

**STRUCTURED TRIAL/VERDICT REASONS/PRONOUNCEMENT FORM**

**NAME OF DEFENDANT:** *George Michael Crossley*

**DATE:** *24.05.05*

**OFFENCE(S) (Elements) – *The prosecution have said that:***

*Failure to report a 3 day injury  
Failure to carry out a suitable risk assessment*

**BURDEN & STANDARD OF PROOF – *Before you can be convicted the prosecution must prove, so that we are sure, all the elements of the offence(s).***

*'Beyond reasonable doubt'*

**ISSUES OF LAW – *The following issues of law were raised:***

*No specific issues of law*

**MAIN FACTS WHICH ARE AGREE OR NOT IN ISSUE – *Both you and the prosecution accept that:***

*An incident occurred at the premises of Mr. Crossley  
Mr. Brain was an employee of Saltburn Distribution Services  
An injury occurred  
Mr. Brain was off work for a week  
There was no written risk assessment relating to the operation of the fork lift truck  
Mr. Brain was not trained in the use of the fork lift truck*

**MAIN FACTS WHICH ARE DISPUTED – *You do not agree that:***

*The incident caused the injury  
How many people were employed at the business*

**EVALUATION OF THE EVIDENCE, ie strengths and weaknesses of the witnesses – demeanour, plausibility etc.**

*Our assessment of the strength and reliability of the evidence is:*

*We are inclined to disbelieve Mr. Brain, given that he went on to play football that evening following the incident and has contradicted his statement in print, ie the article in the Saltburn Advertiser*

*Mr. Law's evidence was weak in fact.*

*We found Mr. Crossley was candid and we are inclined to believe him and accept his view that there were only 4 employees – a fact confirmed by Miss Crossley.*

*Mr. Driver was unable to add anything further of note other than Mr. Brain was operating the fork lift truck and that Mr. Brain had said the injury was slight.*

**WHAT ARE YOUR FINDINGS ON THESE DISPUTED MATTERS? We find that:**

*We believe that the 3 day injury did not occur as a result of the incident, more as a result of the football match.*

*However, the company did fail to carry out a suitable and sufficient risk assessment.*

**VERDICT: We therefore find you guilty/not guilty.**

*We find Mr. Crossley NOT GUILTY of not reporting the 3 day injury.*

*However, we find Mr. Crossley GUILTY of failing to carry out a suitable and sufficient risk assessment.*

*We fine Mr. Crossley £2,000 and order him to pay £1,000 costs.*

..... J . E .  
- - - - - Chairman