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November 2023

## Health & Safety News Bulletin



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## Tool Box Talk: Asbestos


Asbestos is harmful to health. If you breathe asbestos fibres, you may increase the risk of several serious diseases, including asbestosis, mesothelioma and cancer.

On the UK Rail Network asbestos may be found in a wide range of places, for example:

- Brakes and clutches of rolling stock
- Gaskets and Insulation
- Older lineside buildings and lineside asset e.g. LOC boxes
- Stations, depots, signal boxes and other outbuildings may also contain asbestos.

### Toolbox Talk Asbestos

H&H  
EXAMINATIONS



*Lagging*      *Insulation*      *Insulating Boards*

*Asbestos cement*

**Do you know what to do if you suspect asbestos is on site?**

If you suspect Asbestos is present where you are working, follow your company Asbestos Risk Assessment. Network Rail should be notified so their Asbestos Risk Management System (ARMS) can be updated. This is part of Network Rail's framework for compliance with the Control of Asbestos Regulations 2012.

When encountering suspected asbestos materials you should:

- Stand down immediately.
- Inform anyone in the vicinity.
- Ensure everyone leaves the area where asbestos is suspected.
- Contact your COSS / PIC and wait for further instructions.

### DO NOT:

**Disturbed it, drill into it, move it, sand it or cut it.**

**This can only be done by approved licensed contractors.**

**For details of rail industry approved Asbestos contractors please contact us here at [PRB Consulting](#)**

Our thanks to H&H Examinations for providing this information.

## Early Findings from HSE's Dust Kills Campaign

A SNAPSHOT of good and bad practices of how workers' exposure to dust is being managed and controlled on construction sites across Great Britain has been revealed.

As part of its Business Plan, the Health and Safety Executive (HSE) carried out more than 1,000 inspections between May and July, focusing on what businesses and workers were doing to prevent or adequately control the risks from construction dust.



HSE's Dust Kills campaign supported the site inspections, which raised awareness of the inspections, provide helpful advice, information, and links to guidance, for employers and workers. Almost two million connections were made to the campaign via the social media channels alongside extensive stakeholder and press coverage.

The inspections by Britain's national regulator for workplace health and safety revealed examples of good practice on sites and within companies. These included; the use of motorised water suppression alongside face fit tested FFP3 respiratory protective equipment (RPE) to reduce exposure to silicosis and lung cancer causing respirable crystalline silica (RCS); air fed hoods (or powered air respirators) being used when using high powered cutting saws during carpentry to prevent exposure to asthma causing wood dust; and the inclusion of details of HSE's campaign within company health, safety & environmental newsletters to raise awareness of the effects of dust exposure and the importance of effective control measures to improve the long-term health of construction workers.

However, HSE's inspectors also found many examples of poor practice, including no on-tool extraction in place on high powered cutting saws that generate silica and wood dust, along with poorly maintained extraction equipment such as hoses and units making it ineffective; suitable RPE not being made available on site for workers to use or making it available but not ensuring it is used; and the health of workers not being considered when carrying out the simplest of tasks such as sweeping up indoors, which requires damping down to control the dust generated and the provision of suitable face-fit tested RPE.

A key area of concern for the regulator is that inspectors are still finding sites where the hierarchy of controls are simply not considered at all; where no effective design or planning has taken place to eliminate risks from dust, such as considering the use of pre-cut materials, and nothing being in place to minimise the risks by use of suitable control measures, such as water suppression and on-tool extraction and the use of RPE.

The law requires employers to prevent the ill health of their workers as far as reasonably practicable, which includes prevention or adequate control of workers' exposure to construction dust.

Source: Health and Safety Matters

## Recent Court Cases:

### Waste company fined after fatal accident

A WASTE company has been fined over £250,000 after a member of the public was run over by one of its vehicles and died.

The woman was collecting wood from Martins of York's yard on Osbaldwick Lane, York, when she was hit by a reversing skip wagon on 29 January 2020. She later died from her injuries.

The woman had regularly attended the site with another woman to collect wood.

