

# Fine for construction company after worker injured because of brake failure

A construction company has been fined for failure to maintain the braking system of an articulated dumper truck.

Basingstoke Magistrates' Court heard how Nelson Plant Hire failed to ensure the dumper truck was subject to a regular maintenance regime resulting in a worker being seriously injured.

An investigation by the Health and Safety Executive (HSE) into the incident on 11 May 2018 at Whitehouse Field, Andover, found that during construction operations, the operator of a large Volvo articulated dumper truck was working on a site at the top of a steep slope adjacent to a public road. The operator was reversing the truck to carry out a tipping operation, but the brakes did not function. Consequently, he lost control of the vehicle which careered backwards across a busy A-road and tipped on to its side. The operator's injuries included multiple fractured ribs and a punctured lung.

The HSE investigation determined that the dumper truck had not been subject to a maintenance regime in accordance with the manufacturer's instructions and the brakes did not function correctly.

Nelson Plant Hire Ltd of Homestead Farm, Weyhill Road, Penton Corner, Andover, Hants, pleaded guilty to breaching Regulation 5 of the Provision and Use of Work Equipment Regulations 1998 (PUWER98) for failing to maintain the plant and was fined £10,000- and ordered to pay costs of £8,826.70

After the hearing, HSE inspector Dominic Goacher commented: "It is essential that construction plant is correctly maintained and all plant operators need to follow the manufacturer's recommendations in respect of maintenance. Companies 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 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. [www.hse.gov.uk](http://www.hse.gov.uk)
2. HSE news releases are available at <http://press.hse.gov.uk>

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## Women and standardisation: let's get involved!



Dr Delphine Bard marking  
International Women's Day 2022

**Dr Delphine Bard is a Principal Scientist in HSE's Science and Research Centre in Buxton. To mark International Women's Day 2022, Delphine talks about her work in standardisation and why women should get involved.**

"I am an aerosol scientist working for the health and safety executive and have been actively involved in standardisation on a national and international level for more than 15 years. I am a committee member of BSI (British Standard Institute), CEN (European Standardisation committee) and ISO (International Standard Organisation) including BSI NTI/1, CEN TC 352 and ISO TC 229 (Nanotechnologies) and BSI EH2/2 and CEN TC 137 (Assessment of workplace exposure – Particulate Matter).

"I have contributed to and lead the development of standards and in doing so I have participated in numerous national and international meetings. At times it has been challenging, but rewarding. I have learnt soft skills including active listening, influencing, assertiveness and diplomacy, which have helped me in discussions and debates when different viewpoints are expressed, but a consensus has to be reached. These soft skills have also helped me to progress in my career within my organisation.

"Most of all, I believe I have made a positive impact on the development of standards, with my aim to make workplaces safer and healthier and at the same time encouraging innovation and industry growth. I have gained from and shared scientific knowledge with a wide range of professionals and experts of diverse background and culture. I have networked and this has led to the development of scientific collaborations with industry, academia and other scientific organisations.

"My involvement in standardisation has made me a better scientist. The recent development of online meeting is making it easier for women like me, who have

childcare responsibilities, to participate. Standards are important and diversity including a good representation from women makes better standards. So, let's get involved."

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## HSE inspector Jennifer French talks gender bias on International Women's Day



HSE inspector Jennifer French supporting IWD2022

Jennifer French has been as HSE inspector for over seven years. She works in the Field Operations Division, the largest operational inspectorate in HSE, which covers many employment sectors including agriculture, general manufacturing, engineering, food and drink, entertainment, education, health services, local and central government and domestic gas safety. To mark International Women's Day 2022, Jen shares some of her experiences of encountering gender bias when she's been out on site visits and what she loves about her job.

"I graduated with a degree in German, but didn't know what I wanted to be. Then I came across this job as an HSE inspector which looked interesting and it's been the best thing I ever did.

"Being a health and safety inspector at HSE means having a lot of regular contact with people in all different types of industries, but the vast majority, such as engineering or construction, are male-dominated. As a woman it can be quite intimidating at first to approach a business full of men unannounced and make yourself heard. It is quite striking how often I am talked over or referred to as 'love' or 'dear' or, at times, just simply

ignored.

