



SUBJECT: Trapped by a lift

RECIPIENTS: All Council Services (including schools)

ISSUE DATE: Jan 2019

REF: HSB 130

Two firms fined £1.5m over death of girl

Two companies have been fined a total of more than £1.5m after a five-year-old girl died when her head became trapped by a lift installed for her disabled brother at their home. The child died from head and neck injuries when she became stuck between the lift and the ground-floor ceiling of her home. The housing association, which owned the house where she lived with her family, was fined £1m. The maintenance contractor which was responsible for servicing and maintaining the lift was fined £533,000. Passing sentence, the judge, listed a series of failings. He told the crown court: "No one should ever lose sight of the fact that this was industrial machinery operating in a domestic setting with young children present, which should have resulted in the most careful assessment of safety measures and controls at all times.

"Each defendant has accepted responsibility through the basis of plea documents and has accepted that to some extent each is responsible for causing the death. Between them I am satisfied that they were wholly responsible for her death and the desperate loss to her family."

At a previous hearing both companies pleaded guilty to a charge under the Health and Safety at Work Act. The court heard the tragedy happened in August 2015 when her older brother, who is disabled and is a wheelchair user, asked her to go upstairs to get his mobile phone. As she travelled upstairs on the platform lift, she was able to put her head through a hole in the door panel and she was trapped.

The children's grandmother, who was looking after them, heard the boy shouting and rushed to the scene. She tried to free her granddaughter but was unable to and called the emergency services. Firefighters had to cut her free because there was no emergency key or handle to manually free her, the court heard. Speaking after the case, the child's mother, described her as "full of love and laughter".

The Health and Safety Executive inspector said: "This was a heart-breaking tragedy that should never have happened. These companies missed safety-critical aspects and these failures went unchecked. These companies failed the child. They could have done more to keep her safe."

[HSE Lifting Operations and Lifting Equipment Regulations \(LOLER\) Webpage.](#)

If you require further assistance or clarification on the subject please contact:

Corporate Health & Safety Advisers (see George section: Corporate > Information for Working > Risk Management > H&S Advisers)