

# Care provider fined after an employee sexually assaulted and raped by a Service User

The Action Group has been fined after an employee was abducted, assaulted, sexually assaulted and raped in the course of her duties by one of their service users.

Edinburgh Sheriff Court heard that on 27 December 2018, at a domestic property in Edinburgh, a young female employee of the Action Group visited a service user to provide support services. The service user was a male adult with additional support needs. During the visit she was abducted, assaulted, sexually assaulted and raped by the service user to whom she was providing support.

An investigation by the Health and Safety Executive (HSE) found that the Action Group did fail to make a suitable and sufficient assessment of the risks to the health, safety and welfare of their female employees posed by this specific service user. They found a history indicating that female employees had been raising concerns about their safety with this service user since March 1994.

The Action Group of North Park Centre, 57 Albion Road, Edinburgh EH7 5QY pled guilty to breaching Regulation 3(1)(a) of The Management of Health and Safety at Work Regulations 1999, and Section 2(1) and 33(1)(c) of The Health and Safety at Work etc Act 1974.

After the hearing, HSE Inspector, Kerry Cringan said: "This was a harrowing case for all involved and could have been avoided by carrying a suitable assessment of the risks, particularly those posed to female members of staff. Had the behaviours of the service user been addressed appropriate control measures and safe working practices could have been adopted to reduce the risk to all staff".

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

## **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. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](http://legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>

4. For more information on working safely with vehicles at work, please visit: <https://www.hse.gov.uk/workplacetransport/>

The post [Care provider fined after an employee sexually assaulted and raped by a Service User](#) appeared first on [HSE Media Centre](#).

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## **Company fined after several workers contracted occupational disease**

Construction company Peter Duffy Ltd was sentenced today for safety breaches after multiple employees were diagnosed with Hand Arm Vibration (HAVS).

Leeds Magistrates' Court heard that the company reported seven cases of HAVS between November 2016 and August 2018. All of the workers involved had been carrying out ground works involving vibrating tools. Many of them had been working in the industry for over 20 years.

An investigation by the Health and Safety Executive (HSE) found that in 2016 the company contracted a new occupational health provider to replace their existing one. The diagnosis of the workers' conditions resulted from these changes. Prior to the new company taking over the contract, there was no suitable health surveillance in place to identify HAVS.

Peter Duffy Ltd of Park View, Lofthouse, Wakefield pleaded guilty to breaching Section 2 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £40,000 and ordered to pay £3,919 in costs.

Speaking after the hearing, HSE inspector Chris Tilley said: "The company should have undertaken a suitable and sufficient risk assessment to identify the level of vibration employees were exposed to throughout their working day and then put in place appropriate control measures.

"Furthermore, the company should have put in place suitable health surveillance to identify HAVS in their workforce"

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4. Please see the link below to the page on HSE's website that is the best guide to doing it the right way:

[www.hse.gov.uk/vibration/hav/index](http://www.hse.gov.uk/vibration/hav/index)

The post [Company fined after several workers contracted occupational disease](#) appeared first on [HSE Media Centre](#).

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## [Ship building company fined after employee killed by falling steel post](#)

A Merseyside shipbuilding and repair company has been fined after an employee was fatally injured when struck by a 31-foot steel post.

Liverpool Magistrates' Court heard how on 30 March 2017, the 23-year-old employee and four other workers of Carmet Marine Limited had been adapting or 'regulating' the bogie, which is used to land and launch vessels on and off the company's slipway by the River Mersey. One of the bogie's steel side-posts weighing approximately 1800kg fell and fatally struck the employee on the back of the head.

An investigation by the Health and Safety Executive (HSE) found that the steel side-post had only been secured to the crossbeam on the bogie by two slackened bolts and was not supported by a crane or other means at the time of the incident. Carmet Marine Limited failed to carry out a suitable and sufficient risk assessment and implement a safe system of work. In addition, the company did not provide the information, instruction, training and supervision necessary to ensure the health and safety at work of its employees during the task of regulating the slipway.

Carmet Marine Limited of Riverbank Road, Bromborough, Wirral, pleaded guilty to breaching section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £25,000 and ordered to pay costs of £15,000.

Speaking after the hearing, HSE inspector Lorna Sherlock said: "This incident was entirely preventable if the risk had been identified and suitable control measures put in place. Adequate training and supervision should also have been in place to ensure the regulating of the slipway was carried out safely by employees."

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2. More about the legislation referred to in this case can be found at:

[www.legislation.gov.uk/](http://www.legislation.gov.uk/)

3. More information about planning and organising lifting operations can be found at:

[Planning and organising lifting operations – Work equipment and machinery](#)

4. HSE news releases are available at <http://press.hse.gov.uk>

The post [Ship building company fined after employee killed by falling steel post](#) appeared first on [HSE Media Centre](#).

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## [Furniture company fined for safety failure after driver injured](#)

A furniture manufacturer based in Ilkeston, Derbyshire has been fined after a delivery driver sustained serious leg injuries when he was struck by a reversing lorry in the yard.

