

# Companies fined as child suffers fractured skull

Three companies have been fined a total of £420,000 after a slate tile fractured the skull of a three-year-old child.

The slate came off a roof at a construction site at the Moonfleet Manor hotel in Weymouth, Dorset, and struck the young girl on 13 June 2019.

She had been leaving the hotel with her father and older brother after attending a swimming lesson.



Moonfleet Manor hotel

The pre-schooler received first aid and was later taken to hospital where she was put into an induced coma to stabilise her. She then underwent a two-hour operation to remove fragments of slate from her head.

The slate had come off the hotel roof and fell approximately five metres before striking the child.

The roof was being renovated by Rocare Building Services Limited.

The company had taken off the old tiles and began replacing them with new slates.

The new slates had been stacked around the roof, leading to one piece falling

off.



The piece of slate that hit the child

Rocare Building Services Limited had been appointed by Moonfleet Manor as the principal contractor to oversee the refurbishment work which also included replacing windows and restoring chimneys and gutters.

Quadra Built Environmental Consultancy Limited had been hired by Moonfleet Manor as the principal designer, in charge of planning, managing and monitoring the pre-construction phase. The company failed in the planning and design stage to properly assess the risks of objects falling from height and hitting people. There was insufficient consultation and collaboration between the various duty holders.

A Health and Safety Executive (HSE) investigation into this incident found scaffolding was not fit for purpose because it did not have sufficient measures to prevent items falling such as protective fans, covered walkways or, at a minimum, brick guards around the entire perimeter. Such measures are cheap and readily available within the industry. Moonfleet Manor ignored requests and failed to put in measures to address an obvious hazard of falling objects coming into contact with members of the public using the busy thoroughfare to the swimming pool. Moonfleet Manor was more concerned about putting convenience of the guests and preventing the hotel from looking like a building site than the safety of their guests, the judge found.

HSE guidance can be found at: [Construction – Planning for construction work \(hse.gov.uk\)](https://www.hse.gov.uk/construction-planning-for-construction-work/)

At Bournemouth Crown Court on 24 October 2023:

- Rocare Building Services Limited, of Headlands Business Park, Salisbury Road, Ringwood, Hampshire, pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 and Regulation 10 (1) of Work at Height Regulations 2005. The company was fined £160,000 and ordered to pay costs of £15,554.78.
- Quadra Built Environmental Consultancy Limited, of Kingsmead, Lechlade On Thames, Gloucestershire, was found guilty of breaching Regulation 11 of the Construction (Design and Management) Regulations 2015. The company was fined £60,000 and ordered to pay £25,000 in costs.
- LFH (Moonfleet Manor) Limited, of Manfred Road, Putney, London, was found guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £200,000 and ordered to pay £143,482.04 in costs.

HSE inspector Nicole Buchanan said: “This incident has caused significant injuries and extreme distress to a child and her family; and could have been fatal.

“Clients and construction companies must always remember their legal duty to keep both workers and members of the public safe. The client, principal designer and principal contractor all have a duty to work together to implement the industry standards to ensure members of the public are safe particularly if a venue is to remain live.”

This HSE prosecution was supported by HSE’s appointed legal team Sam Jones and Blake Morgan’s Steve Parish.

#### **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](http://hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. A neurologist who assessed the child is hopeful they will make a full recovery, the court heard.

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## **Companies fined after labourer fractures skull**

Two companies have been fined £46,000 in total after a labourer from Runcorn fractured his skull.

The man had been working on a new build house when he fell through a stairwell on 3 March 2021.

He was working for Total Brickwork (UK) Ltd at a construction site run by Challenger Building Services Ltd on Okell Street, Runcorn. The two companies had been working on the construction of four new semi-detached and five terraced houses at the site.

The 46-year-old, who was 43 at the time, was on the first floor in one of the new terraced properties after being instructed by the director of Total Brickwork to clear up debris and mortar that had been left behind by bricklayers.

He had climbed up the first floor using a ladder at the stairwell opening, which had been covered with temporary boards. The boards were slid apart to allow access to the first floor.



Intending to sweep the debris down the stairwell opening, the man lifted up one of the temporary boards and stepped forward as he was going to lean it against a wall.

However, he fell through the stairwell opening onto the ground floor below as there were no floorboards underneath the temporary boards.

He fractured his skull, sustained multiple broken ribs and needed a plate to be inserted into his collarbone.

