

## **fack families against corporate killers**

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### **John Atkin died from septicaemia after being bitten by a dog at work**

Families Against Corporate Killers (FACK) has recently worked with the family of John Atkin who was bitten by a dog at work on 23<sup>rd</sup> February and then found dead at home on 27<sup>th</sup> February 2016. A post mortem showed he died of septicaemia from the dog bite. His mother and brothers are most concerned that this should not happen to anyone else and to spread knowledge about the risk of sepsis.

Patricia Atkin, John's mother said: *"Our son John was such a kind and honourable hard working man who was struck down too early by Sepsis. We take some comfort in knowing that lessons have been learnt about the need for adequate procedures to inform workers of hazards such as dogs in properties and to ensure first aiders are fully trained to identify Sepsis. We have such kind support from our family, John's friends and colleagues, Hilda at FACK, our Solicitors MW and Barrister John Schmitt who gave their service with no charge and the Police and Coroner's court staff."*

FACK works to support, assist and advocate for families of those killed at work, as they go through the process of investigation, inquest and any prosecution, and to campaign to prevent future preventable work-related deaths. FACK works closely with McMillan Williams solicitors to ensure 'equality of arms' at the Coroner's Court which may involve acting for the families on a pro bono basis to provide them with legal representation at this difficult time. John's brother Alex Atkin and mother, Patricia Atkin, contacted FACK and together we began to find the answers as to why he died. We put them in touch with McMillan Williams and Justina Molloy and Simon Brown were instructed as legal representatives.

John's death was only being investigated by a Police Constable and initially it was not clear if the HSE or Local Authority were the enforcing authority and whether they were investigating his death. After some confusion about where the RIDDOR report of his death was sent we made contact with HSE inspectors in Basingstoke and arranged a meeting with the family. They were updated on the investigation since the HSE had become involved quite late, and were able to contribute their own knowledge and concerns about John's death. Issues about risk assessment over dogs in houses and the chain of responsibility between the NHS, Surrey County Council and John's employer Millbrook were thoroughly discussed.

John was employed as a driver technician, delivering equipment to those who have undergone substantial medical operations by a company called Millbrook. In February last year, John was delivering a stool to a lady who had recently had a leg amputated. John had been advised by his employers that the property would be unlocked and that he should enter and make himself known to the lady. John did as he was instructed however, unfortunately there was a dog in the property which he and his employers were not aware of and he was bitten as soon as he entered.

Following the bite, John returned to his work depot where he received first aid for a simple cut. He was asked whether he had an up to date tetanus vaccination which he confirmed he did. He remained at work and continued working until he became ill on Friday and was taken home. Sadly, on 27 February 2016, four days after being bitten, John was found unresponsive, having developed staphylococcal septicaemia, and died.

Had John been advised of the risk of septicaemia and the warning signs to watch out for, he may have sought further medical assistance. If he had received antibiotics, John may not have developed septicaemia and may still be alive

today. If there had been compliance with health and safety at work law and proper risk assessment and control measures implemented, John may not have been bitten at all.

McMillan Williams represented his family at the inquest into his death, throughout which we were assisted by John Schmitt of 9 Gough Square who also acted on a pro bono basis. At the inquest it transpired that his employers had not undertaken a full risk assessment of the lady's home, believing instead that an assessment of the property would have been carried out by the NHS or Social Services who had ordered the stool on the lady's behalf.

The jury returned a unanimous verdict of accidental death and the Coroner indicated her intention that a Prevention of Future Death Report be sent to John's employers requiring them to make improvements to their systems to ensure that there are no similar deaths in the future.

FAK cautions families from the outset that they will not get the justice they need and deserve but that we will fight with them to get as much justice as possible. We will try to get the answers as to how and why their loved one died by ensuring that investigations are as thorough as possible and follow the Joint Protocol on Work-Related Deaths; the CPS and police can fully consider all the evidence for Corporate Manslaughter and Gross Negligence Manslaughter before passing the case to the health and safety enforcing authorities, the HSE and Local Authorities (L.A.). Usually an inquest is held at that stage before the HSE or L.A. decide whether to bring any health and safety charges.

