 26 March 2018, 27-year-old Lance Corporal George Partridge was brought back to surface after he stopped responding to lifeline signals while he was underwater. He was sadly pronounced dead after CPR was performed. He had been on a training course at the National Diving and Activity Centre in Chepstow. Lance Corporal Partridge and his dive buddy were tasked with attaching a distance line from the base of a shot line to the underwater wreck of a helicopter at a depth of 27m. When he was recovered his cylinders were found to be empty.

HSE served two Crown Improvement Notices relating to the failure to train all army divers how to undertake air endurance calculations and to assess the risk of a diver running out of air.

Julian Turvey, a 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 running out of air is a very real risk that needs to be managed."

Today, at Whale Island, by accepting the Crown Censure, the MoD admitted breaching its duty under Section 2(1) of the Health and Safety at Work etc. Act 1974 in that they failed to ensure, so far as was reasonably practicable, the health, safety and welfare at work of all its employees, including George

Partridge, in relation to the risks associated with diving exercises.

Notes to Editors:

1. The breach of law the Censure is being issued over is: Section 2(1) of the Health and Safety at Work etc. Act 1974, which 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”*.
2. The MoD cannot face prosecution in the same way as non-Government bodies and a Crown Censure is the maximum sanction for a government body that HSE can bring. There is no financial penalty associated with Crown Censure, but once accepted is an official record of a failing to meet the standards set out in law.
3. More information on Crown Censures can be found here:
<http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm>^[1]
4. 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].

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[Facilities management company fined after an employee was crushed](#)

Facilities management company, Totally Local Company Ltd, has been fined after an employee suffered serious injuries when they were crushed between a ride-on-roller and shipping container during footpath improvement works.

Manchester Magistrates’ Court heard how, on Friday 30th November 2018, an employee of Totally Local Company Ltd was seriously injured when a ride-on roller, driven by another employee, reversed into him as he was attempting to lock up a vehicle container. He was crushed between the vehicle and the container, that was there to support construction work at Abney Hall Country Park, Stockport, and suffered a collapsed lung and various broken bones requiring multiple surgeries.

An investigation by the Health & Safety Executive (HSE) into the incident found that the company had no traffic management plan in place. The traffic routes used were unsuitable and vehicles were not adequately separated from pedestrians, posing risk to both workers and the general public due to the park remaining open.

Totally Local Company Ltd of Oakhurst Drive, Stockport pleaded guilty to breaching sections 2 & 3 of The Health and Safety at Work Act etc 1974. The company was fined £200,000 and ordered to pay costs of £8,367.36.

After the investigation, HSE inspector Rebecca Hamer said: "Those in control of work have a responsibility to devise safe methods of working and to provide the necessary information, instruction and training to their workers in the safe system of working."

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[Car business owner sentenced for breaching health and safety law by putting employees and tenants in danger](#)

A mechanic and landlord based in Kent has been sentenced after refusing to comply with enforcement notices issued by the Health and Safety Executive (HSE) and Kent Fire and Rescue Service to protect workers and tenants from

injury.

HSE inspectors were involved in a multi-agency intervention at the premises in September 2017 to protect vulnerable workers, tenants and the surrounding community.

HSE received concerns that workers were accessing the dangerous unguarded flat roof of The Convent of Mercy in Swanley. The premises were being used to store car parts for Smartworld; a car repair and sales business owned by Mustafa Kemal Mustafa. Mr Mustafa was also the landlord of The Convent, a house of multiple occupancy (HMO).

HSE issued seven enforcement notices, covering unsafe working at height, dangerous electrical installations, flammable risks and machinery guarding.

Croydon Crown Court heard that Mr Mustafa deliberately ignored prohibition and improvement notices served by the HSE and continued to put himself, workers and members of the public at risk.

Mr Mustafa Kemal Mustafa, of Briar Lane, West Wickham, Bromley, pleaded guilty to non-compliance of notices breaching Section 21 and 22 of Health and Safety at Work Act 1974, breaching Section 4(2) of the Electricity at Work Regulations 1989; and breaching Section 6(3) of the Work at Height Regulations 2005. He has been disqualified as a director for six years, received two suspended custodial sentences, 300 hours unpaid work and ordered to pay £8,000 in costs.

Speaking after the hearing, HSE inspector Joanne Williams, said: "HSE is dedicated to ensuring that business owners and landlords operate within the law and provide safe accommodation for tenants and a safe place to work for employees.

"We do not tolerate disregard for health and safety and consider the non-compliance of HSE enforcement notices as a serious offence.

"In this case Mr Mustafa chose to flagrantly ignore the support, guidance and warnings from HSE to assist his compliance with the law and continued placing people at serious risk of injury or even death."

Inspector Williams added: "Wherever possible we continue to work with companies to improve health and safety. However, we will not hesitate to take enforcement action where necessary and prosecute individuals and businesses who ignore warnings and the law."

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 4. Guidance can be found on the HSE website
<http://www.hse.gov.uk/gas/landlords/index.htm>
<http://www.hse.gov.uk/work-at-height/index.htm>
<http://www.hse.gov.uk/electricity/> <http://www.hse.gov.uk/pubns/hsc14.htm>
 5. For Kent Fire and Rescue Service (KFRS) related offences, the court sentenced Mr Mustafa to an 11 month custodial sentence, suspended for two years. This is to run concurrently with the sentence for the HSE related offences, which was a 13 month custodial sentence, suspended for two years. In addition, he must serve 300 hours unpaid community service over 15 months, is disqualified from being a company director for six years, and must pay £3,000 costs to KFRS and £5,000 costs to the HSE.

The post [Car business owner sentenced for breaching health and safety law by putting employees and tenants in danger](#) appeared first on [HSE Media Centre](#).

[Landscaping company fined after worker suffers head injuries](#)

A company specialising in landscaping and garden machinery has been fined following an incident where a worker suffered head injuries on site at a school in Cromer, Norfolk.

Peterborough Magistrates' Court heard that, on 8 August 2018, Jeremy Buck suffered multiple fractures to the side of his face when his head became trapped between an excavator's bucket and a gate post. Mr Buck had been watching to ensure the machine did not hit the nearby fence when pushing soil but became trapped when he was facing away from the approaching excavator.

An investigation by the Health and Safety Executive (HSE) found that Garden Discount Centre Limited /trading as GDC Ltd, from St Olaves, Great Yarmouth, failed to assess the risks of the task and implement safety measures. Furthermore, no specific training for banking or operating excavators was given to employees, including the injured man and the excavator driver. Employees were not instructed on safe working practices with or near moving site plant.

Garden Discount Centre Limited pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work Act 1974 was fined £20,000 and ordered to pay costs of £4,745.50.

Speaking after the hearing HSE inspector Kasia Urbaniak said: "This incident could so easily have been avoided by simply assessing the risks of the task

at hand, implementing suitable safety measures and issuing relevant safety instructions to employees.

“Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

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