An investigation by the Health and Safety Executive (HSE) found the principal contractor Challenger Building Services Limited and Total Brickwork (UK) Ltd, the contractor in control of the work activity, had failed to plan, manage and monitor work at the site to ensure it could be carried out safely. Any worker accessing the first floor was at risk of injury due to a lack of appropriate measures for preventing falls from height.

HSE guidance can be found at: [Construction – Working at height industry health & safety](#)

Challenger Building Services Ltd, of Lee Lane, Horwich, Bolton, pleaded guilty to breaching Regulation 13(1) of the Construction (Design & Management) Regulation 2015. The company was fined £30,000 and ordered to pay £1,991.32 in costs at Warrington Magistrates' Court on 23 October 2023.

Total Brickwork UK Ltd, of Weston Road, Runcorn, Cheshire, pleaded guilty to breaching Regulation 15(2) of the Construction (Design & Management) Regulation 2015. The company was fined £16,000 and ordered to pay £1,991.32 in costs at Warrington Magistrates' Court on 23 October 2023.

HSE inspector David Brassington said: "This incident could so easily have been avoided had the risks associated with working on the upper floors been adequately assessed and measures been taken to protect the stairwell openings.

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

This HSE prosecution was supported by HSE enforcement lawyer Gemma Zakrzewski.

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## London waste firm fined £260,000 after worker suffers severe crush injuries

A waste and recycling company in London has been fined £260,000 after a worker sustained during maintenance work.

Grzegorz Poreba, an employee of Cappagh Public Works Limited, sustained severe injuries after becoming trapped between a conveyor and a metal bridge, which formed part of a waste sorting machine, at Riverside Road, Wimbledon, London on 11 September 2020.



- Grzegorz Poreba was caught between the metal bridge and the conveyor belt in the front of the photo and sustained severe crush injuries.

The 48-year-old had entered the machine to make repairs to the mesh of the hopper. The machine had not been isolated from all sources of energy before the repair work started and when it was inadvertently switched on, Grzegorz was thrown onto the conveyor, trapping him against a metal bridge.

Mr Poreba suffered multiple injuries, that required 23 screws and two plates inside his body, and has not been able to return to work since.

“The whole accident has turned my life upside down,” he said.

“I cannot walk or stand for longer than an hour and a half.

“It has been very hard. If I could turn back time, I could only wish that the accident had never happened. The doctors have been trying to regain my physical and mental health.

“The only success so far is that I am not in a wheelchair.”



- The Flex X Track Large Screener machine where the incident took place

An investigation by the Health and Safety Executive (HSE) found that Cappagh Public Works Limited had failed to provide a suitable means to isolate the machinery from all sources of energy. The isolator switch had been broken and was therefore inoperative. The company also had no formal maintenance arrangements for the machinery.

Cappagh Public Works Limited, of Waterside Way, London, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act. 1974

The company was fined £260,000 and was ordered to pay £4,358 costs at a hearing at Westminster Magistrates Court on 20 October 2023.

After the hearing, HSE inspector Pippa Knott said: “The fine imposed should underline to everyone in the waste industry that the courts, and HSE, take a failure to ensure that maintenance work is completed safely extremely seriously.

“Grzegorz is lucky to be alive and the incident has left a lasting impression on him.

“We will not hesitate to take action against companies which do not do all that they should to keep people safe.”

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2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. HSE guidance on [maintenance of work equipment](#) is available.



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## Construction Company fined after serious injury to 16-year-old on work experience

A 16-year-old boy suffered serious injuries after becoming trapped under a tractor while on paid work experience.



Tom Cutler was gaining experience of vehicle repair work at Earlcoate Construction & Plant Hire Limited, Folds Farm, in the New Forest, ahead of hopefully starting a vehicle maintenance course at Sparsholt College.

On August 3, 2021, the teenager from the New Forest was driving a tractor down an incline when it came off the track and overturned. He was alone and the tractor did not have a seat belt fitted. Tom was thrown out of his seat and his upper leg was trapped under the roof of the tractor – fortunately he was found in time by passers-by who were able to call for assistance. Emergency services attended and he was taken to hospital for treatment.

Tom's dad, David Cutler, said: "Tom was only 16 when this incident happened, and it's changed his life forever.

"Had it not been for his own bravery and the amazing work by the emergency services we could have lost him.

