

Health and Safety Prosecutions in 2019

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Looking back over the last year, the following Court cases involving serious health and safety breaches were amongst the most notable and high profile:

- **Karro Food Ltd** - March 2019 - The Yorkshire food manufacturer pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 (HSWA) and was sentenced to pay a fine of £1.8m after two employees sustained serious injuries after falling through a roof light while fixing a leaky roof in April 2016. The Health and Safety Executive (HSE) found that the roof had several roof lights but they were not visible due to moss and dirt build-up. The injured employees had not been made aware of the roof lights.
- **Valero Energy UK Limited** - June 2019 - The Pembrokeshire oil refinery owner pleaded guilty to breaching Sections 2(1) and 3(1) of the HSWA and was sentenced to pay a fine of £5m after an explosion killed four workers and seriously injured another in 2011. An investigation by the HSE found that the explosion was most likely to have been initiated by the ignition of a highly flammable atmosphere within the tank, during what should have been a routine emptying operation in preparation for further cleaning and maintenance. The investigation also found there had been longstanding failures within the refinery safety management systems and as a result the risks posed by flammable atmospheres were not understood or controlled.
- **Govia Thameslink Railway Limited** - July 2019 - The UK's biggest train company pleaded guilty to breaching Section 3(1) of the HSWA and was sentenced to pay a fine of £1m following the death of a passenger on the Gatwick Express in August 2016 when his head hit a signal gantry as he leaned out of the train droplight window travelling at 61mph. The ORR investigation concluded that the risks associated with droplight windows should have been identified by a suitable risk assessment, and control measures introduced accordingly. However, the company failed to take the appropriate action.
- **Celsa Manufacturing (UK) Limited** - October 2019 - The UK's largest reinforcing steel producer pleaded guilty to breaching Regulation 3 of the Management of Health and Safety at Work Regulations 1999 and was fined £1.8m after an explosion at the company's Cardiff Rod and Bar Mill killed two workers and seriously injured another in November 2015. The men were working on an accumulator vessel when it exploded. A HSE investigation found that a flammable atmosphere developed within the accumulator as hydraulic lubrication oil was being drained from it. The flammable atmosphere was ignited by an electric heater within the accumulator. The investigation also found that the company failed to assess the risks to which its employees were exposed when manually draining lubrication oil from the accumulator, and that the locally developed 'procedure' was not fully understood or consistently carried out by the company's employees.
- **Hampshire County Council** - December 2019 - The local authority was found guilty of breaching Section 3(1) of the HSWA and fined £1.4m after a 6-year-old girl playing on an unsecured street bollard suffered a life changing head injury. The HSE's investigation found that the 69kg bollard was damaged and not appropriately secured. It had been reported to the Council prior to the incident and monthly scheduled inspections had failed to identify the damage due to insufficient information, instruction and training provided to the Council's highways department personnel conducting the inspections.

The level of these fines indicates that although the total number of successful prosecutions in 2019 is lower than in previous years, the stakes are high especially for large companies and organisations. They show the importance of taking preventative action, such as regularly reviewing health and safety policies and procedures, ensuring risk assessments and method statements are in place and adequately reflect the risks involved, providing adequate training to staff and ensuring proactive and effective management of health and safety is taking place. In cases where prosecutions cannot be avoided, the high level of fines also reminds us of the importance of careful management of the regulator's investigation to minimise risk and financial exposure for a company, and preparation of a robust defence.

For more information or advice on health and safety prosecutions, please contact one of our experts in our [regulatory team](#).

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