

## Doctor David Wenham

PhD, MSc, BSc, DipSH, Dip Law AdvDipEdMan, CChem, MRSC, CFIOSH, FHEA, Chartered Safety and Health Practitioner



David gained a first degree from Southampton University in Physiology and Biochemistry and followed this with an MSc in Forensic Science from Strathclyde University and then a Ph.D. in Biochemistry from Birmingham University in

conjunction with ICI Pharmaceuticals. He then joined the Health and Safety Executive as an inspector and gained the Postgraduate Diploma in Occupational Safety and Hygiene from Aston University.

During his time in the HSE he worked in the industry groups responsible for chemicals, food, woodworking, shipping and construction and his work included the inspection of premises, provision of advice, the investigation of accidents and enforcement including prosecution.

### Lectureship and Expert Witness

He was appointed a lecturer at Loughborough University in 1990, and now is the Director of the Postgraduate Programme in Occupational Health and Safety Management which attracts students from major companies from the UK and abroad. His main interests and consultancy work are occupational health and safety law, risk assessment methods, safety management and safety culture/climate.

Apart from Loughborough, he has been a visiting lecturer at a number of other universities including Aston (Postgraduate Diploma for HSE inspectors), Salford (MA in Occupational Health and Safety Law and Environmental Law), University College London (MSc Healthcare Risk Management) and Surrey University (MSc Occupational Health and Safety).

Since 2006 he has been a consultant and lecturer to Warwick University for the Postgraduate Diploma in Regulatory Occupational Health and Safety for HSE inspectors and more recently has been appointed Principal Examiner for the NEBOSH level 11 Diploma Award for HSE inspectors. He has gained significant experience as an expert witness over the past 20 years, including giving evidence in court and being cross-examined.

### EXAMPLE OF CRIMINAL CASES FOR THE PROSECUTION

Acted for **Glasgow City Council (2009)** in respect of the prosecution of Integral (UK) Ltd resulting from a fall from height of a service engineer. Report evaluated the adequacy of training to conduct a risk assessment and supervision/auditing. Defendant convicted of a breach of s2 HSWA.

### EXAMPLE OF CRIMINAL CASES FOR THE DEFENCE

Acted for **Thompsons in R v Dr Clive Bird (1995)**. The defendant was prosecuted for a breach of s36/s7 HSWA following an explosion in a laboratory, in which an undergraduate student was injured. This was one of the first prosecutions against an individual employee for an alleged failure to conduct a suitable and sufficient risk assessment. Crown Court judge found there was no case to answer.

### EXAMPLE OF CIVIL CASES FOR THE CLAIMANT

Acted for **Russell Jones and Walker in Laurence v Metropolitan Police (2001)** in which the claimant suffered a serious injury during training. Defendant found liable.

### EXAMPLE OF CIVIL CASES FOR THE DEFENDANT

Acted for **York College (2014)** following a fatal accident in the college nursery and subsequent conviction for a breach of s3 HSWA. The Crown Court Judge expressed significant criticism of the college health and safety adviser such that it was necessary to establish if disciplinary proceedings should be brought. Report exonerated the safety adviser.

### INQUEST WORK

Appointed by **Tewkesbury Borough Council (2015)** to provide an expert witness report and required by Coroner for Gloucestershire to give evidence at the Inquest, following the death of an epileptic employee at a supermarket. The jury identified significant failings on the part of the employer.

