

27<sup>th</sup> October 2023

## News

### **Coventry City Council Fatality in Waste Services**

Internal and HSE investigations are continuing following this accident in January 2023.

### **Time running out as deadline to register high-rise buildings nears**

20th September 2023

- High-rise residential buildings must be registered with new regulator by October 1
- Register is a major step forward in building safety
- More than 10,000 applications started.
- Registration is a legal duty brought in following the Grenfell fire

If anyone lives in a building in England that is 18 metres tall or higher, or at least seven storeys tall, it must be registered with BSR. So far more than 10,080 registrations have started.

It will be a criminal offence for any qualifying building not to be registered with the new regulator after 1 October 2023. Registration opened in April 2023.

Those responsible for high-rise buildings not registered by the deadline could face significant sanctions, including prosecution.

### **World Mental Health Day**

10th October 2023

The scale of reported work-related stress across the UK economy has been increasing year on year, and Britain's workplace regulator is campaigning for employers to take action.

The law requires all employers to prevent work related stress to support good mental health in the workplace. No matter the size or type of business, employers have a legal duty to ensure risks of stress and mental ill-health are considered in health and safety risk

assessments and acted upon. Measures should be put in place to prevent stress and support workers' mental health.

World Mental Health Day (10 October) has been celebrated for over 30 years, and whilst awareness and acceptance of stress and mental health may be increasing, action – particularly prevention – is not. Stress, depression and anxiety are the number one cause of work-related ill-health in Great Britain.

### **Update of Recent Cases**

#### **School trust fined after children injured by classroom ceiling collapse**

29th August 2023

An educational trust has been fined after 15 schoolchildren and their teacher were injured when their classroom ceiling collapsed during a lesson.

Fifteen Year 3 pupils, aged between seven and eight, and their teacher had the ceiling collapse onto them at Rosemead Preparatory School in London, at around 9.30am on 15 November 2021. Tables and chairs being stored in the attic above were among the falling debris.

The children and teacher sustained upper limb fractures, cuts as well as concussion.

Emergency services attended the school on Thurlow Park Road, Dulwich, following the incident with the class teacher and several pupils taken to hospital for assessment and treatment. There were 16 pupils in the class but one student was by the doorway when the incident happened.

A Health and Safety Executive (HSE) investigation found items such as desks and chairs were stored in an unsuitable area in the school's attic. This area was not designed to be load bearing and led to the ceiling collapsing.

The HSE investigation also found Thurlow Educational Trust had failed to undertake any structural or load bearing capability assessments of the area being used to store the items. The trust had also failed to assess whether the area in question was appropriate to be used for the storage of these items.

Thurlow Educational Trust, of Thurlow Park Road, Dulwich, London, pleaded guilty to breaching Section 2(1) and Section 3(1) of the Health and Safety at Work etc. Act 1974. The trust was fined £80,000 and ordered to pay £7,116.31 in costs at Westminster Magistrates' Court on 29 August 2023.

#### **Key points for the Council**

The Council as a building owner and operator needs to take action to ensure that building stability and solidity problems are not caused through overloading areas not designed to bear weight.

## **Waste management company fined £3m following HSE investigations**

7th September 2023

A waste management firm has been fined a total of £3 million following the deaths of two workers in separate incidents.

Michael Atkin and Mark Wheatley died following incidents in 2019 and 2020 respectively.

The Health and Safety Executive (HSE) investigated both incidents and subsequently prosecuted Valencia Waste Management Limited, formerly known as Viridor Waste Management Limited.

Michael, from Wetherby, lost his life while collecting a load of wastepaper bales at Valencia Waste Management Limited's Grendon Road site in Earls Barton, Northamptonshire, on 10 October 2019.

The 63-year-old, a HGV driver employed by RT Keedwell, had been working at the site with a Valencia Waste Management employee, who was using a forklift truck to load Michael's lorry with rows of bales.

With three rows of bales already loaded on Michael's lorry, the Valencia employee then attempted to load a fourth row.

However, while loading the fourth row, some bales in the third row were dislodged and fell off the lorry, fatally crushing Michael. It seems Michael had been securing the other bales onto the lorry before he was crushed. Each bale weighed at least 820kg.

