

# Manufacturer fined after workers fall from height

A manufacturer of shopping trolleys has been fined after two men fell approximately three metres when a metal cage they were dismantling collapsed beneath them.

On 12<sup>th</sup> May 2018, two employees at Wanzl Limited were taking apart a large metal cage as part of an ongoing programme of improvement works at Prologis Park in Coventry.

Following a visual inspection, a decision was made by Wanzl Ltd to hire scaffold towers and scaffolding boards to carry out the work. Once the scaffold towers had been erected the two employees accessed the roof of the cage. They began to remove panels one at a time dropping them to the floor inside the walls of the cage. When several of these panels had been removed the employees noticed that the cage shook in response to movement. The roof suddenly gave way and both employees fell to the floor below.



One of the men, Michael Barton, who was 52 at the time, suffered a broken pelvis, injured his hip and arm. The now 57-year-old, from Walsall, was off work for 12 months following the incident.

An investigation by the Health and Safety Executive (HSE) found that the work had not been properly planned, appropriately supervised, or carried out in a manner that was safe. No consideration was given to whether dismantling the structure could be carried out without working at height or if the work was within the capabilities of the company's employees. None of the employees involved were trained in the assembly of scaffolding towers, and the injured man was not trained in working at height. An investigation by Coventry City Council came to the same conclusion before primacy was handed to HSE.



HSE has guidance on [working at height](#).

At Birmingham Magistrates' Court on 10 November 2023, Wanzl Limited of Heathcote Lane, Warwick pleaded guilty to breaching Regulation 4 (1) of the Working at Height Regulations 2005. The company was fined £320,000 and ordered to pay costs of £4016.35.

Speaking after the hearing, HSE inspector Charlotte Cunniffe said: "Working at height remains one of the leading causes of death and serious injury to workers in the United Kingdom.

"All work at height, including one-off activities which fall outside of a company's usual business should be properly planned and appropriate work

equipment selected. Employers must assess the competency of their employees when asking them to carry out non-routine work.”

This prosecution was supported by HSE lawyer Nathan Cook.

**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.

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## **[Manager jailed and funfair company fined after three-year-old girl dies](#)**

An operations manager at a funfair company has been jailed for six months and disqualified as a director for five years after a three-year-old girl died on a Norfolk beach. The funfair company he was working for has been fined £20,000.

The inflatable trampoline Ava-May Littleboy had been playing on exploded, ejecting her high into the air.

Ava-May, from Somersham in Suffolk, had been taken by family and friends to the Bounce About attraction that had been set up on the beach at Gorleston-on-Sea in Norfolk, on July 1, 2018.

She and a nine-year-old girl were on the trampoline when the blast happened without warning. While the older child suffered minor injuries, Ava-May was thrown upwards – witnesses described her as being shot up between 20 and 40 feet, or the height of a house. She landed on the beach. In the process, she sustained fatal head injuries.

In a tribute, Ava-May’s mother said a family tradition is now to spend Ava-May’s birthday at her bench in the local park.

Johnsons Funfair Limited, trading as Bounce About, operated a number of bouncy castles, slides and other inflatables on the beach at Gorleston, and at another site on Great Yarmouth beach.

Great Yarmouth Borough Council worked with the Health and Safety Executive (HSE) on a joint prosecution. Charges were brought against Johnsons Funfair

Limited and its operations manager, Curt Johnson, whose wife was sole owner and director of the company.



The investigation found that Curt Johnson, on behalf of the company, had imported the inflatable trampoline into the UK from China in 2017 and had put it into use without carrying out any of the required testing and certification to ensure it was safe to be used by the public. An importer of such an item equipment must ensure that there has been a proper review of the design, verification that the item has been manufactured in accordance with the design, and a detailed test by a suitable expert on the item's arrival in the UK. None of that had been done here.

In operational terms, there had been no proper risk assessment or work procedure laid down, and the company used undertrained staff paid cash in hand, some of them too young to work without child work permits which were not sought and would not have been granted for work at such a fairground.

Crucially, the defendants allowed the company's inflatables (which included a number of other inflatables besides the trampoline which exploded) to be operated despite not having, and not seeking, any operating instructions from the manufacturer, and without having their inflatables properly annually checked and certified by an independent expert under the ADIPS scheme (a scheme for checks comparable to MoT checks for vehicles).



HSE's long-established guidance can be found at: [Health and safety guidance for fairgrounds \(hse.gov.uk\)](https://www.hse.gov.uk). Guidance more specific to sealed inflatables can be found at: [Sealed inflatables: safe supply, inspection and operation – Overview – HSE](#).

Chloe Littleboy, Ava-May's mother, said: "Birthdays are always at her bench in the park. Balloons, flowers, cakes and sweets decorate it and the whole family go there together to celebrate. That's now the family 'thing', spending her birthday, Christmas and the anniversary of her death all together."

Nathan Rowe, Ava-May's father, added: "It's amazing as a parent that so many people care about your child. It's surprising how one little girl had impacted on so many lives. I read her eulogy and it was my one and only chance to pay tribute to her and her short life. I don't know of another father who's had to do this."

