



Coventry City Council

**Legal Services**

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May 2024

### **News**

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

The inquest concluded on 22<sup>nd</sup> April 2024 finding that Mr Carpenter's death was an accident. The Coroner expressed concern over the safety of the machinery (the bin lorry and the bin lift system in automatic mode). In the Coroner's opinion, action should be taken by Dennis Eagle Ltd to prevent future deaths. They are due to respond to the Coroner's report by 17<sup>th</sup> June 2024.

#### **International Women's Day: 'Louder voice' from women will help everyone at work, watchdog bosses say**

8th March 2024

The chief executives of the HSE and the Coal Authority were speaking ahead of International Women's Day. They discussed that they believed the 'louder voice' from a new generation of women will make everyone at work feel more comfortable. They felt that while progress has been made, women working in heavy industry were still being provided with ill-fitting protective equipment and unsuitable welfare facilities while working on site. It was acknowledged that "We have come a long way... but we've still got a long way to go."

#### **The Building Safety Regulator launches campaign for residents of high-rise buildings**

27th February 2024

The Building Safety Regulator is asking all those living in high rise buildings in England to be aware of how new Building Safety laws affect them.

The Building Safety Act provides a framework for ensuring the safety of residents living in high rise buildings (buildings 18 meters or seven or more floors in height containing at least two residential units). Every high-rise building is now required to have a Principal Accountable Person (PAP), ensuring that those responsible for managing the building's safety can be held to account for fulfilling their legal obligations. The enhanced residents' rights include:

- Assurance that safety risks in their building are being effectively addressed
- Access to ongoing information on what is being done to improve safety in their building
- Empowerment to voice safety concerns, with assurance that their concern will be taken seriously
- Clear, accessible, and easy to understand information regarding safety matters

Operating within the Health and Safety Executive, the Building Safety Regulator is part of the Government's response to Grenfell. A key element of the regulator's role is to ensure the safety of high rise residential buildings.

### **Recent Cases**

#### **Council fined after vulnerable man choked to death on food**

**23rd April 2024**

**Summary:** Fife Council was fined £100,000 following the death of a vulnerable adult who choked to death on a sandwich unsuitable for his diet. They were also ordered to pay compensation of £50,000. The vulnerable adult lived in supported accommodation and was given a sandwich by a carer. However, the food was not suitably prepared and he was not closely observed whilst eating. He choked on the sandwich and died.

**Learning points:** It was emphasised by the HSE that care providers must be *“guided by speech and language therapy professionals and then ensure their staff are trained to understand what those recommendations mean.”* All staff must be suitably trained and reminded of the importance of following specific requirements for those in their care.

## **Housing company fined more than £500,000 after worker suffers burns**

**24th April 2024**

**Summary:** A housing company was fined £528,000 after an employee repairing a fence post inadvertently struck an underground cable, suffering burns to his face.

Employees had been tasked to repair three fence posts in a back garden of a tenant. Whilst repairing the third fence panel an employee struck an underground electrical cable as he tried to break through some concrete using a breaker. The company failed to provide the employees with information on the location of, or the tools to safely excavate around, an electrical cable and gas pipe. They had previously identified the risk of underground services in a risk assessment in 2017.

On this occasion, the employees were digging not only by an electrical cable, but also a gas service. This heightened the risk of a fire or explosion, with the potential to kill not employees and members of the public nearby, as well as the risk of destroying property.

**Learning points:** It is critical that employees are provided with the correct tools and equipment to do their work safely. Employees must also be aware of and understand any risk assessments in place.

## **Company fined after agency worker injured using unguarded machine**

**25th April 2024**

**Summary:** A manufacturer was fined £100,000 for safety breaches after a worker received severe hand injuries at a factory. The HSE investigation found that the company had failed to carry out a suitable and sufficient risk assessment, resulting in a failure to provide a suitable guard, allowing access to the exposed parts of the saw blade.

**Learning points:** The HSE emphasised the importance of having adequate risk assessments and implementing sufficient measures to control risks. The HSE provides guidance on the provision and use of equipment which should be considered when risk assessments are generate/reviewed.

### **Care home fined following death of vulnerable resident**

22nd February 2024

**Summary:** A care home operator was fined £400,000 for safety breaches, following the death of a vulnerable resident at a care home. In December, the resident could not be located and she was subsequently found in the courtyard in her nightwear. She had been outside for about an hour and a half before staff found her. She had fallen and struck her head. She was admitted to hospital and subsequently died.

An investigation found that she died because she was able to access the courtyard while unsupervised and had fallen.

**Learning points:** It is important that all risks are assessed and monitored. There is guidance on the HSE website dealing with safety in care homes. The HSE stated that “This was tragic and wholly avoidable. Had the doors been kept locked at night or had there been a system where staff would be told if the doors to the courtyard had been opened, the accident could have been avoided.” Suitable and sufficient systems need to be in place to ensure the safety of service users which take into account their particular vulnerabilities.