A HSE investigation found it was not custom and practice at Valencia Waste Management Limited's Earls Barton site for bales to be loaded onto lorries by fork lift truck operators at the same time the lorry driver was strapping bales which had previously been loaded onto the lorry flatbed.

Systems were in place for drivers to remain within their cabs, or in some other safe location away from the loading activity, but this was not adhered to at the time of the incident.

Mark Wheatley died following an incident on 17 January 2020 at the Dartmoor National Park Conservation Works depot in Bovey Tracey, Devon.

Mark had been using a lorry to lift two skips at the same time, deploying a method called 'hot swapping'. However, the skips were not compatible, as they were of different dimensions, and fell at an angle onto the back of Mark's lorry. He then got onto the lorry bed to rectify the situation but the skips overbalanced and fatally struck him.

A HSE investigation into this incident found Valencia Waste Management Limited had failed to carry out a suitable and sufficient risk assessment into skip operations meaning that safe systems of work and appropriate training were not implemented, and skips were not

maintained in an efficient state. Furthermore, sizes were not displayed on the skips themselves.

The transport and waste and recycling industries continue to contribute to workplace fatalities, with 21 deaths across the two sectors in 2022/23.

Following the incident on 10 October 2019, Valencia Waste Management Limited, of London Road, Stretton-on-Dunsmore, Warwickshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £1 million at Loughborough Magistrates' Court on 6 September 2023.

Following the incident on 17 January 2020, Valencia Waste Management Limited pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974. The company was fined £2 million at Loughborough Magistrates' Court on 6 September 2023.

The company was also ordered to pay combined costs of £21,054.

#### Key points for the Council

Suitable and sufficient risk assessments need to be undertaken for all activities which can potentially be harmful which means that safe systems of work and appropriate training can be implemented.

### **Company fined after worker crushed to death**

9th October 2023

A recycling company has been fined £40,000 after its failure to maintain the lifting equipment on a refuse vehicle caused the death of an employee.

Henry Chambers had been working for Bin Busy Recycling Limited at an aggregates site run by another company in Charlton, London, when the incident occurred on 5 July 2019.

The 65-year-old, from Dartford, had been unloading glass bottles from the refuse vehicle at an unloading bay at the site before he became trapped between the vehicle's tailgate and hopper.

He sustained multiple crush injuries and died in hospital four days later.

A Health and Safety Executive (HSE) investigation into the incident identified multiple faults with the refuse vehicle's lifting equipment, with some parts excessively worn and even missing. The equipment had not been thoroughly examined by a competent person after Bin Busy purchased the vehicle in April 2017.

A thorough examination is a systematic and detailed examination of the equipment and its safety-critical parts, carried out at specified intervals by a competent person. In the case of this vehicle's lifting equipment, a thorough examination should have been carried out every

12 months. Although Bin Busy had arrangements in place for the vehicle to be maintained, these were focused on its roadworthiness and did not include inspection and maintenance of its lifting equipment.

Bin Busy Recycling Limited, of Standard Wharf, Manor Road, Erith, Kent, pleaded guilty to breaches of Regulation 9(3) of the Lifting Operations and Lifting Equipment Regulations 1998 and Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998. The company was fined £40,000 and ordered to pay £22,338.24 in costs and the victim surcharge of £181 at Westminster Magistrates' Court on 9 October 2023.

#### Key points for the Council

Regular proactive maintenance and inspection of work equipment is vitally important to ensure equipment does not deteriorate to the extent that it puts people at risk.

### **Companies fined as child suffers fractured skull**

24th October 2023

Three companies have been fined a total of £420,000 after a slate tile fractured the skull of a three-year-old child.

The slate came off a roof at a construction site at the Moonfleet Manor hotel in Weymouth, Dorset, and struck the young girl on 13 June 2019.

She had been leaving the hotel with her father and older brother after attending a swimming lesson.

The pre-schooler received first aid and was later taken to hospital where she was put into an induced coma to stabilise her. She then underwent a two-hour operation to remove fragments of slate from her head.

The slate had come off the hotel roof and fell approximately five metres before striking the child.

