

## Exeter farmer fined after teenage worker injured on dumper

A farmer has been fined £8k after a teenage worker suffered serious head injuries when a six-tonne dumper he was driving overturned.

The 19-year-old and his friend, who was just 16, had been paid to move material as part of improvement works at Upper Kingswell Farm in the village of Longdown in Exeter.



The team suffered serious head injuries when the dumper overturned

However, farmer Richard Palfrey had failed to ask either for their age or what experience they had before giving them a short briefing of what he wanted them to do. Soon afterwards, [the dumper overturned on a steep incline](#) and although the 19-year-old ended up in intensive care, he managed to make a full recovery.

Yeovil Magistrates' Court heard about an area of land being excavated and levelled on the farm on 4 August 2019. The teens had been paid to move the excavated material using a dumper owned by Richard Palfrey, who was in charge of the excavation works at his farm. The young workers had only been on the farm for a few hours before the incident happened.



The teen made a remarkable recovery after the incident

An investigation by the Health & Safety Executive (HSE) found that Richard Palfrey did not ask the two young workers their ages or make any enquiries into their training or experience in operating dumpers. He gave the two young workers a very short briefing on what he wanted them to do but the steep route that he told them to take with the dumpers was inappropriate as it was steeper than the dumper manufactures said the dumpers could work on. The dumper that rolled had a seat belt but the seat was covered with a fertilizer bag meaning that the seatbelt could not be worn.



The seat was covered with a fertilizer bag meaning that the seatbelt could not be worn.

Richard John Palfrey of Upper Kingswell Farm, Exeter pleaded guilty to breaching Section 3(1) of the Health & Safety at Work etc. Act 1974. He was fined £8,000 and ordered to pay costs of £15,324.40.

Speaking after the hearing, HSE inspector Simon Jones said: "Farmers should ensure that only property trained and qualified people use work equipment on their farms.

"Farmers should ensure that any equipment that they provide is safe to use.

"In this case Mr Palfrey allowed young and inexperienced workers to operate work equipment that could not be used safely. A dumper should only ever be operated by a trained driver and the seat belt should always be worn.

"These young and untrained workers should never have been allowed to operate the farm dumper.

"Young workers need careful nurturing and damaging them in this way can affect their future development.

"If Mr Palfrey had made the proper checks then this young worker would not have sustained the life threatening head injuries."

#### **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. Guidance about [dumpers and the hazards posed by them](#) is available

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## [Health board fined £180,000 after patient dies](#)

A health board has been fined £180,000 after a patient died while being treated at a hospital.

Colin Lloyd, 78, was brought to Raigmore Hospital, Inverness, on 6 February 2019 following a suspected fall at his home and later admitted to the hospital's surgical ward.

While in hospital, Mr Lloyd suffered from three additional falls on 6, 12 and 14 February 2019, which led to bleeding on the brain.

Mr Lloyd passed away from fatal head trauma two days after his final fall.

An investigation by the Health and Safety Executive (HSE) found NHS Highland, the health board responsible for Raigmore Hospital, failed to provide the necessary nursing staff to ensure the 1:1 ratio of care was applied.

NHS Highland, of Assynt House, Beechwood Park, Inverness, pleaded guilty to breaching Regulation 5(1) of the Management of Health and Safety at Work Regulations 1999. The health board was fined £180,000 at Inverness Sheriff Court on 31 January 2023.

HSE inspector Penny Falconer said: "This incident could so easily have been avoided by simply carrying out correct control measures and safe working practices.

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

### **Notes to Editors:**

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We seek to 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. [hse.gov.uk](https://www.hse.gov.uk)
2. More about the legislation referred to in this case can be found at:

[legislation.gov.uk/](http://legislation.gov.uk/)

3. HSE news releases are available at <http://press.hse.gov.uk>

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## [HSE publishes restriction opinion on tattoo and permanent make-up inks](#)

- 60-day consultation on socio-economic analysis opinion also published today.

A detailed analysis on substances that could cause health risks to adults in Britain who get tattoos or permanent make up has been published.

Following a six-month [public consultation last year](#) on a restriction proposal for certain hazardous substances in tattoo and permanent make up inks, the Health and Safety Executive (HSE), in its role as the agency for UK REACH, has published [its risk assessment opinion](#).

This is the first analysis of its kind to have been published under UK REACH, the standalone chemicals regime established after the UK left the EU.

Today's published opinion on the restriction proposal was developed after considering responses from last year's consultation. Additionally, in line with the legal requirements under the UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation, HSE also opened a 60-day public consultation on the draft socio-economic opinion for the same dossier. Any comments that will help HSE with this assessment should be submitted [here](#).

Dr Richard Daniels, HSE's Director of Chemicals Regulation Division, said: "Tattoo and permanent makeup inks could contain substances that are harmful to us. Some of these substances, for example, could trigger allergic reactions in the skin.

"We have listened carefully to the tattooing community. For example our proposals refer to two pigments which would, after careful assessment, be allowed to be used.

"While tattoo artists have measures to keep their work hygienic, there are currently no regulatory controls in Great Britain for substances in inks used for tattooing and permanent makeup."

HSE also met stakeholders to gather information and discuss the proposal. The opinion was reviewed by a Challenge Panel made up of independent experts from the [REACH Independent Scientific Expert Pool \(RISEP\)](#).

Based on the responses received from the first public consultation, the options being taken forward reflect the concentration limits in the Classification, Labelling and Packaging Regulations for substances in scope due to their classification. These limits are intended to protect human health.

