

**R v Speakman**  
**Sentencing Remarks**

Have a seat because what I have to say will take several minutes.

I have to sentence you for an offence contrary to s.33(1)(a) of the Health and Safety at Work Act 1974, committed on the 16th July 2022. You pleaded guilty to the offence on the first day of your trial for an offence of Gross Negligence Manslaughter, of which you were later acquitted.

As a self-employed person, you failed to conduct your undertaking in such a way as to ensure, so far as was reasonably practicable, the health and safety of Albie Speakman, aged 3 years and 3 months.

I have been assisted by sentencing notes and oral submissions from both sides and by a detailed and helpful pre-sentence report.

Instead of keeping you on tenterhooks, I am going to begin by telling you that my decision is to pass a sentence of immediate imprisonment, though it is not a long sentence. Now that I have told you that, I would like you to listen carefully while I explain the reasons in detail.

You are Albie's father. You were no longer in a relationship with his mother, Leah Bridge, but he often stayed with you at Speakman's Farm. He was staying with you on that Saturday, 16 July 2022. While he played in the garden, you were working in a telehandler nearby. Albie was killed in a collision which occurred when you reversed that vehicle into him.

To state the obvious, this was a terrible tragedy. A tragedy for the child, for you, for Ms Bridge and for the other family members.

Ms Bridge had the courage and the dignity to read to the Court her heart-rending VIS, which gives us just a little insight into the effect of this on her.

You must face up to the responsibility for that. What happened on 16 July was not bad luck. It was an entire failure to look after Albie and keep him safe. On that Saturday morning you were the person caring for him. It wasn't necessary or appropriate for you to be working. Caring for him came first. And in addition, there were 3 adults at the farm that morning. There was nothing difficult about keeping Albie safe.

I am passing sentence for the health and safety offence which consists of creating a risk, in this case a risk which eventuated, of the death of a child.

The jury found you NG of manslaughter, meaning that although it was accepted that you were in breach of your duty to Albie and that caused his death, your breach of duty did not pass the threshold of being truly exceptionally bad, meaning so reprehensible as to justify the conclusion that it amounted to gross negligence and required criminal sanction for that offence.

So, I am passing sentence for a breach of duty which did not reach that exceptionally high threshold. That does not mean that it was not very serious, as I will explain further.

There is a mismatch between the court's sentencing powers for this health and safety offence and the tragedy of what happened in this case.

Under the Health and Safety at Work Act, the maximum sentence for this offence is 2 years' imprisonment. That obviously does not reflect the death of a 3 year old child.

Whatever sentence I pass, it is not in any way a measure of the value of Albie's life, or a measure of the impact of this tragedy on anyone else, and it is not intended to be.

But it does require the Court to assess the seriousness of the breach of duty, by which you failed to ensure Albie's safety.

It is clear that this case passes the custody threshold, meaning that it is so serious that neither a community penalty nor a financial penalty alone can be justified.

I have to decide what prison term to pass and whether to suspend it.

I begin with the Sentencing Council's guideline on sentencing for this offence.

First I have to decide whether this was a case of high culpability, where you were wilfully blind to the risk of offending but took the risk anyway, or a case of very high culpability, where you flagrantly disregarded the law.

I bear in mind that the possible sentences for those two categories overlap. In my judgment there were aspects of flagrantly disregarding the law, and the case should be placed at or close to the intersection between the two categories.

That is above all because there was important and relevant guidance from the HSE, readily available online, about the use of vehicles like telehandlers on farms and about the safety of children on farms. I will assume that you were not aware of the specific guidance, but as a self-employed farmer you must have known, or at the very least should have known that guidance existed, and you chose not to gain any awareness of it.

And even that is assuming, in your favour, as I do, that you never saw an HSE letter of 28 May 2020, warning you about your behaviour at that time, operating an excavator with your partner in the bucket attachment and making a video of it.

Important parts of the guidance, it seems to me, are a matter of common sense. Don't use vehicles without proper training. Don't let children stray into areas where they may be at risk. Keep them away from work traffic. Remember that they have only limited awareness of risks. There is no excuse for any farmer not following those simple principles.

In this case, a telehandler, with compromised rear visibility, was being moved around in the close vicinity of an unsupervised 3 year old child. That was not just wilful blindness. There was a degree of flagrant disregard, though the case belongs in the lower part of the relevant bracket in the guideline. As your counsel rightly says, I must distinguish this from the worse type of case where a person deliberately operates a dangerous business out of greed.

I am satisfied that my finding is not inconsistent with the jury's verdict. A degree of flagrant disregard of the law would not mean that the jury was bound to find that the truly exceptionally bad test for manslaughter, a different offence, was satisfied.

Because the offence consists of creating a risk of harm, I then have to decide both the seriousness of the harm that was risked, and the likelihood of that harm arising.

The harm risked in this case was the harm that occurred, namely Albie's death, so it was level A seriousness.

As to its likelihood, your counsel relies on the not guilty verdict on the manslaughter charge. He argues that we must assume that the jury recognised the possibility that you checked behind you before reversing and that the collision only happened because Albie was very close to the telehandler and perhaps positioned at ground level, when it struck him. Counsel argues that I must assess the risk of that precise sequence of events, and that that risk was a medium likelihood, not a high one.