The roof was being renovated by Rocare Building Services Limited. The company had taken off the old tiles and began replacing them with new slates. The new slates had been stacked around the roof, leading to one piece falling off.

Rocare Building Services Limited had been appointed by Moonfleet Manor as the principal contractor to oversee the refurbishment work which also included replacing windows and restoring chimneys and gutters.

Quadra Built Environmental Consultancy Limited had been hired by Moonfleet Manor as the principal designer, in charge of planning, managing and monitoring the pre-construction phase. The company failed in the planning and design stage to properly assess the risks of

objects falling from height and hitting people. There was insufficient consultation and collaboration between the various duty holders.

A Health and Safety Executive (HSE) investigation into this incident found scaffolding was not fit for purpose because it did not have sufficient measures to prevent items falling such as protective fans, covered walkways or, at a minimum, brick guards around the entire perimeter. Such measures are cheap and readily available within the industry. Moonfleet Manor ignored requests and failed to put in measures to address an obvious hazard of falling objects coming into contact with members of the public using the busy thoroughfare to the swimming pool. Moonfleet Manor was more concerned about putting convenience of the guests and preventing the hotel from looking like a building site than the safety of their guests, the judge found.

At Bournemouth Crown Court on 24 October 2023:

- Rocare Building Services Limited, of Headlands Business Park, Salisbury Road, Ringwood, Hampshire, pleaded guilty to breaching Regulation 13(1) of the Construction (Design and Management) Regulations 2015 and Regulation 10 (1) of Work at Height Regulations 2005. The company was fined £160,000 and ordered to pay costs of £15,554.78.
- Quadra Built Environmental Consultancy Limited, of Kingsmead, Lechlade On Thames, Gloucestershire, was found guilty of breaching Regulation 10(1) of the Construction (Design and Management) Regulations 2015. The company was fined £60,000 and ordered to pay £25,000 in costs.
- LFH (Moonfleet Manor) Limited, of Manfred Road, Putney, London, was found guilty of breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £200,000 and ordered to pay £143,482.04 in costs.

#### Key points for the Council

Clients and construction companies must always remember their legal duty to keep both workers and members of the public safe. The client, principal designer and principal contractor all have a duty to ensure members of the public are safe particularly if a venue is to remain live.

#### **Company fined £240,000 after Liverpool residents put at risk during removal of dangerous cladding**

26th October 2023

A health and safety inspector found cladding lying on residents' balconies at a Liverpool apartment block, posing a serious fire risk.

The combustible cladding was similar to that used on Grenfell Tower when the 2017 disaster occurred. Green Facades Limited had been contracted to remove the potentially dangerous aluminium composite panels and combustible insulation material from The Circle, an eight-storey building on Henry Street in Liverpool.

When an inspector from the Health and Safety Executive (HSE) first visited the site on 10 January 2022, the inspection revealed that, in preparation for the removal work, combustible material had been left exposed and there were inadequate means of escaping from the scaffold which was being erected.

The situation had worsened when the inspector returned a few days later, on 21 January 2022. Further combustible material had been exposed with no protection from potential sources of ignition, and combustible cladding material was found lying on residents' balconies. As the building remained occupied during the works, the inspector alerted Merseyside Fire and Rescue Service who took their own enforcement action.

Green Facades Limited had been subject to earlier enforcement for similar breaches during cladding removal at a site in London. At that time the company was provided with advice on sustainable compliance with the regulations.

An investigation by HSE found that Green Facades Limited, had failed to take appropriate precautions to address the risk of fire and to ensure the safety of residents, workers, and others. It had also failed to take account of published guidance on the safe removal of cladding following the previous issue in London.

The company of Woolwich Road, London pleaded guilty to breaching regulations 11(1) and 13(1) of the Construction (Design and Management) Regulations 2015. AT Liverpool Magistrates' Court the company was fined £240,000 and ordered to pay costs of £5,405.

After the hearing HSE inspector Jackie Western said: "The disturbing irony of this case is that work to protect residents from fire risk ended up making the situation more dangerous.

#### Key points for the Council

The responsible management of the removal of material from a construction site should ensure that the material is removed and stored safely pending disposal.

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