

Crown Censure issued following death of soldier

The Health and Safety Executive (HSE) has on, Thursday 3 October, issued the Ministry of Defence (MoD) with a Crown Censure following the death of a reservist soldier in Yorkshire.

Staff Sergeant John McKelvie of Drongan in Ayr, was killed after the Jackal vehicle he was driving rolled multiple times down a steep hill at Catterick Training Area on 29 January 2019.

At the time of the incident, the 51-year-old had been taking part in Jackal driver training with five other Army reservists. The off-road aspect of the training included a number of ascents and descents of steep inclines either side of a valley on land known as 'The Land of Nod'. It was when attempting one of these ascents that the Jackal lost traction and rolled backwards, throwing one of the course leaders from the vehicle as it did so. Staff Sergeant McKelvie remained in the vehicle suffering serious injuries as it rolled. Despite being airlifted to hospital, he died six days later.



Staff Sergeant John McKelvie

John's sister Jacqueline Welsh (pictured below), provided a statement on behalf of the family, which said:

"John was a very outgoing person who loved spending time with his family.

"He was always there for you whenever you needed him.

"He loved his motorbike, and he loved sport and the outdoors. He was full of action!"



John with his sisters Jacqueline Welsh (left) and Cheryl Scott (right)

An investigation by the HSE identified that the training course involved hazardous activities, which gave rise to the potential for the vehicle to roll. This meant those taking part in the training were exposed to risk – however, that did not mean the activity itself should not have taken place. There were other steps that should have been taken to control the dangers with driving the vehicles, however these were not undertaken.

It also found a failure in oversight, meaning the course programme devised progressed too quickly and prevented trainees from developing the necessary expertise and skills before attempting more challenging obstacles on the off-road element of the course.

The risk assessments were not suitable and sufficient, and despite numerous previous ‘rollover events’, the Army failed to foresee what could go wrong.

The investigation also found that standing orders and directions had not been properly followed.

HSE inspector Mark Slater said: “All training, including that which is required to be as realistic as possible, should be planned, risk assessed and executed in such a manner that it does not endanger those who are involved.

“Had the systems implemented by the Army been more robust, Sergeant McKelvie would probably still be alive today.”

This HSE Crown Censure was brought by HSE enforcement lawyer Nathan Cook and supported by HSE paralegal officer Rebecca Forman.

Notes to Editors:

1. The Health and safety Executive (HSE) is Britain’s national regulator for workplace health and safety. [hse.gov.uk](https://www.hse.gov.uk)
2. The MoD cannot face prosecution in the same way as non-Government bodies and a Crown Censure is the maximum sanction for a government body that HSE can bring. There is no financial penalty associated with Crown

Censure, but once accepted is an official record of a failing to meet the standards set out in law.

3. More information on Crown Censures can be found here: <http://www.hse.gov.uk/enforce/enforcementguide/investigation/approving-enforcement.htm>^[1]
4. 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].
5. Following investigations by North Yorkshire Police and the Royal Military Police, the Health and Safety Executive (HSE) was handed primacy of the investigation in December 2020.
6. The Crown Censure was issued on 3 October 2024 during a meeting held at the Army HQ in Andover. General Sir Roly Walker formally accepted the Crown Censure from HSE on behalf of MoD (Army) and acknowledged the offences and deficiencies that led to the death of Staff Sergeant McKelvie.

[Leading sandwich bread baker fined after worker loses finger](#)

A nationwide bakery has been fined more than £360,000 after one of its employees lost a finger in machinery at a site in Northamptonshire.

Jacksons Bakery, a leading supplier of bread used in the commercial making of sandwiches, was given the fine after an engineer had a finger on his right hand caught in a flour sifting machine.

The then 31-year-old was assisting colleagues as they attempted to maintain the machine by clearing a blockage at the plant in Corby on 2 February 2023. Following removal of a guard, as the engineer assisted with the task, he checked the tension of a drive belt and his hand got pulled around the bottom pulley which resulted in the amputation of part of his right middle finger. The engineer was unaware that the machine had been switched back on.



The worker caught a finger in the pulley on a flour sifter machine

An investigation by the Health and Safety Executive (HSE) found that Jacksons Bakery Limited failed to ensure, so far as is reasonably practicable, the health, safety and welfare of all their employees.

In this instance there was a failure to implement a safe system of work ensuring that machinery was isolated and then locked off during maintenance work when fixed guards would be removed.

Additionally, HSE found that engineers were unclear on when to isolate and 'lock out tag out' machines due to an absence of adequate training and instruction – and the fact that it was custom and practice to not robustly isolate and lock off illustrated an absence of adequate supervision and monitoring.

