



SUBJECT: Trench Collapse Prosecution

RECIPIENTS: All Council Services

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Kier and subcontractors pay over £2m after worker injured in trench collapse

A division of construction giant Kier and two subcontractors have been forced to pay over £2m after a worker's leg was broken in six places when a trench that was only partially shored collapsed on him. On 19 December, Lincoln Crown Court heard that an employee had been laying pipes in a storm drain for subcontractor Lawless Civils on 9 March 2012 when the excavation caved in.

He was trapped in the trench for 15 minutes before being dug out by the fire and rescue service and airlifted to hospital. His right ankle has been permanently damaged and now points ten degrees off line. He was off work for more than a year and has vowed never to work in a trench again.

An HSE investigation into the incident found failings "from the planning stage through to the execution of the project". The principal contractor at the time was May Gurney, which was acquired by Kier after the accident, in July 2013, when it became known as Kier MG. Kier MG had been awarded the contract to construct a storm drain on Fleet Street in Holbeach, Lincolnshire, by Lincolnshire County Council. The court was told that Kier MG's subcontractor, Cambridge-based John Henry and Sons, backdated a method statement to give the impression that workers had signed it before the collapse.

John Henry and Sons had subcontracted the actual installation work to Lawless Civils, but this was without the principal contractor's knowledge. Lawless Civils was on Kier MG's approved contractor list, but it was not approved for this type of specialist excavation work, the court heard.

The HSE found that, despite the pipes being six metres long, workers in the trench were only shielded by a three-metre long trench box, meaning they were not protected over the length of the pipe. Other support systems, such as trench sheeting, were not used.

"Even while the excavation phase had begun, a catalogue of errors and omissions led to the injuries of the employee" The unsupported trench had water leaking into it and was also left open overnight.

Concrete was used to bed the pipes in at the bottom of the trench, instead of pea gravel as specified by the client. The water then mixed with the concrete, making the levelling process difficult, so that the level of the pipe bed had to be continuously adjusted. LCC was the client in this case and was investigated by the HSE. They found we had complied with our duties under CDM. Lets hope we continue to do this

If you require further assistance or clarification on the subject please contact: