

NHS Health Board fined £235,000 after failings resulted in man's death

The largest health board in Scotland has been fined £235,000 after a man took his own life while in its care on 22 January 2020.

NHS Greater Glasgow and Clyde (NHSGGC) pleaded guilty at Paisley Sheriff Court to a number of failings, including not having a suitable risk assessment in place.

Martin Donnelly, 36, who had a history of mental illness, had been medically detained at the South Ward of Dykebar Hospital in Paisley, two days before his death.

An investigation by The Health and Safety Executive (HSE) established there had been failures by NHSGGC to ensure existing ligature points at the hospital were suitably and sufficiently risk assessed, and the patients under its care were not exposed to them.

NHSGGC had relied upon clinical measures, such as the assessment and observation of Mr Donnelly, rather than physical measures, to ensure his safety.

The NHS-issued guidance aligns with the terms of Regulation 4 of The Management of Health and Safety at Work Regulations 1999, and its '*General Principles of Prevention*', which require the risks to be combated at source. In this case, that would have involved removing the certain taps and other ligature points, or replacing them with suitable alternatives.

NHSGGC had a duty to keep Mr Donnelly safe and failed to do so. All reasonably practicable measures were not taken by NHSGGC, which could have prevented Mr Donnelly from taking his own life.

NHSGGC pleaded guilty to breaching sections 3(1) and 33(1)(a) of the Health and Safety at Work etc. Act 1974 on the 30 June 2023. At a hearing on 10 July 2023, it was fined £235,000 and ordered to pay a victim surcharge of £17,625.

Speaking after the sentencing, Inspector Lesley Hammond said: "The risks presented by access to ligature points in acute psychiatric wards are well known.

"Reasonably practicable measures could have been taken by NHSGGC to reduce the risk to patients, which would have involved the removal of obvious ligature points throughout the ward, as was undertaken after this incident.

"Had a suitable and sufficient risk assessment been in place before the incident and the results acted upon, Mr Donnelly would not have been able to take his own life in the way he did."

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.

[Former shipyard worker's warning to today's young tradespeople](#)

A former shipyard worker is warning young tradespeople of the dangers of asbestos after losing around a third of his body weight since being diagnosed with mesothelioma.

James Queen, 74, worked as a shipwright in Liverpool and Glasgow where he was exposed to asbestos. Last year he was diagnosed with mesothelioma, a type of cancer linked to asbestos exposure.



James Queen



James Queen now

Before diagnosis he used to weigh 14-and-a-half stone but now touches the scales at just over 9-and-a-half stone.

Mesothelioma is a type of cancer that develops in the lining that covers the outer surface of some of the body's organs. James says he was regularly exposed to asbestos as he embarked on an apprenticeship at Glasgow docks in the 1960s.

Statistics published yesterday (6 July) by Great Britain's workplace regulator, the Health and Safety Executive (HSE), show 2,268 people died from mesothelioma in 2021.

James moved to Liverpool in 1970 and continued working as a shipwright after marrying Patricia. They were married for 51 years – Patricia died in 2022 from dementia, the same year James was diagnosed with mesothelioma.

James said: "I knew something was wrong with me last year but as my wife was ill as well, I just concentrated on her.

"It was only when I had a fall at my wife's funeral and broke my hip, scans found two types of cancer including mesothelioma.

"I know there's no cure for it and I'm having treatment every three weeks which is working but my state of life isn't very good.

"I can't drive anywhere, I've lost my confidence, I'm short of breath, constantly coughing with nothing coming up – my body is wasted."



James and Patricia

Asbestos-related diseases take decades to develop – most people living with them today will have been exposed well before the tightening of controls and the use of asbestos was banned in 1999. However, around five thousand people a year die from asbestos related illnesses.

The current regulations have led to a significant reduction in exposure and the number of people developing asbestos-related illness is predicted to fall as we get further from the date asbestos was banned.

