

# Company fined as HSE inspection identifies failures

A manufacturing business in Lincolnshire has been fined for failing to protect its workers from hazardous substances.

A Health and Safety Executive (HSE) inspection of W.S. Barrett and Son Limited's site at Riverside Industrial estate in Boston, Lincolnshire, found the company's workers were being potentially exposed to welding fume and dusts from powder coating.

Welding fume is carcinogenic and can cause other serious illnesses such as occupational asthma. Exposure to coating powders can also cause occupational asthma and skin irritation.



The company was served with Improvement Notices following issues with Local Exhaust Ventilation systems.

The inspection on 25 March 2022 found that an on-tool extraction system on the welding tools was in a poor state of repair and that Local Exhaust Ventilation systems, provided to capture welding fume and dusts from powder coating in order to protect employees' health, had not been thoroughly examined and tested.

A subsequent HSE investigation found W.S. Barrett and Son Limited, a specialist manufacturer for the agricultural and horticultural industries, had failed to ensure that its Local Exhaust Ventilation systems, which controlled workers' exposure to welding fume and dusts from powder coating, had been thoroughly examined and tested.

The company had already been warned about its Local Exhaust Ventilation

systems, during a previous HSE inspection on 13 February 2018, the company was served with Improvement Notices following issues with Local Exhaust Ventilation systems. The company failed to comply and was prosecuted as a result.



The company was served with Improvement Notices following issues with Local Exhaust Ventilation systems.

HSE guidance can be found at: [Welding fume: protect your workers – Overview – HSE & Surface engineering – Reducing risks associated with using coating powders – employers \(hse.gov.uk\)](https://www.hse.gov.uk/welding-fume-protect-your-workers-overview-hse-surface-engineering-reducing-risks-associated-with-using-coating-powders-employers)

W.S. Barrett & Son Limited, of Marsh Lane, Boston, Lincolnshire, pleaded guilty to breaching Regulation 9(1) and Regulation 9(2) of the Control of Substances Hazardous to Health Regulations 2002. The company was fined £10,000 and ordered to pay £3,625.20 in costs at Lincoln Magistrates' Court on 22 November 2023.

HSE inspector Stacey Gamwell said: "W.S. Barrett & Son Limited could have ensured that its Local Exhaust Ventilation systems were thoroughly examined and tested to ensure that they were working as intended to protect the health of its employees.

"This case highlights the importance of regular maintenance and inspection of control measures including Local Exhaust Ventilation, to ensure equipment remains in an efficient state, in efficient working order, in good repair and in a clean condition."

This HSE prosecution was brought by HSE enforcement lawyer Jonathan Bambro.

**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)
  2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
  3. HSE news releases are available at <http://press.hse.gov.uk>
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## [HSE publishes annual work-related ill health and injury statistics for 2022/23](#)

Nearly two million workers in Great Britain reported suffering from work-related ill health in 2022/23.

The Health and Safety Executive (HSE) has today (Wednesday 22 November) published [its annual statistics on work-related ill health and workplace injuries](#).

The statistics reveal that 1.8 million workers reported they were suffering from work-related ill health in 2022/23, with approximately half of the cases down to stress, depression or anxiety.

In the recent years prior to the COVID-19 pandemic, the rate of self-reported work-related ill health had been broadly flat, but the current rate is higher than 2018/19.

There were an estimated 875,000 cases of work-related stress, depression or anxiety in 2022/23. The current rate of self-reported work-related stress, depression or anxiety is higher than the pre-pandemic level .

An estimated 35.2 million working days were lost in 2022/23 due to self-reported work-related ill health or injury.

HSE's chief executive Sarah Albon said: "Preventing or tackling work-related stress can provide significant benefits to employees, improving their experience of work and their overall health; and also to employers including increased productivity, decreased absenteeism and reduced staff turnover."

HSE's statistics also reveal the impact work-related ill health and workplace injuries are having on Britain's economic performance.