As the most common cause of ill health from tattooing and PMU procedures is infection which could be caused by inadequate sterilisation of ink, as well as poor hygiene in the studio or poor aftercare by the client, these options also allow more flexible use of substances which have preservative properties to help the sterility of inks. The concentrations included with the identified options are also broadly able to be measured using widely available methodology.

The proposed restriction also includes a derogation for 19 pigments including Pigment Blue 15:3 and Pigment Green 7. HSE's review of the available hazard information for these 19 pigments did not identify evidence indicating they are unsafe if used in tattoo or permanent makeup ink.

Taking into account the widespread concern expressed by the tattooing community about the impacts to tattooing if Pigment Blue 15:3 and Pigment Green 7 are withdrawn from use, and the lack of identified alternatives which are technically effective and safe, it is deemed appropriate to permit the continued use of these 19 pigments.

HSE did however remove Pigment Red 83 (CAS: 72-48-0) and Solvent Violet 13 (CAS: 81-48-1) from this derogation because the review identified data indicating potential concerns for skin sensitisation for both substances.

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2. HSE is the Agency for UK REACH and therefore has responsibility for the majority of the regulatory functions under UK REACH. In the delivery of these functions, HSE is supported by and/or reportable to a number of other government organisations.
3. HSE news releases are available at: <http://press.hse.gov.uk>.

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**[Company fined £120,000 after dad fell](#)**

## to his death working on roof

A company has been fined £120,000 after a dad died following a fall from the roof of a building site.

Father-of-one Dennis Vincent, 36, and another worker were using ropes to install a lightning protection system to the front of a Warrington office block being converted into flats.

Mr Vincent, who was from Stoke-on-Trent, Staffordshire, was lowering the access equipment from the roof, using a rope attached to a frame at roof level and a handrail at ground level. As he did so, both he and the frame fell from the roof to the ground.

The incident happened on 24 February 2021 at Palmyra House, Palmyra Square in Warrington.



Palmyra House, Palmyra Square

An investigation by the Health and Safety Executive (HSE) found Mr Vincent's employer, PTSG Electrical Services Limited, failed to adequately assess the risks associated with this work, giving little consideration to the work at height hierarchy of control and opting for personal protection measures over more suitable collective protection measures, such as scaffolding or a mobile elevating work platform (MEWP).

In addition to this, the company had not planned for getting the rope access equipment on to and off the roof safely, providing no instructions to the operatives.

HSE guidance on roof work can be found at: [Construction – Roof work industry health & safety \(hse.gov.uk\)](https://www.hse.gov.uk/construction-roof-work/)

PTSG Electrical Services Limited, of Flemming Court, Whistler Drive, Castleford, West Yorkshire, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974. The company was fined £120,000 and ordered to pay £5448.51 in costs at Wirral Magistrates' Court on 9 February 2023.

HSE inspector Sara Andrews said: “Our thoughts today are with the family of Dennis Vincent, a young dad and husband who did not return home on 24 February 2021 because of the failings of his employer.

“This incident could easily have been avoided by better planning of the work to ensure adequate controls were in place to prevent falls from the roof. Whilst rope access techniques are appropriate in some circumstances, they should only be used if more appropriate measures, such as fixed scaffolding, cannot be.

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

A further two companies will appear at Liverpool Crown Court later this year in relation to the incident, after pleading not guilty at an earlier hearing.

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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. Further information about roof work can be found at: [Construction – Roof work industry health & safety \(hse.gov.uk\)](#)

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## **[Company fined £20,000 for health and safety failings at building site in Alderley Edge](#)**

A company has been fined £20,000 for a catalogue of health and safety failings at a building site in Alderley Edge.

Work was taking place to convert an old bank into offices on London Road in the Cheshire village.

The Health and Safety Executive (HSE) inspected the site on 9 October 2020. HSE found many health and safety failings, including several areas where workers could have fallen from height, a risk of exposure to hazardous substances, and inadequate welfare facilities.

The company doing the work, Daniel Taylor Builder and Architectural Woodworker Limited, was served with three Prohibition Notices prohibiting unsafe activities and five Improvement Notices requiring the company to take remedial action to comply with the law.

An HSE investigation then found the firm had previously been the subject of enforcement action relating to unsafe work at height at both its construction sites and joinery workshop. The investigation also found company director, David Taylor, was acting as site manager at the London Road site and had failed to ensure the necessary health and safety measures were implemented to protect employees and others, despite the previous HSE interventions.



HSE guidance covering working at height can be found at: [Work at height – HSE](#)

Daniel Taylor Builder and Architectural Woodworker Limited, of Wheelwrights Yard, Congleton, Cheshire, pleaded guilty to breaching section 3(1) of the Health and Safety at Work Act 1974. The company was fined £20,000 following its early guilty plea, and ordered to pay £1,507.71 in costs at South Cheshire Magistrates' Court on 8 February 2023.

David William Taylor, of New Road, Congleton, Cheshire, pleaded guilty to breaching section 37(1) of the Health and Safety at Work Act 1974. Mr Taylor, 77, was fined £10 by the district judge taking into account totality of sentencing this defendant as a director of the company, his early guilty plea, positive references and his cooperation HSE enforcement action. He was ordered to pay £1,507.71 in costs at South Cheshire Magistrates' Court on 8 February 2023.

HSE inspector Sinead Martin said: "This type of proactive prosecution will highlight to the construction industry that HSE will not hesitate to prosecute companies for repeated breaches of the law.

"Good management of health and safety on site is crucial to the successful delivery of a construction project and principal contractors have an important role in managing the risks of construction work and ensuring that safety measures are implemented."





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