

Her Majesty's Prison & Probation Service accepts Crown Censure after prison officers sustain serious burns in training exercise

Her Majesty's Prison & Probation Service (HMPPS) has been issued with a Crown Censure by the Health and Safety Executive (HSE) after nine prison officers suffered burns in a training exercise.

On 28 June 2018, the prison officers were taking part in a petrol bomb training exercise as part of an eight-day commanders' course at The National Tactical Response Group (NTRG) training facility when the incident occurred. On completion of the course officers would be qualified to play an important leadership role should a prison disorder take place.

It was an extremely hot day with temperatures in excess of 30 degrees and no breeze. The staff had set up a water fountain near to the exercise space where officers could cool off whilst wearing their protective kit.

Each of the trainee commanders had already completed the petrol bomb activity twice while leading serials of six prison officers, using their shields for protection, navigating a petrol bomb at their feet and a second petrol bomb to the side without any issues.

After those exercises were complete the trainee commanders were told to form into a serial of 18 in three rows of six and were petrol bombed as a group; witness reports state that between four and 10 petrol bombs were thrown. The officers became engulfed in flames, which burnt through their protective clothing, forcing them to break ranks to try and extinguish the flames underneath the water fountain.

The officers suffered burns to their bodies, varying in severity from minor burns and scalds to third degree burns.

"My clothes were burning, my helmet bubbled up and my body armour was charred", said one of the officers. "One of the petrol bombs hit me on the head and I was overcome with fire, the flames were 12 feet easily, I was really scared as it got hotter and hotter," said another.

An investigation by HSE found that HMPPS did not call an ambulance to the scene and officers were taken to hospital in a minibus. HMPPS failed to report the injuries to HSE until four months after the incident.

The investigation also found that the practice of petrol bombing the whole group of trainee commanders was not part of the official training and there was no requirement for it in any documentation or training manual. The prison officers interviewed had almost 270 years of service between them and had never been petrol bombed in any live disorder incident.

There was a failure to provide adequate risk assessments for the handling of petrol and the exercise itself. The person making the petrol bombs for the exercise had no recall of being trained in the handling of petrol or having any instruction in how much petrol each bomb should contain; and had created a maximum of 48 petrol bombs consisting of two thirds of a pint of petrol in each milk bottle.

The incident has had long term consequences with some of the officers involved reporting that they continue to suffer from their physical injuries and others from symptoms of post-traumatic stress disorder (PTSD).

Carol Downes MBE, an HSE inspector on HSE's Defence and Public Protection Team, said: "HMPPS was using practical training to prepare officers to deal with high risk situations of serious disorder in prison establishments. We accept that this type of training comes with an additional level of risk, but this does not mean that the risks during that training should be uncontrolled.

"HMPPS, like any other employer, has a duty to make sure that where work or training is to be done that causes danger, that danger or risk is controlled as far as they reasonably can. Unfortunately, on this day those risks were not adequately controlled resulting in nine prison officers suffering burn injuries."

By accepting the Crown Censure, HMPPS has acknowledged that but for crown immunity, there was sufficient evidence to provide a realistic prospect of conviction for breaching Section 2(1) & Section 3(1) of the Health and Safety at Work etc. Act 1974.

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. www.hse.gov.uk
2. HSE news releases are available at <http://press.hse.gov.uk>
3. As a Government body, Her Majesty's Prison and Probation Service (HMPPS) cannot face prosecution in the same way as private or commercial organisations this is known as Crown Immunity.
4. Section 2(1) of the Health and Safety at Work etc. Act 1974, states that: "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees".
5. There is no financial penalty associated with a Crown Censure.
6. More information on Crown Censures can be found here: <http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm> [1]
7. The Code for Crown Prosecutors [2] sets out the principles for prosecutors to follow when they make enforcement decisions. HSE's approach to Crown Censure is set out in its enforcement policy statement[3].

The post [Her Majesty's Prison & Probation Service accepts Crown Censure after prison officers sustain serious burns in training exercise](#) appeared first on [HSE Media Centre](#).

[Company sentenced after worker injured in fall from roof](#)

A conservatory and window fitting company has been sentenced after a worker, who was replacing a conservatory roof in adverse weather conditions at a property in Nantwich, slipped and fell sustaining broken ribs and bruising.

Manchester Magistrates' Court heard that on 1 February 2018, the 34-year-old-man was getting down from the roof, when he slipped on ice and fell, landing on step ladders.

An investigation by the Health and Safety Executive (HSE) found that the director of the company at the time of the incident, Andrew Bradshaw, ignored concerns from workers regarding adverse weather. Inspectors also found that there wasn't any edge protection in place to prevent a fall from height.

DNA Home Improvement (Cheshire) Limited of Ideal House, Lower Walsall Street, Wolverhampton pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc. Act 1974. The company was fined £30,000 and ordered to pay costs of £4,771.92.

The former director of the company, Andrew Bradshaw, of Chapel House, Middlewich Road, Minshull Vernon, Crewe pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc. Act 1974 by virtue of section 37(1) of the same act. He was issued with a 12-month community order requiring him to undertake 150 hours of unpaid work. He was also ordered to pay costs of £4,807.62

Speaking after the hearing, HSE inspector Rebecca Hamer said: “The risks from working at height are well known. Those in control of the work have a responsibility to devise safe methods of working, which should include ensuring the use of suitable work equipment and adequate supervision.”

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>

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[HSE is checking businesses in the transport sector are COVID-secure](#)

In the run up to the festive period, the Health and Safety Executive (HSE) is working with local authorities to inspect businesses in the transport and logistics industry to ensure they are managing the risk of coronavirus (COVID-19).

