



**QBE**

Corporate  
manslaughter



# Corporate manslaughter

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## Health and Safety

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- Ownership of the health and safety policy by the board
- The provision of adequate resources for health and safety
- The appointment of competent health and safety advisers
- Appropriate risk assessments

# Manslaughter

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- Gross negligence manslaughter
- *R v Adomako*

# Corporate manslaughter

- Identification principle
- Lyme Bay
- Attorney General reference no. 2 of 1999
- Barrow in Furness Borough Council

# The Corporate Manslaughter and Corporate Homicide Act 2007

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- Where the way in which an *organisation* manages or organises its activities causes a person's death and amounts to a *gross breach of a relevant duty of care* owed by the organisation to the deceased
- The way in which the organisation is managed by its senior management has to be a substantial element in the breach of the duty of care

## Senior management

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- those who play a significant role in making decisions about how the whole or a substantial part of the organisation's activities are to be managed or organised, or
- those who play a significant role in actually managing or organising the whole or a substantial part of those activities

## Duty of care

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- Relevant duty of care
- Owed to the deceased under the law of negligence



## Duty of care owed as:

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- Employer
- Occupier
- Supplier of goods, services, construction and maintenance operations
- User or keeper of plant and vehicles
- Supplier of any other activity on a commercial basis

## Special cases

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- Public policy decisions
- Military
- Police
- Emergency services
- Child protection and probation

## Special orders

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- Remedial orders
- Publicity orders
- Sentences

## Practical steps

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- Leading health and safety at work
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- <http://www.hse.gov.uk/pubns/indg417.pdf>.

## More practical steps

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- Ownership of the health and safety policy by the board
- The provision of adequate resources for health and safety
- The appointment of competent health and safety advisers
- Appropriate risk assessments

## More practical steps

- The involvement of employees in decisions on health and safety
- Active and reactive information gathering
- Periodic audits on the effectiveness of management structures
- Procedures to implement new regulations and to deal with the impact of new work processes/products
- Review of health and safety performance by the board at least once a year

# Barrow in Furness Borough Council

- Staff
- Training
- Policies
- Resources
- Risk assessments