

## Council fined following fatality caused by a tree branch striking a moving vehicle

Wirral Borough Council has been fined after a branch from a tree fell and struck the vehicle of a pregnant mother while she was driving with her two children.

Elizabeth Stear suffered injuries and later, the sad loss of her prematurely born baby.

Liverpool Magistrates' Court heard that on the morning of 10 November 2016, 39-year-old Elizabeth, who was 36 weeks pregnant, had been performing the daily school run. She was driving along the A551 Arrowe Park Road with her 13-year-old daughter and six-year-old son when her moving vehicle was struck by a large branch falling from a mature horse chestnut tree. The branch broke through the windscreen and front driver window and struck the right side of Elizabeth's stomach. She was taken to hospital with suspected major trauma and her baby girl, Lucia Jayne Stear, was delivered by an emergency caesarean, living for 15 hours before sadly passing away.

An investigation by the Health and Safety Executive (HSE) found that the large branch, which fell had a crack on its upper edge where it was joined to the main trunk. It had begun to separate from the main trunk for at least one growing season before the failure. The tree, located within the boundary of Arrowe Park, adjacent to the highway, had not been inspected for at least 13 years. Wirral Borough Council failed to identify and manage the risks from falling trees and branches, and failed to implement a robust system of inspection of trees in its remit despite a similar incident occurring on Arrowe Park Road in January 2015.

Wirral Borough Council of Town Hall, Brighton Street, Wallasey, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The Local Authority was fined £100,000 and ordered to pay costs of £49,363.

Elizabeth Stear said "Usually when you think of your children, you remember things like holidays, achievements, sports days, family days out, their favourite foods etc. We don't have those memories for Lucia. We would like to thank our family and friends, Aintree Hospital, Liverpool Women's Hospital neonatal team, the midwives, Honeysuckle team, the Police and Claire House who are still supporting me today."

After the hearing, HSE inspector Rohan Lye said: "There are no winners in this sad case. Councils have a duty to proactively assess and control risks to members of the public. This tragedy could so easily have been avoided if the risk had been identified, warnings had been heeded and an adequate tree management system had been implemented.

“Tragically, due to these systemic failures, Elizabeth and Alex, together with their two children have been left without Lucia and have had to restructure their lives from the devastating impact they have each individually experienced.”

The post [Council fined following fatality caused by a tree branch striking a moving vehicle](#) appeared first on [HSE Media Centre](#).

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## **Figures reveal that numbers of people killed have fallen, yet agriculture continues to have the highest rates of worker fatal injury**

The Health and Safety Executive (HSE) has today published a report that reveals agriculture has the worst rate of worker fatal injury in Great Britain. Last year, 21 people were killed in agriculture, one was a child.

The report, *Fatal injuries in agriculture, forestry and fishing in Great Britain 2019/20*, has been published to coincide with the start of Farm Safety Week (20 – 24 July). Led by the Farm Safety Foundation charity, the week shines a light on safety and wellbeing in the sector. The HSE statistics highlight that agriculture continues to have the worst rate of worker fatal injury; eighteen times higher than the average rate across all industries.

Transport-related incidents, such as overturning vehicles or being struck by moving vehicles, were responsible for more deaths than any other cause last year. Around half of the workers killed were aged 55 years or older, with older workers being disproportionately most at risk of fatal injuries on farms. The youngest person killed last year was a 4-year old child.

HSE’s Head of Agriculture, Adrian Hodkinson, said: “Agriculture is a vitally important part of our economy and has played an essential role during the coronavirus outbreak. However agriculture still has the poorest safety record of any occupation in GB. Despite the very welcome reduction in numbers of deaths – 18 less than the previous year – much more remains to be done in this sector.

“Each individual death is a huge and devastating loss to their family, friends and the wider community. It is not acceptable that agriculture and forestry continue to have such high rates of people being killed, and we will continue to push for a wholesale change of attitude and behaviours toward safety within the sectors.

“Farm Safety Week is a timely reminder for the agriculture community to

manage and control risk and not become complacent on farms. Death, injuries and cases of ill-health, including poor mental health, are not an inevitable part of farming. The safety and wellbeing of people working and living on farms must be treated seriously and things must be done the right way every day, not just this week.

“The recent coronavirus outbreak at a farm shows how important it is for everyone in agriculture to take effective steps to control the risk of transmission and protect people from the virus. Inspectors are carrying out spot checks in workplaces to make sure they are COVID-secure and complying with the law and government guidance on social distancing, hygiene practices and supervision.”

HSE urges farmers to keep children safe whilst they stay at home on the farm during COVID-19 restrictions. Children must not be allowed in the farm workplace unless very carefully supervised. It is illegal to carry children under 13 in the cab of an agricultural vehicle and it is unsafe. For guidance on this, see [what a good farm looks like](#). The full report and more information on working safely in agriculture are available on the [HSE website](#).

## 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. The report highlights trends and provides summaries of each fatality involving employees, the self-employed and members of the public. The full report along with summaries of the circumstances of the individual fatal injuries can be read at <https://www.hse.gov.uk/agriculture/resources/fatal.htm>
3. Detailed data and tables can be seen at <http://www.hse.gov.uk/statistics/fatal.htm>
4. Farm Safety Week is an initiative led by the Farm Safety Foundation and supported by the Farm Safety Partnerships, The Health and Safety Executive, Health and Safety Executive for Northern Ireland and the Health & Safety Authority, Ireland.
5. HSE continues to work with stakeholders across the farming and forestry sector to keep up the pressure to manage risk in the workplace to reduce the likelihood of serious injury, ill health and death. In relation to our response to Covid-19, this includes working with others e.g. Public Health Authorities and Government Departments.
6. HSE Inspectors and Local Authority Inspectors are visiting workplaces across a range of sectors following up any reports or concerns about safety in the workplace including over Covid-19 and ensuring compliance. HSE is carrying out proactive checks to ensure that appropriate measures are in place to protect workers from COVID-19.

