

Trio of Firms Fined £2million After Worker's Leg is Broken in Trench Collapse

Three companies have been sentenced today (19 December 2016) in Lincoln Crown Court after a worker's leg was broken in six places when a trench which he was working in collapsed on him. Vincent Talbot, 47, from Lincoln, suffered serious leg injuries when his leg was crushed in the incident at Fleet Street, Holbeach, Lincolnshire on 9 March 2012.

He was trapped in the trench for 15 minutes before being extracted by the fire and rescue service and then airlifted to hospital. His right ankle has been left permanently damaged, pointing 10 degrees off line. He was off work for more than a year and vows never to work in a trench again.

An investigation by the Health and Safety Executive (HSE) found insufficient measures were taken to protect those working in trench, and a series of safety errors had led to the collapse.

Principal contractor, Kier MG Ltd, was appointed by Lincolnshire County Council to install new storm drains.

Kier MG Ltd sub-contracted the installation work to John Henry & Sons (Civil Engineers) Ltd, who subsequently further sub-contracted the work to Lawless Civils Ltd. Mr Talbot was a self-employed contractor hired by Lawless Civils Ltd. John Henry & Sons (Civil Engineers) Ltd, failed to inform Kier MG of the appointment of Lawless Civils Ltd. Lawless were approved contractors of Kier MG but not approved for this type of specialist excavation work.

Lawless appointed a supervisor who had never supervised work, he did not have the relevant training and qualifications to do so.

After the accident to Vince Talbot, John Henry & Sons (Civil Engineers) Ltd, backdated the method statement to give the impression that it was signed by the workers prior to the trench collapsing. A three-metre long trench box shielded workers but the pipes being laid in the trench were six metres long, meaning workers weren't protected over the length of the pipe.

Other trench support systems such as trench sheeting were not used, and the unsupported trench had water leaking into it.

The trench had been left open overnight and concrete was being used to bed the pipes in at the bottom of the trench, instead of pea gravel as specified by the client.

Water mixed with the concrete, making the pipe levelling process extremely difficult as the level of the pipe bed had to be continuously adjusted. When Vince Talbot was attempting to level a pipe section for a second time, the sides of the trench collapsed and trapped him.

Kier MG Ltd (formerly known as May Gurney Ltd) of Tempsford Hall, Sandy, Bedfordshire, pleaded guilty to breaching Regulation 22(1)(a) of the Construction (Design and Management) Regulations 2007. They were fined £1.5million and ordered to pay £23,327.83.

John Henry & Sons (Civil Engineers) Ltd of Barnwell Road, Cambridge denied the charge but was found guilty, after a trial of breaching section 3(1) of the Health and Safety at Work etc. Act 1974. They were fined £550,000 and ordered to pay £166,217.86.

Lawless Civils Ltd of Doddington Road, Lincoln, pleaded guilty to breaching section 3(1) of the Health and Safety at Work etc Act 1974. They were fined £40,500 and ordered to pay £53,346.59.

HSE inspector Martin Waring said: "This incident was foreseeable and avoidable and Mr Talbot's injuries were the result of multiple failings by the duty holders, from the planning stage through to the execution of the project, resulting in the inevitable collapse of an unsupported trench. Sufficient trench support systems were not provided.

"Even while the excavation phase had begun, a catalogue of errors and omissions led to the injuries of Vincent Talbot. It is inevitable that at some time an unsupported trench will collapse, for this reason safe systems of work, should be in place in order to protect persons who work in trenches. We could easily have been dealing with a fatal incident." Further information on planning and safely undertaking excavation work can be found on the HSE website at:

www.hse.gov.uk/construction/safetytopics/excavations.htm

Minister Helps Launch HSE's Health and Work Strategy

The Minister of State for Disabled People, Health and Work, Penny Mordaunt MP has pledged her support for a new strategy for health in Britain's workplaces.

The Health and Work strategy engagement is launched at a time when stress and musculoskeletal disorders account for around 80 percent of all working time lost due to illness.

Statistics from the Health and Safety Executive (HSE) that is opening the conversation and publishing the strategy show around 12,000 deaths each year from occupational lung diseases, accounting for 90 percent of estimated deaths related to past exposures at work.

Last year, work related illness affected around 1.3 million workers and nearly 26 million working days were lost because of it. The economic costs are stark – totalling over £9 billion per year for new cases alone – not including ongoing costs from working conditions of the past.