A Health and Safety Executive (HSE) investigation into the incident identified that Martins of York had failed to put in place appropriate measures to control access into the main yard area. This allowed unrestricted access to the site so visitors, including members of the public, were exposed to risks from moving vehicles. Martins of York employees working as hand pickers within the yard were also put at risk of being struck by moving vehicles within the area.

HSE inspector Darian Dundas said, "Measures should have been introduced to prevent members of the public from being able to enter the yard without authorisation, whilst also ensuring that workers present within the yard were not put at risk from vehicles moving in and around where they were working.

"This incident could so easily have been avoided by carrying out correct control measures and safe working practices.

"It is hoped that this will remind the waste industry of the need to ensure that workplace transport is appropriately considered, with control measures introduced to ensure the appropriate separation of vehicles and pedestrians."

This HSE prosecution was supported by HSE enforcement lawyer Jayne Wilson.



LEGAL BREACHES	FINE	COURT COSTS
Section 2(1) and 3(1) of the Health & Safety at Work etc. Act 1974.	£268,000	£10,130.32

Source: Health and Safety Matters

## Funfair manager jailed after death of three-year-old

The inflatable trampoline Ava-May Littleboy had been playing on exploded, ejecting her high into the air.

Ava-May, from Somersham in Suffolk, had been taken by family and friends to the Bounce About attraction that had been set up on the beach at Gorleston-on-Sea in Norfolk, on July 1, 2018.

She and a nine-year-old girl were on the trampoline when the blast happened without warning. While the older child suffered minor injuries, Ava-May was thrown upwards – witnesses described her as being shot up between 20 and 40 feet, or the height of a house. She landed on the beach. In the process, she sustained fatal head injuries.



Johnsons Funfair Limited, trading as Bounce About, operated a number of bouncy castles, slides and other inflatables on the beach at Gorleston, and at another site on Great Yarmouth beach.

Great Yarmouth Borough Council worked with the Health and Safety Executive (HSE) on a joint prosecution. Charges were brought against Johnsons Funfair Limited and its operations manager, Curt Johnson, whose wife was sole owner and director of the company.

The investigation found that Curt Johnson, on behalf of the company, had imported the inflatable trampoline into the UK from China in 2017 and had put it into use without carrying out any of the required testing and certification to ensure it was safe to be used by the public. An importer of such an item equipment must ensure that there has been a proper review of the design, verification that the item has been manufactured in accordance with the design, and a detailed test by a suitable expert on the item's arrival in the UK. None of that had been done here. In operational terms, there had been no proper risk assessment or work procedure laid down.

Crucially, the defendants allowed the company's inflatables (which included a number of other inflatables besides the trampoline which exploded) to be operated despite not having, and not seeking, any operating instructions from the manufacturer, and without having their inflatables properly annually checked and certified by an independent expert under the ADIPS scheme (a scheme for checks comparable to MoT checks for vehicles).

Curt Johnson, of Swanston's Road, Great Yarmouth, pleaded guilty to offences of having consented to or connived in each of the company's two offences, or those being attributable to his neglect. Johnson was sentenced to six months in custody for each offence, to be served concurrently, and disqualified as a director for five years.

LEGAL BREACHES	FINE	COURT COSTS
Sections 6(1A)(a) and 3(1) of the Health and Safety at Work etc. Act 1974	£20,000	£288,475.62

Source: Health and Safety Matters

## Men injured after cradle falls nine floors

TWO MEN working on a residential tower under construction in London were fortunate to escape death when a defective cradle they were in fell about 90 feet.

On 4 June 2020, Marcel Botnaru and Radu Baracu were working in the cradle at level nine of the Pennington Street building. The support beams for the cradle had been fitted with the wrong sized end stops, which resulted in it rolling off the end and crashing to the ground below.



Mr Botnaru suffered six broken ribs and a punctured lung while Mr Baracu was off work for six weeks, but both were extremely fortunate to escape more serious and potentially life-threatening injuries.

Two companies, which specialise in the provision and installation of access equipment, were fined a total of £240,000 when they were sentenced at Croydon Magistrates Court on 10 November 2023.

