

Word of Warning to all of you who have responsibility for snow and ice clearing.

Tom and I spent a very stressful day in Newcastle Crown Court a week ago defending the University against a claim from a member of our museum staff who slipped and fell on one of the paths which we maintain in Nov 2010, this as you may remember was the early stage of the last big snow fall which we had, lasting into Feb.

Sadly the woman broke her knee and has suffered from this since and arguably had a valid case; however she was wearing flat soled shoes and was carrying her wellingtons under her arm whilst she walked the 30 yards to her car.

I am pleased to say that we won the case but I thought that it would be useful to pass on some of the learning elements from the case.

Firstly we have a fairly comprehensive system in place using all of our garden and grounds staff. We have two staff on early 5.30am call out who use tractors, ploughs and gritter's to treat paths and roads, this is followed up by the bulk of the grounds staff who work to a schedule detailing where they go and what they do. This document was an important part of our defence, It was proof that we have a system together with purchase records for the loads of grit bought just before the event, but what we were quizzed about in much more detail was the document which our head gardener signs off to say that all the areas had been checked and had been cleared.

The prosecution barrister absolutely hammered our head gardener about this and tried her best to discredit his evidence that he had not checked the area.

One of the other pieces of evidence which we did not have were accurate meteorological records for the day, The nearest we could get were from the airport 6 miles away where the weather can be different to the city centre. The judge did back our system where we forward weight our staffing efforts in the morning to clear snow and grit in time for university staff, students and visitors to get to work and go about their daily business but it means that we are open to criticism that we are a bit light weight in the late afternoon and early evening for people going home, this was where we were caught out by a late snow storm which had covered the salt which we had applied earlier.

The prosecution tried to get an angle where we did not put signs out to warn anyone that it might be slippery but we successfully argued that this would be totally impractical, this was also supported by the judge.

Be very careful about third parties on your site who have inspection forms which staff fill in at certain times of the day. We were nearly caught out by this one, firstly we didn't know that they had such a system then the info which was recorded on 3 occasions on the form just said "Snow" and nothing else. Fortunately this went our way as well as they had not followed the information up with a defect to us for any action so it was taken that it wasn't a comment on the state of the paths but a general overall view of the external conditions during the day. The information on the form could have been very damaging to us and I think that we managed to get around this by convincing them that there is a robust system of reporting defects which the building managers were well aware of and regularly used.

The accident form is an important piece of information in any defence but in our case it was not a University form which had been used and was almost discredited because information had been filled in several days after the event and it was a typed up form not an original hand written one. In essence it was argued and supported by the judge that there was no proof of when the information had been entered onto the form or by whom.

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