The current regulations state that where asbestos is present in buildings it must be managed, maintained in a good condition, and stay undisturbed. If this level of protection cannot be achieved, then asbestos must be removed.

HSE's approach to asbestos management is based on evidence that is constantly reviewed.

HSE is running an awareness campaign, [Asbestos and You](#), targeting tradespeople with information about the personal risks from asbestos that still exist across the country today. Younger tradespeople could be at risk when drilling or cutting into material without checking whether it contains asbestos.

Publication of HSE's figures falls as Action Meso Day takes place today (7 July). This is a national campaign to raise awareness of the asbestos cancer, mesothelioma, and the dangers of asbestos.

James continues to receive treatment at Clatterbridge Hospital in Wirral and added: "Thankfully I've got my three sisters who live nearby, a good circle of friends and neighbours so someone is here with me every day. I don't know how I'd cope without them.

"People just don't know about mesothelioma and at the time if I knew asbestos was so bad for your health, I'd have never worked with it or around it. Younger tradespeople need to be alert to the danger it poses."

Ali Wellens, health and work policy lead at HSE said: "Stories like James' really hit home the devastating effects past exposure to asbestos can have.

"As we reflect on Action Meso Day we want all tradespeople, of any age, to

take the risk from asbestos seriously.”

Visit HSE’s website for [further guidance on asbestos](#).

James’ story was supported through [Merseyside Asbestos Victim Support Group](#).

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3. Further details on the latest [HSE news releases](#) is available.

[Tata Steel UK Ltd fined after worker suffers permanent brain damage](#)

Tata Steel UK has been fined £120,000 after a worker suffered serious head injuries after being hit in the face with a scaffold pole, causing him to fall backwards.

Gavin Rowlands, an employee at Monolithic Refractories Limited, sustained permanent brain damage as a result of the incident on 3 April 2017.

He had been preparing to start a paddle mixer to mix concrete at Tata Steel UK’s site in Port Talbot, Wales. The paddle mixer door however would not open as hard concrete had built around it.

Using a scaffold pole, one of Mr Rowland’s colleagues managed to open the door. This caused the pole to spin and hit Mr Rowlands in the face with such force that he was thrown backwards, hitting his head and losing consciousness.

This led to Mr Rowlands breaking his jaw and suffering permanent brain damage.

A Health and Safety Executive (HSE) investigation found Tata Steel UK provided an unguarded mixer for Monolithic’s employees to use and that the mixer’s door regularly jammed. Tata Steel UK also failed to ensure that there was a safe system of work in place to release the mixer’s door.

The investigation also found that as the mixer was unguarded, workers were able to develop and adopt an unsafe system of work to release the door, which

ultimately resulted in Mr Rowlands injuries. Tata Steel UK also failed to supervise workers that were using the mixer at its site.

Tata Steel UK Limited, of Grosvenor Place, London, pleaded guilty to breaching Section 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. The company was fined £120,000 and ordered to pay £14,138.06 in costs at Swansea Crown Court on 5 July 2023.

HSE inspector Gethyn Jones said: "This incident could so easily have been avoided by implementing suitable control measures and safe working practices.

"Ensuring that safe systems of work are adopted and supplemented with adequate supervision to ensure they are followed is a fundamental requirement of the Health and Safety at work etc Act 1974. 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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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. Following a trial at Swansea Crown Court, Monolithic Refractories Limited was found not guilty to breaching Section 2 of the Health and Safety at Work etc Act 1974.

[Work-related fatality figures published](#)

- **135 workers died in work-related incidents in 2022/23**
- **2,268 mesothelioma deaths in 2021 through past exposure to asbestos**

One hundred and thirty-five workers were killed in work-related incidents in Great Britain in the last year, according to figures published today (Thursday July 6) by the Health and Safety Executive.

The industries with the highest deaths were construction (45), agriculture, forestry, and fishing (21), manufacturing (15), and transportation and storage (15). Agriculture, forestry, and fishing has the highest rate of fatal injury per 100,000 workers of all the main industrial sectors followed

by waste and recycling.

