

£1.2million fine for Network Rail after grandad died doing maintenance work

Network Rail has been fined £1.2million following the death of a grandad who was crushed while carrying out maintenance work.

Long-serving employee Kevin Mauger was crushed by a railway track weighing six tons while working at a rail depot in Hampshire.

The 53-year-old from Eastleigh, had five children and eight grandchildren. His wife Rachael says her husband was the core of their family and that his death has left 'a hole that can never be filled'.



Kevin Mauger was a long standing employee of Network Rail

He had been carrying out maintenance on Network Rail's rail production line at the Long Welded Rail Depot off Dutton Lane in Eastleigh on 30 November 2020.

As he was cleaning the inside of a butt-welding machine – a machine that welds two sections of rail tracks together. The machine's conveyor system was on the wrong setting and that meant a section of rail track entered the machine while Kevin was inside. He was crushed and died at the scene.

A Health and Safety Executive (HSE) investigation found Network Rail failed to ensure there was a safe system of work while carrying out maintenance on its rail production line. Network Rail also failed to provide an adequate risk assessment for this type of maintenance.

HSE guidance can be found at: [Human factors/ergonomics – Permit to work](#)

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

Kevin's wife, Rachael, said: "Kevin died on my dad's birthday and my birthday is the day after, which was also the day our son had his first child, our youngest grandson. Kevin never got to meet him. This has completely devastated our son.

"Our family have been terribly affected by Kevin's death. One of our daughters feels she cannot give her own children the Christmas me and Kevin gave her as a child as she now finds Christmas really difficult without her dad. Our eldest daughter has had issues with her car but cannot bear to sell it as her dad helped her buy it.

"Our youngest daughter is devastated her dad will not be there to give her away when she gets married. My second-eldest daughter is still living with me as she feels she cannot leave me. She also no longer enjoys going to watch football as this was something she and her dad did together. Kevin's passing has had a big impact on all our grandchildren too, who miss spending time with their grandad so much.

"Kevin was the core of our family, he was the one everyone turned to for help. His death has left a hole that can never be filled."

Network Rail Infrastructure Limited, of Waterloo, London, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1.2million and ordered to pay £11,410 in costs at West Hampshire Magistrates' Court in a written judgement given on 8 August 2023.

HSE inspector Amanda Huff said: "This tragic accident was wholly avoidable, caused by the failure of the company to implement safe systems of work.

"There were no written isolation procedures in place when they were working on this highly dangerous piece of machinery and the risk assessment for carrying out maintenance was inadequate – it failed to identify suitable and sufficient control measures.

"This accident could have been avoided if there had been robust isolation procedures in place but tragically this was not the case."

Notes to editors

1. [The Health and Safety Executive](https://www.hse.gov.uk) (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.

Sole trader jailed after man crushed under van at Bootle garage

The partner of a man who got stuck and crushed under a vehicle at a motor repair company and later died has spoken of her struggles coping with her loss.

Kenneth (Kenny) McCord, 56, died following an incident on 16 July 2020 at JJ Tyres & Recovery based in Bootle, Merseyside.

Joseph Jones, the owner of JJ Tyres & Recovery in Bootle, was jailed for ten months at a hearing at Liverpool Crown Court on 4 August 2023.

The court heard that Mr McCord was assisting in the removal of the flat rear bed of a tipper van – to salvage spare parts – when the hydraulic system of the tipper bed was released without the support arm being in place. The flatbed then fell and crushed him while he was working underneath it.



Kenny McCord who was killed in his workplace

Mr Jones and two other employees on site managed to get Mr McCord out from under the tipper bed and the chassis of the vehicle. He appeared shaken but was still able to talk and have a drink of water.

Shortly afterwards Mr McCord's condition started to rapidly deteriorate, and an ambulance was called. He was taken to Aintree hospital where it was found he was suffering from significant internal injuries caused by the crushing. Mr McCord underwent surgery but later died from his injuries.

Nicola McCall, Kenny's partner of more than 20 years, said: "I feel like this

was a terrible accident that could have so easily been avoided.”

The Health and Safety Executive (HSE) has guidance available on [working under vehicles](#).

An investigation by the HSE found sole trader Joseph Jones had no risk assessments, safe systems of work or lifting plan. The company did not provide staff with adequate training or made them aware of the dangers associated with removing the flat bed from a vehicle.

The investigation also found that if the support arm which props the tipper bed while in the raised position had been in place at the time, this incident would have been avoided.

Joseph Jones, of JJ Tyres & Recovery, Lodwick Street, Bootle, Liverpool pleaded guilty to breaching Section 2(1) and Section 33(1) of the Health & Safety at Work etc. Act 1974. Mr Jones was jailed for ten months at Liverpool Crown Court on 4 August 2023. This HSE prosecution was supported by HSE enforcement lawyer Radha Vaithianathar.

Nicola McCall and Kenny lived together in Bootle. The 51-year-old said: “My life has changed massively since Kenny’s death.

“Since his death my health has not been good, and I’ve struggled to come to terms with his loss as he was such a big part of my life.

“Emotionally I was a mess, I struggled to talk about the incident, I would cry constantly and still do, and wouldn’t leave the house in case I met somebody that we both knew, and it would bring up all my feelings again.

“I miss the silly things that Kenny used to do like always tormenting people in fun ways and cherish the videos that I still have of him on my phone.

After the hearing, HSE inspector David Bellis said: “Nicola is, sadly, correct. We found that had the support arm been applied, the collapse would not have happened.

‘This will only take me a minute’ is a phrase we hear all too often, yet it is crucial the correct equipment is used when working under vehicles.

