

SITE SAFETY AND CORPORATE MANSLAUGHTER

- ▶ First sentencing for corporate manslaughter under the new Sentencing Guideline
- ▶ Construction company fined £550,000 for causing the death of a couple.

What's it about?

In June 2016 Monavon Construction Limited was fined £550,000 when hoarding around its basement- construction site collapsed and a couple fell to their death.

Why does it matter?

This is the first sentencing for corporate manslaughter under the new Health and Safety and Corporate Manslaughter Definitive Guideline, introduced in February 2016.

The Guideline focuses on an organisations' turnover. Monavon Construction had a turnover of less than £2 million and was sentenced to fines totalling £550,000, and costs of £23,653. The Company pleaded guilty to two corporate manslaughter offences as well as to an associated failure under the Health and Safety at Work Act. The judge knew the fine would put the Company out of business.

The Guideline suggests that companies with a turnover of over £50 million could be fined up to £20 million for corporate manslaughter, or up to £10 million for health and safety offences. When turnover exceeds the threshold for large organisations, the courts can move outside the range.

The Guideline also applies to individuals, who can be imprisoned for up to 2 years. Individuals cannot be prosecuted for corporate manslaughter, but can be prosecuted for gross negligence manslaughter (as in the case of Mr Sidebottom http://www.cps.gov.uk/news/latest_news/anghel_milosavlevici/), which can result in life imprisonment.

Now what?

Because of the new Guideline, developers that fall foul of The Construction (Design and Management) Regulations 2015 (CDM) could be opening themselves up to greater penalties than ever before. Aside from the cost to the victim, major incidents cause negative publicity for the developer, can delay projects, and will have other painful consequences for all concerned.

It is more essential than ever that health and safety planning and implementation be treated as a core agenda item for anyone with duties under CDM.

The team at Addleshaw Goddard LLP will be happy to discuss the above with you. Please contact Joe Wilkinson or Lee Hughes.

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