

Company fined £180k after woman's hand had to be amputated

A Greater Manchester company has been fined £180k after a female employee lost her hand after it was dragged into a machine.

The Vita Cellular Foams (UK) Ltd employee was operating a blown line machine at the firm's Oldham Road premises in Middleton on 30 June 2020, when one of her colleagues isolated it from the main power supply after it became blocked with fibres.

The then 23-year-old unscrewed a Perspex window in a bid to identify the blockage, but as she began to remove the fibres by hand, the machine still had some residual power and began to move again, drawing in her right hand.



The woman's hand was drawn into the machine after it became blocked with fibres, Image: HSE

The tragic incident resulted in three fingers being removed before she required further surgery to have her entire right hand amputated.

In a victim personal statement provided to Manchester Magistrates Court, the woman who is now 25, said the incident had completely changed her life.

"Before the accident, I was right-handed," she said.

"I have now had to learn to do all of my daily activities again, including writing.

"This is a constant and daily reminder of what has happened to me and the ongoing impact it will have."

The woman had to undergo four separate operations in a six-week period as well seeing trauma specialists for months after the amputation.

"The accident has deeply affected my life," she added.

“I have a lot of triggers and am frightened easily by loud noises and bangs.

“I have nightmares at least once a night and don’t like talking or hearing about what happened.

“The accident has completely changed who I am as a person and I am not able to complete so many of the activities I could before, such as walking my dog.

“I am the complete opposite of the person I was before.”



The woman’s hand was dragged into the machine as she attempted to unblock it. Image: HSE

An investigation by the Health and Safety Executive (HSE) found the company had no safe system of work in place [for removing blockages from machines](#) even though they were known to happen occasionally.

The Perspex window had been added to the machine some years previously to allow engineers and operators to identify blockages, but had not been fitted with an interlocking guard, so moving parts could be accessed through removal of this when the machine was running. Risk assessments had not been reviewed since the window’s addition to include the possibility of employees using it as a way to remove blockages, or to ensure that any excess energy in the machine was dispersed before it was accessed. The company should have ensured that tools were not readily accessible in order to remove the Perspex window.

Vita Cellular Foams (UK) Ltd of Oldham Road, Middleton, Greater Manchester pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974. They were fined £180,000 and ordered to pay costs of £4,337.00 at Manchester Magistrates’ Court on 17 January 2023.

HSE inspector Lisa Bailey said: “This incident could so easily have been avoided.

“Employers should ensure they carry out an assessment of the risks and put in

safe system of works for the operation of all machinery, particularly when clearing blockages.

“Employers should also ensure that adequate information, instruction and training is provided to all who use it.”

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. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.

[Civil engineering firm fined £4m following M6 works](#)

Civil engineering firm Kier has been fined more than £4m after its staff twice struck overhead powerlines while working on the M6 motorway causing cables to land in the path of passing vehicles.

In one incident, an overhead cable the Kier workers brought down hit a lorry. The second time, a cable landed on the motorway.

An investigation by workplace regulator the Health and Safety Executive (HSE) found after one incident Kier workers failed to immediately tell the network provider Scottish Power what they had done.

Both incidents happened on overnight road works part of the smart motorway scheme between junctions 16 and 18 near Sandbach in Cheshire.

During the first incident, a team of three from Kier were working a nightshift on 28 March 2018. The workers were clearing tarmac from the hard shoulder and loading a truck with a digger. As they moved the truck along with an attached crane raised it struck and severed a 11kV overhead powerline that landed in the motorway and in a nearby field. The company failed to immediately tell Scottish Power, which meant the cable was reenergised a number of times while it was lying on the motorway and vehicles were passing.

During the second incident, another team from Kier were taking down a motorway barrier on 21 January 2019. Their tractor struck an overhead cable

which led to an unmarked 11kV powerline being hit and snapped by an oncoming lorry.

HSE found that inadequate planning from Kier meant the vehicle used in the first incident was unsuitable despite other more suitable vehicles being available. There was also no task-specific risk assessment available for the workers.

In the second incident, the workers were unaware of the overhead hazards.

In relation to the first incident, Kier Infrastructure and Overseas Limited, of Clippers Quay, Salford pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974. In relation to the second incident, they pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and Regulation 13(1) of the Construction (Design and Management) Regulations 2015.

In total, the company were fined £4.215m and ordered to pay costs of £80,759.60 at Manchester Crown Court on 12 January 2023.

