

News from



Award Health & Safety Ltd

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## £385,000 fine in first Corporate Manslaughter sentencing

The first company to stand trial under the Corporate Manslaughter and Corporate Homicide Act 2007 has been fined £385,000 after being found guilty by the jury at Winchester Crown Court.

The conviction of Cotswold Geotechnical Holdings Ltd came after a two-week trial at the court, where the company answered charges by the Crown Prosecution Service in relation to the death of employee Alexander Wright on 5 September 2008. In handing down the sentence on 17 February, the judge confirmed the **company could pay the fine over a 10-year stretch, with £38,500** due every year of that period. The company does not have to pay any costs.

Mr Wright, 27, had been left working alone in a 3.5m-deep trench to 'finish up' after the managing director of Cotswold Geotechnical Holdings, Peter Eaton left for the day. A short time later, the trench collapsed on Mr Wright and buried him.

Peter Eaton had originally been charged with manslaughter by gross negligence, as well as a health and safety offence, in his own capacity but these charges were dropped after a successful application by his defence team last October on the grounds of his poor health. The company also originally faced a separate health and safety offence, but this was dropped by the prosecution in January this year after the judge raised the issue of whether the two different burdens of proof for the two remaining charges might confuse a jury. In convicting the company on 15 February, the jury found that the company's system of work in digging trial pits was wholly and unnecessarily dangerous. The court heard the company ignored industry guidance, which prohibited entry into excavations more than 1.2 metres deep, by allowing junior employees to enter into and work in unsupported trial pits, typically from 2 to 3.5 metres deep.

Detective Inspector Giulia Marogna, of Gloucestershire Constabulary, who investigated the case with the support of the HSE, described Cotswold Geotechnical Holdings' approach to health and safety as "cavalier", and the way it taught and supervised its junior engineers as "inherently dangerous". She added: "Every year people are killed and seriously injured following the collapse of an excavation. This case should serve as a reminder to the construction industry that vertical sides of excavations can never be relied upon to stay up without support, no matter how stable the ground may appear to be."

## The New Business Award Excellence Award's 2011

Award Health & Safety Ltd are very proud to announce that the company has again been short-listed for the "Small Business of the Year 2011" in the News Business Excellence Awards. Our MD Chris Ward has also been short-listed in the category for the "Business Personality of the Year Award" a category that we are sure, if you know Chris or have been trained by him, reflects the good work carried out by Chris in the pursuit of making Health & Safety accessible to all in a manner which is both fun and is based on sound common sense and good advice.

Since the first event in 2003 The News Business Excellence Awards night has grown into the biggest celebration of its kind on the South Coast.

In January 2010 over 479 local business people gathered at Portsmouth Guildhall, generating an electric atmosphere as dozens of trophies were awarded.

The 2011 event takes place at The Guildhall on 11th of March. The night will give local companies the opportunity to promote their corporate services to new and existing clients, in relaxed and enjoyable surroundings in a venue packed with figures from the business community, dignitaries, reporters and photographers. [Watch this space we will let you know how we get on.](#)

## Two North East companies fined after worker suffers electric shock

Two North East companies have today been fined after a worker suffered serious burns and an electric shock while working near overhead power lines.

John Dodsworth, 35, from Gateshead, was employed by James Kennedy as a pump operator and was with Lumsden & Carroll Construction Ltd as they carried out modifications to sewers near Cockfield, County Durham on 27 February 2008. He was working in a compound pouring concrete into a mould to cast a sewer chamber lid. The pump had a 12 metre long boom to allow the hose to be positioned where required. After the pour was finished the operator swung the boom round to return it to a parked position. But as he lowered it, it came into contact with overhead power lines crossing the site carrying 22,000 volts. This caused Mr Dodsworth to receive a serious electric shock, suffering internal and external burns including to his hands, head, chest and legs. He could have died without immediate emergency treatment and was taken to hospital by air ambulance. An investigation by the Health and Safety Executive (HSE) revealed that Lumsden & Carroll Construction Ltd could have either located the work compound elsewhere, so they did not have to work near the power lines at all, or used different equipment, not capable of coming into contact with the power lines. Where work near power lines cannot be avoided then the precautions required, including physical barriers and warnings, are well known to the industry and fully described in HSE and trade publications.



## Lancashire businessman in court after worker breaks back

A Lancashire businessman has been sentenced after one of his employees broke his back when he fell off a ladder.

