

# Farmer given suspended jail sentence after man killed by cattle

A West Yorkshire farmer has avoided an immediate spell behind bars after his cattle trampled a man to death and left his wife paralysed.

Martin Howard Mitchell was given a six-month custodial sentence, which was suspended for 12 months following the incident on a farm in Netherton, Wakefield.

Michael Holmes, 57, had been walking on a public footpath with his wife Teresa and their dogs on 29 September 2020 when they entered a field containing cows and calves on Hollinghurst farm. The farmer had made no attempts to segregate the cows and calves from the footpath and the couple were attacked and trampled by the cattle.

Mr Holmes suffered fatal injuries and died at the scene while his wife sustained life changing injuries that have left her confined to a wheelchair as well as requiring extensive rehabilitation therapy and major adaptations to her home. Their two dogs, still attached to their leads, had managed to escape and were later found by one of the couple's neighbours.



Michael Holmes was killed while his wife Teresa was left paralysed

Their story shone a light on the dangers of cattle for dog walkers and farmers alike.

In a victim personal statement, Mrs Holmes said: "Having to cope with two traumas has been very difficult – losing Michael and suffering life changing injuries.

"I sustained a spinal cord injury which left me paralysed from the waist down.

"I now have to use a wheelchair. This has transformed my life beyond anything I could ever imagine.

"The course of my life, and my late husband's, has been thrown into great

turmoil as a result of the farmer's negligence."

An investigation by the Health and Safety Executive (HSE) found that Martin Mitchell had failed to ensure that the risks to members of the public were controlled, including that, where possible, cows with calves were suitably segregated from the public footpath.

Cows are known to be protective of their calves and unpredictable.

Key considerations for farmers and landowners include:

- where possible avoid putting cattle, especially cows with calves, in fields with public access.
- do all that they can to keep animals and people separated, including erecting fencing (permanent or temporary) e.g. electric fencing.
- Assess the temperament of any cattle before putting them into a field with public access.
- Any animal that has shown any sign of aggression must not be kept in a field with public access.
- Clearly sign post all public access routes across the farm. Display signage at all entrances to the field stating what is in the field (cows with calves / bulls).

Martin Howard Mitchell of Netherton, Wakefield pleaded guilty to breaching Section 3(2) of the Health & Safety at Work etc Act 1974. In addition to his suspended sentence he was also ordered to pay a fine and make a contribution towards costs.

After the hearing, HSE inspector Sally Gay commented: "Large animals can be a risk to people. Even a gentle knock from a cow can result in injury.

"Seemingly docile cattle can pose a risk to walkers when they are under stress or feel threatened, and can exhibit instinctive maternal or aggressive behaviour.

"This tragic incident could easily have been avoided if basic precautions had been taken by the farmer. Readily available HSE guidance states that, where possible, cows with calves should not be grazed in fields where there is a public right of way.

"Where this is not possible they should be segregated from the footpath by appropriate fencing where it is reasonable to do so."

The prosecution was brought by HSE enforcement lawyer Andy Siddall.

#### **Notes to Editors:**

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted

interventions on individual businesses. These activities are supported by globally recognised scientific expertise.

2. More information about the [legislation](#) referred to in this case is available.
3. Further details on the latest [HSE news releases](#) is available.
4. Advice for farmers, landowners and other livestock keepers on dealing with [the risks posed by cows with calves](#) is available.

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## [Waste company director sentenced over failure to comply with HSE notices](#)

A director of a Kent waste company has been disqualified from being a director for five years for his role in its failure to comply with two Improvement Notices served by the Health and Safety Executive (HSE).

David Richard Barker, director of BSP (Knockholt) Limited, was also sentenced to two 12-month community sentences, to run concurrently, to include 12 months of supervision and 80 hours of unpaid work.

An HSE inspection in August 2020 found that employees manually sorting through waste in the company's yard near Orpington were at risk of being struck by heavy machinery, and that there were inadequate rest facilities for them to use during break times.

