



SUBJECT: Don't fall foul of the law

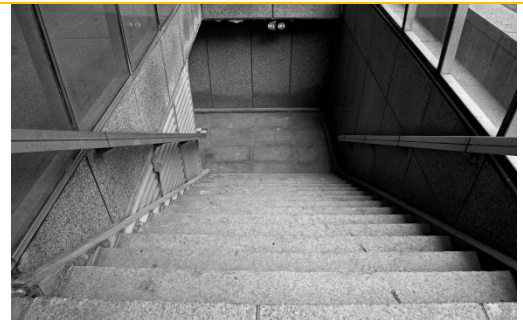
RECIPIENTS: All Council Services (including schools)

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REF: HSB 155

A registered Charitable Trust was fined after an elderly resident at one of its care homes was fatally injured when she fell down a set of stairs.

Edinburgh Sheriff Court heard that in May 2017, the 87-year-old resident at a care home operated by the Trust fell down a stairwell. She suffered a fractured skull and subdural haemorrhage, ultimately resulting in her death.



An investigation by the Health and Safety Executive (HSE) found that the Trust had failed to identify and implement adequate measures required to control the risk of care home residents falling down the stairs. The stairwell involved in the incident consisted of a flight of six steps, which descended from the main corridor on the ground floor down to the entrance of the boiler room. It was found to lack an effective physical barrier that prevented access to the stairwell, in an environment where many residents, due to their conditions and ailments, were at an increased risk of suffering a fall.

A suitable and sufficient risk assessment would have identified the risks and highlighted that further control measures were required. The Charitable Trust, which is based in London, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974 and was fined £40,000. Speaking after the hearing, an HSE spokesperson said, "This incident could so easily have been avoided by simply carrying out correct control measures." He added, "Organisations should be aware that the HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards".

The Corporate Health and Safety Team can provide classroom-based Risk Assessment training. For details on this course, and all the other Health and Safety courses available, including how to book, see Lincs2Learn [here](#).

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)