“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 take fatal accidents seriously no matter the size of the company and will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

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 3. Further details on the latest [HSE news releases](#) is available.
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[Company fined after worker left paralysed](#)

A manufacturing company has been fined after a worker became entangled in a machine and has been left paralysed from the chest down.

The man, from Worcester, had been working for Mountfield CNC Ltd at the firm's site at Berry Hill Industrial Estate in Droitwich when the incident took place on 4 January 2022.

He had been setting up a CNC machine when he became entangled with the machine's rotating saw.

This has led to the 65-year-old man suffering a fractured neck resulting in him becoming paralysed from the chest down.

A Health and Safety Executive (HSE) investigation into the incident found Mountfield CNC Ltd failed to take effective measures to prevent access to dangerous parts of the CNC machine. The machine was fitted with interlocked guards, but the interlocks had been defeated before the incident – allowing the machine to move without guards in place. The company should have identified the need for effective interlocking guards and monitored safeguards to ensure they had not been tampered with.

HSE guidance can be found at: [Health and safety in engineering workshops HSG129 \(hse.gov.uk\)](#)

Mountfield CNC Ltd, of Unit 2 W Stone, Berry Hill Industrial Estate, Droitwich, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £18,000 and ordered to pay costs of £3,094 at

Kidderminster Magistrates' Court on 27 July 2023.

HSE inspector Harry Shaw said: "This life-changing injury was easily preventable, and the risk should have been identified. Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

This HSE prosecution was supported by HSE enforcement lawyer Nathan Cook.

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[Companies fined more than £400,000 after hospital staff violently attacked by patients](#)

Two companies have been fined a combined total of more than £400,000 after staff working at a South Wales mental health hospital were subjected to violent attacks by patients over a three year period.

Parkcare Homes (No.2) Limited and Priory Central Services Limited, both part of The Priory Group, pleaded guilty after failing to manage risks to care staff and patients from violence and aggression.

Cardiff Magistrates Court heard that Priory Hospital in Aberdare – a facility owned by Parkcare Homes (No.2) Limited – was a specialised institution for people with complex mental health, behavioural and learning issues. At any one time, there were up to 12 in-patients being cared for by the staff.

Over a three year period between 2014 and 2017, there were incidents of violence and aggression towards both care staff and patients, resulting in serious injuries, including loss of consciousness and permanent scarring. Due to the frequency and severity of incidents, concerns were formally raised by senior management of the hospital in November 2016 to Priory Central Services Limited, which was responsible for the provision of training and equipment and the employment of staff at Aberdare. Priory Central Services Limited failed to take prompt and appropriate action to rectify the deficiencies and incidents were allowed to continue.

An investigation by the Health and Safety Executive (HSE) found there were no suitable and sufficient risk assessments carried out and the equipment and environment was not fit to diffuse violent situations. Staff were not provided with adequate information or training to cope with patients with aggressive traits.

The investigation also found staff were not given the appropriate personal protective equipment, including bite resistant clothing and personal safety alarms.

There were no post incident de-brief sessions carried out with staff involved or even when individuals return from sick level following an injury. No investigations were carried out of incidents to establish what had happened to identify lessons learnt despite repeated serious and significant injuries being caused.

The companies were fined at a sentencing hearing on 26 July 2023 after entering guilty pleas at an earlier date. Parkcare Homes (No.2) Limited of Fifth Floor, 80 Hammersmith Road, London, W14 8UD pleaded guilty to breaching Sections 2(1) & 3(1) of the Health and Safety at Work etc. Act 1974. Priory Central Services Limited of Fifth Floor, 80 Hammersmith Road, London, W14 8UD pleaded guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974.

Parkcare Homes (No.2) Limited was fined £363,000 and ordered to pay £43,656 in costs. Priory Central Services Limited was fined £40,000 and ordered to pay £21,828 in costs.

After the hearing HSE Principal Inspector Anne Marie Orrells said: "Priory are a leading independent provider of mental healthcare and adult social care in the UK. It is a long-established company and despite repeated warnings about systemic failures it failed to prevent its staff being injured.

"Care providers should have adequate arrangements to effectively plan and organise preventative measures to prevent violence towards staff and other patients."

Notes to editors

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[New non-executive director to join HSE Board](#)

The Secretary of State for Work and Pensions has confirmed a new non-executive director appointment to the Board of the Health and Safety Executive (HSE).

Ken Rivers will replace Ken Robertson, who left HSE's Board in July 2023, bringing with him a wealth of experience from the oil and chemical sectors that will help HSE continue to deliver on its 10-year strategy.

Chair of HSE, Sarah Newton, welcoming the appointment, stated:

"I am delighted that Ken Rivers will be joining us on the HSE Board. I'm looking forward to welcoming Ken into our team of effective and committed non-executive directors focused on enabling the delivery of HSE's vitally important mission, vision and ten-year strategy."



Ken Rivers

Ken Rivers

Ken has significant experience of working with government and regulators in

the oil and chemical sectors. HE has been a CEO of the listed company Refining NZ and held senior positions within Shell.

Ken has skills and experience relevant to organisations operating in regulated environments where safety is critical. Until recently, he was chair of the COMAH Strategic Forum and successfully chaired this tripartite group for the last eight years since inception.

Ken is a member of the Industry Safety Steering Group monitoring industry's progress in implementing the Building Regulation and Fire Safety review post-Grenfell. He also chaired the industry/regulator task force in the wake of the Buncefield Terminal explosion. Ken has a track record of managing change and business turnarounds based on developing a clear strategic direction and building organisational capability.

About HSE

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. HSE also has added responsibilities, such as becoming the appointed Building Safety Regulator. 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](https://www.hse.gov.uk).
2. HSE is an Executive Non-Departmental Public Body sponsored by the Department for Work and Pensions (DWP).