Two Improvement Notices were served on the company in September 2020, and a date for compliance in October 2020 was set. [Improvement Notices](#) can be served on companies or individuals when HSE inspectors are of the opinion that they are breaching health and safety regulations. They are given a specified amount of time to improve their practices to comply with their legal duties.

However, a further site inspection in February 2021 found that the company had not complied with either notice. The company went into liquidation in 2022 but [it was prosecuted and fined £150,000](#) in March 2023.

Mr Barker, one of the company's directors and its main controlling party, told HSE during that he had appealed against the Improvement Notices but did not provide any evidence. In an email sent to an inspector, he also suggested that the only way to resolve differences of opinion between HSE and the company about the safety of its working practices would be for HSE to bring a prosecution against it.

Although Mr Barker was not present at the site during either inspection, HSE inspectors were told to direct all enquiries regarding health and safety to him.

At Croydon Crown Court, David Richard Barker, of Crockham Hill, Edenbridge, Kent, was previously found guilty after trial of breaching Sections 37(1) and 33(1)(g) of the Health and Safety at Work etc Act 1974, in that the offences of contravening the requirements imposed by the Improvement Notices were committed with his “consent, connivance or were attributable to his neglect”, such that he, in addition to BSP (Knockholt) Limited, was guilty of the offences.

On 20 May 2024, he was sentenced to two 12-month community sentences to run concurrently, disqualified from being a director for five years, and ordered to pay £10,000 towards prosecution costs.

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## [Farming partnership sentenced as dad crushed by hay bales](#)

A farming partnership in Surrey has been fined £36,000 after a young father was seriously injured.

Christopher Rolfe from Horsham in West Sussex, sustained four rib fractures when five hay bales, each weighing 600kg, toppled and fell on top of him at Polesden Lacey Farm on 28 April 2022.

Just 26 at the time, Christopher had gone into a barn to collect bales that were being delivered to local customers. The bales had been stored on a layer of pallets to keep them off the barn floor, which was damp at the time.



Christopher Rolfe underwent months of rehabilitation in order to regain his mobility

As he was removing the pallets to reach the stack of bales, an entire column of five toppled over and crushed him against the floor. Christopher lay trapped screaming for help until a nearby dog walker heard his cries and alerted the emergency services. He suffered fractures to his pelvis and ankle as well as his ribs.

“I was a stereotypical young man in agriculture. I always thought I’d be fine – as long as I got to drive a quarter of a million pound tractor down the road with everyone looking at me.

“Now that’s the last thing on my mind. I very much look at every piece of machinery in front of me and think how quickly can that thing kill me.

“I was lucky to come away with just a broken hip and leg fractures.”



Christopher had to be airlifted to hospital after the incident – a service that saved his life

He was then airlifted to hospital where he underwent emergency surgery before

starting months of rehabilitation in order to regain his mobility to start walking again and caring for his then four-year-old son.

“I was later told that if I had gone by road to the hospital I would have died.

“But at the time, I didn’t even want to go to hospital. The biggest thing that went through my mind at the time was that I’d just ruined my summer!

“Having spoken to the staff at Kent Surrey and Sussex Air Ambulance, I’ve come to realise just how important they are. When I needed them, they were there. My son, who’s now seven is even a young ambassador for them. So something really good has come from a really bad situation.

“My outlook on what happened is that I can’t change it, but I have to deal with what I’ve got.”

Chris has since resumed his career in farming.



Christopher Rolfe was crushed underneath five hay bales

A Health and Safety Executive (HSE) investigation found the poorly constructed stack of bales had not been stacked on firm, dry, level, freely draining ground but instead on top of old pallets as the barn floor was uneven and prone to waterlogging. The bales were placed in vertical columns and were not ‘tied in’ by alternating the layers so the bales overlap and stop the stack from splitting. The company had also failed to identify safe working methods for unstacking bales, keeping the face racked back as bales were removed.