With the current lockdown restrictions, the demand for online shopping is already high and this is expected to increase over the next few weeks. This

will also increase demand in the supply chain for the sector.

HSE inspectors and local authority officers will be visiting warehouses and distribution centres across the country to make sure workplaces are COVID-secure and following the relevant guidance.

Being COVID-secure means that businesses need to put in place workplace controls such as social distancing and cleaning arrangements to manage the risk and protect workers and others from coronavirus.

They will be making sure that businesses have suitable toilet and handwashing facilities for all workers, including visiting drivers. They will also check other health and safety matters if required.

HSE provides a range of advice and guidance to support businesses, this includes:

- [Making your workplace COVID-secure](#)
- [Driver welfare](#)
- [Social distancing – a step-by-step guide](#)
- [Risk assessment](#)
- [Vehicles at work](#)

Information from the visits will be shared to promote good practice and assist the industry in meeting the combined challenges of COVID and the seasonal surge in demand.

Harvey Wild, Head of HSE's Transport and Public Services Unit, said: "The logistics and distribution industry overall has seen a significant increase in business activity over the past few months and, with shops and retail centres closed, there will be a surge in online shopping in the run up to the festive period.

"As a result of this, we will see an increase in the number of agency and temporary workers in the transport and logistics sector to meet the demand. It's important that all workers and also customers feel confident that measures are being taken to protect them from Covid-19.

"Employers have a legal duty to protect workers and others from harm and this includes taking reasonable steps to control the risk and protect people from coronavirus. We encourage businesses to consult with their workers on the changes they put in place to become COVID-secure. This is to provide reassurance for workers and to also increase confidence in customers and the local community.

"Becoming COVID-secure not only benefits the health of our communities and vital businesses, it also good for the health of the UK economy."

We are looking to work with employers but where we find they're not managing the risk, HSE and local authority officers will take action. This can range from the provision of specific advice, issuing enforcement notices and stopping certain work practices until they are made safe. Where businesses fail to comply, this could lead to prosecution.

Further guidance is also available for [England](#), [Wales](#) and [Scotland](#).

You can also receive information on HSE's latest inspections and campaigns by [signing up to our newsletter](#).

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3. For HSE's working safely guidance see <https://www.hse.gov.uk/coronavirus/working-safely/index.htm>

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[Plastics manufacturer fined after employee was injured by machinery](#)

A plastics manufacturer, who specialises in the manufacturing of traffic barriers and cones, has been fined after an employee's finger was severed due to inadequately guarded machinery.

Manchester Magistrates' Court heard how, on 5 November 2018, the 36-year-old employee of Melba Products Limited had been refilling the hopper of a blow moulding machine with plastic granules from bags at their site on Manchester Road, Bury. Work gloves that had been inside one of the bags fell into the hopper and through the guard. Whilst reaching through a large gap in the top of the hopper guard to retrieve the gloves, his middle finger contacted dangerous parts of the blender resulting in it being severed down to the knuckle of his second finger.



An investigation by the Health and Safety Executive (HSE) found that the blender had not been sufficiently guarded to prevent access to dangerous parts of machinery. There was a large gap of approximately 4 x 5 inches towards the top of the hopper guard. The injured employee had only been operating the machine for one week prior to the incident.

Melba Products Limited failed to carry out a risk assessment of the blender, to put in place appropriate control measures to prevent access to dangerous parts and to implement a suitable system of training and supervising of new starters.

Melba Products Limited of Bury, pleaded guilty of breaching section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £125,000 and ordered to pay costs of £5,387.

HSE inspector Alex McFarland said after the hearing: "This injury was entirely preventable and could have been avoided by ensuring the machine was being operated safely, with a suitable guard in place. Adequate supervision should also have been in place to ensure the machine was being used safely by newer operatives.

"Employers should make sure they properly assess and apply effective control measures to minimise the risk from dangerous parts of machinery."

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2. More about the legislation referred to in this case can be found at: www.legislation.gov.uk/
3. More information about safe use of machinery can be found at <https://www.hse.gov.uk/toolbox/machinery/safety.htm>
4. HSE news releases are available at <http://press.hse.gov.uk>

The post [Plastics manufacturer fined after employee was injured by machinery](#) appeared first on [HSE Media Centre](#).

[Construction company fined after a dumper truck overturned trapping an employee](#)

A construction company was fined after a driver was trapped when a dumper truck overturned at a site in Liskeard, Cornwall.

Plymouth Magistrates' Court heard how on the 12 April 2019 an employee became trapped when the truck overturned on the construction site. The employee was not wearing a lap belt and was operating the dumper truck without deploying the roll-over protective structure. He suffered multiple crush injuries to his body, when the dumper overturned.

An investigation by the Health and Safety Executive (HSE) found the company, Jim Elliot & Son, had failed to assess the competence and the skills of the operator ahead of work on the refurbishment project. The company also failed to induct the employee on starting work at the site thus failing to identify that the employee had the necessary skills, knowledge and experience to operate the dumper.

It was also identified that the company had failed to undertake a risk assessment or prepare a construction phase plan. These measures, along with a suitable site induction would have identified that the employee did not have the required competence, training, skills and knowledge to ensure that the work was carried out safely and the dumper operated in accordance with its operator's manual.

Jim Elliott of The Grove, Crow's Nest, Liskeard, Cornwall was found guilty of

breaching Section 13(1) of the Construction (Design and Management) Regulations 2015. The company was fined £850 and ordered to pay £2,000 in costs.

Speaking after the hearing, HSE inspector Georgina Symons said: "This incident could have easily been prevented if the company had assessed the risk related to operating site dumpers and ensured that its workers had the skills and competence necessary to do so safely."

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