

TRUE STORIES OF BUSINESS REGRET

STORY 7

Herniated Neck Discs caused by Hazardous School Tasks

Compensation: £120,000

Mr. Wilkinson, a 28 year old Maintenance Department Officer employed for 4 years by *The Winterborne School*.

Mr. Wilkinson's roles included working in the woodwork department; Manual Handling tasks included lifting and carrying of wood sheets, boilers, doors, tool boxes, ladders, metal poles et cetera.

The Task

Mr. Wilkinson had to carry heavy doors upstairs. He had the use of a trolley to push replacement doors across the school campus. The carrying task never involved team carrying; it was always by himself. The task was not that often but he described it as '*excessively heavy and really draining*' and something he dreaded in his role.

Background

Mr. Wilkinson had started working for *The Winterborne School* at the age of 24. During his teens he got what he described as '*quite regular back problems*'. His Mum took him to see an Osteopath at the age of 15 who said '*I have a short leg*'. From this he had an X-Ray of his spine arranged through his GP. The Orthopaedic Consultant who looked at his scan said Mr. Wilkinson had a mild scoliosis, due to the bony short leg.

Being a keen sportsman through his teens at school, Mr. Wilkinson thought it would be a good environment to work in.

When he started employment at *The Winterborne School* he recalled there was no assessment with Occupational Health. He had worked in offices up to 24 years old and had never had a practical Manual Handling Course. It took *The Winterborne School* a year before Mr. Wilkinson received Manual Handling Training. This in his words ‘*opened my eyes to what they were making me do*’. In the woodwork department he pressed for a vacuum lifter as lifting the heavy sheets of MDF was in his words ‘*backbreaking*’. No lifting equipment was ever supplied.

At the age of 26, Mr. Wilkinson was noticing that his neck was hurting him, especially during and after days where there was a lot of heavy and awkward Manual Handling, on his own.



The Injury

At 28 years old Mr. Wilkinson was diagnosed with herniated Cervical (neck) discs at the C4/C5 and C5/C6 levels (shown in the MRI image below). He was noticing that his grip in his left hand was becoming weak. He was also experiencing headaches that were getting worse. When the neck was painful, his head hurt on the front and left side of his head. He went to his GP who performed a neurological examination. His GP noticed that Mr. Wilkinson’s left arm reflexes were down and his muscle strength in his left arm was weak. A MRI scan was arranged. Mr. Wilkinson was concerned about losing his job so he carried on working. He informed the School’s HR Officer of his injury. 4 weeks later Mr. Wilkinson’s diagnosis was confirmed. 3 months later whilst off of work on sick pay, and with no improvement in his daily symptoms, Mr. Wilkinson sought the help of *The Taylor Legal Cooperative*.



Making a Claim

The Taylor Legal Cooperative went into everything about Mr. Wilkinson's employment. Mr. Wilkinson said during our telephone call that *The Taylor Legal Cooperative* were 'so professional and thorough'. He said they asked him questions as to whether there was a full time Health & Safety Manager; did he receive Manual Handling Training after the first Training 3 years previously? Had the woodwork department been assessed for its Manual Handling Risks? et cetera. *The Taylor Legal Cooperative* lodged a claim in Court against *The Winterborne School* for £120,000. Their Legal Director told Mr. Wilkinson that they had an 'excellent chance' of winning all the damages in the Injury at Work Claim.

The Settlement (the Business Financial Loss)

The story made the local news on its front page with the headline '*Negligence of Employee Safety at The Winterborne School*'. Judge Foster upheld the Claim and awarded the full £120,000 to Mr. Wilkinson. The Judge said in his ending summary in Court that '*The Winterborne School had failed from the top to the bottom of its Management by placing Mr. Wilkinson at high risk of a serious injury*'.