In 2021/22, the estimated annual costs of workplace injury and new cases of

work-related ill health reached £20.7 billion, representing a £1.9 billion increase compared with 2019/20.

The figures also show that 135 workers were killed in work-related accidents in 2022/23, while 561,000 workers sustained a self-reported non-fatal injury in the workplace during the same period.

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2. Details on HSE's work-related mental health campaign, Working Minds, can be found here [Working Minds – Work Right to keep Britain safe](#)
3. Details on HSE's new 10-year strategy can be found here [HSE strategy 2022 to 2032 – About us – HSE](#)
4. HSE's annual statistics on work related ill health and workplace injuries 2022/23 can be found here – [Statistics – About HSE statistics](#)

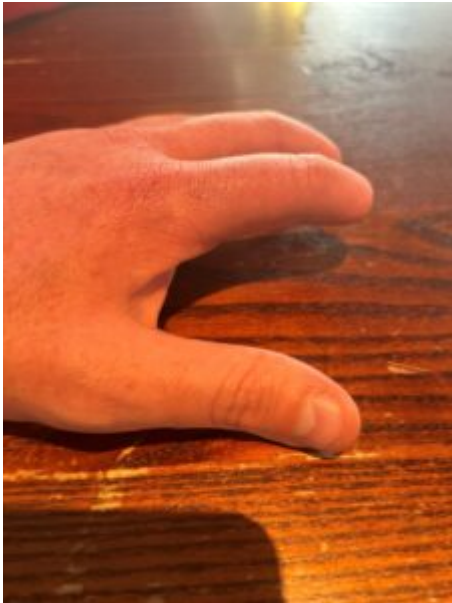
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## **McCain Foods fined after employee loses fingers**

A frozen food company has been fined £700,000 after an employee lost two of his fingers following an incident at the firm's premises in Lincolnshire.

Tom Matthews, from Grantham, now champions health and safety in his current job at a different company, warning others to avoid his misfortune.

He had been working a night shift at McCain Foods' site in Easton on 2 September 2019 when he suffered serious injuries to his left hand.



Tom Matthews' left hand

While cleaning the company's batter system machinery, the 33-year-old had attempted to remove string dangling from a chute when his left hand was drawn in and contacted the machine's rotary valve.

The index and middle finger were later amputated as a result of the incident.

Tom Matthews, a father-of-two said: "The last four years have been hard and an ongoing struggle both physically and mentally.

"I still have circulation problems in my left hand following the incident that should never have happened.

"While I'm currently working, my new role is with the health and safety team at a different company as I want to use my story as an example to others and make sure something like this doesn't happen again."

A Health and Safety Executive (HSE) investigation found that McCain Foods had failed to provide appropriate guarding to prevent access to the dangerous parts of machinery, namely the rotary valve. It had not conducted an adequate risk assessment of the batter machine and had not provided employees with adequate health and safety training or supervision.

HSE guidance can be found at: [Provision and Use of Work Equipment Regulations 1998 \(PUWER\) \(hse.gov.uk\)](https://www.hse.gov.uk/l24/l24.htm)

McCain Foods (G.B.) Limited, of Havers Hill, Eastfield, Scarborough, North Yorkshire, pleaded guilty to breaching Section 2(1) of the Health & Safety at Work etc. Act 1974 and Section 11(1) of Provision and Use of Work Equipment Regulations 1998 (PUWER). The company was fined £700,000 and ordered to pay £6,508.51 in costs at Lincoln Magistrates' Court on 22 November 2023.

HSE inspector Muir Finlay said: "This incident could so easily have been avoided had the company taken simple steps to guard dangerous parts of machinery and provide employees with suitable training and supervision.

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

This prosecution was led by HSE enforcement lawyer Jonathan Bambro and supported by Rubina Abdul-Karim.

**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.

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## [Priory Healthcare fined following patient death](#)

The company that runs The Priory Hospital has been fined for failing to ensure the safety of patients on the hospital’s Emerald Ward following the death of 21-year-old Francesca Whyatt.

Francesca, from Knutsford in Cheshire, was found unconscious at The Priory Hospital in Roehampton, London. She died three days later.

