



Safetyform Monthly Newsletter - April 2022

Welcome to the latest edition of the Safetyform monthly newsletter, bringing you up to date with all the latest construction health & safety news.

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Safety Alert

Accidents and Incidents



In law, you must report certain workplace injuries, near-misses and cases of work-related disease to HSE. This duty is under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations, known as RIDDOR.

If you have more than 10 employees, you must keep an accident book under social security law.

Keeping records of incidents helps you to identify patterns of accidents and injuries, so you can better assess and manage risk in your workplace.

Records can also be helpful when you are dealing with your insurance company.

Make sure you protect people's personal details by storing records confidentially in a secure place.

Safetyform News

20% off e-Learning throughout April



Health and Safety e-Learning is a simple way to provide training solutions to meet the training requirements of businesses large and small.

Our e-Learning solution can have you up and running within 72 hours. You will have 24/7 access to a streamlined, yet extremely robust Learning Management System, benefit from access to our complete course library and be able to report confidently on all training records and is the easiest way to comply with your health and safety legal requirements quickly, efficiently and with minimum downtime from your employees' everyday tasks.

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What's in the News?

Principal contractor sentenced for unsafe excavation work

A principal contractor has been sentenced after he was found to have supervised unsafe excavation work at a site in Denton, which put workers in danger and rendered the neighbouring property unstable.

Manchester Magistrates' Court heard how between 2019 and 2020 Mustapha Matib had employed several groundworkers to excavate land at Gibraltar Lane, Denton in preparation for the construction of a family home. An inspection was carried out at the site in August 2020 after neighbours raised significant concerns, work was stopped when serious fall risks and potential collapse were identified.

An investigation by the Health and Safety Executive (HSE) found that as principal contractor Mr Matib had failed to prepare a construction phase plan, with risk assessments and method statements detailing how the work would be safely carried out. He also failed to appoint a site manager with suitable skills, knowledge and experience to plan, manage and monitor the work; and ensure the health, safety, and welfare of those carrying out the work or others who may be affected by their actions.

Inspectors also identified a large, deep and unprotected excavation, which gave rise to a foreseeable fall risk. In addition, excavations were not shored or suitably battered back to prevent the risk of collapse. Personal protective equipment had not been provided and some workers were working

barefoot on site. The site was not adequately secured to prevent unauthorised persons from entering and a neighbouring property had been undermined with parts of the property at risk of collapse due to the excavation work.

Mustapha Matib of Allerton Road, Bradford pleaded guilty to breaching Regulations 2(1) and 3(1) of the Health & Safety at Work etc. Act 1974. He was sentenced to sixteen weeks imprisonment suspended for twelve months, ordered to carry out 200 hours unpaid work and pay costs of £5,673.

Speaking after the hearing, HSE inspector Phil Redman said: “Inspectors will not hesitate to take appropriate enforcement action against dutyholders who fall below the required standards and put lives at risk.”

Company fined after worker suffered fall from height

Infiniti Roofing and Construction Ltd has been sentenced for breaches of safety regulations after an employee fell through a gap in scaffolding and sustained multiple injuries whilst working on a building at Havers Hill, Eastfield, Scarborough.

York Magistrates’ Court heard that, on 15 November 2017, a 20-year-old labourer who was working on the roof, fell three metres through a gap in the scaffolding onto an office roof below causing injuries to his left wrist and hand.

An investigation by the Health and Safety Executive (HSE) found that when the labourer was moving insulation panels on the roof, he stumbled and fell through the gap. Although Infiniti Roofing and Construction Ltd had taken measures to reduce the risk of a fall the scaffolding did not fully extend along the roof in the area where the insulation panels were stacked and stored. The fall caused the labourer to sustain a dislocation to his left wrist and a broken bone in his hand which has required him to undergo several operations.

Infiniti Roofing and Construction Ltd of Cayton Low Road, Scarborough, North Yorkshire pleaded guilty to breaching Section 3 (1) of the Health & Safety at Work etc Act 1974. The company has been fined £22,667 and ordered to pay £7,228 in costs.

After the hearing, HSE inspector Jayne Towey commented: “The accident could have been prevented if edge protection, constructed and installed to industry standards, was in place where there was a risk of a fall from height.”

Fine for construction company after worker injured because of brake failure

A construction company has been fined for failure to maintain the braking system of an articulated dumper truck.