Johnsons Funfair Limited, of Swanston's Road, Great Yarmouth, as importer and site operator, pleaded guilty to breaching Sections 6(1A)(a) and 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £20,000 and ordered to pay £288,475.62 in costs.

Curt Johnson, of Swanston's Road, Great Yarmouth, pleaded guilty to offences of having consented to or connived in each of the company's two offences, or those being attributable to his neglect. Johnson was sentenced to six months in custody for each offence, to be served concurrently, and disqualified as a director for five years.

The sentences were passed at Chelmsford Magistrates' Court.

HSE principal inspector Ivan Brooke said: "Our thoughts today are with the

family of Ava-May. This was supposed to be a fun day out, but it ended in tragedy.”

“The operator flouted the rules on certification and testing to devastating consequences.”

“Had the company carried out the required checks, and followed the freely available, well-established guidance, this tragedy would not have happened.”

“Since the tragedy, and following the inquest, we published supplementary guidance more specific to sealed inflatables. They should be checked over by the responsible body before they are used, and maintained effectively throughout.”

“Incidents with inflatables are extremely rare, but we will not hesitate to take strong action if funfairs do not take the required precautions.”

James Wilson, head of environment and sustainability at Great Yarmouth Borough Council, said: ‘‘It has been five years since Ava May died so tragically during what should have been a safe family day out at the beach.’’

“The safety of the public is of paramount importance and it was essential Great Yarmouth Borough Council and our partners at the Health and Safety Executive carried out a thorough investigation to try to ensure such a tragedy is not repeated.”

“The prosecution and sentencing of those responsible finally brings some closure to what has been an unbearably difficult time for Ava May’s family and the council is pleased justice has been served.”

“We hope this case highlights how operators must ensure safety of their customers at all times.’’

The prosecution was supported by HSE enforcement lawyer Kate Harney and by Norfolk County Council solicitor David Lowens.

#### **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. The Great Yarmouth Borough Council (GYBC) is the local authority for the Great Yarmouth area, including Gorleston, and it has health and safety enforcement responsibility for certain premises in its area, including the site run by Johnsons Funfair Limited.
3. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
4. HSE news releases are available at <http://press.hse.gov.uk>
5. HSE guidance on fairgrounds and amusement parks can be found here – [Fairgrounds and amusement parks: Guidance on safe practice – HSG175](#)

[hse.gov.uk](https://www.hse.gov.uk)

6. HSE guidance on sealed inflatables can be found here – [Sealed inflatables: safe supply, inspection and operation – Overview – HSE](#).
  7. Curt Johnson, of Swanston's Road, Great Yarmouth, pleaded guilty to breaching Section 6(1A)(a) and Section 3(1), by virtue of Section (37)(1), of the Health and Safety at Work etc. Act 1974.
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## **Aberdeen firm fined after man suffers horrific injuries cleaning machine**

An Aberdeen joinery and manufacturing company has been fined £9,400 after one of its workers suffered horrific injuries while cleaning a machine.

Brian Strachan was working for Hall & Tawse Joinery Limited, a manufacturer of timber windows and doors, at their premises on Granitehill Road on 1 November 2018. The then 41-year-old was conducting a thorough clean of a UV Lacquer Line machine (which are used to apply a lacquer finish to veneered door and panel products using two sets of sanders and lacquer machines) prior to its use in a production run later that day.

During this process, Mr Strachan, who is now 46, noticed lacquer hanging from the lid of the machine and reached for it as he turned to the control panel to isolate the machine. However, as he did so, the glove on the little finger of his right hand got caught in the moving rollers, causing his arm to become entangled and trapped within the machine.

This resulted in his right forearm being crushed between the rollers and he underwent surgery that day for 'degloving' injuries that he had suffered from his elbow to his hand. His injuries required multiple surgeries to treat and reconstruct his forearm with skin grafts and he ended up spending 13 days in hospital.

An investigation by the Health and Safety Executive (HSE) found that the machine's rollers continued rotating when Mr Strachan opened the lid which demonstrated that the interlock device was not working on the day of the accident. The device was found to be defeated (with the fastenings of the actuator unbolted and the actuator stuck within the switch).

Hall & Tawse Joinery Limited failed to carry out a risk assessment of the machine at the time of the incident, which should have been conducted prior to the machine's use and would have been followed by an effective check procedure that would have highlighted the defeated interlock device.

Hall & Tawse Joinery Limited pleaded guilty to breaching sections 2 and 33(1)(a) of the Health and Safety at Work Etc. Act 1974 and were fined £9,400 on 9 November 2023 at Aberdeen Sheriff Court.



Speaking after the case HSE inspector Simon Dunford said: “This case highlights the importance of regular pro-active maintenance and inspection of work equipment, to ensure equipment does not deteriorate and is functioning as it should.

“In this case Hall and Tawse Joiner Limited failed to effectively maintain their equipment to reduce the risk of injury.”

