

# [Bupa Care Homes fined £400k after falling tree crushes child](#)

A care home provider has been fined £400k after an eight-year-old girl suffered catastrophic injuries when a tree fell on her.

Bupa Care Homes (CFHCare) Limited pleaded guilty after it [failed to provide a system to manage trees](#) on its site at Oak Lodge Care Home in Bitterne, Southampton.

West Hampshire Magistrates Court heard that on 8 July 2021, the girl was out for an evening jog with her father. As she was running on a pavement outside the entrance to the care home, a lime tree fell on her. She suffered serious crush injuries and her leg had to be amputated. It was subsequently found that the tree was diseased with a common fungus and had likely been rotting for several years prior to the accident.



The lime tree fell on the girl as she was running along a pavement outside the entrance to the care home (HSE)

An investigation by the Health and Safety Executive (HSE) found that, over a number of years, Bupa Care Homes had failed to have in place a strategy to manage trees, including adequate risk assessment, proactive surveys, inspections, and monitoring of trees, to identify where remedial work may have been required to prevent risk of the tree falling.



The lime tree fell on the girl as she was running along a pavement outside the entrance to the care home (HSE)

Bupa Care Homes pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc. Act 1974 and received a fine of £400,000. The company was also ordered to pay costs of £3,275 and a victim surcharge.

HSE Inspector Natalie Pomfret said: "This was a tragic and wholly avoidable incident, caused by the failure of the company to have in place suitable arrangements for managing trees on their premises, and failure to ensure that the trees were properly inspected and maintained."

#### 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 managing the risk from [falling trees](#) is available.

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## [Wine company fined £800k after HGV driver killed at Salford depot](#)

A wine and drinks supplier has been fined after a visiting HGV driver was killed after being hit by a forklift truck at its depot in Salford.

John Fitzpatrick was waiting for his trailer to be loaded at Kingsland Drinks

Ltd in Irlam on 19 August 2020 when tragedy struck. The 59-year-old, from Oldham, suffered serious head injuries in the incident and died in hospital having never regained consciousness.



A still from the CCTV at the Kingsland Drinks depot in Irlam (HSE)

In a victim personal statement read out at Manchester Magistrates Court, his partner Paula Fitzpatrick, said how his death had affected their family.

“I cannot really explain what we have lost without describing the kind of person John was,” she said.

“John was a joyful character, full of life, and often described as the life and soul of the party.

“He would talk to anyone and I would often lose him for a couple of hours when he went to the local shop as he would be talking to all the neighbours on the way.

“He was that kind of person – a very hardworking man who would do all the DIY around the house and that included all the family’s odd-jobs.

“At the time of his death, we were planning how our future would look.”

An investigation by the Health and Safety Executive (HSE) found the company had failed in a number of areas. The risk assessment was out of date and not fit for purpose, and there was no pedestrian and [vehicle segregation in place in the loading area](#). Visiting drivers were not given clear information about site safety.

At a sentencing hearing at Manchester Magistrates’ Court on 25 January, Kingsland Drinks Ltd of The Winery, Fairhills Road, Irlam, Manchester, pleaded guilty to breaching section 2(1) and 3(1) of the Health and Safety at Work Act. They were fined £800,000 and ordered to pay costs of £5,614.30.

Speaking after the hearing HSE Inspector Sharon Butler said: “This death would have been prevented if clear controls had been in place for visiting drivers.

“Companies who have loading areas need to provide information and instructions to visiting drivers and have clear segregation in place to

ensure the site is safe for all who use it.

“Easy steps can be taken to reduce the risk of visiting drivers becoming injured on site.”

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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.
1. Full guidance on [workplace transport](#) is available.

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## **[Building firm fined for multiple failings that included workers being lifted by a digger](#)**

A building firm has been fined for a catalogue of health and safety failings that included two builders being lifted into the air by a digger.

A photograph caught the moment a pair of workers stood in the bucket of a digger to fit a stone into the top of a new home in Littleborough, Greater Manchester.

It was one of a number of health and safety failings found during construction work at The Villas development on Starring Road in Littleborough.



Workers standing in the bucket of a digger during construction work at The Villas

Health and Safety Executive (HSE) inspectors visited the housing development on 7 July 2021 and issued Hoyle Developments Limited, the site's principal contractor, with a Prohibition Notice for inadequate scaffolding and Improvement Notices for a lack of welfare facilities and insecure fencing.

HSE inspectors had visited the same housing development site four times between November 2018 and August 2021. Repeated breaches were found including a lack of sufficient welfare, unsuitable controls for work at height and inadequate protection from silica dust exposure. Hoyle Developments Limited was served with multiple Notifications of Contraventions, Prohibition Notices and Improvement Notices.

Hoyle Developments Limited, of Edenfield Road, Rochdale pleaded guilty to breaching Section 3 (1) of the Health and Safety at Work etc. Act 1974. The company was fined £120,000 and ordered to pay £3,165.15 in costs at Manchester Magistrates' Court on 25 January 2023.

HSE inspector Mike Lisle said: "This proactive prosecution demonstrates that HSE will not hesitate to take proactive enforcement action against those that continuously fall below the required standards and demonstrate persistent

poor health and safety. Health and safety should be an integral part of any business, not an afterthought, and having a clear health and safety policy and construction phase plan in place, before work commences, can assist with ensuring this.”