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## **The Health and Safety Executive Welcomes Government's Draft Bill to Improve Building and Fire Safety in England**

The Health and Safety Executive (HSE) has welcomed the publication of the government's draft Building Safety Bill, which aim to create the biggest change in building safety for a generation.

The publication of the draft bill, on Monday 20 July, follows the announcement made by Housing Secretary Rt Hon Robert Jenrick MP in January that HSE would create a new Building Safety Regulator (BSR), with the aim of implementing reforms that go further and faster to improving building safety following the Grenfell Tower tragedy.

The BSR will oversee the new, more stringent building safety regime for higher-risk buildings, which prioritises blocks of flats more than 18m high or more than six storeys tall in England. It will also have a broader oversight role in the safety and performance of buildings; and in promoting improvements in the competence and organisational capability of all those working in the built environment.

HSE Chief Executive Sarah Albon said: "HSE fully supports the measures set out in the draft bill to move forward and enhance building safety across England.

"HSE is currently working with other parts of government, key regulators and industry to establish how the new legislation can be implemented in a practical way and create a new regime that improves building safety standards and competence across the industry."

HSE will also lead the government's Joint Regulators Group (JRG), which will provide coordinated leadership to local authority and fire & rescue regulators during the transition to the new regulatory regime. It will support the development of close working arrangements between the BSR and local regulators, while continuing to work with early adopters to trial new safety approaches.

The JRG will be chaired by Peter Baker, Director of the Building Safety and Construction Division of HSE said: "The BSR will create a new era for building safety, working with wider government, local regulators, industry

and residents we want to ensure that a tragedy like Grenfell Tower never happens again.

“Through appropriate use of its enforcement powers under the new regulatory framework, the BSR will ensure that building safety risks are being properly managed and controlled throughout the lifecycle of a building. It will also hold those with legal duties to account for significant failures.”

He added: “In my role as chair of the JRG I will work together with members to ensure that the proposals are both robust and practical.”

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## **[Paper making company sentenced after employee suffers finger amputations](#)**

Plymouth based West Design Products Ltd, who manufacture and edit craft paper for retail, including printing, punching and cutting, has been sentenced after a worker suffered serious injuries when her hand was caught in machinery.

Plymouth Magistrates’ Court heard that on 14 September 2017, 22-year-old employee Charlotte Sargent was working on a paper punching machine at West Design Products Ltd in Plymouth. This is used to punch holes in card or paper so that they can be bound together. Paper is inserted into a slot underneath a Perspex guard and the punch operation is activated by pressing a foot pedal on the floor. Whilst adjusting the settings of the machine, Miss Sargent had placed her fingers between the die plates to tighten them in place, her foot inadvertently hit the unshrouded foot pedal. The die plates moved up, crushing her fingers between the plates and a metal bar. This led to the partial amputation of both her middle and index finger on her left hand.

An investigation by the Health and Safety Executive (HSE) found that the company fell significantly below the expected standard. The defendant failed to conduct its undertaking in such a way as to ensure, so far as is reasonably practicable, that Miss Sargent was not exposed to risks to her health or safety.

Neither Miss Sargent or her supervisor were suitably trained. They had not been shown the operating manual or the safe system of work for the Punch machine before the incident. There was no interlocking switch attached to the guard to prevent the use of the machine when the guard was removed. There was also no shroud supplied for the foot pedal, which can prevent accidental activation.

West Design Products Ltd of Bush Park, Plymouth pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc Act 1974, they have been fined £89,600 and ordered to pay costs of £5,584.28 plus a victim surcharge of £170.

Speaking after the hearing HSE inspector Hatti Shipp said: "Miss Sargent's injuries have been life changing. This incident was foreseeable and preventable.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

The post [Paper making company sentenced after employee suffers finger amputations](#) appeared first on [HSE Media Centre](#).

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## [Construction companies fined after workers seriously injured](#)

Two construction companies have been fined after a mobile elevated working platform (MEWP) with two workers inside was struck by a collapsing reinforcement cage during the construction of a road bypass.

Manchester Minshull Street Crown Court heard that in the summer of 2015, to support the construction of the A556 bypass in Cheshire, work had started to build a pier designed to eventually support a bridge. This involved erecting a steel cage. On 3 August, two workers on a MEWP were working on the structure, when it collapsed. The cage crashed into the MEWP, causing it to fall on its side.

The first employee sustained life changing head injuries and the second a leg fracture. A third worker nearby escaped injury by moving away just in time.

An investigation by the Health and Safety Executive (HSE) found there was no temporary support for the reinforcement cage during construction of the central pier. Costain Limited was principal contractor and Brenbuild Limited was appointed by Costain to construct seven bridges and an underpass.

Costain Limited and Brenbuild Limited were both aware the cage was visibly leaning and that workers on site had raised concerns. Neither company recognised the inherent instability of the reinforcement cage or took

measures to ensure the work could be carried out safely. Brenbuild Limited failed to stop work to prevent injuries from the risk of collapse and to implement control measures to prevent instability. Costain Limited failed to plan, manage and monitor construction of the central pier.

Brenbuild Limited of Parkway Business Park, Scunthorpe pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £80,000 and ordered to pay costs of £1,479.70.

Costain Limited of Vanwall Business Park, Maidenhead, pleaded guilty to breaching sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1.2million and ordered to pay costs of £1,394.10.

Speaking after the hearing HSE inspector Deborah Walker said: "This incident could have been easily prevented and the risk of collapse should have been identified by both companies.

"If a suitable safe system of work had been in place, this incident would not have occurred, and the two workers would not have suffered these injuries."

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