The problem with that argument is that it assumes that the risk did not come into existence until a moment before the collision. In my judgment, the risk on 16 July 2022 was created by a combination of factors. First, while Albie was in your care, you were working in the telehandler instead of looking after him. Second, just as important, as you were using the vehicle, not having had any training, he was in an area close by with no protection like a fence or a gate. That flew in the face of the guidance which is published for the benefit of farmers and their families. Third, visibility to the rear of the telehandler was compromised because one of its wing mirrors was missing and the other was dirty. Fourth, the vehicle made no warning sound when it reversed.

All of those things created the risk, and the risk was that there would be a collision between the telehandler and a person such as Albie. It wasn't just the risk that the collision would happen in precisely the way that it did. I

am sure that your acts and omissions that day created a high risk of harm up to and including death.

This was therefore harm category 1 under the guideline.

That leads me to identify a starting point for the sentence, meaning a length of sentence before I have regard to any aggravating or mitigating factors.

That starting point is 16 months, somewhat below the standard starting point for the highest category under this guideline.

I then have to consider aggravating and mitigating factors. In taking those into account, I bear in mind that the limited sentencing range for this category of offence also limits the size of any upward or downward adjustment that I can make.

It is agreed that your previous dangerous conduct is an aggravating feature. I am referring to the episode in 2020 with the excavator, and the fact that earlier on the morning of 16 July you allowed Albie to ride in the back of your pickup truck, and earlier occasions when you admitted that the same thing had happened.

The case is also aggravated by your previous convictions. Some minor offences of violence are not relevant, but you were convicted of driving without due care in 2004 and for dangerous driving in 2009. Those contribute to a history of illegally disregarding health and safety, though they have not made a substantial difference to the outcome.

The aggravating factors in isolation would lift the sentence to 20 months.

But against that, there is personal mitigation. I have heard about that in detail, in the persuasive and sensitive submissions made by your counsel.

Most importantly, the loss of Albie has obviously had, and will continue to have, a very profound effect on you, and that is no doubt an understatement. I give very significant weight to your bereavement.

In addition, the pre-sentence report assesses you as posing a low threat of re-offending, and of having expressed a proper understanding of the need

for a wholesale change in your attitude to safety on the farm. You have taken steps to make the farm a much safer place for your family.

A custodial sentence will also have a significant impact on your young family, and that also carries significant weight.

Those matters would lead me to reduce the sentence by a substantial proportion, down to 14 months.

In addition, you are then entitled to a credit of 10 per cent for your guilty plea to this offence at the start of the trial. I increase that percentage very slightly, bearing in mind that an earlier plea to this offence would not have affected the course of the trial.

Bringing all of that into account, I conclude that the right sentence is one year. That is the shortest term that can be imposed having regard to the seriousness of the offence.

The final question is whether that sentence should be one of immediate custody or whether it should be suspended.

Sentencing guidelines identify factors which must be considered for the purpose of that decision.

There are factors for and against suspension, and your case engages factors on both sides.

In favour of suspension, there appears to be a realistic prospect of rehabilitation, though some of your rather defiant responses to questions when you were giving evidence in the trial leads me to think that that will take time. There is also strong personal mitigation as I have said. And, as I have said, immediate custody will cause real difficulty for your partner and two young children.

The pre-sentence report also indicated that if you go into custody there is nobody else who can run your farm and therefore the livestock which you currently own will have to be sold, under immediate pressure. It is not said that the farm itself will be lost.

But factors leaning against suspension are also relevant.

The most important one is that appropriate punishment can only be achieved by immediate custody. That is the view I have taken in this case, bearing in mind the range of ways in which Albie's safety was not ensured that day, and the appalling consequences of your offence, for Albie and his mother as well as for yourself.

Those consequences must be seen in the context of what I have been told by a Mr Owen, one of HM'S Health and Safety Inspectors working in the agriculture sector. He reports that the rate of fatal accidents in agricultural workplaces is far higher than the average for all workplaces and several times higher than in the construction sector, and that over a recent 5 year period, being struck by a moving vehicle was the leading cause of farm workplace fatality. And, in each of the last few years surveyed, at least one child died at an agricultural workplace. That is a matter of real public concern, and that cannot be ignored when the court passes sentence in a case like this. I take your counsel's point that members of the public would be deterred from this sort of offending by contemplating the personal loss which you have suffered, but unsafe workplaces pose dangers to the public and workers as well as to family members. It is important for those in the farming profession to know that offences of this kind will attract strict legal consequences as well as personal ones.

Another relevant factor is your compliance with previous court orders.

You received two suspended sentence orders for previous offences: the dangerous driving offence in 2009 and another offence in 2015. You complied with the terms of those orders, and that is in your favour, but what is worrying is that those orders did not bring about your rehabilitation, because on each occasion, more offences followed.

Weighing up these factors, I have come to the conclusion that appropriate punishment in this profoundly serious case can only be achieved by immediate custody, and therefore the sentence is imprisonment for one year.

You will serve up to one half of the 12-month sentence in custody before you are released on licence. When you are released, you will be on licence

and then on post-sentence supervision for 12 months after that. You must comply with the terms of the licence and supervision and commit no further offence or you will be liable to serve a further period in custody.

In the circumstances I do not think it right to impose any financial penalty in addition.

The question of compensation should be dealt with in the civil courts, and I therefore make no compensation order for that reason.

Finally the prosecution sought costs of £10,000 not including the trial. I bear in mind what I have been told about your means, and the likely financial impact of my sentence on you, and I will order you to pay a contribution towards those costs of £2,000 payable at the rate of £20 per month.

**Mr Justice Bourne**

**Manchester Crown Court**

**28 February 2025**