This case clearly highlights the dangers of dog bites to workers and the need not just for first aid but for clear advice to ensure that anyone with a wound that punctures the skin is advised to get medical advice as soon as possible as the latest NHS guidance states, before they feel ill.

This applies to dog human and other bites and any injury where the skin is punctured which may drive bacteria that may cause sepsis into the blood stream where they multiply rapidly and can kill within days or hours. See: NHS advice on bites: <http://www.nhs.uk/Conditions/Bites-human-and-animal/Pages/Introduction.aspx> and on Sepsis: <http://www.nhs.uk/Conditions/Blood-poisoning/Pages/introduction.aspx>

No worker should be reassured by having an up to date tetanus shot as this protects against a specific bacterium, Clostridium, not against the bacteria that causes blood poisoning/sepsis. Not all bites will lead to sepsis but it is vital to get advice and treatment before feeling ill as by that stage it may be too late to be effective.

This case also makes clear it is essential there is a good risk assessment for workers going into people's homes. A risk assessment should find out if a dog is present, and insist on control measures being put in place, such as calling the home owner before delivery so that a dog can be isolated and secured, or that the dog is removed from the house on the date and time of the delivery/work to be carried out to prevent the risk of a bite. In this case the outsourcing of the delivery of the disability aids created a chain of involvement and responsibility of the NHS hospital which ordered the equipment, the County Council which placed the order, and John's employer, the company that delivered it. Suitable and sufficient risk assessment does not appear to have been carried out by any of the links in this chain, assumptions may have been made, and information not properly passed to John, the worker at risk.

The Police decided not to take any prosecutions against the home owner or the companies involved but the HSE is still pursuing lines of enquiry and follow up with John's employer to ensure proper risk assessments are carried out.

### **FAK advice for union safety reps and workers at risk of dog bites is:**

- Review First Aid procedures on bites (HSE First Aid <http://www.hse.gov.uk/firstaid/legislation.htm>) and that NHS advice to seek medical advice for puncture wounds is given to all workers at risk of dog or other bites and puncture wounds.  
More on Sepsis :NICE Guidance <http://www.bmj.com/content/354/bmj.i4030>  
<http://www.bbc.co.uk/news/health-39219765?SThisFB>
- All dogs may bite an unfamiliar person, they do not need to be 'dangerous dogs', a specific breed or have a known history of biting, all dogs must be treated as a potential bite risk to workers entering a house and must be isolated or removed;
- To review relevant risk assessments that have been done, or ensure that suitable and sufficient new risk assessments are carried out for every job in people's homes, parks, wherever dogs may be encountered during work. All dogs may bite an unfamiliar person, they do not need to be 'dangerous dogs' or have a known history of biting, all dogs must be treated as a potential bite risk to workers entering a house and must be isolated or removed;
- Ensure that the risk of dog bite is eliminated as far as possible - by isolation within a house, or removal while work is carried out - and only where this is not possible such as work in streets, gardens and parks, provide suitable PPE and training.

### **Reminder for all employers of those working in domestic property:**

- Under the Health and Safety at work etc Act, employers are under a legal duty to provide a workplace free from risk to the health, safety and welfare of their employees, and others who may be affected by the work activity, so far as is reasonably practicable.
- When a worker visits a person's home to do a job, that home becomes their place of work and the worker's employer is under a legal duty to protect their health, safety and welfare and to carry out a suitable and sufficient risk assessment, under Regulation 3 of the Management of Health and Safety at Work Regulations.
- This must include assessment of all the potential significant the risks to their workers' health, safety and welfare. Then the employer must take steps to eliminate or control all those identified risks to their workers.

FAK will be pursuing this case with the HSE and also asking some questions about the way in which the investigation was carried out, errors made and time lost.

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