Derbyshire Magistrates Court heard how a visiting contractor driver had arrived at Belfield's' site in Furnace Road, Ilkeston, parked in position and pulled open the curtains of his lorry trailer for loading by a Belfield Furnishings' employee. Once loaded, the visiting driver was tightening the trailer straps to secure the load when another contractor vehicle drove onto the site. As the HGV vehicle was reversing into position, it struck the man, knocking him to the floor and trapping his legs under the wheels. He sustained fractures to his right tibia and left foot, leaving him with reduced mobility, psychological damage and unable to work again.

An investigation by the Health and Safety Executive (HSE) found that controls in the yard were inadequate. There was no segregation between vehicles and pedestrians to prevent this type of incident occurring.

Belfield Furnishings Limited of Furnace Road Ilkeston Derbyshire pleaded guilty

of breaching the Health and Safety at Work etc Act 1974, Section 3(1) in that people not in their employment were not exposed to risks to their health and safety. The company was fined £100,000 and ordered to pay full costs of £18,618.28.

Speaking after the hearing HSE inspector Lindsay Bentley said: "The visiting contractor could have easily been killed. This serious incident could have been avoided if basic safe-guards had been in place to keep people and

vehicles apart.”

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## [HSE calls on farmers to make safety a priority after a series of serious incidents](#)

Britain’s workplace regulator says more must be done to improve farm safety after being notified of four fatalities on farms in just over a fortnight.

Fatal incidents the Health and Safety Executive (HSE) has become aware of include the death of a three-year-old boy in Wales and a suspected cattle-trampling in Chippenham earlier this week.

There has also been a report of a separate incident involving members of the public being attacked by cattle.

The incidents come just three weeks after Farm Safety Week, when HSE issued its [Fatal injuries in agriculture, forestry and fishing in Great Britain 2020/21](#) report highlighting the high fatality rate in the industry.

The figures showed that agriculture has the worst rate of fatal injuries of all the major industrial sectors, around 20 times higher than the average five-year annual rate across all industries.

HSE's acting head of agriculture Adrian Hodkinson said: "While we must respect the ongoing investigations following these tragic incidents, most injuries or deaths that we've historically seen on farms have been both predictable and preventable.

"Despite the efforts of the Farm Safety Partnership in particular, an industry-wide change in attitude is needed for farmers to take action to protect themselves and others to the well-known risks they face.

"At this time of year, we have additional factors such as the school holidays and higher numbers of members of the public enjoying the summer weather and walking along public footpaths through fields with cattle.

"But we ask that farmers, farm workers and farming contractors take the right steps to stop these incidents. At this time of year, it's important to manage risk from livestock and, with harvest well underway, to work safely with farm machinery.

He added: "The fatality rate within the sector is high, but there are simple measures workers can take to reduce risk including making sure to switch off the power to vehicles or machinery before attempting to carry out repairs, keeping people away from moving vehicles; and ensuring dairy bulls, and cows with calves are not in fields with public footpaths.

"We are urging people who work on farms to make safety a priority and help us to reduce the number of deaths and injuries in the industry."

Guidance in [managing livestock](#), [reducing the risks to children and the public](#), and [maintaining farm vehicles and machinery](#) is available on the HSE website.

Workers within the sector are also encouraged to seek help and advice from any of the Farm Safety Partnerships or leading farming organisations if they require guidance and support for specific tasks or activities.

#### Fatal incidents:

- Tuesday 27 July 2021: An investigation, led by Police Scotland with support from HSE, is ongoing after a man died in an apparent fall from height at a farm in Angus, Scotland.
- Tuesday 3 August 2021: An investigation, led by Dyfed Powys Police with support from HSE, is ongoing after a three-year-old boy died following a collision with a vehicle at a farm in Carmarthenshire, South Wales.
- Monday 9 August 2021: An investigation, led by Hampshire Police with support from HSE, is ongoing after a man died in a crushing incident involving a ramp falling from a truck at a farm in Hampshire.
- Tuesday 10 August 2021: An investigation, led by Avon and Somerset Police with support from HSE, is ongoing after a man was found with fatal injuries and surrounded by cattle at a field in Chippenham.

#### 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. The Fatal injuries in agriculture, forestry and fishing in Great Britain 2020/21 report highlights trends and provides summaries of each fatality involving employees, the self-employed and members of the public. The full report along with summaries of the circumstances of the individual fatal injuries can be read [here](#)
3. HSE continues to work with stakeholders across the farming and forestry sector to keep up the pressure to manage risk in the workplace to reduce the likelihood of serious injury, ill health and death. In relation to our response to Covid-19, this includes working with others e.g. public health authorities and government departments.
4. For information on how to stay healthy and safe in agriculture see HSE guidance [What a good farm looks like](#) and [Farmwise: Your essential guide to health and safety in agriculture](#).
5. Work related injuries must be reported to HSE by law. For information on the criteria for Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 visit: [\(RIDDOR\)](#)

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