

Health and safety consultant successfully prosecuted

04 FEBRUARY 2015

CATEGORY:
[ARTICLE](#)

An independent health and safety consultant has been convicted of exposing another to a risk to health and safety and jailed for 9 months following the death of a worker crushed when the side wall of an unsupported trench collapsed in December 2010. The commercial director of Siday Construction Ltd ('Siday') was convicted of manslaughter in relation to the same incident, and given a sentence of three years and three months. Siday were excavating a basement and underpinning supporting walls in a residential property from October 2010, and contracted with Richard Golding of Allday Safety Services to help draft their method of work statement and carry out monthly inspections of the site.

The court found that despite identifying the risk of trenches collapsing in his risk assessments, Mr Golding drafted an inadequate method statement using cut and pasted information from a previous basement excavation carried out by Siday, and without reference to any of the temporary works engineer drawings or schemes in relation to the propping and shoring works necessary on site. According to the method statement these were to be added by Siday at a later date, but this was never done.

In addition, once on site Siday changed their method of work, employing hand-digging in trenches rather than the excavator and earth suction machine specified in the method statement. The court was shown photos of several deep unshored and unpropped excavations at the site, but Mr Golding maintained in interview and during the trial during two site inspections he did not see any excavations other than a shallow trial pit at the front of the building. During sentencing the judge described this as 'ludicrous'.

The court found that Mr Golding did not challenge the changed method of working, despite having the authority to stop works being carried out in a dangerous way, and did not ask to see any temporary works drawings or schemes for the excavations. According to the judge this showed a level of disregard to the workforce that was 'staggering'.

What this means for you

Health and safety consultants and construction firms must ensure that safe systems of work are not only in place but are also followed. Consultants have an independent duty to make sure that building work is carried out safely, which includes making detailed inspections and stopping work where there is a safety risk to workers or members of the public. Companies must carry out the following:

- appoint a competent temporary works engineer
- put in place clear and competent site management
- ensure adequate shoring and propping of excavations