“At one point I was acting as a coach to a new (male) trainee inspector. During inspections I was often leading and he would be quietly observing. Frequently I’d ask a duty holder a question and they would turn to my trainee and answer him instead. It sounds like such a cliché, it’s almost laughable, but sadly it highlights that gender bias and assumptions still exist.

“I have been called a ‘piece of skirt’ to my face on site visits and been referred to in email correspondence as ‘Jen, the health and safety bird’. A quick riposte and a roll of the eyes, all done with a smile, is usually enough to make it quite clear that I won’t stand for it and it usually get easier from there. Nonetheless, it’s disappointing that women can still face such comments in the workplace. One of my favourite things about being an inspector is having the chance to challenge gender stereotypes on a daily basis.

“As well as being an Inspector, I am also the co-chair of HSE’s Gender Equality Network and am proud of the fact that 55% of inspectors in Field Operations Division are women. We work every day to make workplaces safe and reduce ill health, injury and death.”

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## [Farmer sentenced after child fatally injured in fall from farm vehicle](#)



The mother of a four-year-old boy who fell from a farm vehicle and was run over sustaining fatal injuries has called for a change in attitude in agriculture.

Today, farmer Brian Nutter was given a suspended prison sentence following the death of his nephew Harry Lee.

Wigan Magistrates' Court heard that on 8 July 2019, Harry was riding on the cab footplate of a telescopic handler driven by his uncle Brian at a farm in Newchurch-in-Pendle. As the vehicle turned into a field, Harry fell from the footplate and was fatally crushed beneath the wheels.

An investigation by the Health and Safety Executive (HSE) found there were insufficient measures in place to ensure the safety of children on the farm. The Prevention of Accidents to Children in Agriculture Regulations 1998, prohibits children under the age of 13 from riding on, or operating, vehicles used in agricultural operations. Furthermore no-one, including children, should ride on the footplate of any agricultural machine.

Brian Nutter of Tynedale Shippon, Newchurch-in-Pendle, Lancashire pleaded guilty to breaching Section 3 of the Health and Safety at Work etc. Act 1974. He was given a 26-week prison sentence suspended for 18 months, a community order, which included 250 hours of unpaid work and ordered to pay costs of £5,154.

Mum Sarah Nutter said: "Losing a child at any age is a traumatic experience, but losing a child in such deeply tragic circumstances is completely life changing. The event of Harry's death has and will have a lasting effect that I, and my family will never get over.

"Farming is a lifestyle and a way of life. If we could go back and make different decisions and do things differently, we would certainly do so. We have had to learn the hard way.

"The dangers to children on farms are often not appreciated when you live with them, but they should be at the forefront of all our minds every single day.

"I hope the effects of Harry's accident will change the attitude of people living on farms and make them think twice about the dangers their children are exposed to and how easily accidents can be avoided."

Dad Martin Lee said: "Harry, so passionate about farming even at four-years-old, was very much my legacy, the person who would take on the farm.

"Always smiling, Harry had a love for life that brought joy to all those around him and certainly lived his life to the full.

"He was a loving, caring, kind and bright child, full of affection for his family. It is a tragedy that he was needlessly taken from us too soon.

"His death has traumatised and deeply impacted the whole family."

Speaking after the hearing, HSE inspector Shellie Bee said: "This is a deeply sad and upsetting incident for all involved. Harry, a four-year-old child, lost his life in what was a wholly avoidable incident caused by a failure to protect him from farm work activities. Harry should not have been in the workplace nor allowed to ride on farm machinery.

"Farms can appear to be exciting places, but they are busy workplaces with

moving machinery and vehicles, livestock, chemicals and many other significant hazards.

Each year, children are killed and many more are seriously injured as a result of farming work. Often the child is a close relative to those managing and running the farm.

“The best way to keep children safe, particularly young children, is to keep them out of the farm workplace altogether. If taken onto the farm, to working areas, this must be carefully planned. The child should be fully supervised by a responsible adult who is not engaged in any other activity.”

She added: “In addition to the general health and safety duties to protect children. There is specific law that prohibits children under the age of 13 years from riding on or operating agricultural vehicles used in the course of agricultural operations.

“Harry’s family hope that their story will make the wider farming community take steps to fully protect the safety of any child who may be on the farm.”

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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>
4. For more information on child safety in agriculture: [Agriculture: Children and public safety](#)