"Tom acted quickly and used his belt as a tourniquet to stem bleeding; he



punched out the cab window to check his leg and managed to break off a wing mirror to enable him to turn off the tractor and prevent a fire from fuel that was escaping.

“He spent a month in hospital and has undergone seven different operations but can’t do the things he used to do. He was a keen mountain biker and cricket player but that has all stopped.

“He doesn’t sleep properly and is more anxious; he had to put his education on hold for a year and we as a whole family have found it extremely tough.”

An investigation by the Health and Safety Executive (HSE) found that Earlcoate Construction & Plant Hire Limited, had failed to adequately protect Tom through a failure of supervision, and by not providing adequate information, instruction, and training to him.

HSE has guidance regarding [younger workers](#) and providing [information, training and supervision](#).

At Southampton Magistrates’ Court on 16 October, Earlcoate Construction & Plant Hire Limited of Folds Farm, Fordingbridge, New Forest pleaded guilty to breaching Regulation 2(1) of the Health and Safety At Work Act 1974. The company was ordered to pay a fine of £50,000 and costs of £9,223.

After the hearing, HSE Inspector Nicola Pinckney said: “Tom is lucky the outcome was not worse. This was due to his quick thinking, the fact he was found by in time by passers-by and the outstanding work carried out by the emergency services and those in hospital providing his care.

“The incident could so easily have been avoided by understanding the risks involved with employing young people. This could have been achieved by carrying out a suitable risk assessment and putting in place appropriate information, instruction, and training to both Tom and those working with him, and most importantly, ensuring adequate supervision was in place to ensure correct control measures and safe working practices were implemented.

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

This HSE prosecution was supported by HSE enforcement lawyer Samantha Wells.

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## Try the shout test – protect workers' hearing

Bosses who have to shout at work to get heard may not actually be angry! Instead, they may have a noise problem within the workplace.

Research on noise induced hearing loss (NIHL) shows around a fifth of the British working population could be exposed to high noise levels while doing their job.

While Britain has seen new cases of [occupational deafness](#) significantly drop over the past decade, the Health and Safety Executive (HSE) is urging workplaces to consider the shout test to manage noise at work and ways to give workers' ears a break.

HSE's noise expert Chris Steel said: "If you are shouting at work and can't be heard from two metres away, the chances are there's a noise issue. Try it out for yourself and see if you can be heard.

"Preserving hearing at work is crucial as noise can cause temporary or permanent hearing damage.

"But there needs to be a balance. While too little noise reduction could cause hearing damage, too much could isolate the worker and lead to accidents."

The issue of noise at work is the subject of a scientific report recently discussed by specialists in the field.

The Workplace Health Expert Committee (WHEC) report says about 20% of the working population in Great Britain could be exposed to high noise levels (>85 dBA).

The report goes on to say that while there are limited statistics on the prevalence of noise induced hearing loss (NIHL) in Britain, the most likely affected groups of workers are those who have been employed in the armed services, shipyards, construction, and agriculture.

HSE has important guidance in relation to [noise at work](#) although evidence suggests new cases of occupational deafness is in decline.

Chris Steel continued: "People often experience temporary deafness after leaving a noisy place like a nightclub or a bar.

"Although hearing recovers within a few hours, this should not be ignored. It is a sign that if they continue to be exposed to the noise, without an adequate break, their hearing could be permanently damaged. The same applies to noise in a workplace.

“While the prevalence of occupational noise induced hearing loss has decreased over the last forty years, mostly through noise control technology, the dangers still need to be taken seriously.”

Bosses must assess and identify measures to eliminate or reduce risks from exposure to noise so that they can protect the hearing of their workers.

If you are already using hearing protection, it needs to be managed so try using CUFF:

C = Condition; is the hearing protection in good condition?

U = Use: are workers using the hearing protection all the times they should be?

F = Fit; does the hearing protection fit the wearer?

F = Fit for purpose; have you selected hearing protection that gives the right level of noise reduction?

The full [WHEC report](#) on occupational noise is available.

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2. Further details on the latest [HSE news releases](#) is available.
3. WHEC is a scientific and medical expert committee whose purpose is to consider the evidence linking workplace hazards to ill health. They provide independent, authoritative, impartial and timely expertise on workplace health. [Workplace Health Expert Committee \(WHEC\) – Science, engineering and evidence – HSE](#)