HSE guidance states the bottom of a stack should set up a dry, sturdy foundation for all additional bales. Bales should all be ‘tied in’ and the stack should be monitored to ensure it remains stable. More on this can be found at: [Safe working with bales in agriculture \(hse.gov.uk\)](https://www.hse.gov.uk/safeworkingwithbales/)

F Conisbee and Sons Ltd, of Ockham Road South, East Horsley, Surrey, pleaded guilty to breaching Regulation 10 (4) of the Work at Height Regulations 2005. The company was fined £36,000 and ordered to pay £4,986 in costs at Staines Magistrates’ Court on 15 May 2024.

HSE inspector Sally Parkes said: “This accident would have been easily avoided if the farm had followed the guidance published by either HSE or the National Farmers Union on the safe stacking of bales. Stacking bales requires skill and should be overseen directly by someone with knowledge of the industry guidance.

“Health and safety is a fundamental requirement of a sustainable farming business yet over the last 10 years, almost one person a week is killed and many more are seriously injured as a result of agricultural work.

“Even with the considerable financial strain on UK farming, prioritising health and safety not only ensures workers are kept safe but also improves well-being and health outcomes alongside supporting productivity and efficiency on farms.”

This prosecution was brought by HSE enforcement lawyer Jonathan Bambro and supported by HSE paralegal officer Ellen Garbutt.

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## [M&S on board for the latest HSE podcast on asbestos](#)

Britain’s workplace regulator has just launched a new [podcast outlining the duty to manage asbestos in buildings](#).

In this episode, experts from the Health and Safety Executive (HSE) discuss the legal obligation to manage asbestos in buildings, highlight where it is likely to be found and explain why it is dangerous.

Former BBC radio journalist Mick Ord hosts HSE principal inspector Tim Beaumont and Samantha Lord, a principal specialist inspector, as they discuss the risks posed by asbestos. They are joined by Craig Barker, who works as a property and asbestos manager for British retailer Marks and Spencer (M&S).

Back in January, HSE launched the [Asbestos – Your Duty campaign](#), featuring updated web guidance, including new templates and explanatory videos.

The podcast discusses the importance of the campaign, including a talk through the risk to health of asbestos exposure and the steps involved in the legal duty to manage it in non-domestic buildings.

In his 11 years at M&S, Craig and his health and safety team have established robust ways of working to manage asbestos containing materials. He discusses how they have developed training for employees and put controls in place to ensure that the duty to manage asbestos is upheld, and the processes are followed when any work is carried out on its buildings.

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## **[Mental Health Awareness Week: New HSE campaign partners in construction and entertainment](#)**

To mark mental health awareness week, the Health and Safety Executive (HSE) welcomes new partners from the construction and entertainment sectors to join its Working Minds campaign.

Running a business in construction can be stressful with long hours and juggling intense workloads.

Meanwhile, the entertainment and leisure sector is a fast-paced and ever-changing industry, with many people self-employed, freelancing, or on short-term contracts. This can lead to uncertainty and unsociable hours.

Around half of all reported work-related ill health in Great Britain is due to stress, depression or anxiety . Whilst the causes can be due to difficult life events, they can also be caused by work-related issues or a combination of both.



In support of the Working Minds campaign, two new partners join the campaign to help promote support available to the construction and entertainment technology industries; The Scaffolding Association and Professional Lighting and Sound Association (Plasa). This takes the number of partners to a total of 35. They will be provided with the tools needed to promote good mental health in the workplace.

Mental health awareness week (13 – 19 May) is a pertinent time to remind employers and managers of the support that is available to help them to prevent work related stress, support good mental health in the workplace and meet their legal obligations to protect workers. Whether work is causing the health issue or aggravating it, employers have a legal responsibility to help their employees.

Elizabeth Goodwill, HSE Work related stress and mental health policy, said: “We spend a lot of time at work, and it can have both positive and negative effects on our mental health.

“We all have periods of good and poor health, both physically and mentally. It’s normal for people to have challenging times and, like any other work-related risk to health, risks to mental health should be included in risk assessments at work.

“Having regular conversations about work related stress and mental health helps to reduce stigma and encourages people to talk about their problems earlier. The earlier an issue is recognised, the sooner action can be taken to reduce or remove it.”

Find out more about the practical resources and support available from [HSE’s Working Minds campaign](#) including free online learning where employers can access step by step guidance in one place.

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## **Construction**

Running a business in construction can be stressful with long hours, juggling intense workloads. According to [Mates in Mind](#), workplace stress is being felt like never before within small, micro and sole trader businesses.

The Lighthouse Construction Industry Charity report that the highest number of calls to their helpline were from labourers.

Robert Candy, Scaffolding Association CEO, said: “Celebrating our commitment to mental health and workplace safety, we are proud to support the Health and Safety Executive Working Minds campaign. Working in the scaffolding sector can be challenging with a wide range of pressures that include finding skilled workers, maintaining a pipeline of work, and managing cash flow.

Robert adds: “At the Scaffolding Association, we firmly believe in fostering a culture of well-being and proactive support in the workplace. Through our partnership with the Working Minds campaign, we are reaffirming our dedication to promoting mental health awareness and providing support to our

members in the scaffolding sector. Our members are undertaking some inspiring and innovative initiatives in this vital area, and we look forward to continuing our collaborative efforts to prioritise mental health.

### **Help is available**

If you or someone you know needs help or support, reach out and ask how they are feeling and coping.

[Working Minds Construction – Work Right to keep Britain safe](#)

[Every Mind Matters \(NHS\)](#) offers a free personalised Mind Plan for tips and advice to help you look after your mental health. Just answer 5 questions online.

[Mates in Mind charity](#) can provide can also offer advice to organisations through their Supporter Programme or

- individuals can text “BeAMate” to 85258 to access free and confidential mental health support service from trained volunteers.
- download managing and reducing workplace stress [handbook](#).
- Read the blog [How are you really?](#) by former MD, Sarah Meek.

[The Lighthouse Construction Industry Charity](#) provides free support services to any construction worker or their family including;

- 24/7 Construction Industry Helpline, call 0345 605 1956
- Text HARDHAT to 85258 if you’re uncomfortable talking and would rather text
- Free Construction Industry Helpline mobile app.

[Every Mind Matters \(NHS\)](#) offers a free personalised Mind Plan for tips and advice to help you look after your mental health. Just answer 5 questions online.

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### **Entertainment**

The entertainment and leisure sector is a fast-paced and ever-changing industry, with many people self-employed, freelancing, or on short-term contracts. This can lead to uncertainty and long, unsociable hours.

Nicky Greet, Director PLASA Membership, Skills and Technical said: “PLASA fully supports the HSE Working minds campaign and is proud to be a campaign partner. For any business, people are the most important asset.”

### **Help is available**

[Entertainment and leisure – Work Right to keep Britain safe](#)

[Every Mind Matters \(NHS\)](#) offers a free personalised Mind Plan for tips and advice to help you look after your mental health. Just answer 5 questions

online.

Mental health resources for the entertainment and leisure sector include:

- Film & TV Charity: [Confidential and free support](#) for anyone working behind the scenes in film, TV, or cinema. Support Line 0800 054 0000.
- The Mark Milsome Foundation – [Film and TV Online Safety Passport Course](#) (90 minutes)
- Association of Event Venues – [Heads up: your well-being tool kit](#)
- [Read the Blog from Mig Burgess](#), teacher, Creative Designer, and Production Technician on her summer commitment to learn more about work-related stress. Mig's also produced a [guidance note](#) for The Association of British Theatre Technicians.