



JUDICIARY OF
ENGLAND AND WALES

R

-v-

Robert Warner

In the Crown Court at Sheffield

14 February 2014

Sentencing remarks of Mr Justice Males

Robert Warner, you have been convicted by the jury of the manslaughter by gross negligence of Ryaheen Banimuslem, a little girl aged 2½ who fell to her death on 27 June 2012 at the North Bank Apartments in Sheffield.

The building has a garden on the fourth floor facing the river, with a walkway running off it down one side of the building. Ryaheen fell through a gap in the barrier where a glass panel had been removed at the end of the walkway.

You are now aged 45 and you were the caretaker and maintenance man at the building. Although there was conflicting evidence exactly when this occurred, at about the end of May 2012 one of the glass panels in the barrier facing the river was smashed by vandals. You did not notice that this had happened until 14 June, and nobody reported it to you. However, on 14 June you reported the matter to Arim, the company who managed the building, and obtained their authorisation to fit a replacement panel at that location and also on the ground floor where another panel was broken or missing. However, the panel which you had planned to use to replace the panel on the 4th floor did not fit.

By their verdict the jury have concluded that what you then did was to replace the missing panel at the front of the building using the panel in the barrier which was at the end of the walkway round the side. This repaired one major and obvious hazard but left a gap in the walkway barrier through which Ryaheen was to fall.

Although you denied that this is what you had done, you yourself acknowledged in your evidence that to leave a missing panel in an area where you knew that children played was extremely dangerous. So it was. But you took no steps to board up the gap as you could easily have done, or even to draw attention to its existence, and simply left a gap there for a period of almost two weeks.

I can only conclude, taking account of the evidence at the trial that you were in general a hard working, helpful and conscientious caretaker, who took pride in your work, that something happened to cause you to overlook the need to board up the gap which you had left. That evidence is confirmed by the character references which I have read. To board it up would have been an easy job and you had the tools and materials with which to do so. I do not believe that you left the gap deliberately, intending to do nothing about it. As you yourself said, and as was obvious, that would have been extremely dangerous. Having seen you give evidence and heard what others have said about you, I cannot believe that this is what you intended to do. Why you did not board up the gap we may never know, although there was compelling evidence that after your hours were reduced to two days a week at the beginning of 2012, you were run off your feet with work and unable to cope with all the work that needed to be done in a large building which suffered from frequent and mindless acts of vandalism. I take account also of the fact that although the walkway where the missing panel was appears to have been a place where people frequently went to smoke, nobody ever reported to you that there was a panel missing.

Nevertheless your failure to board up the gap was a thoroughly irresponsible failure which has caused the tragic death of a little girl and brought grief to her family, as was all too clear when her mother gave evidence. Although her parents have

decided not to provide a victim statement, their distress is apparent and real. They have borne their loss with quiet dignity.

The circumstances which I have described mean that your culpability is high. For whatever reason, you created an obvious danger for any little child using the garden, and even if it slipped your mind under the pressure of other work, you did nothing to remove the danger for an extended period. The families who used the garden relied on you to keep it safe for them to do so.

I take into account that you are a man of good character and I have already referred to the evidence about your general conduct. Nevertheless, the harm that you have caused as a result of this isolated act of gross negligence has been severe, and a significant prison sentence is inevitable.

I derive relatively little assistance from the differing facts of other cases. Every case is different. I have to make a judgment as to the sentence which will properly reflect the culpability of your conduct and the tragic consequences which resulted.

You will go to prison for 4 years. After half that time you will be released on licence. There will be no order as to costs.