With an increasing emphasis on health issues in recent years, it is estimated that a quarter of all HSE enforcement notices issued to dutyholders concern issues around health in the workplace.

The HSE event, held at Nova Victoria construction site near Victoria Station, will allow Britain's safety regulator to highlight the strategy's key points. It will also encourage stakeholders representing employers, employees, professional/expert bodies and colleagues in Government, to engage on the strategy through digital webinars, email bulletins and social media.

An online page has been developed, allowing stakeholders and public to view and download the strategy, and to post views and comments as part of the engagement process to provide information about their own contributions to improving health at work.

The announcement illustrates HSE's contribution to wider Government initiatives on work and health and the Minister will be supported by HSE Chair, Martin Temple and Clive Johnson, Chair of Health in Construction Leadership Group and the Safety, Health and Environment Director at Land Securities who operate the site.

The audience will hear that HSE plays a key role in keeping the country's workforce working well providing practical expertise in occupational health issues, and experience of today's workplace environments to deliver preventative interventions, guidance and enforcement action for industries as diverse as agriculture, construction and offshore energy.

The audience will hear that a big part of HSE's work to drive improvements in these areas is engaging with people, businesses and other organisations to ensure they help make a positive change.

To join the engagement on the Health and Work strategy please follow the link below:

www.hse.gov.uk/aboutus/strategiesandplans/health-and-work-strategy/index.htm

Prosecution of Local Roofing Specialist Company and its Directors Over Unsafe Roof Work

A specialist roofing company and its two directors have been sentenced after admitting working unsafely at height on a hotel development in central Manchester during a major refurbishment and extension works.

On the 17 March 2015, a member of public witnessed and photographed unsafe work at a construction site and contacted the Health and Safety Executive (HSE).

Manchester Magistrates Court heard that the photograph showed Mr Jake Clarke, one of a pair of directors for Enviroply Roofing Limited. His fellow director, Mr Aaron Hepworth was also witnessed walking along the beam to pass something to Mr Clarke, then walking back again. There was nothing in place to prevent or mitigate a fall from this beam.

The HSE investigation discovered that there was a full time scaffolder on site who was employed to build any scaffolding required by contractors but on this occasion, Enviroply and its directors had chosen to rush the job in order to submit their invoice earlier. Mr Clarke and Mr Hepworth put their lives at risk as the fall would have been one storey and onto timber beams.

All three defendants failed to take the proper precautions to manage the risk of a significant fall from height, despite there being adequate provision on site to provide them with scaffolding and safe working platforms.

Enviroply Roofing Limited of Unit 20b, Yarrow Business Centre, Yarrow Rd, Chorley pleaded guilty at Manchester Magistrates Court to breaching Regulation 6(3) of the Work at Height Regulations 2005 and were fined £13,300 with £1160.50 costs.

Jake Joseph Clarke of Crown Street, Leyland, Preston pleaded guilty at Manchester Magistrates Court to breaching Section 37(1) of the Health and Safety at Work etc Act 1974 and was fined £1100 with £1160.50 costs.

Aaron Paul Hepworth of 1 Appleyard, Prestolee Road, Radcliffe pleaded guilty at Manchester Magistrates Court to breaching Section 37(1) of the Health and Safety at Work etc Act 1974 and was fined £2100 with £1160.50 costs.

HSE inspector Matt Greenly said after the case: "Enviroply Roofing Limited had a duty to protect any employees, even the directors, from a risk of a fall from height.

"Mr Clarke and Mr Hepworth in their position as directors recognised that their choices on that day placed themselves at a serious risk of death or life changing injury and admitted as much for themselves and their company. They only realised afterwards that running those risks in order to submit an invoice early was a very unnecessary, considering how serious the consequences could have been. "It is pure luck that no-one was injured or killed. I would like to thank the people who reported these concerns to us as they have been instrumental in saving the lives of these men.

It is hoped that other construction workers will see these cases as a warning that HSE will act robustly to concerns received and perhaps they will take a little more time to protect themselves on their next site."

Construction Safety Solutions Ltd

Introduction: The information provided here can help you keep up to date with the latest legislation, changes in working practices, HSE strategies and give examples of where some companies or individuals got it wrong.

We would welcome the opportunity to demonstrate our capabilities and work with you on your future construction projects, if you would like to discuss projects or our service provision in more detail please contact us directly and we will be happy to help.



"I know you've got friends in construction, Santa, but we need to talk about this!"

Merry Christmas & Happy New Year, from all the staff at Construction Safety Solutions Limited

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