

# Construction company fined following fall from height.

Side Extensions Limited, a Hertfordshire-based construction company, has been fined for not having safety measures in place for working at height which caused the fall and death of an 86-year-old woman.

Southwark Crown Court heard that on 2 December 2019 Mrs Iris Keys entered a construction site at St Ann's Hill, Wandsworth, London. She walked up a flight of stairs, across the first floor and fell from the edge of an unprotected stairwell. Mrs Keys suffered serious injuries including a fractured hip, fracture to her right arm, a dislocated left shoulder and lacerations to her forehead and right leg. She subsequently died from her injuries at St George's Hospital five days later.

An investigation by the Health and Safety Executive (HSE) found that Side Extensions Limited was in control of work at height and had a duty to take suitable and sufficient measures to prevent, so far as is reasonably practicable, any person falling a distance liable to cause personal injury. HSE's investigation found it would have been reasonably practicable to ensure that the entire stairwell opening had been boarded over with a suitable material before the removal of the bannisters. This would have allowed a window to be installed without risks to falls. If the stairwell needed to be reopened after installation of the window, temporary guard rails or barriers could have been installed before the board over the stairwell opening had been removed.

Side Extension Limited of Penningtons, Bishop's Stortford, Hertfordshire, pleaded guilty to breaching Regulation 6(3) of the Work at Height Regulations 2005. The company was fined £50,000 and ordered to pay costs of £10,061.86.

Speaking after the hearing, HSE inspector Saif Deen, said: "This tragic incident led to the avoidable death of an elderly lady. The case highlights the importance of following guidance and the law which requires duty holders to properly plan, manage and monitor the risks resulting from work activities at their construction sites.

"The death could have been prevented had the employer acted to identify and manage the risks involved, and to put a safe system of work in place."

## **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/](http://legislation.gov.uk/)

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

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## [Two men sentenced after worker suffers fatal injuries after falling through fragile roof](#)

Two men have been fined and received suspended sentences after a worker fell over five metres through fragile roof panels suffering injuries that subsequently proved fatal.

Newcastle Crown Court heard how that on 16 November 2015, the worker was carrying out over-cladding work, involving the installation of new roofing material over an existing fragile asbestos cement roof, at an industrial building on West Chirton (South) Industrial Estate, North Shields, Tyne and Wear.

An investigation by the Health and Safety Executive (HSE) found that the method of work was unsafe and there were inadequate precautions to prevent or mitigate against falls from or through the roof as well as an effective assessment of risk, selection and use of appropriate work equipment, safe system of work and effective supervision.

Ian Blacklin of Capheaton, Newcastle upon Tyne, pleaded guilty to breaching Regulation 3(2) of the Management of Health and Safety at Work Regulations 1999, Section 3(2) of the Health and Safety at Work Act 1974 and Regulation 8(2) of the Construction (Design and Management) Regs 2015 and was sentenced to 16 months imprisonment, suspended for 18 months.

Dennis Spence of Denton, Newcastle upon Tyne, pleaded guilty to breaching Regulation 3(1) of the Management of Health and Safety at Work Regulations 1999, Regulation 4(1) of the Work at Height Regulations 2005 and Regulation 6(1) of the work at Height Regulations 2005 and was sentenced to 14 months imprisonment, suspended for 18 months with £1,800 costs.

After the hearing, HSE inspector Andrea Robbins, said: "In this case there was a significant failure to plan and manage the over-cladding of roofs over fragile roofing material.

"Roof work should only be undertaken by people who have the necessary skills knowledge and experience, assessing the associated risks, selecting and using appropriate equipment to prevent/mitigate falls and ensure effective supervision is in place."

## Notes to editors:

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It aims to reduce work-related death, injury and ill health. It does so through research, information and advice, promoting training; new or revised regulations and codes of practice, and working with local authority partners by inspection, investigation and enforcement. [www.hse.gov.uk](http://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at: [hsg33.pdf \(hse.gov.uk\)](http://hsg33.pdf(hse.gov.uk))
3. HSE news releases are available at <http://press.hse.gov.uk>

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## HSE Chair – We need to continue to build on our strong expertise and experience to address future challenges



*A blog by Sarah Newton, HSE Board Chair*

Alongside the Queen's Platinum Jubilee next week, there is another anniversary that's close to all of us at the Health and Safety Executive (HSE). This year also marks 50 years since the publication of the Robens Report which led to the Health & Safety at Work etc. Act 1974, paving the way for the creation of HSE the following year.

Since our inception, we have successfully driven down the number of workplace injuries and deaths to a fraction of those which devastated families' lives when the Queen first came to the throne.

While the UK is one of the safest countries in the world to work, we also want it to be amongst the healthiest, with mental health treated as importantly as physical health.

Our mission is expanding beyond worker protection and we need to continue to build on our strong expertise and experience to address future challenges, such as new technologies in the workplace, the growth of new ways of working and enabling the safe transition to the Government's commitment to the net zero agenda.