The Health and Safety Executive (HSE) prosecuted Michael Wilson following the incident at Roadferry Transport Yard on Carr Lane in Farington, Leyland, on 3 March 2010.

South Ribble Magistrates' Court in Leyland heard that the man, who has asked not to be named, had climbed up a ladder at the commercial vehicle garage to reach the release mechanism for a lorry cab.

The employee fell to the ground when the ladder slipped, causing him to break a vertebrae in his spine. He is still unable to return to work, nearly a year after the incident.

The HSE investigation found the ladder had missing feet at both ends, the bottom rung was damaged and it appeared to have been cut off at the top.

Michael Wilson, trading as M Wilson Commercials, admitted breaching Regulation 5(1) of the Provision and Use of Work Equipment Regulations 1998 by failing to make sure the ladder was well maintained. He was fined £4,000 and ordered to pay prosecution costs of £2,000 on 2 February 2011.

Matt Lea, the investigating inspector at HSE, said:

"One of Mr Wilson's employees was badly injured because he was given an unsafe ladder to use. It should have been checked in advance to make sure it was suitable.

"The employee had not received any training on working at height or with ladders, despite regularly needing to do it as part of his job. He therefore simply used the nearest available ladder.

## Asbestos debris spilled onto pavements

A developer's failure to manage asbestos properly during work to demolish an old church has cost him and his building firm more than **£21,000**.

HSE inspectors visited the site, which was owned by Bernard Berry, of Berry Estates Development, in April 2010 after a tip-off from a member of the public. When they arrived on the site in Kent, inspectors found most of the building already demolished and debris containing asbestos blocking the pavement on one side of the site and spilling out onto the pavement on the other side. Berry, who was also carrying out

the demolition work, could not provide the HSE with the required paperwork, such as a demolition plan, method statements or risk assessments. There was also no asbestos survey and site security was poor. After inspectors served a Prohibition Notice stopping all work, Berry commissioned a pre-demolition asbestos survey, which identified several asbestos-containing materials. "This is a shocking case as it was foreseeable that a building of this age may have had asbestos-containing materials in the building fabric, as the subsequent survey highlighted," said HSE inspector David Fussell. The investigation found no evidence of employee training, no personal protection or respiratory equipment and no plan of work on site. Berry had also failed to make any arrangements to stop potentially dangerous dust spreading as materials were broken up. "If the company had carried out a survey and prepared a plan of work prior to demolition," said Fussell, "the risk of exposure to the workers on site or the general public could have been avoided."



## HSE clampdown on unsafe construction sites

Over the next month, construction sites across the country will be visited as part of an intensive inspection initiative aimed at reducing death and injury in one of Britain's most dangerous industries.

During 2009/10, 42 workers died while working in construction, nationally, and nearly three quarters of these occurred during refurbishment, repair and maintenance activities.

These will be the main focus of the latest inspections by the Health and Safety Executive (HSE). On the unannounced visits - starting on 14 February - the inspectors will ensure that sites are managing work at height safely and that they are in good order, as well as checking that the risk of exposure to asbestos is being properly managed.

Last year inspectors visited 2014 sites and 2414 contractors. They were forced to issue more than 350 prohibition notices to stop dangerous work - much of it relating to working from height.

Philip White, HSE's Chief Inspector of Construction, said:

"This will be the fifth year that we have run the inspection initiative across Britain and we anticipate that there will be examples of both good and bad practice - those where employers are taking all the measures they can to protect their workers and those where safety is way down the list of priorities.

"A lax attitude to health and safety in one of the more dangerous industries is not acceptable, especially when many of the incidents are completely avoidable by taking common sense actions and precautions. As we've demonstrated in previous years, we will not hesitate to take action if we find poor practice that is putting the lives of workers at risk.

"This year, as part of ensuring risks from asbestos are properly managed, we will also be checking that, where appropriate, asbestos surveys have been carried out prior to any refurbishment work.

Many workers believe that, because asbestos has been banned as a building material, it's no longer a threat to them. But that simply isn't true. Any premises built or refurbished before 2000 could contain asbestos."

## Award Asbestos Training open to all, book now Quote this add for 10% discount

Award Health & Safety is running an open course:

- **Asbestos Awareness Training** on 30th of March in the Portsmouth Enterprise Centre only 8 paces left.....Be sure to call us soon!

**Providing Quality Training at Affordable Prices.**

**For further information or to book your training course please contact the office, details are below.**

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