

Fines for company and director after man injured during excavation work

A company and its director have been fined a combined £18,000 after a man was injured during excavation work in West Sussex.

JHE Construction and Jordan Hay-Ellis pleaded guilty to breaching health and safety laws following the incident on 23 February 2023.

The company had been contracted to complete a full barn conversion, which included the installation of a new septic tank. In order to install the tank, workers had to dig an excavation approximately three metres deep. Edward Keely, 30, along with two other men, had been tasked with doing the work at Lone Oak Farm.



The three men were working in this excavation when it collapsed

The three men were in the hole preparing to install a concrete base for the septic tank to sit on when the walls collapsed. Mr Keeley was struck by falling soil which resulted in multiple bone fractures and required for him to be dug out.

An investigation by the Health and Safety Executive (HSE) found that no precautions had been taken to prevent the collapse of the excavation, yet the men were expected to work in it.



The septic tank that the excavation was being dug to fit into

HSE guidance advises that all work of this nature should be correctly planned, including whether any temporary support structures should be used. This may also include battering the excavation sides to make it safer. You can [read more about HSE guidance here](#).

JHE Construction Limited, of Icarus Avenue, Burgess Hill, West Sussex, pleaded guilty to breaching regulation 22 (1) of The Construction (Design and Management) Regulations 2015. The company was fined £16,000 and ordered to pay £2,612 in costs at Brighton Magistrates Court on 24 March 2025.

Jodran Hay-Ellie, 33, of Icarus Avenue, Burgess Hill, West Sussex, pleaded guilty to breaching regulation 22 (1) of The Construction (Design and Management) Regulations 2015. He was fined £2,000 and ordered to pay £1,000 costs.



No precautions had been taken to prevent the collapse of the excavation, yet the men were expected to work in it

After the hearing, HSE inspector Nathan Kent said: "The risk associated with excavation collapse is well understood within the construction industry and this incident was easily foreseeable.

"All excavation work should be supported or battered back.

“Failure to do so in this case resulted in a young man sustained very serious injuries.

“HSE will not hesitate to take action against companies which do not do all they can to keep people safe.”

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 on excavations](#) is available.
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](#).