To help keep us on this course, we've set out an ambitious new HSE strategy for the next decade. Protecting people and places will be at the heart of everything we do as a regulator.

As ever, our fundamental principle is to ensure that those who create risk take responsibility for controlling it. Those who fail to do so will be held to account and bear the cost.

Our new strategy sets out a refreshed set of priorities for HSE that also reflect added responsibilities, including establishing the Building Safety Regulator and extending our role in chemical regulation.

The passing of the Building Safety Act 2022 a few weeks ago means we can now formally set up a regulator in a similar way to how the Health & Safety at Work etc. Act 1974 led to the formation of HSE. We will use our regulatory expertise and experience to provide a Building Safety Regulator, part of a new building safety regime, that will help keep residents in England safe in their homes.

Our expanded remit on chemical regulation, following the UK's departure from the EU, will continue to ensure businesses can trade and use chemicals, pesticides, biocides, and detergents safely, while protecting human health and the environment.

Nowhere is the pace of technological advancement more evident than in the UK's move towards net zero and the development of sustainable, clean energy. Transitioning to a carbon neutral economy presents new risks where we will need to apply scientific expertise and continue to work alongside initiatives like the Gas Safe Register.

Implementing our strategy of protecting people and places, will require even greater collaboration across sectors and industries.

For example, we can build on the success of our [Working Minds campaign](#), where we realised early on that we couldn't effectively tackle work-related stress and poor mental health alone. We worked with and listened to experts from MIND, ACAS and Federation of Small Businesses and last month achieved the milestone of 500 champions for our campaign to increase awareness of the risks of work-related stress and encourage businesses to take action.

At the heart of our strategy are the passionate, and highly skilled people that make up the organisation I am so proud to be part of. All working together to protect people and places, today and for the future.

Please read the [strategy](#) in full.

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## [Furniture manufacturer fined after failing to manage employee's exposure of vibration](#)

A North Wales company that manufactures sofas and chairs has been fined after failing to ensure that employee's exposure to the risks from vibrating tools was sufficiently risk assessed and managed.

Mold Magistrates' Court heard that Westbridge Furniture Designs Limited did not have a thorough risk assessment, adequate controls to manage exposure to vibration, or any health surveillance in place. They also failed to assess or take any action, following a diagnosis of carpal tunnel syndrome for two employees.

Following an investigation by the Health and Safety Executive (HSE) in January 2020, it was discovered that, despite a HSE intervention in 2016, the company failed to properly assess the levels of exposure to their employees. This resulted in at least two employees being expected to carry out their normal duties, even though they had been diagnosed with carpal tunnel syndrome. One of the employees has suffered permanent nerve damage and is no longer able to work.

Westbridge Furniture Designs Limited of Greenfield Business Park, Greenfield, Holywell pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £150,000.00 and ordered to pay costs of £14,033.50.

Speaking after the case, HSE inspector Sarah Baldwin-Jones, said: "This was a case of the company completely failing to grasp the importance of managing their employee's exposure to vibration, whilst using hand-held tools.

"Employers should conduct a full assessment of the vibration magnitude and exposure duration, before reviewing whether employees are at risk. There is a simple online calculator to help them complete this process. Had this company followed the free guidance, they would not have exposed many employees to risk and possibly have prevented the ill health that has been suffered."

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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. HSE news releases are available at <http://press.hse.gov.uk>
4. For more information about vibration tools in the workplace, visit: <https://www.hse.gov.uk/toolbox/vibration.htm>

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## **[Kent scaffolding company fined following collapse of scaffold](#)**

A Kent company, RPS Scaffolding Ltd, has been fined following an incident where a scaffold the company erected collapsed, injuring two workers.

Westminster Magistrates' Court heard that on 10 August 2020, two individuals were injured when a scaffold they were working from on Thorpebank Road, London collapsed.

An investigation by the Health and Safety Executive (HSE) found RPS Scaffolding Ltd erected a scaffold to enable the exterior of the property to be decorated. The scaffold erected did not conform to standard configuration and it was erected without strength and stability calculations being carried out. Soon after the two individuals accessed the top lift of the scaffold it collapsed. One of them suffered a fractured shoulder, elbow and wrist while the other suffered a fractured shoulder.

RPS Scaffolding Ltd of 24 Chaplin Drive, Headcorn, Ashford, Kent pleaded guilty to a breach of Regulation 8(b)(ii) of the Work at Height Regulations 2005. The court fined them £40,000 and awarded full costs of £4,705.16.

Speaking after the hearing, HSE inspector Adam Thompson, commented: "The Work at Height Regulations are clear, where scaffolding is erected that does not conform with a generally recognised standard configuration then strength and stability calculations shall be carried out.

"RPS Scaffolding Ltd's failure to do this resulted in a scaffold that was unsuitable for its use that collapsed within the first morning of its use, injuring two people and putting the public at risk."



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3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information about working with scaffolds can be found at: <https://www.hse.gov.uk/construction/safetytopics/scaffoldinginfo.htm>