

# HSE to prosecute Priory Healthcare Limited

Priory Healthcare Ltd appeared before Westminster Magistrates' Court today, Wednesday 20 April, and pleaded guilty to failing to discharge a duty under Section 3(1) Health and Safety at Work etc. Act 1974. It's conviction follows the death of 21-year-old Francesca Whyatt after she was discovered unconscious at The Priory Hospital, Roehampton on 25 September 2013.

An HSE spokesperson said: "We acknowledge this case has been referred to Southwark Crown Court for sentencing and will comment further after this hearing, the date for which is yet to be confirmed."

Ends

## **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](https://www.hse.gov.uk)<sup>[1]</sup>
2. HSE news releases are available at <http://press.hse.gov.uk><sup>[3]</sup>
3. Please see the link below to the page on HSE's website that is the best guide to doing it the right way

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# North West construction company fined after building collapse

A Manchester construction company was fined after much of a three-bedroom domestic property in Stretford collapsed during a loft conversion and ground floor extension work.

Manchester Magistrates' Court heard that on 4 May 2020, Mughal Construction Limited had been carrying out a loft conversion when it collapsed, causing workers to flee from the site. The building had insufficient temporary supports and workers did not have sufficient skills, knowledge and experience, to carry out the work safely.

An investigation by the Health and Safety Executive (HSE) found that the company had failed to properly plan, manage, and monitor the work. It had failed to provide adequate health and safety measures to prevent the risk of

collapse at the property including sufficient measures to ensure it remained safe and stable.

Mughal Construction Limited of Levenshulme Trading Estate, Printworks Lane, Manchester pleaded guilty of breaching Regulations 13(1) and 19(1) of the Construction (Design and Management) Regulations 2015. The company was fined £30,000 and ordered to pay costs of £3,000.

HSE inspector, Phil Redman, said after the hearing: "This was a very serious incident, and it is fortunate nobody was injured as a result of the collapse. Where contractors fail to take suitable and sufficient precautions whilst carrying out structural alterations HSE will take appropriate action including prosecution."

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. More information about working safely at height can be found at: <http://www.hse.gov.uk/toolbox/height.htm>
4. HSE news releases are available at: <http://press.hse.gov.uk>

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## **Construction company fined after child struck by wall collapse**

Gurmit Properties Limited were fined today for safety breaches after a substantial part of a wall at a construction site at Barnsley Road, South Elmsall collapsed, seriously injuring a child.

Leeds Magistrates' Court heard that, Gurmit Properties Limited (GPL) were the owners of the site at Barnsley Road, South Elmsall. The company had previously received a large delivery of aggregate, which was deposited on land next to the construction site. Officials from the local council attended the site and ordered the materials to be removed. GPL then brought the materials back on to their site storing them behind the wall.

On 7th February 2018 an eight-year old child was walking with her mother along Harrow Street, adjacent to GPL's construction site, when she was hit by the collapsing wall. She sustained serious injuries, including crush injuries to her foot which resulted in the amputation of a big toe.

An investigation by the Health and Safety Executive (HSE) found that GPL had not assessed the structural integrity of the wall to ensure it was safe to be used as either a secure boundary for the site or as a retaining wall for storing materials. When the materials were stored against the wall it failed and this led directly to the collapse and the injuries to the child.

GPL were a client and a contractor within the meaning of Construction (Design and Management) Regulations 2015 and failed in their duty to ensure that the wall was either safe for use as a secure site boundary or as a retaining wall for storing materials.

Gurmit Properties Ltd of Albion Street Castleford West Yorkshire pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £22,500 and ordered to pay £11,998.80 in costs.

After the hearing, HSE inspector Chris Tilley commented: " The company should have appointed a competent person to carry out an assessment of the wall at the start of the project to establish whether it was safe to use as a boundary wall and then carried out a similar assessment when the wall was then used as a retaining wall for storing materials.

"This incident could have been avoided by simply carrying out correct control measures and adopting 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."

Ends

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<https://www.hse.gov.uk/pubns/books/hsg151.htm>

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# Property Management Company fined following a gas explosion

Holt Estates England Ltd has been fined after a homeowner sustained burns when gas escaping from an open-ended pipe ignited.

North Somerset Magistrates' Court heard that following pre-sale refurbishment work at a property in Chard a gas cooker was disconnected from the gas pipe, but the pipe was not sealed off properly leaving an open-ended pipe connected to the mains gas supply, which was only turned off at the meter.

The cooker hob was removed during refurbishment in late summer 2018 when the property was empty.

On 25 January 2019 the new owner moved in and turned the gas on to use the central heating boiler. Unfortunately, he did not know about the open pipe which immediately began to leak gas.

As he was trying to turn on his cooker, the leaked gas ignited. This resulted in a small explosion and fire. The homeowner Mr Robins sustained smoke inhalation and burns, which required hospital treatment

An investigation by the Health and Safety Executive (HSE) found that the company in control of the refurbishment work had failed to ensure so far as was reasonably practicable that persons not in their employment were not exposed to risks to their health and safety from the gas installation.

Holt Estates England Ltd of High Street in Caterham, Surrey was found guilty of breaching Section 3(1) of the Health and Safety at Work Act. The company was fined £40,000 and ordered to pay costs of £11,105.90

Speaking after the hearing, HSE inspector Dawn Lawrence said: "This was a terrifying incident for the homeowner and could have proved fatal.

"Anyone employed to work on gas appliances in domestic premises must be a Gas Safe registered engineer and competent in that area of gas work. Homeowners and residents can check that a gas engineer is correctly registered through the Gas Safe website.

"HSE will not hesitate to take appropriate action against those who fall below the required standard."

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  3. HSE news releases are available at <http://press.hse.gov.uk>
  4. More information about the Gas Safe register can be found here: [The Official List of Gas Safe Registered Businesses](#)
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## [Chemical company fined after worker suffered burns](#)

Robert McBride Ltd was sentenced today for safety breaches after a 31-year-old worker suffered 13 per cent superficial burns to his right arm and hand following the ignition of flammable vapours at the company's site in Hull.

Beverley Magistrates' Court heard that on 21 August 2017, a batch of hairspray was being mixed in a 10,000 litre stainless steel mixing vessel. Flammable vapours were created within the mixing vessel as a result of heating.

Ethanol was pumped directly into the vessel via pipework from an external storage tank. Other constituents (liquid and powder) were added to the vessel via a manway lid on the top of the vessel. The mixing process then required the addition of heat via an integral steam coil within the vessel.

As the worker was adding powders into the vessel via the lid using a metal scoop, flammable vapours leaving the vessel via the lid ignited, briefly engulfing his upper torso.

An investigation by the Health and Safety Executive (HSE) found there was an extraction system at the lip of the manway lid to remove vapours from this area, but it was not adequate to prevent a build-up of a flammable atmosphere. The ignition source is likely to have been a spark from the metal scoop, or static electricity build up on the workers clothing.

Robert McBride Ltd of Hornscroft Park, Kinswood, Hull pleaded guilty to breaching Regulation 6(1) of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR) 2002. The company was fined £480000 and ordered to pay costs of £13,441.80.

Speaking after the hearing, HSE inspector David Stewart said: "Dutyholders should carry out a DSEAR risk assessment in areas where there is a potential for the creation of explosive or flammable atmospheres in order to identify adequate control measures."

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[DSEAR Regulations – Fire and explosion \(hse.gov.uk\)](http://hse.gov.uk/dsear-regulations-fire-and-explosion)