



SUBJECT: Can you afford to play leapfrog?

RECIPIENTS: All Council Directorates

ISSUE DATE: Dec 2019

REF: HSB 159

Council must pay £1.4m over child's bollard injury

A County Council has been sentenced after a six-year-old was injured while playing on a street bollard that had been secured with cable ties. The Crown Court was told that the victim was attempting to leapfrog the 0.9 m bollard when it collapsed. They hit her head in the fall and sustained a fractured skull, were rushed to Hospital and spent five months undergoing surgery and rehabilitation. They still require care and the extent of her brain injury will not be fully known until her brain has matured.



The Health and Safety Executive (HSE) investigation found reports showing that road chiefs at the County Council had been warned about the bollard's safety less than two weeks before the incident. A Highways engineer had visited the site and reported that, while they found the bollard to be damaged, did not think the work was urgent enough to warrant immediate repair, and did not class it as a "safety defect". The court was told how inspectors determine the seriousness of issues using their training and aptitude, and checking their process against a County Council handbook they carry.

The engineer had reported the bollard had two plastic ties on it when they attended the scene and carried out his inspection. They also told the court that when they pushed against the bollard to check its resistance to movement and "it was clear it was stable". The engineer concluded that it was not a safety issue and logged it on the council's system as a job that needed "further inquiry" and told the court that they then raised the bollard to its normal height because leaving it on the ground would have created a potential trip hazard. However, experts in the trial had agreed the "main lump" of the bollard weighed around 63 kg and that using cable ties to secure it was an "inadequate control". The County Council was found guilty of breaching s 3(1) of Health and Safety at Work Act and was fined £1.4m plus costs of £130,632.

A HSE inspector said: "Councils have a duty to adequately assess and control risks to members of the public from street furniture. A child has been left with life-changing injuries as a result of what was an easily preventable incident. Council inspections failed to identify this risk over a long period of time and then, when alerted to the damage to the bollard, failed to take the urgent action required to prevent injury."

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**)