HSE inspector Susan Ritchie said: "This is a significant fine reflecting the seriousness of the failures here. The company's failure to plan the work properly and provide an adequate risk assessment put its workers and those using the motorway in significant danger."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. More information regarding working with overhead power lines can be found at [Avoiding danger from overhead power lines GS6 \(hse.gov.uk\)](https://www.hse.gov.uk/avoiding-danger-from-overhead-power-lines-gs6)
4. HSE news releases are available at <http://press.hse.gov.uk>
5. Footage of the first incident can be found here – https://drive.google.com/drive/folders/13Sq9xDT0pZEp8s5_i5tWcqV5GyRmwT9n

[Council fined £280,000 after death of](#)

six-year-old girl hit by falling tree

A council has been fined £280,000 after the death of a six-year-old girl who was hit by a falling tree in her school playground.

Ella Henderson was playing with friends at Gosforth Park First School in Newcastle upon Tyne on 25 September 2020 when a decaying willow tree collapsed.

The Year 2 pupil was freed from under the tree by emergency services and taken to Newcastle's Royal Victoria Infirmary, where she died the following morning.

Her parents Neil and Vikki Henderson today paid tribute to their daughter and said every part of their family's lives had changed since losing Ella.

Several other children were hit by the falling tree but managed to escape, some with superficial injuries.

An investigation by the Health and Safety Executive (HSE) found the tree had decayed and was in a poor condition.

Newcastle City Council had failed to identify the extent of the decay or to manage the risk posed by the tree.

Newcastle City Council pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £280,000 and ordered to pay costs of £8,020 by South Tyneside Magistrates on 10 January 2023.

HSE Inspector Ashfaq Ali said: "This terrible incident led to the avoidable death of a young girl. HSE hopes others will learn from what happened to Ella. Our thoughts remain with Ella's family."

Mr and Mrs Henderson said: "We would like to thank the police and the Health and Safety Executive for their thorough investigations, and the kindness and sensitivity they have treated us with throughout.

"We are devastated beyond words to hear of the number of times that this outcome could and should have been changed. No family should ever have to go through what we are going through.

"We hope lessons will be learned from this and feel there needs to be better education and information around which trees are appropriate for school playgrounds and the size they are allowed to grow to.

"We would kindly ask that our privacy is now respected whilst we continue to try to navigate and rebuild our lives around the huge hole that has been created in our life without our beautiful Ella."

In a statement, Ella's mum Vikki, from Newcastle, said: "Up until 25th Sept 2020 we had the perfect life. There was not one thing we would have changed.

We had two happy, healthy, little girls who were just the best of friends and life was amazing.

“Having lived that life, we now live with a complete hole in our lives. Having a six year old who loves life and wakes up every morning with ‘What are we doing today, Mummy?’, loving everything we did and everywhere we went, to suddenly this life, is just indescribable. Taking her big sister places now and knowing how much she would love everywhere we go and taking photos without her is heart breaking.

“It’s not just the big things like birthdays, holidays and Christmas, it’s also all the small everyday things like not washing her clothes, not buying her toys or clothes but knowing what she’d love, not setting her place at the table or booking a table in a restaurant for four.

“Going to restaurants and being constantly asked ‘just one child’ and having the empty chair at a table for four. Staying in a cottage and instead of her sharing a room together with her sister, there is now an empty bed. It’s just a constant reminder, not that we will ever need one, that she’s not here.

“Seeing everyone’s life move on and their kids and her friends getting older while we stay still; always with a six year old who will never get her front teeth is devastating.

“When you lose a child you live two lives. The one you should be living and the life you have to live.

“Knowing how happy we would be and what we would have done in the last two years compared to the life we’ve had to live couldn’t be further apart.

“The hardest part is that all we did was what every other parent does every day. She should have been so safe at school and knowing that I’m the only one who doesn’t get to pick their child up every day is just the worst feeling.

“When I pass schools on the way somewhere and hear that innocent noise of children playing, I think, that was all she was doing. She was just playing ballerinas with her friends.

“Life is so unfair, and she was so loved and had so much to give this world. As her reception teacher said, “The world is a much sadder place without Ella in it.”

“Every single part of our lives has changed. Getting up every morning, knowing it’s another day without her and another day she’ll miss.

“Being six and healthy makes it very hard to process that she’s not here. I live for my girls and I loved taking them to school every day and picking them up, and doing everything with them, and knowing that I will never take her to school, or a party or holiday again – there are no words to describe how this feels.

“I read something online that sums up this life and it said “When you died my heart was torn in two. One side is filled with heartache and the other died

with you.”

Notes to editors

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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. Guidance on [management of the risk from falling trees](#) can be found on the HSE website.

[Fine for BA subsidiary after father of two left in coma following fall at work](#)

An aircraft maintenance company has been fined £230k after a worker fell from height while inspecting wings at its facility in Cardiff.