Basingstoke Magistrates’ Court heard how Nelson Plant Hire failed to ensure the dumper truck was subject to a regular maintenance regime resulting in a worker being seriously injured.

An investigation by the Health and Safety Executive (HSE) into the incident on 11 May 2018 at Whitehouse Field, Andover, found that during construction operations, the operator of a large Volvo articulated dumper truck was working on a site at the top of a steep slope adjacent to a public road. The operator was reversing the truck to carry out a tipping operation, but the brakes did not function. Consequently, he lost control of the vehicle which careered backwards across a busy A-road and tipped on to its side. The operator's injuries included multiple fractured ribs and a punctured lung.

The HSE investigation determined that the dumper truck had not been subject to a maintenance regime in accordance with the manufacturer's instructions and the brakes did not function correctly.

Nelson Plant Hire Ltd of Homestead Farm, Weyhill Road, Penton Corner, Andover, Hants, pleaded guilty to breaching Regulation 5 of the Provision and Use of Work Equipment Regulations 1998 (PUWER98) for failing to maintain the plant and was fined £10,000- and ordered to pay costs of £8,826.70

After the hearing, HSE inspector Dominic Goacher commented: "It is essential that construction plant is correctly maintained and all plant operators need to follow the manufacturer's recommendations in respect of maintenance. Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

Construction company prosecuted after workers fall from height

A construction company has been sentenced following an incident where two bricklayers fell from height during the construction of a parapet wall.

Manchester Magistrates' Court heard that on 31 October 2019, two employees suffered serious injuries at a property in Over Alderley, Cheshire when the makeshift platform they were working on collapsed. The two men, along with plywood boards and bricks, fell approximately eight feet to the concrete floor below. The first man sustained fractured ribs, severe bruising and a large wound to his leg, the second man sustained severe bruising to his knees.

An investigation by the Health and Safety Executive (HSE) found that H Cumberbirch & Son Limited did not properly plan the work at height, in that the risk assessment and method statement failed to consider how the parapet wall would be constructed and how the risk of falling from height would be prevented. The company failed to ensure that there were suitable measures in place for preventing the employees from falling from height and they were left to work out how best to carry out the work with the equipment they had available. The work at height was not adequately supervised to ensure that it was carried out safely.

H Cumberbirch & Son Limited of Fence Avenue in Macclesfield pleaded guilty to breaching Regulation 4(1) of the Work at Height Regulations 2005. The company was fined £36,000 and ordered to pay costs of £2,824. Speaking after the hearing, HSE inspector Sinead Martin said: "This incident could have been prevented had the company properly planned the work at height and identified and implemented suitable control measures, such as platforms for preventing falls through the joists and scaffolding at the roof edges."

“Falls from height are the number one cause of serious injury and death in the construction industry.”

Contractor fined for failing to comply with health and safety regulations

A sole trader has been fined for failing to plan, manage and monitor construction work being carried out under their control.

Chelmsford Magistrates’ Court heard how Rytis Tamasaukas was the principal contractor carrying out extensive refurbishment works to extend a detached property in Chigwell, Essex.

The Health and Safety Executive (HSE) carried out six site inspections between 1 May and 28 November 2018. Mr Tamasaukas was served with three prohibition notices for breaches of the Work at Height Regulations 2005 and another prohibition notice for the stability of roof trusses. He was also served three improvement notices for the control of wood dust, access and egress and competent supervision,

Following a revisit to the site by the HSE inspector David King it was discovered that Mr Tamasaukas continued in his failure to plan, manage and monitor the construction work being carried out under his control. He also failed to comply with the prohibition notice for work at height and the improvement notice which referred to the training of a competent Site Manager.

Mr Tamasaukas, formerly of 27 Neterfield Gardens, Barking and now resident in Romford, Essex, pleaded guilty to breaching Regulation 15(2) of the Construction (Design and Management) Regulations 2015 and two counts of breaching Section 33(1)(g) of the Health and Safety at Work Act 1974. He was ordered to serve a community order, which involves undertaking 280 hours of unpaid work within the next 12 months and ordered to pay costs of £5,000.

Speaking after the hearing, HSE inspector David King said: “This case highlights the need for suitable and sufficient planning, managing and monitoring, using the appropriate work at height equipment and having a competent Site Manager. Duty holders should be aware that HSE will hold to account those who do not comply with health and safety legislation, or who do not comply with enforcement notices served on them.”

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