

## fack families against corporate killers

**Steven Burke aged 17 killed on 30<sup>th</sup> January 2004** at Davyhulme sewage plant, Manchester.

The inquest into the death of Steven James Burke at Stockport Magistrates Court concluded on 11<sup>th</sup> October with a verdict of accidental death.

Steven Burke, a 17 year old trainee scaffolder from Levenshulme, Manchester was working for 3D Scaffold on the 30<sup>th</sup> January 2004 when he fell 10 to 16 metres from scaffolding inside an empty sewage digester tank being refurbished at the Davyhulme Waste Water Treatment Plant, sustaining serious head and abdominal injuries from which he later died in Wythenshawe hospital. The HSE Inspector reported to the inquest on the substandard methods of scaffold construction, lack of safety measures, inadequate supervision and emergency procedures. This led to Steven being engaged in an unnecessary and unsafe procedure during which he fell.

On the day of the incident, Steven was in a four man team completing the construction of birdcage scaffolding inside an empty 20 metre high digester tank so that work on the underside of the domed roof could be carried out by another company RAM Services Ltd. This involved entering through manholes and working in confined spaces.

The inquest heard from HSE Inspector, Mr Nicholas Rigby, that the scaffolding was almost completed up to roof level but there were errors in the method of construction of the scaffolding, which did not meet expected industry standards approved by the HSE. These included failure to complete platforms and secure ladders on the way up, lack of guardrails and toe-boards. There were also issues about inadequate safety harnesses and inadequate supervision- the man in charge of the job was no more qualified than Steven. This led to Steven and the worker in charge of the team climbing back down scaffolding poles rather than a ladder, to carry out a task that shouldn't have been necessary had the scaffolding been built in the proper manner and to the industry standard. In the opinion of a HSE scaffolding expert, there were 2,500 too few metres of scaffolding poles used and many less boards than necessary.

The Inquest verdict was accidental death.

No manslaughter charges.

H&S Prosecution started 6<sup>th</sup> November 2007

Defendant David Swindells junior pleaded not guilty. The other defendants who have all pleaded guilty are Mowlem PLC - the principal contractor on the project- facing one charge under section 3(1) of the Health & Safety at Work etc Act 1974; 3D Scaffolding Ltd, facing charges under Section 2 of the HASAWA 1974, and RAM Services Ltd facing charges under Section 3 of the HASAWA 1974.

The jury in the trial at Minshull St. Crown Court. of David Swindells junior, the visiting site supervisor for 3D Scaffolding Ltd (Steven Burke's employer,) found him guilty on one charge under Section 7(1) of the Health & Safety at Work etc Act 1974. In other words he has been found guilty of failing to take reasonable care of others in the way

he supervised the construction of the bird cage scaffolding at Davy Hulme waste water treatment plant..

The court heard how the work on birdcage scaffolding failed to comply with the industry standard SG4, in terms of its actual construction –no intermediate transoms, inadequate boarding, lack of guard rails and ladders -; the make up of the gang of workers was inadequate as far as competence and supervision of Steven who was only 17, and other inadequacies relating to provision, use and inspection of fall arrest equipment – harnesses. Despite a HSE Prohibition Notice on 16th January 2003, two weeks before Stevens’ death, making it clear what had to be done to ensure safety by compliance with industry standard SG4, almost nothing was done to rectify the appalling catalogue of errors.

Sentencing was on 4<sup>th</sup> and 5<sup>th</sup> of February 2008, over 4 years after Steven was killed. Sentences handed down today at 2.15pm by Judge Foster:

- **3 D Scaffolding – fined £60,000 and £20,000 costs to be paid over 18 month (later extended to 2 years)**
- **David Swindells junior - fined £7,500 and £15,000 costs to be paid over 18 months ( later extended to 2 years)**
- **RAM Services- fined £75,000 and £20,000 costs to be paid in 28 days**
- **Mowlem PLC fined £75,000 and £70,000 costs to be paid in 28 days.**

Steven’s family were unhappy with the fines and also that a Immediate Prohibition Notice served on 3D Scaffolding on 29<sup>th</sup> November 2005, for a very similar breach to the one that led to Steven’s death was not mentioned by the judge who said that 3 D Scaffolding had worked hard and had a 'good safety record' in the 4 years after Steven’s death.

Steven’s parents and family have been devastated by his death but they want his story to be told to help prevent other young people from being killed at work by negligence.

**Barbara and Bernard Burke, parents**

**Steven Burke**



**2young2die**