Priory Healthcare has been fined £140,000 after an investigation by the Health and Safety Executive (HSE).

Francesca died on 28 September 2013. She had been transferred from a local hospital to the Emerald Ward, a specialist unit at The Priory Hospital, in March 2013.

She was found unconscious in a patient lounge on the top floor of the hospital on 25 September.



Francesca Whyatt

Francesca had managed to make her way to the lounge as the hospital responded to an incident involving other patients and used the tights that she was wearing as a ligature.

An investigation by HSE concluded Priory Healthcare Limited failed to ensure the provision of in-patient psychiatric treatment was carried out in such a way that patients were not exposed to risks to their health and safety.

Daniel Whyatt, Francesca's brother, said his sister was a "truly selfless [and] special individual."

Daniel said: "The tragic and untimely death of our beloved sister has had a profound impact, and has repercussions well beyond those conceivable to anyone outside of our little family unit. It has invariably ruined all of our lives, and has muddied the precious memories we have of Francesca.

"It is a strange thing to note that it is just as difficult to write her name as it is to speak it, all these years later it is still so raw. We should be able to talk about her fondly, with a smile... instead every mention of her is done so in anger and rage and it feels like being stabbed in the heart.

"It is extremely overwhelming. Francesca had a proclivity for helping everyone she met and changed their lives in positive and meaningful ways, often at her own expense. She was a truly selfless, special and unique individual."

Priory Healthcare Limited, of Hammersmith Road, Hammersmith, London, pleaded guilty to failing to discharge a duty under Section 3(1) Health and Safety at

Work etc. Act 1974. The company was fined £140,000 at Southwark Crown Court on 14 November 2023. Costs will be decided at a later date.

Paul Hems, HSE's head of operations for London, said: "This incredibly sad case highlights the need for suitable and sufficient systems to be put in place to monitor patients.

"Employers should be aware that HSE will hold to account those who do not comply with health and safety legislation. It should also be noted that similar incidents which have taken place after April 2015 will be enforced by the Care Quality Commission (CQC)."

**/Ends**

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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 the Mid Staffordshire NHS Foundation Trust Public Inquiry and the publication of the Francis Report, the Care Quality Commission (CQC) was given powers to carry out criminal investigations and bring prosecutions. These took effect in April 2015. Since that time, in England, the CQC has been the regulator for patient health and safety matters, with HSE regulating health and safety for workers and members of the public. A revised memorandum of understanding reflecting these changes and setting out areas of responsibility was agreed by the two organisations which is available on HSE's website. [MoU between the Care Quality Commission \(CQC\) and HSE](#)

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## **[Clare Sullivan and Ged Nichols reappointed to HSE Board](#)**

The Minister for Social Mobility, Youth and Progression has reappointed Claire Sullivan and Ged Nichols as non-executive directors of the Health and Safety Executive (HSE) board for a further three years.

Claire and Ged both serve as employee (trades union) representatives on our



tripartite Board (a board made up of employer, employee and other representatives).



Claire Sullivan has been reappointed as a non-executive director of the HSE board for another three years

Claire is Director of Employment Relations and Union Services at the Chartered Society of Physiotherapists and sits on the General Council of the Trades Union Congress (TUC), and the England NHS Social Partnership Forum.



Ged Nichols is General Secretary of the Accord union

Ged is General Secretary of the Accord union and sits on the Executive Committee, and General Council of the TUC, and is chair of the trustees of the TUC Superannuation Society Ltd.

Recruitment for new non-executive directors is an ongoing process as members come to the end of their terms.

It is managed by the Public Appointments team in the Department for Work and Pensions, our sponsor department, with involvement from our Board Chair, Sarah Newton.

Find out more about [HSE's Board members on our website](#).

## **About HSE**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. HSE also has added responsibilities, such as becoming the appointed Building Safety Regulator. 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).
2. HSE is an Executive Non-Departmental Public Body sponsored by the Department for Work and Pensions (DWP).