

Insight, Accountability, and the Human Cost of Workplace Safety Failures

Write-Up: Virtual Mock Trial

Hosted by Pinsent Masons in Partnership with the HSE Recruitment Network

Virtual Mock Trial

The Case

Last month, Pinsent Masons and the HSE Recruitment Network delivered a compelling virtual mock trial exploring the legal consequences of a catastrophic health and safety breach. Attended by over 900 virtual delegates, this immersive, interactive session offered a unique opportunity to examine how safety failures are prosecuted—and how individuals and organisations can mitigate risks.

Now a staple in the health and safety calendar, this twice-yearly event hosted by the Pinsent Masons Health & Safety and Regulatory Risk Advisory team and the HSE Recruitment team combines legal realism, regulatory insight, and audience participation. Attendees took on the role of jurors, engaging directly with the facts and legal arguments before reaching their own verdict and sentence.

The Case: HSE v Alex Mitchell

Set on the fictional Springfield site in Newport Pagnell, the trial centred around the tragic death of 21-year-old agency worker Gary Bains, who suffered a fatal electric shock during excavation works. The defendant, Alex Mitchell, was the site supervisor for subcontractor Dixon Civils and stood accused of breaching Section 7(a) of the Health and Safety at Work Act 1974 by failing to take reasonable care for those under his supervision.

The Evidence: Key Testimonies

The prosecution's case was built around four compelling witnesses:

- Chris Moore, a junior Excavator Operator, described a culture of fear on site. Moore testified that Mitchell routinely ignored safety practices, failed to provide the required training or checks, and directly instructed workers to begin excavation without a Permit to Break Ground, the very morning of the fatal incident.
- Morgan James, a Health and Safety Executive inspector, offered technical and legal clarity. She explained that Mitchell had been specifically trained to act as Buried Services Co-ordinator and had failed to implement Salmons' stringent safety protocols, including proper scans, the showing of safety videos, and issuing toolbox talks, all requirements under HSG-47 and the CDM Regulations.
- Pat Matthews, Assistant Project Manager for Salmons and a former Dixon Civils employee, revealed a troubling history of rule-bending and corner-cutting by Mitchell. Despite being fully briefed on the Safe Excavation Policy, Mitchell was described as impatient, dismissive of controls, and eager to "get digging", even while Salmons was in the process of formally denying him permission to break ground.
- Alex Mitchell, the defendant, who maintained his innocence, claiming he had not authorised the dig and believed no work would proceed until he returned from a meeting with the Principal Contractor. He attributed the accident to a tragic misunderstanding and cited immense personal and professional pressures, including a sick child and job insecurity.

Mitchell's own defence presented him as overburdened, struggling with personal challenges, and unsupported by his employer. However, under cross-examination, inconsistencies emerged in his version of events.

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The Verdict

Jury Decides Guilty

In an interactive poll following the trial, 81% of the audience returned a Guilty verdict. The jury determined that Mitchell had failed in his duty to ensure a safe system of work, leading directly to Mr Bains' death.

Sentencing Phase: Deliberating Consequences

During the sentencing phase, the audience were invited to suggest their view on what an appropriate sentence would be and the poll returned the results:

- 8% – Community Order
- 5% – Fine
- 20% – Immediate Custody
- 65% – Suspended Sentence + Fine

However following submissions by the Prosecution, who argued that in this case the defendant's crime had high culpability and was in harm category one (foreseeable and fatal), and the Defence, who cited remorse and personal circumstances, the judge imposed the following sentence:

- 12 months' imprisonment, suspended for 12 months
- £4,950 fine (Band F – 700% of weekly income)
- £4,950 costs contribution
- £170 victim surcharge
- Total penalty: £10,170, payable over 12 months.

During the summation the judge (ably played by Kevin Bridges, partner for Pinsent Masons) emphasised the importance of accountability for those in supervisory roles and the irreparable loss to Mr Bains' family.

Educational Impact

Through courtroom realism, the mock trial powerfully illustrated how individual behaviour, organisational systems, and safety culture can all intersect in legal accountability and the combination of live polling, detailed witness statements, and sentencing analysis gave our attendees a really authentic window into how the HSE and courts assess responsibility and risk in cases like this

A Continued Commitment

Pinsent Masons and the HSE Recruitment Network continue to champion the use of legal education as a catalyst for real-world improvement. With growing attendance each year, the virtual mock trial remains a vital forum for promoting safer workplaces and deeper awareness of the legal stakes in health and safety compliance.

To hear about our upcoming Health & Safety or Sustainability events, please contact Laura Aucott.
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