

St Francis and St Clare Catholic Multi Academy
Company
Our Lady and St Chad Catholic Academy,
Old Fallings Lane,
Wolverhampton,
WV10 8BL

Reference: 4837721

INVESTIGATION DIVISION

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HM Principal Inspector

Lindsay Bentley
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For the attention of Employees of St Francis and St Clare Catholic
Multi Academy Company

Date: 11 June 2025

Dear Ms Raj,

HEALTH AND SAFETY AT WORK ETC. ACT 1974

I write in relation to the incident that occurred at St Anthony's Catholic Primary Academy, Stafford Road, Wolverhampton, WV10 6NW on 28 March 2025 where Finley O'Flaherty sustained injuries.

I have identified contraventions of health and safety law. This letter explains what was wrong, why it was wrong and what you need to do to put things right.

It is important that you deal with these matters to protect people's health and safety. If you do not understand what action to take, then please contact me or my Principal Inspector and we will explain further.

You will have to pay a fee because I have identified contraventions of health and safety law which are material breaches. The enclosed section on Fee for Intervention provides further information.

Section 28(8) of the Health and Safety at Work etc. Act 1974 requires me to inform your employees about matters affecting their health and safety. As such I am enclosing a second copy of this letter which you should bring to the attention of your employees.

You will find information and advice about health and safety on our website <http://www.hse.gov.uk/>

Regards,



Zach Morris
HM Inspector of Health & Safety

MATERIAL BREACHES

1. **The Health and Safety at Work etc. Act 1974, Section 3(1) – General duties of employers and self-employed to persons other than their employees.**
2. **The Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 4(1) by virtue of non-compliance with Regulation 18(1) - Doors and gates.**
3. **The Management of Health and Safety at Work Regulations 1999, Regulation 3(1) – Risk assessment.**

The Health and Safety Executive (HSE) received a RIDDOR report (1461291441) dated 3 April 2025 notifying us of an incident that occurred on 28 March 2025 where Master Finley O’Flaherty (school pupil) suffered a partial amputation of their right index finger, after his finger was caught in a pinch point of the external gate.

Following an annual inspection of play equipment in August 2024 a report was issued to the school in November highlighting concerns with three pedestrian gates, including the gate involved in the incident.

The report stated that “there are openings that are less than 12mm that could trap or crush fingers – where possible a 12mm gap should be maintained on both sides or between the gate leaves”. The findings of this report were not due to be reviewed until 6 months later, in May 2025.

According to the accident investigation report, mitigation measures had been put in place that included:

In the interim, the following mitigation took place:

- Staff supervision - Pupils are escorted when passing through the gate.
- The gate is bolted and unbolted by staff.
- Gate is only used (i) to support the entry of reception class pupils after their lunch break; (ii) 3:15pm exit.
- Risk assessment in place.

(STA Accident Investigation Report, Page 6)

The risk assessment had been carried out in February 2021 with a singular review date inputted of 15 January 2025 with “site specific updates” that had been signed by the Principal, the risk assessment did not appear to have been amended following the findings of the report in 2024.

At the time of the incident the risk assessment failed to identify the presence of a shearing hazard. The only reference to the use of the gates relates to ‘safeguarding issues’ arising from poor site security.

The risk assessment was therefore not suitable or sufficient as it had failed to identify the risk of shearing/entrapment from the pinch point identified within the 2024 report.

Poor security, damage to fence, gate, public gaining access whilst pupils are in area	Staff, pupils, visitors	Safeguarding issues	Good standard of security, perimeter fencing, cctv, gates locked, controlled access points Staff supervision	L
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(STA Outside Space – Pre Accident, Page 2)

Following the incident the risk assessment had been updated:

Gates	Staff, pupils, visitors	Fingertrap injuries Cut and contusions Head injury	Gates should normally open outwards except where opening outwards may cause a hazard to others (i.e. opening into the playground where pupils play). Gate should ideally not close quicker than 5 seconds to make wheelchair access easier and also to prevent it striking the back of a pupil walking through. New gates fitted with a self-closing mechanism to maintain the gate in a open or closed position. Finger or hand traps and shear points reduced. A minimum gap of 12mm between the gate and the posts etc, both sides of the gate should be maintained. This minimum gap should be maintained throughout the full range of movement of the gate throughout its full arc. Where the gaps reduce to less than 12 mm a stop plate on the gate which closes onto a rubber stop at least 12mm thick will be fitted. The stop should be at least 700mm from the ground. A clearance of between 60mm and 110mm should be maintained beneath the gate to reduce foot	
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			Injuries. Ground should be level to prevent this gap closing through the range of movement. Where possible hard standing at least 1m each side of the gate will be provided to prevent ground wear and thus trip hazards. No sharp edges and fixings and all edges should be a minimum of 3mm radius. Gates checked visually daily as part of the school opening procedures. Gates checked weekly and logged on the online health and safety portal with issues flagged if identified.	
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(STA Outside Space – Post Accident, Page(s) 2-3)

The updated risk assessment clearly identified the risk of ‘fingertrap injuries’ and listed reasonably practicable control measures such as introducing a minimum gap of 12mm as the report indicated. In addition to the updated risk assessment, a further gate specific risk assessment had been created in April 2025:

Hazards	Who is at risk?	How can the hazard cause harm?	Existing control measures	Risk Rating
Gate 1 - gate by C1/3	Staff, pupils, visitors	Potential finger trap Potential partial or full amputation	Staff to open gate ONLY Staff member to fully open gate and bolt into floor Staff member to close the gate ONLY	L
Gate 2 - gate YN/YR playground	Staff, pupils, visitors	Potential finger trap Potential partial or full amputation Potential head bump (if bounced off stopper)	Staff to open gate ONLY Key kept in YN, inaccessible to pupils Staff member to close the gate and lock Bung fitted to prevent finger trapping 2 members of staff minimum to manage pupil journey through gate - one at the front and one at the back of the line	L
Gate 3 and gate 4 - gate YN playground and YN to field	Staff, pupils, visitors	Potential finger trap Potential partial or full amputation	Staff to open gate ONLY Key kept in office, inaccessible to pupils	L

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		Potential head bump (if bounced off stopper)	Staff member to close the gate and lock Bung fitted to prevent finger trapping 2 members of staff minimum to manage pupil journey through gate - one at the front and one at the back of the line	
Gate 5 and gate 6 - black gates at KS1 and KS2	Staff, pupils, visitors	Potential finger trap Potential partial or full amputation	Staff to open gate ONLY (controlled by key fob) Gate MUST be hooked before dismissal/entry pupils not to be allowed around the other side of the gate - supervision	L
All gates	Staff, pupils, visitors	Potential finger trap Potential partial or full amputation	Gates to be checked for defects and potential for finger trapping daily as part of Site Manager's school opening procedures. Recorded weekly checks added to the health and safety portal as part of Perimeter Checklist.	L

(STA Gates, Page(s) 1-2)

The law (The Health and Safety at Work etc. Act 1974, Section 3(1)) states that it shall be the duty of every employer to conduct their undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in their employment who may be affected thereby are not thereby exposed to risks to their health or safety.

The law (The Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 4(1)) requires every employer to ensure that every workplace, modification, extension or conversion which is under their control and where any of their employees work complies with any requirement of these Regulations.

The law (The Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 18(1)) states that doors and gates shall suitably be constructed (including being fitted with any necessary safety devices).

The law (The Management of Health and Safety at Work Regulations 1999, Regulation 3(1)) requires that every employer shall make a suitable and sufficient assessment of –

- (a) the risks to the health and safety of their employees to which they are exposed whilst they are at work; and
- (b) the risks to the health and safety of persons not in their employment arising out of or in connection with the conduct by them of their undertaking.

Action required by you:

It is established in industry guidance that there should be a minimum gap of 12mm between the gate and posts on both sides of a gate. Finger guards should be placed over gate hinges to avoid fingers becoming trapped, and a soft close feature should also be in operation to prevent further slamming or trapping of fingers.

Since the incident occurred you arranged for a contractor to attend site on 31 March 2025 where work was undertaken to add a finger guard, change the orientation of the gate so that it opens outwards only. The measures taken demonstrate reasonably practicable steps that could have been taken prior to the incident occurring.

Though the RPII inspection in 2024 reported a low level of risk, the duty to undertake a suitable and sufficient assessment to the risks present in your workplace remains with you, the employer. It is clear from the risk assessment in place at the time of the incident that you had failed to do so.

As you have taken steps to prevent similar incidents occurring in the future I do not require a response to this letter. You should, however, ensure that your risk assessments reflect the hazards and risks within the workplace, and take prompt action to eliminate or reduce the risks, where hazards are identified.

Further information can be found here:

[Workplace \(Health, Safety and Welfare\) Regulations 1992. Approved Code of Practice and Guidance L24](#)

[GateSafe - Guidance for Schools](#)

[RoSPA- Gates and access for play and wheeled sports areas: Ensuring safe entrances | RoSPA](#)

FEE FOR INTERVENTION

Health and Safety and Nuclear (Fees) Regulations 2022, Regulations 23 and 24

HSE will recover the costs that it incurs for the work it does in relation to contraventions of health and safety law which are material breaches. A material breach is something an Inspector considers is serious enough that they need to inform you of it in writing.

The fee is based on the amount of time that the Inspector has had to spend identifying the breach, helping you to put it right, investigating and taking enforcement action. This includes the cost for the whole visit, along with other associated work. The current cost recovery rate can be found on this page of our FFI website pages: <https://www.hse.gov.uk/fee-for-intervention/what-is-ffi.htm>.

Sometimes an Inspector may decide to write to you about matters which are not material breaches. This includes any matters listed as 'Advice'. HSE will not recover costs for the time it takes to do this.

We send out invoices every two months and you will have 30 days to pay. You may receive more than one invoice if the work done by the Inspector covers more than one invoicing period.

If you disagree with anything on your invoice, HSE operates a query and dispute process. You can query your invoice (within 21 days from the date of the invoice), and if you are not satisfied with the response, you can dispute it. You can find further information about fee for intervention and details of the query and dispute process at <https://www.hse.gov.uk/fee-for-intervention/i-dont-agree-with-my-invoice.htm>.

Further information is also available in the leaflet HSC14 – *When a health and safety inspector calls – What to expect when we visit your business*, at <http://www.hse.gov.uk/pubns/hsc14.pdf>.

More detailed information is given in HSE 47 - *Guidance on the application of Fee for Intervention* at <http://www.hse.gov.uk/pubns/hse47.pdf>.