

e-clips



SIMIAN
RISK

E-BULLETINS FROM SIMIAN RISK MANAGEMENT LIMITED

MANSLAUGHTER

2 ½ Years Jail for fatal fall cover up Boss!

A ROOFING contractor who failed to provide a worker with safety equipment, then tried to cover his tracks after the man's death, was yesterday jailed. Steven Christopher Smith did not provide the right harnesses to Paul Christopher Alker who was working for him on the roof of Wrexham's Comet store. But after Mr Alker, 33, plunged to his death through a skylight, Smith went out and bought the safety equipment, put them on the roof, and blamed Mr Alker for not using it. Mold Crown Court heard how Mr Alker fell some 25ft and died in hospital after medical complications.



Comet . Wrexham

Smith, 36, had admitted manslaughter by gross negligence, perverting the course of justice and a health and safety charge, and was jailed for two-and-a-half years. The sentence was welcomed by police, the Health and Safety Executive and the family of the dead man, who said they would have to suffer a life sentence without him.

In court, the judge told Smith that Mr Alker "died due to your criminal negligence".

"I am very aware that the sentence I have to impose upon you does not begin to provide any consolation for his family and friends," the judge added. There were three aggravating features to the case, he said: "Firstly, you ran a small roofing business when you had no training or qualifications to carry out any roofing work. "Secondly, you engaged Mr Alker to work on a roof when you knew he had no experience of doing such work. "And thirdly, you made no provision for his safety although you knew the nature of the provision you ought to have provided."

Prosecutor Andrew Thomas said the accident occurred on June 7. Smith sent an inexperienced worker to carry out dangerous roofing work. His men were working on fragile roof lights but he failed to provide any safety equipment whatsoever, even though they were recommended in a method statement for the job. This in itself was inadequate and had been prepared for him by a neighbour on his computer. "Following the accident, the defendant attempted to cover up for his own failings," said Mr Thomas.

"He went straight to a hire shop, rented the necessary ropes and harnesses and claimed to the police that he had provided the necessary safety equipment to the deceased and blamed him for not wearing it."

Smith ran his own limited company, Wrexham Roofing Services Ltd, which employed himself and one worker, Aaron Pugh. The day before the contract was due to start he started to ask around for labour, a friend recommended Mr Alker and the next morning he was taken to the store and sent onto the roof. He had no training or accreditation and on the fourth day Mr Alker fell through a skylight. Smith returned to the scene as Mr Alker was leaving in an ambulance and he hired three rope systems and bought two harnesses which he instructed Mr Pugh to attach to the scaffolding. He later claimed they were provided before the accident. Mr Alker had a bad fracture of the left clavicle, the shoulder, and had extensive bruising to the chest, arm, hip and upper legs. He agreed to return to a clinic the following week and on June 11 he underwent surgery when a metal plate and screws were inserted. But the following morning he was found to have stopped breathing. The cause of death was multiple fat emboli, a rare but recognised condition where fat globules were released into the blood.

Interviewed, Smith said the accident was not his fault. Defending barrister Stuart Driver said Smith had acted in panic when he hired the safety equipment after the fall - which was before Mr Alker's tragic death. Smith had regarded the Comet roof as a safe roof which was not particularly high, was flat and had a parapet edge. He had erected proper scaffolding but it appeared Mr Alker had stepped back not realising the skylight was there.

SAFETY + TRAINING + ACCESS CONSULTS

www.simian-risk.com Tel: 0845 6022 418