Jacksons Bakery Limited of The Riverside Building, Liverstone Road, Hessle, East Yorkshire, HU13 0DZ, pleaded guilty to contravening a requirement of section 2(1) of the Health and Safety at Work etc Act 1974.

The company was fined £366,666 and was ordered to pay £5,386 costs at a hearing at Wellingborough Magistrates Court on 3 October 2024.

After the hearing, HSE inspector Rebecca Gibson said "This unnecessary incident highlights the duty on employers to ensure that there are robust procedures in place relating to maintenance activities.

"If an appropriate 'lock out tag out' procedure had been produced and implemented and with suitable training, the serious injury would have been avoided."

This prosecution was brought by HSE enforcement lawyer Samantha Wells and supported by HSE paralegal, Rebecca Withell.

Notes to editors:

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
 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. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences in England and Wales can be found [here](#) and for those in Scotland [here](#).
 5. HSE guidance on [machinery safety](#) is available.
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[Chemicals firm fined following explosion](#)

A solvents manufacturer has been fined following an explosion at its factory in the Scottish Borders.

The blast at Rathburn Chemicals in Walkerburn on 10 January 2020 resulted in a laboratory, which was part of the factory, being demolished.

It was likely caused by excessive pentane vapour, generated by the company's distillation process, overheating and being ignited by the site's extraction system.

No one was injured by the explosion.



A Health and Safety Executive (HSE) investigation found Rathburn Chemicals had an inadequate system in place which failed to control the amount of steam and heat being generated during its distillation process. The company also failed to adequately detect any signs of overheating which could lead to flammable vapour being ignited.

HSE guidance can be found at: [The Dangerous Substances and Explosive Atmospheres Regulations 2002 – Fire and explosion \(hse.gov.uk\)](https://www.hse.gov.uk/l24/dangerous-substances-explosive-atmospheres-regulations-2002-fire-and-explosion/)



Rathburn Chemicals (Manufacturing) Limited, of Caberston Road, Walkerburn, Peeblesshire, pleaded guilty to breaching Section 2(1) and Section 33(1)(a) of the Health and Safety at Work etc. Act 1974. The company was fined £40,000 and ordered to pay a victim surcharge of £3,000 at Lothian and Borders Sheriff Court on 20 September 2024.

HSE inspector Isabelle Martin said: “This was a serious incident and it is fortunate that no one was injured by the blast. The explosion could have been avoided had Rathburn Chemicals simply carried out the correct control measures and safe working practices.

“This case also highlights the risks from distilling flammable substances, the need for reliable control measures and adequate training of employees. Companies looking for further advice on this issue can find readily available guidance on the HSE website.”

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[Manufacturing company fined as worker suffers six bone fractures](#)

A manufacturing company has been fined after an employee broke his arm while operating machinery at its site in Warwickshire.

Andrew Elson, from Rugby, suffered multiple fractures to the ulna and radius bones in his right arm while working at Screening Consultancy and Supplies Ltd on 25 November 2022.



1. The radial arm drill that caused Andrew

Elson's injuries

The 54-year-old had been clearing debris off the bed of a radial arm drill at the firm's site on Somers Road in Rugby, when his right hand became entangled in the machine.

This led to Mr Elson sustaining six different bone fractures in his right hand and arm, that required surgery.



2. An X-ray of Andrew Elson's hand showing his hand and arm fractures

He said: "I totally lost my independence for around two months and my wife had to do everything.

"I don't know what the future holds. I work a manual job with my hands, I don't know how long I can continue to do this for.

"I still have trouble using my hands and fingers, and sometimes I wake up and they are stiff, numb, and achy."

An investigation by the Health and Safety Executive (HSE) found Screening Consultancy and Supplies Ltd had failed to undertake a suitable and sufficient assessment of the risk associated with this work activity, and subsequently failed to implement a safe system of work.



3. Andrew Elson sustained six different bone fractures to his right hand and arm

HSE guidance can be found at: [Health and safety in engineering workshops – HSG129 \(hse.gov.uk\)](#).

Screening Consultancy and Supplies Ltd, of Somers Road, Rugby, Warwickshire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £28,000 and ordered to pay costs of £3,616 at Birmingham Magistrates' Court on 19 September 2024.

HSE inspector Charlie Rowe said: "This prosecution highlights how employers should adequately assess the risks and then ensure they have a safe system of work in place for the operation of all machinery."

This prosecution was brought by HSE enforcement lawyer Chloe Ward and Neenu Bains, and supported by paralegal officer Melissa Wardle.

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