The court heard how an investigation by the Health and Safety Executive (HSE) found that Zarafa Height Solutions Limited failed to ensure that the support beams they manufactured were safe to use when they left their factory in Grantham. A second company, Giraffe Access Company Limited, who installed the cradle and support beams at the London Dock site failed to identify that they were defective during their safety checks prior to commissioning.

Both companies of Hungate, Pickering, North Yorkshire, are part of the Zarafa Group.

After the hearing, HSE inspector Kevin Smith said: “This incident could have ended in a double tragedy. Both of these men suffered injuries but were fortunate to escape with their lives.

“The fines imposed on these two companies should underline to everyone in the construction industry the importance of ensuring that rigorous safety checks are carried out on equipment before it is put to use.

“We will not hesitate to take action against companies which do not do all that they should to keep people safe.”

ZAFARA HEIGHT SOLUTIONS LTD LEGAL BREACHES	FINE	COURT COSTS
Section 3(1) of the Health and Safety at Work etc Act.	£120,000	£3,987
GIRAFFE ACCESS COMPANY LTD LEGAL BREACHES	FINE	COURT COSTS
Section 3(1) of the Health and Safety at Work etc Act.	£120,000	£3,996

Source: Health and Safety Matters

## Three companies fined £420,000 after roof tile fractures child's skull

Three companies have been fined a total of £420,000, excluding costs, for failings that led to an accident where a three-year-old child suffered a fractured skull from a fallen slate roof tile.

On 13 June 2019, a slate tile came off at a construction site at the Moonfleet Manor Hotel in Weymouth, which struck a young girl who was leaving the hotel with her father and older brother after a swimming lesson. She had to be taken to hospital and put in an induced coma to stabilise her condition and underwent an operation to remove fragments of the tile from her head.



The roof of the hotel was being renovated by Rocare Building Services Limited, and the company was replacing old tiles with new ones, leaving slates stacked around the roof, which led to one piece falling off.

Quadra Built Environmental Consultancy Limited had been appointed by Moonfleet Manor as the principal designer, in charge of planning and maintaining the pre-construction phase. During the investigation by the Health and Safety Executive, it was found that the company failed in the planning and design stage to adequately assess the risks of objects falling from height and hitting people, as well as insufficient consultation between various duty holders.

The investigation found that the scaffolding was not fit for purpose and it did not have sufficient protection to prevent items from falling from height, such as protective fans, covered walkways or brick guards around the entire perimeter. These measures are cheap, effective and widely available within the industry to prevent such incidents from taking place. The judge found that Moonfleet Manor was more concerned about prioritising the convenience of visitors and preventing the hotel from looking like a building site than the safety of their guests.

<b>ROCARE BUILDING SERVICES LTD LEGAL BREACHES</b>	<b>FINE</b>	<b>COURT COSTS</b>
Construction (Design and Management) Regulations SI 2015/51 and Work at Height Regulations SI 2005/735	£160,000	£15,554.78
<b>QUADRA BUILT ENVIRONMENT CONSULTANCY LTD LEGAL BREACHES</b>	<b>FINE</b>	<b>COURT COSTS</b>
Construction (Design and Management) Regulations SI 2015/51	£60,000	£25,000
<b>LFH (MOONFLEET MAONR) LTD LEGAL BREACHES</b>	<b>FINE</b>	<b>COURT COSTS</b>
Section 2(1) and 3(1) of the Health & Safety at Work etc. Act 1974.	£200,000	£143,482.04

Source: Health and Safety Matters



## Boss spared jail after teenager injured

THE DIRECTOR of a dog food company has been given a suspended prison sentence after a teenage boy severed and lost his finger on his first day working at the firm.

Company director Gary Pitchford was given a six-month custodial sentence, which was suspended for a period of 12 months.

The new starter, who was 16 at the time, had been hired by Finer By Nature after leaving school and began working there on 15 July 2020.



