



Alton Towers Tragedy - Health and Safety in the Workplace Has to Be a Priority Says Pictons

Merlin Attractions Operations Limited (Merlin) has been fined £5 million after pleading guilty at Stafford Crown Court to breaches of health and safety regulations that led to a crash on its Smiler rollercoaster in June 2015. The crash resulted in sixteen people being injured, four very seriously, with two young passengers having to each have one of their legs amputated.

Although the fine is the highest on record, Merlin would have been fined £7.5million had it not pleaded guilty. The company, which also owns Chessington World of Adventures, Thorpe Parke and Legoland, amongst other top UK entertainment attractions, has an annual turnover of several hundred million pounds, so the fine is not substantial as compared to the scale of the business. However, the damage to the company's reputation and its share value are likely to prove more serious than the fine.

Deborah Saini, Head of the Personal Injury dept at leading and award winning regional law firm Pictons says "Health and safety measures have to be a top priority in every workplace. For a company as big and successful as Merlin Attractions and with millions of people visiting their theme parks every year, I would have expected their health and safety measures to be the very best for a company that is supposedly at the top of its game..

"Families have to feel secure when they or their children take these white knuckle rides, which are getting increasingly dangerous as the public demand more thrills. The judge said this accident was totally avoidable had the correct basic procedures and training been put in place."

In court the victims learned, for the first time, the full extent of Merlin's failures at the sentencing hearing yesterday. Described by the judge as 'catastrophic failures' by Merlin who initially blamed the crash on human error, the hearing learned that in fact there was a catalogue of errors which led to the crash, including the decision by engineers to override the computer system by sending out the train which then crashed into an empty carriage at an impact of as much as 90mph. Engineers had not read or even seen the operating manual for the ride. The ride was operating in winds estimated to be up to 45 mph when the manual advised not operating it in winds above 35 mph.

Deborah continues "The victims were trapped, some of them seriously injured and bleeding profusely, for nearly 5 hours. The carriage was stuck at an angle of 45

degrees and you can't imagine the pain and fear that those poor people must have suffered. The so called hefty fine reflects the very serious health and safety breaches by Merlin. The findings by the Judge also demonstrate that ultimate responsibility rests with the employer, in particular those at the very top of the chain, to ensure appropriate risk assessments, training and systems of work are in place. Merlin attempted to shift the focus and blame the crash on human error but the hearing revealed that the failings were at the top level and the blame rested with Merlin.

"The victims have a long road of recovery ahead of them and no amount of money will heal the physical or psychological wounds. However, in my experience, learning the truth about what happened can help to heal some victims in the rehabilitation process."

After the ruling by the Court, Nick Varney, Chief Executive of Merlin Entertainments, attempted to give assurances that things had changed, saying that they were determined to "never repeat" the devastating accident and stressed the firm was not an emotionless corporate entity.

In contrast, following their investigations the Health and Safety Executive found that the accident was avoidable and said that Merlin had 'let its customers down'.

"This avoidable incident happened because Merlin failed to put in place systems that allowed their engineers to work safely on the ride while it was running," Neil Craig, head of the HSE in the Midlands. "This made it all too easy for a whole series of unchecked mistakes, not just the single push of a button, to result in tragedy."

The £18 million Smiler ride reopened in March 2016. Since the crash, a number of safety changes have been made including improved access and a policy of closing the ride when winds exceed 34mph. Whether the promises by Merlin will reassure future customers remains to be seen.