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2. More about the legislation referred to in this case can be found at: Construction -health and safety for the construction industry ([hse.gov.uk](http://hse.gov.uk))
3. HSE news releases are available at <http://press.hse.gov.uk>

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## [Company fined after worker seriously injures hand](#)

A company has been fined after a worker’s hand was pulled into a large drill causing serious injury.

The aircraft fitter, who worked for GE Aviation Systems Limited, was using the unguarded drill at the firm’s former site on Kings Avenue, Hamble, Hampshire on 3 November 2019.

While using the drill on the frame of a small plane, the worker’s left hand was caught by metal debris and then became entangled around the drill. The worker was only able to stop the drill by reaching with his free hand to detach the airline.

The worker sustained injuries to his left hand, including ligament and tendon damage as well as deep lacerations.

An investigation by the Health and Safety Executive (HSE) found GE Aviation Systems Limited, a manufacturer of components for commercial and military aircraft, had failed to provide a guard stopping workers from being exposed to the drill’s rotating shaft. The company also failed to introduce an emergency stop system to halt the drill.

In a victim impact statement presented to the court, the worker said: “I have been left with disfigured fingers. They will never go straight again and will always be bent. I had my original wedding ring cut off after the accident as my fingers doubled in size due to the swelling. I now have to wear a resized

ring due to injuries.



The worker's hand following the incident.

"The injury to my hand has affected my grip strength. I find it difficult sometimes to hold bottles and cans and I am unable to hold tools for long periods at work. I have to take regular breaks to give my hand a rest when previously I would have carried on through. I also find that my fingers stiffen up if I have to use tools for a prolonged time.

"I generally struggle with tasks where I have to grip anything for a prolonged period of time. This is all improving with time, but progress is slow. The accident knocked my confidence and I was hesitant about returning to that process. I found myself being overly cautious for a while until I was about to build my confidence back up.

"The injuries sustained in the accident continue to have an effect on my day-to-day life. I am learning to manage with it as I go along."

GE Aviation Systems Limited, of Cheltenham Road, Bishops Cleeve, Cheltenham pleaded guilty to breaching Provision and Use of Work Equipment (PUWER) 1998 Regulations 8 (1), 11 (1) & 16 (1). The company was fined £76,000 and ordered to pay £10,525 in costs at West Hampshire Magistrates' Court on 25 January 2023.

HSE inspector Rebecca Lumb said: "The risk of entanglement around a rotating shaft is a known and well-documented machinery risk and yet wholly-preventable incidents on unguarded rotating machinery remain far too common. Employers should carry out assessment of machinery risks to ensure they are guarded appropriately to ensure that life-changing injuries, such as this, do

not occur.

“The fitting of emergency stop devices (where appropriate) is a defined duty within PUWER 1998; in many instances, retro-fitting them to existing machinery is reasonably practicable for employers to ensure legacy equipment is safeguarded to current standards.

“Employers should also ensure that adequate information and instruction is provided to all who use work equipment, including full consideration of when it is appropriate to use personal protective equipment.”

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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.

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## **[Diving instructor sentenced after student dies in a training dive](#)**

The widow of a man who drowned during an open water training dive has said she now fears water following her husband’s death.

Technical diving instructor, Lance Palmer, has been sentenced after student Roger Clarke, 55, drowned during a training dive in June 2018.

Roger Clarke, a father-of-two from Stafford, was a recreational diver on an entry level Technical Diving International (TDI) Closed Circuit Rebreather Course and lost his life during a training dive. The dive at Stoney Cove, Leicester was planned, managed, and supervised by Lance Palmer, who trades as LP Diving and Marine Services.

An investigation by the Health and Safety Executive (HSE) found that Lance Palmer was responsible for multiple failings This included not adequately maintaining and checking his students breathing apparatus; failing to remain in close enough proximity to monitor his student which meant he did not notice the audible and visual alarms sounding on breathing apparatus; contravening TDI rules for exceeding maximum diving depths on repeat dives, and failing to have an adequately qualified rescue diver in the water with him and the student.



HSE provides information on [recreational diving projects](#).

At Leicester Magistrates' Court on 25 January, Lance Palmer trading as LP Diving and Marine Services of Pillaton Hall Farm, Penkridge, Stafford pleaded guilty to breaching Section 3 (2) of the Health and Safety at Work etc Act 1974. He was ordered to undertake 50 hours unpaid work and costs of £3,085.

In a family impact statement, Roger's wife Angela Clarke, said: "From the day I lost Roger to this day I cannot get into water, not even a bath and I can't put my face into a shower.

"He was my world. We had a good lifestyle. We had everything. I lost my world and reason to live and all I wanted to do was curl up and die and to be with my husband.

"I have only one regret in my life – not being with my husband when he died."

Speaking after the case HSE Inspector Richard Martins said "Technical diving is a high-risk activity where student divers are totally reliant on their instructors.

"This was a tragic and wholly avoidable incident, caused by the failure of Lance Palmer to plan, manage and conduct his diving training in accordance with the law and his training agency's rules."

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