



2014FAI 12

Case Reference No: B60/2014

DETERMINATION

of

SHERIFF DANIEL KELLY QC

**following a Fatal Accident Inquiry into
the death of**

WILLIAM JOHN DAVIDSON

Act: E. McClung, Procurator Fiscal Depute; Alt: C. Bone, BTO Solicitors, Glasgow (for W & J
Davidson).

Dumfries 10 June 2014

The Sheriff, having considered all of the evidence adduced, determines in terms of
section 6 of the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act 1976 that:

- (a) William John Davidson who was born on 2 September 1950 died at Poldean
Farm, Moffat, at about 2.38 pm on 26 January 2013;

- (b) the cause of his death was a severe head injury sustained in a fall from a height after he lost his footing while working on top of a silage pile;
- (c) a reasonable precaution whereby his death might have been avoided would have been that of keeping a safe distance from the edge of the silage pile; and
- (d) a defect in the system of working which contributed to the death was the absence of any measure whereby the need to work close to the edge of the silage pile was avoided.

NOTE

Mr Davidson

1. By all accounts William Davidson was a very caring, hard-working and light-hearted person who was extremely well respected in the farming community. He farmed at Poldean Farm, Moffat, and after his son Alisdair acquired the tenancy of the neighbouring Cogries Farm in 2008 both farms were run together by them along with William's wife, Jennifer, as one business called W & J Davidson.

The site of the accident

2. Poldean Farm has a large shed, 165 feet long and 45 feet wide, which is used for the storage of silage. Throughout the summer months the grass that has grown and been cut is placed in the shed. The grass is piled to a height of about 16 feet and extends the width of the shed and for most of its length. In order to exclude air and permit the grass to ferment into silage two sheets are laid over it, weighed down by sandbags. The lower sheet is a thin clear one; the upper sheet is a thicker black one upon which a person is able to stand. These sheets are moved

back periodically in order to enable the cows to eat the silage. A door at the rear of the shed provides access to the top of the pile. In an operation generally requiring two people the sheets are pulled back by about 15 feet from the edge of the pile approximately every three weeks. In carrying out this exercise the sandbags are lifted and placed on top of wide internal walls at the edge of the silage pile. Once the sandbags have been relocated the black sheets can be pulled back. The clear sheeting is then cut away in widths of about 20 feet.

Events of 26 January 2013

3. Alisdair Davidson explained the circumstances in which he was working with his father William Davidson on 26 January 2013 at Poldean Farm. At about 2.00 pm they accessed the shed via the rear door and walked along the top of the silage pile to the front of it. There they began to remove the sandbags and peel back the sheets. Alisdair was about 10 feet from the edge of the silage pile completing work on the sandbags. William had taken hold of the black sheets and was engaged in pulling them back. Alisdair was busy at the time with his own task and did not directly see what led his father to lose his balance and fall over. From what he observed when he heard his father shout and looked over it appeared most likely that William's feet had become entangled in the sheets. William toppled over the edge of the silage pile and fell a distance of about 16 feet, striking his head on the concrete floor below.
4. Lesley Hammond, an inspector with the Health and Safety Executive, provided a number of suggestions as to how sheets could be removed from the top of silage

piles in a safer manner. Having consulted a senior colleague knowledgeable in the farming sector, she concurred with Alisdair Davidson that the method adopted to pull back the sheets was common practice in the industry. Coupled with the statistic that falls are the second highest cause of death in the agricultural industry, any such suggestions merit attention by those involved in such an activity. Precautions considered at the Inquiry included ropes leading from the rear of the shed positioned underneath the silage sheets which doubled back on themselves over the top of the sheeting. About three ropes would be required to run the length of the sheets, placed at equal distances apart. The ropes could be pulled backwards by someone standing at the rear of the shed. Such a system might prove effective in removing the need to be near the edge of the silage pile and is worthy of consideration but I have refrained from including it as a reasonable precaution whereby this death might have been avoided since it is untested and it is not known whether it would work. Moreover, it could entail dangers of its own, such as presenting a tripping hazard. Further testing of its feasibility would, therefore, be required. Other possible precautions considered but unlikely to be practicable included the use of a hook or crook to pull back the sheets in order to avoid the need to be at the edge and the use of a harness. The drawbacks of these aids are that a hook might rip the sheets and could be a tripping hazard if placed on the ground and a harness attached to the rear of the shed would only be effective when a person was almost at the end of the silage pile. Neither could, therefore, be advanced as reasonable precautions whereby the death might have been avoided without further testing as to their efficacy.

5. The simplest precaution - and one whereby the death might have been avoided and the absence of which I have determined to be a defect in the system of working - would be a practice whereby the sheets were pulled back while there remained at least six feet of the silage uncovered. If that were implemented, even were a person to fall over there should still be six feet of silage left to fall upon, much reducing and hopefully largely eliminating the risk of falling over the edge of the silage pile and onto the floor below.

Concluding remarks

6. Finally, I extend my condolences to Mr Davidson's family.
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