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## [New online learning tool helps businesses address work-related stress](#)

A “much needed” new online learning tool designed to prevent work-related stress has been launched.

Businesses are encouraged to sign-up to the free-to-use interactive tool, designed by the Health and Safety Executive’s (HSE) Working Minds campaign, to understand what they need to do to comply with the law.

The tool provides the simple and effective guidance employers need to take action to meet their legal duties and begin to understand how to include stress in their workplace risk assessments.

Created as part of HSE’s Working Minds campaign, which promotes good mental health in the workplace, the new tool is made up of six short modules. These take employers through relatable, everyday scenarios, such as how to recognise the signs of stress in individuals and teams like regular lateness to work, being withdrawn and higher staff turnover.

Liz Goodwill, head of work-related stress policy at HSE, said: “More than half of small and medium sized (SME) businesses recently visited by HSE knew they had a legal duty to assess the risk of work-related stress, but the number who actually did this was significantly lower. This new online tool

will help employers understand the steps and actions necessary to help bridge this gap. It is a much needed solution.

“Lack of time, money and know-how are common reasons why businesses can struggle to prevent and proactively tackle the issue. Now, they have a resource that provides free learning which is simple and engaging and does not take a huge amount of time to complete.

“Businesses will come away with an understanding of what the law requires of employers and what actions they need to take. It provides an opportunity for employers to refresh their existing knowledge and help drive the culture change that the Working Minds campaign is aiming to achieve. I encourage them to give it a go.”

The tool was launched today, Wednesday 8 November, at HSE’s online Health and Work conference. It can be found here: [HSE Workplace Stress \(focusgames.com\)](https://www.focusgames.com/hse-workplace-stress).

Whether you’re a small business or a large corporation, the law requires all employers to carry out a stress risk assessment and act upon the findings to prevent work related stress and support good mental health in the workplace.

Since 2019, the total annual cost of poor mental health has increased by 25%, costing UK employers up to £56 billion a year. Over half of working days are lost due to work-related stress, depression or anxiety. Stress, depression and anxiety are the number one reasons for work-related illness in the UK and figures continue to rise.

Liz Goodwill, added: “The Mental health and employers report from Deloitte suggests employers see a return of £5.30 on average for every £1 invested in staff wellbeing. By providing this free learning, our aim is to help lower the investment cost and assist employers to reap the potential benefits including increased productivity, lower absenteeism and reduced staff turnover.”

Working Minds helps employers to follow five simple steps based on risk assessment. They are to **Reach out** and have conversations, **Recognise** the signs and causes of stress, **Respond** to any risks you’ve identified, **Reflect** on actions you’ve agreed and taken, and make it **Routine**. It needs to become the norm to talk about stress and how people are feeling and coping at work.

## Notes to Editors

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2. To read more about HSE’s Working Minds campaign click [here](https://www.hse.gov.uk/working-minds)
3. For press and media enquiries please contact [media.enquiries@hse.gov.uk](mailto:media.enquiries@hse.gov.uk)
4. [Mental health and employers: the case for investment – pandemic and](https://www.hse.gov.uk/working-minds/mental-health-employers)

## Manufacturing company fined half-a-million pounds after forklift truck death

The mother of a man who was killed when the forklift truck he was driving overturned says she still feels angry as he 'simply went to work and didn't come home.'



Jamie Anderson

Jamie Anderson was killed on 4 June 2019, when the forklift truck he was operating overturned at a depot in Newark.

The 35-year-old father of one, was found in the car park trapped under the roll cage of the vehicle. He had been using a counterbalance forklift truck to move waste material when it clipped a kerbstone at the edge of the roadway and overturned. He was not wearing a seatbelt.

His mum Sarah Anderson, a care assistant from Newark, said: "No mother should lose a child and for Jamie's son Harley he has lost a loving father.

"As a family we have gone through all emotions, and I still feel angry as Jamie simply went to work and didn't come home. This should not have happened.

"He was a happy-go-lucky boy and would do anything for anyone. It's the everyday things that remind me of him and I miss his smile and blue eyes. He's missed so much."

An investigation by the Health and Safety Executive (HSE) found that The Barcode Warehouse Ltd failed to enforce the use of seatbelts by forklift truck operators. They should have properly risk assessed the use of forklift trucks on their premises and enforced the use of seatbelts. Instead, it was left to individuals to choose whether to wear a seatbelt or not.

HSE has guidance available on managing [forklift trucks](#).

At Nottingham Magistrates' Court on 8 November the Barcode Warehouse Ltd of Telford Drive, Newark pleaded guilty to breaching Section 2(1) of the Health & Safety at Work Act 1974. They were fined £500,000 and agreed to pay costs of £7,039.55.

Speaking after the hearing HSE inspector, Tim Nicholson said: "This tragic incident led to the avoidable death of a young man. Jamie's death could easily have been prevented if his employer had acted to identify and manage the risks involved and enforced the use of seatbelts by forklift truck operators."

This HSE prosecution was supported by HSE lawyers Nathan Cook and Jonathan Bambro, and Paralegal Officer Rubina Abdul-Karim.

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