Iain Mawson, a British Airways Maintenance Cardiff Ltd employee, was placed into an induced coma for three weeks such were the extent of his injuries, which included numerous skull fractures and a brain haemorrhage.

Cardiff Magistrates Court heard how Mr Mawson fell through a gap in the guard rail of the docking platform where safety barriers had been removed.

The 52-year-old also suffered multiple fractures to his ribs, scapula, vertebrae and collar bone as a result of the incident on 10 November 2019 and has not been able to return to work since.

An investigation by the Health and Safety Executive (HSE) found that the company had failed to adequately analyse the risks and avoid removal of guardrail safety barriers or ensure safety barriers were replaced.

British Airways Maintenance Cardiff Ltd of Waterside, PO Box 365 Harmondsworth UB7 0GB pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 and has been fined £230,000 and ordered to pay costs of £21,623.

Speaking after the hearing, HSE inspector Sara Lumley said: “This incident could so easily have been avoided by simply carrying out correct control

measures and safe working practices.

“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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[HSE extends lead in ammunition restriction process by six months](#)

A consultation under UK REACH on restricting the use of lead in ammunition has had an overwhelming response since it launched.

Great Britain’s workplace regulator, the Health and Safety Executive (HSE) is therefore moving the expected date of publishing its opinions along with a response to the consultation by six months due to the high volume of responses submitted.

The use of lead ammunition for outdoor shooting over wetlands is already subject to regulation in Great Britain. HSE is establishing whether additional controls are needed for outdoor shooting.

The agency has received 2,759 responses including many detailed and technical submissions that need to be worked through. This was nine times that of a similar exercise across the EU, which also saw a six-month extension.

HSE confirmed the extension today, Thursday 5 January 2023, as the agency that operates UK REACH, a system of ensuring that chemical substances used in Britain are safe.

To help HSE understand how to provide the most effective, proportionate and practical approach to manage risks to health and the environment, a public consultation was opened for six months. It was published on 6 May 2022, alongside the restriction dossier, to gather information from different groups affected.

Dr Richard Daniels, HSE’s Director of Chemicals Regulation Division, said:

“It has been really encouraging to see the level of interest received, underlining that it is important we get this exercise right for the benefit of affected groups, peoples’ health and the environment.

“Although we have more than tripled the number of people working on the consultation responses, our technical specialists will need more time to both consider responses and put forward our concluding opinions.

“The UK REACH legislation enabled us to make an extension if needed. We are making the necessary changes to the legal timetable, and keeping ministers updated.”

An initial review of responses indicates that alternative risk management options (including alternative derogations) may need to be considered. HSE is therefore working with external specialists to understand technical information submitted to the public consultation. The agency is also further engaging with interested parties to refine any derogation proposals.

HSE initially received a request in April 2021 from the Secretary of State for Environment, Food and Rural Affairs (Defra), with the agreement of the Scottish and Welsh Governments, to prepare a restriction report assessing the use of lead in ammunition under the UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulations.

The [restriction dossier](#) on lead in ammunition was published on 6 May 2022. HSE specialists are preparing draft opinions and engaging with independent experts on the REACH Independent Scientific Expert Pool (RISEP), who form a Challenge Panel providing knowledge, scrutiny and challenge during the opinion-forming stage.

Dr Daniels continued: “To fulfil their roles, members of the REACH Independent Scientific Expert Panel (RISEP) require accurate and comprehensive information for them to scrutinise and challenge the Agency’s draft opinions. The 6-month extension enables the Agency to provide this level of detail to RISEP.”

The restriction proposals for [tattoo inks and permanent make-up](#), which were also published on 6 May 2022, will follow their original timescales. HSE will send the final risk assessment opinion and socio-economic opinion on these proposals to the Appropriate Authorities by February 2023 and May 2023 respectively.

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2. HSE is the Agency for UK REACH and therefore have responsibility for the majority of the regulatory functions under UK REACH. In the delivery of

these functions, HSE is supported by and/or reportable to a number of other government organisations.

3. HSE news releases are available at: <http://press.hse.gov.uk>.
4. The EU equivalent restriction, which informed the GB restriction, received 319 responses to their six-month public consultation and the European Chemicals Agency (ECHA) also extended their restriction process by six months to consider their responses.
5. HSE will therefore send the final risk assessment and socio-economic opinions on the GB restriction proposals to the Appropriate Authorities (i.e. the Defra Secretary of State and the Scottish and Welsh Governments) by August 2023 and November 2023 respectively. After receiving the final socio-economic opinion, the Appropriate Authorities will then have three months to make a decision on whether to accept the proposals.