The Human Loss

Mr. Wilkinson said the Court Case was the *'most stressful thing I have ever gone through'*. He said the School Bursar and Personnel Manager made him out to be a liar. His condition has improved with time off of work, what with taking *'strong anti-inflammatory medication'*. He was very honest with me and said smoking marijuana really helped ease the pain. He said he no longer had a social life as every night *'I just smoke pot'*. He has looked into neck surgery on the internet and *YouTube* and is considering this option as it has been offered to him on the NHS. He didn't know when he will work again. He said his GP was offering him anti-depressants to help with the pain. He has been told by some people that these injuries never go away.

My Conclusion

In my 15 years involved in Manual Handling Risk Management (as of 2022 when *Sorry! We're Closed* was published), Schools have been some of the worst working environments I have been to. I have seen Schools with no Health & Safety Manager; schools with a Health & Safety Manager who was more interested about their retirement; schools whose Management expect their staff to lift extremely heavy loads, on their own, day in, day out. Mr. Wilkinson's case is no surprise to me. This is a case of where there wasn't one incident that caused an acute musculoskeletal injury. It was cumulative over the 4 years with all the hazardous tasks Mr. Wilkinson performed at the School.

Mr. Wilkinson attended my BackCare Webinar with two of the other people who have been documented in these real life stories. They all sounded much more positive after I gave them a list of simple things they can do to ease their pain, and take control of their injuries. Their employers took no control of preventing them and suffered the financial costs.

Mr. Wilkinson informed me the School's Health & Safety Manager was sacked after the payout, but Mr. Wilkinson took no solace from it.

Injury at Work Claim Payouts

This chart can be viewed on the Legal Shark's website *LegalExpert.co.uk*. The URLs are:

www.legalexpert.co.uk/accident-at-work-claims/manual-handling-accident-claims

www.legalexpert.co.uk/how-to-claim/back-injury-claims

Tetraplegia/quadruplegia	(a) A typical injury of this nature may attract an award from somewhere around the middle of this bracket - the claimant will be fully aware of their condition	£324,600 to £403,990
General psychiatric damage	(a) Severe - Poor prognosis, and issues with relationships, capacity for work, and vulnerability in the future	£54,830 to £115,730
Back	(a) Severe - (i) When nerve roots and spinal cord are damaged, leading to consequences of an unusually serious nature	£91,090 to £160,980
Back	(a) Severe - (ii) Loss of sensation, mobility impaired, difficulties of a sexual nature etc.	£74,160 to £88,430
Back	(b) Moderate - (i) For example, the lumbar vertebrae being involved in a crush fracture	£27,760 to £38,780
Back	(b) Moderate - (ii) Damage to soft tissue or ligaments that causes or exacerbates an injury	£12,510 to £27,760
Back	(c) Minor - (i) When only 2-5 years are required for you to make a complete or almost complete recovery	£7,890 to £12,510
Back	(c) Minor (iv) - You will have recovered fully within a period of 3 months	£2,450 to £4,350
Ankle Injury	Very severe. Comes with severe pains and could only be corrected through surgery.	£50,060 to £69,700
Ankle Injury	Severe. Loss of function of the ankle with pain.	£31,310 to £50,060
Ankle Injury	Moderate. Enough to cause a lot of pain. May cause loss of function of the ankle temporarily.	£13,740 to £26,590
Ankle Injury	Minor. Small injury but enough to cause discomfort.	to £13,740
Knee Injury	Severe (i). Accident causes a shift in the knee bones. (Higher end of compensation is for most severe.)	£69,730 to £96,210
Knee Injury	Moderate (i). Dislocation that leads to waste to the joint	£14,840 to £26,190
Shoulder Injury	Severe. Dislocated shoulder as a result of the accident.	£19,200 to £48,030
Shoulder Injury	Serious. Temporary loss of function of the shoulder due to injury.	£12,770 to £19,200
Shoulder Injury	Moderate. Temporary loss of function of the shoulder but pain is limited.	£7,890 to £12,770