The annual data release published by the Health and Safety Executive (HSE), Great Britain's workplace regulator, covers the period from April 2022 to March 2023.

The three most common causes of fatal injuries are falls from height (40), being struck by a moving object (29), and being struck by a moving vehicle (20).

The total of 135 worker deaths in 2022/23 is higher than the previous year (123) but is in line with pre-pandemic levels. The figure for 2020/21 was 145.

Great Britain is one of the safest places in the world to work. There has been a long-term downward trend in the rate of fatal injuries to workers, though in the years prior to the coronavirus pandemic the rate was broadly flat.

A further 68 members of the public were killed following a work-related incident in 2022/23. This is a decrease of 20 from last year.

HSE's Chief Executive Sarah Albon said: "Any loss of life in the workplace is a tragedy.

"While these figures show Great Britain is one of the safest countries in the world to work, safety must continue to be at the top of everyone's agenda.

"Our mission is to protect people and places and we remain committed to maintaining safe workplaces and holding employers to account for their actions."

HSE has also published the annual figures for Mesothelioma, a cancer caused by past exposure to asbestos. The figures show 2,268 people died from the disease in 2021. This is a fall of 302 compared with the 2,570 deaths in 2020 and substantially lower than the average of 2,520 deaths per year over the period 2012-2019.

Asbestos-related diseases take decades to develop. Most people with them today will largely have been exposed before the tightening of controls and the use of asbestos was banned in 1999.

The current regulations state that where asbestos is present in buildings it must be managed, maintained in a good condition, and stay undisturbed. If this level of protection cannot be achieved, then asbestos must be removed.

These regulations have led to a significant reduction in exposure and the number of people developing asbestos-related illness is predicted to fall as we get further from the date asbestos was banned in 1999. Prior to that point, asbestos was used extensively in construction.

HSE's approach to asbestos management is based on evidence that is constantly reviewed. HSE has recently launched a campaign called Asbestos & You to raise

awareness of the risks associated with the dangerous substance.

Find out more about the [Asbestos and You](#) campaign, and visit HSE's website for [further guidance on asbestos](#).

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2. Further details on the latest [HSE news releases](#) is available.
3. Work-related fatal injuries: [Statistics – Work-related fatal injuries in Great Britain \(hse.gov.uk\)](#)
4. Mesothelioma statistics: [Mesothelioma statistics for Great Britain, 2023 \(hse.gov.uk\)](#)

[Haulage company fined £150,000 after employee death](#)

A family run haulage and storage business, has been fined following the death of a 25-year-old employee at its premises in East Lothian.

Andrew Black Limited was fined £150,000 after the death of Grant Borton, an experienced LGV driver on 31 December 2022.

Edinburgh Sheriff Court heard that after finishing his driving duties, Mr Borton was using the on-site wash bay to clean his vehicle in preparation for his next shift. Upon exiting the wash bay, he raised the body of his tipper vehicle and [made contact with overhead powerlines](#) which resulted in his death by electrocution.

An investigation by the Health and Safety Executive (HSE) into the incident revealed that a failure to ensure suitable control measures were in place resulted in Mr Borton being electrocuted. Had the risks been recognised and simple controls been implemented, his death could have been avoided.

On 4 July 2023, Andrew Black Limited pleaded guilty to breaching Regulation 4(3) of the Electricity at Work Regulations 1989 and were fined £150,000.

Speaking after the case HSE Principal Inspector Fiona MacNeill said "This incident could so easily have been avoided by simply ensuring suitable control measures and safe working practices were in place. [HSE guidance](#) clearly sets out the requirements to avoid the risk, or where this is not

reasonable, implement suitable controls including establishing safety zones.

“Accidental contact with live overhead power lines kills people and causes many serious injuries every year particularly in agriculture and construction. Companies should be aware that we will not hesitate to take appropriate action against those that fall below the required standards.”

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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 about working [around overhead powerlines](#) is available.