

Construction company director sentenced after collapsing excavation wall leaves worker with life-changing injuries

- Man critically injured after side wall of excavation collapsed
- Work was not planned, managed or monitored
- Incident not reported to HSE until two months later

The sole director of a London-based construction company has been sentenced after a 50-year-old worker was left with life-changing injuries.

James Harper, who was the sole director of Cavendish Basements Limited, failed to report the incident to Britain's workplace regulator, as required under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2012.

The 50-year-old man had been working for Harper on a construction site on Vant Road, London. He had been levelling the ground in a three-metre deep excavation area. It had been raining and the excavated soil and other material was piled up by the side of the excavation. As he went about the job, the side of the excavation fell towards him, leaving him pinned against the wall.



excavation and stability structure concerns



work at height fall risk from open edge

Rather than wait for paramedics to arrive, Mr Harper and another person, moved the operative to a works van and took him to hospital. The injured workers solicitor reported the incident to HSE two months later.

Inspectors from the Health and Safety Executive (HSE) then made several visits to the construction site and found that the work being undertaken at the time of the incident and since failed to be suitably planned, managed and monitored. Specifically, regarding stability of structures, excavations, work at height and management/supervision arrangements, resulting in multiple enforcement notices being issued.

HSE guidance states that contractors are required to plan, manage and monitor the construction work under their control so it is carried out in a way that controls the risks. Further guidance can be found here: [Managing health and safety in construction. Guidance on regulations L153](#)

Mr. James Harper, of Ellison Road, London, pleaded guilty to breaching Section 37(1) of the Health and Safety at Work etc. Act 1974 by virtue of regulation 15(2) of the Construction (Design and Management) Regulations 2015. He was sentenced to 6 months, suspended for 2 years and was ordered to pay £4608.32 costs and a £154 surcharge. HSE does not determine fines, which are set by the court.

Following the hearing, HSE inspector Andrew Pipe said:

“This was a wholly avoidable incident, where had appropriate measures been taken e.g. planning the work and shoring the excavation walls, then the life-changing injuries would not have occurred.

“Mr Harper’s decision to not report the incident, as required by law, resulted in other workers continuing to be put at risk on a daily basis and it was lucky that no one else was seriously injured.

“This case should remind everyone in the construction industry that HSE will not hesitate to take action against individuals and companies that fail to properly plan and manage serious risks on construction sites.”

This prosecution was bought by HSE enforcement lawyer Neenu Bains and paralegal officer Melissa Wardle.

Further information:

1. [The Health and Safety Executive](#) (HSE) is Britain's national regulator for workplace health and safety. We are dedicated to protecting people and places, and helping everyone lead safer and healthier lives.
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. Relevant guidance can be found here [Managing health and safety in construction – Guidance on the Construction \(Design and Management\) Regulations 2015 – L153](#)
5. HSE does not pass sentences, set guidelines or collect any fines imposed. Relevant sentencing guidelines must be followed unless the court is satisfied that it would be contrary to the interests of justice to do so. The sentencing guidelines for health and safety offences can be found [here](#).