

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.

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.
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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/working-with-bales-in-agriculture/)

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 stain 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.

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.

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.
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Waste management company fined after worker suffers burns to body and face

A worker suffered burns to his face and body after the crowbar he was using came into contact with a live electrical conductor.

The Health and Safety Executive (HSE) prosecuted a waste management company following the incident on 14 July 2021.

The man was moving heavy duty electrical cables with a metal crowbar on a mobile elevating working platform when the bar came into contact with the live conductor, causing an electrical explosion at Copper Hill industrial estate, Ermine Street, Barkston Heath, Lincolnshire.

As well as suffering serious burns, the explosion caused the man to fall from the platform and sustain a broken left arm, fractured ribs and dislocated knee cap.



The worker had been contracted by New Earth Solutions (West) Limited, trading as Mid UK Recycling, to work at the firm's recycling plant at Copper Hill industrial estate.

An investigation by HSE into the incident found this task was not part of the normal workload for the injured worker and that he had not received any training with regards to undertaking electrical work. The task had not been properly planned nor risk assessed and the electrical cables were not isolated before work began. In addition, the level of supervision provided was inadequate and safety devices on the electrical supply had been set inappropriately, prioritising continuity of supply over safety of the

electrical circuit.

HSE guidance can be found at: [Electrical safety – HSE](#).

New Earth Solutions (West) Limited, of Station Road, Caythorpe, Grantham, Lincolnshire, pleaded guilty to breaching Section 3(1) of the Health and Safety at Work etc. Act 1974. The company was fined £200,000 and ordered to pay £12,466.60 in costs at Lincoln Magistrates' Court on 10 May 2024.

HSE inspector Tim Nicholson said: "This incident could so easily have been avoided by properly planning the task, ensuring that all workers involved were suitably competent and making sure that electrical conductors were isolated before the work began.

"Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards."

This HSE prosecution was brought by HSE enforcement lawyer Jayne Wilson and supported by HSE paralegal officer Ellen Garbutt.

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2. More about the legislation referred to in this case can be found at: legislation.gov.uk/
3. HSE news releases are available at <http://press.hse.gov.uk>