

Housing company fined more than £500,000 after worker suffers burns

A housing company based in Kent has been fined £528,000 after an employee repairing a fence post inadvertently struck an underground cable, suffering burns to his face.

The MHS Homes employee and a colleague had been tasked by the company to repair three fence posts in a back garden of a tenant on 10 January 2023. They had already repaired two of the posts and started on a third, when one of the workers struck an underground electrical cable as he tried to break through some concrete using a breaker.

The company failed to provide the employees with information on the location of, or the tools to safely excavate around, an electrical cable and gas pipe.

An investigation by the Health and Safety Executive (HSE), found that MHS Homes often excavated the ground. However, they never provided any information to employees on the location of underground services and did not provide suitable equipment to detect and safely excavate underground services. They had previously identified the risk of underground services in a risk assessment in 2017.

On this occasion, the two employees were digging not only by an electrical cable, but also a gas service. This heightened the risk of a fire or explosion, with the potential to kill not employees and members of the public nearby, as well the risk of destroying property.

MHS Homes of Broadside, Leviathan Way, Chatham, Kent pleaded guilty to breaching Regulation 16(2), by virtue of non-compliance with Regulation 25(4), of The Construction (Design and Management) Regulations 2015. The company was fined £528,000 and must pay £4,122 in costs following a sentencing hearing on 24 April 2024.

After the hearing, HSE inspector Peter Bruce, said: "Underground services are widespread and represent a significant risk. It is important measures are taken to identify them before any excavation work is undertaken.

"On this occasion, an electrical cable was struck and a worker suffered minor injuries. However it could have been much worse and potentially fatal.

"Those excavating the ground need to ensure that they obtain service plans prior to the work taking place. It is also vital that employees are provided with the correct tools and detection equipment to do their work safely."

This prosecution was brought by HSE enforcement lawyer Rebecca Schwartz and supported by HSE paralegal officer Ellen Garbutt.

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.
4. Guidance on [working with underground services](#) is available.