

HOW HIGH?

Sentencing of health & safety offences



One year on from the introduction of the new health and safety sentencing guidelines, we have witnessed a continual rise in the level of fines being imposed on companies committing health and safety, corporate manslaughter, food safety and hygiene offences.

- ▶ The new health and safety sentencing guidelines which were introduced on 1 February 2016 ensure that any fines are "**sufficiently substantial to have a real economic impact**" which will bring home to both management and shareholders the need to comply with health and safety legislation.
- ▶ Large organisations with turnovers greater than £50 million and with high culpability will be subject to a **sentencing range of between £500,000 and £10 million**.
- ▶ Companies are **unable to recover reasonably incurred legal expenses** even if they are found not guilty.
- ▶ The focus within the health and safety sector has recently turned to occupational health and the wellbeing of the workforce.
- ▶ We expect to see a rise in enforcement action and prosecutions relating to workplace stress and illnesses over the next twelve months. Factors such as working hours, shift patterns, rest breaks and sickness days and how employers manage these issues will be a keen focus for enforcing bodies in 2017.
- ▶ Sports Direct, was the subject of an inquiry due to concern over working conditions and zero hour contracts. The inquiry found that there had been 115 incidents at its site over the last 6 years including 80 RIDDOR reports submitted to the HSE. The committee called for Sports Direct to immediately review their health and safety arrangements.
- ▶ New PPE Regulations are set to come into force in April 2018 replacing the 1992 Regulations which have been in place for over 20 years. Safety managers within all establishments will need to ensure that changes are implemented and new standards are met which are in line with the new legislation to avoid enforcement action by the authorities and the potential for increased fines.
- ▶ **Now is the time** to take a proactive look at the strategy, policies and risk exposure across your business to build **strong foundations** in compliance.
- ▶ Ensure that all health and safety **policies** are up to date, **risk assessments** are conducted thoroughly and staff are **appropriately trained** to perform their roles safely.

AG's health and safety offering 'sits at the top of the tree', and combines 'meticulous preparation with first-class client handling'.

How we can help

PROACTIVE ADVICE	IF THINGS DO GO WRONG...
<ul style="list-style-type: none">▶ Legislation, regulations and policies▶ Strategy and proactive audits▶ Criminal and civil liability▶ Policies and risk exposure▶ Corporate due diligence	<ul style="list-style-type: none">▶ 24/7 crisis support for major incidents and investigations by the relevant regulatory authority▶ We mount our own legally privileged investigations on behalf of clients in order to protect their position with regard to anticipated civil and criminal proceedings▶ Representation from initial dealings with regulatory authorities through to trial
TRAINING YOUR TEAM	REDUCING COSTS
<ul style="list-style-type: none">▶ Training for all levels of your business▶ Crisis management and the Health & Safety (Offences) Act 2008▶ New sentencing guidelines for health and safety and food crime matters	<ul style="list-style-type: none">▶ Competitive fee proposals▶ Embedded Transaction Services Team of paralegals▶ Development of standard precedents and approaches▶ Sharing industry know-how, market practice and horizon scanning updates

Who we have helped

Having been entrusted with the work of the **Health and Safety Executive** for over 25 years, we have considerable experience in this area combining both prosecution and defence work. We voluntarily handed back this contract to concentrate on defence work. This almost unique and unrivalled offering within the UK's legal market provides us with a platform to give our clients balanced, incisive and commercial advice on any health and safety issues arising out of their business activities. It also enables us to provide practical insight when assessing clients with pro-active audits – we can look at a client's systems with the "eyes" of the regulator.

Who to contact

ERIN SHOESMITH
Legal Director

0161 934 6554

erin.shoesmith@addleshawgoddard.com



© 2017 Addleshaw Goddard LLP. All rights reserved. Extracts may be copied with prior permission and provided their source is acknowledged. This document is for general information only. It is not legal advice and should not be acted or relied on as being so, accordingly Addleshaw Goddard disclaims any responsibility. It does not create a solicitor-client relationship between Addleshaw Goddard and any other person. Legal advice should be taken before applying any information in this document to any facts and circumstances. Addleshaw Goddard is an international legal practice carried on by Addleshaw Goddard LLP (a limited liability partnership registered in England & Wales and authorised and regulated by the Solicitors Regulation Authority and the Law Society of Scotland) and its affiliated undertakings. Addleshaw Goddard operates in the Dubai International Financial Centre through Addleshaw Goddard (Middle East) LLP (registered with and regulated by the DFSA), in the Qatar Financial Centre through Addleshaw Goddard (GCC) LLP (licensed by the QFCA), in Oman through Addleshaw Goddard (Middle East) LLP in association with Nasser Al Habsi & Saif Al Mamari Law Firm (licensed by the Oman Ministry of Justice) and in Hong Kong through Addleshaw Goddard (Hong Kong) LLP, a Hong Kong limited liability partnership pursuant to the Legal Practitioners Ordinance and regulated by the Law Society of Hong Kong. In Tokyo, legal services are offered through Addleshaw Goddard's formal alliance with Hashidate Law Office. A list of members/principals for each firm will be provided upon request. The term partner refers to any individual who is a member of any Addleshaw Goddard entity or association or an employee or consultant with equivalent standing and qualifications. If you prefer not to receive promotional material from us, please email us at unsubscribe@addleshawgoddard.com. For further information please consult our website www.addleshawgoddard.com or www.aqlaw.com