Kidderminster Magistrates Court heard that the middle finger on the teen's right hand was sliced off while assisting another worker operating a food processing machine, used to package dog food, at the company's site at Whitestone Business Park in Hereford.

Despite there being an interlock guard on the machine, the young worker, who is now 19, was instructed to stand on a step ladder and put his hands into the hopper bowl to scrape meat into the base where there were dangerous moving parts of the machine.

The male said in a statement: "The emotional effect on me has been huge. At 16-years-old I felt so self-conscious, and this stopped me socialising, especially around strangers as they would always ask about my stump. I became very snappy with people including my own family because the trauma of what had happened upset me so much, it affected my mood and behaviour.

A Health and Safety Executive (HSE) investigation found Finer By Nature had failed to make suitable and sufficient assessments of the risks involved with this type of work and that Gary Pitchford, the director at Finer By Nature, had neglected to manage the safety of employees using the food processing machine.

Gary Pitchford, of Whitestone Business Park, Whitestone, Hereford, pleaded guilty to breaching Section 37 of the Health and Safety at Work etc. Act 1974. He was sentenced to a six-month custodial sentence for each of the three offences to run concurrently, suspended for 12 months and 180 hours of unpaid work.

HSE inspector Sara Lumley said, "This incident occurred on the first day of this young person's work. "The machine was adequately guarded, and correct use of the guard would easily have been prevented this incident. The risks should have been identified before the machine was used".

LEGAL BREACHES	FINE	COURT COSTS
Regulation 3(1) and 3(4) of the Management of Health and Safety at Work Regulations 1999 and Regulation 11(1) Provision and Use of Work Equipment Regulations 1998	£34,000	£4,564

Source: Health and Safety Matters

## Work experience teen seriously injured

A SIXTEEN-year-old boy suffered serious injuries after becoming trapped under a tractor while on paid work experience.

Tom Cutler was gaining experience of vehicle repair work at Earlcoate Construction & Plant Hire Limited, Folds Farm, in the New Forest, ahead of hopefully starting a vehicle maintenance course at Sparsholt College.



On August 3, 2021, the teenager from the New Forest was driving a tractor down an incline when it came off the track and overturned. He was alone and the tractor did not have a seat belt fitted. Tom was thrown out of his seat and his upper leg was trapped under the roof of the tractor – fortunately he was found in time by passers-by who were able to call for assistance. Emergency services attended and he was taken to hospital for treatment.

Tom’s dad, David Cutler said, “Tom was only 16 when this incident happened, and it’s changed his life forever. Had it not been for his own bravery and the amazing work by the emergency services we could have lost him.

“Tom acted quickly and used his belt as a tourniquet to stem bleeding; he punched out the cab window to check his leg and managed to break off a wing mirror to enable him to turn off the tractor and prevent a fire from fuel that was escaping.

“He spent a month in hospital and has undergone seven different operations but can’t do the things he used to do. He was a keen mountain biker and cricket player but that has all stopped.

“He doesn’t sleep properly and is more anxious; he had to put his education on hold for a year and we as a whole family have found it extremely tough.”

An investigation by the Health and Safety Executive (HSE) found that Earlcoate Construction & Plant Hire Limited, had failed to adequately protect Tom through a failure of supervision, and by not providing adequate information, instruction, and training to him.

After the hearing, HSE Inspector Nicola Pinckney said, “The incident could so easily have been avoided by understanding the risks involved with employing young people. This could have been achieved by carrying out a suitable risk assessment and putting in place appropriate information, instruction, and training to both Tom and those working with him, and most importantly, ensuring adequate supervision was in place to ensure correct control measures and safe working practices were implemented.”

LEGAL BREACHES	FINE	COURT COSTS
Regulation 2(1) of the Health and Safety at Work Act 1974	£50,000	£9,223

Source: Health and Safety Matters

## Health and Safety Bulletin November 2023

Briefed By:		Briefers Role:	
Briefing Date:		Briefers Signature:	
Sentinel Coordinator:		Sentinel Coordinator Signature:	

**By signing below, I confirm that I have received and understood the briefing material contained within this bulletin.**

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