

### Quick Links

[PRM Website](#)

[Atkinson Smith Website](#)

### Sponsored Walk

Our Charity Event to raise money for the premature baby unit at Jessops Hospital in Sheffield is fast approaching.

On 11th September, over 50 staff and families will be walking around the Ladybower Reservoir hoping to raise £2,000 for this worthwhile Charity. If you would like to help please make a donation at [www.justgiving.co.uk/atkinsonsmithLtd](http://www.justgiving.co.uk/atkinsonsmithLtd)

We will let you know how it went in our next Newsletter.

### Staff News

#### Chris Gate

In August we said goodbye to our Receptionist, **Chris Gate** who has decided on an early retirement. We all joined Chris for a party with a French theme to celebrate.

#### Sian Fawcett

**Sian** has begun her maternity leave with a baby due any day now - more news on that next

Welcome to our latest Newsletter.

### **Corporate Manslaughter - The Insurance Angle**

There has been a lot of publicity recently regarding new Corporate Manslaughter charges against UK companies, see our H&S newsletter dated August 2011. It is worth understanding how this risk to you and your business can be insured against.

The offence of Corporate Manslaughter is brought against the company, whilst a criminal charge of Gross Negligent Manslaughter may also be brought against individual directors or officers of the company.

These offences and other HSE proceedings can be protected against with a correctly arranged Directors & Officers policy, which will provide for defence costs and awards against the company in respect of Corporate Manslaughter and defence costs only against an individual in respect of actions brought by the HSE, which are classed as criminal prosecutions.

If you are a "Limited" company and don't already have Directors and Officers cover in place, please speak to us about arranging this essential cover.

### **Liability Claims and the Importance of Record Keeping**

#### **Injury not caused by Repetitive Strain: Bashir v Geopost UK Ltd**

This case illustrates the importance of adequate training, risk assessment and the keeping of records to produce in the event of a claim. The Judge found that the employers could not have done more to protect the claimant from injury and dismissed the claim.

Bashir was employed as a manual parcel handler for nearly two years. He resigned when back pain made him unable to continue in his job. He brought

time!

### New Staff

We have been joined by **Holly Morgan** our new Receptionist/SBU Trainee and **Stephen Woolf** a welcome addition to the team of Risk Advisors - welcome to them both.

proceedings against his employers alleging that a previous back complaint had been exacerbated by his work. He claimed that the work was repetitive, had not been subject to risk assessment and that his employers failed to provide a safe system of work.

The defendants (insured with QBE) denied liability on the basis that the job was simple and straightforward, had been risk assessed and was not repetitive. There was no previous history of injuries arising from this work.

The Judge accepted that the claimant had received a significant amount of training; including manual handling and that this had been updated. There was inevitably some element of repetition but the injury had not been caused by this but by the claimants' posture and twisting whilst lifting, both of which he had been trained to avoid.

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### **The law on Agency Workers will change in October**

If your organisation hires agency workers you need to be aware that from October this year their employment rights and your organisation's responsibilities will be changing.

Regulations will give agency workers the entitlement to the same or no less favourable treatment as comparable employees with respect to basic employment and working conditions, if and when they complete a qualifying period of 12 weeks in a particular job.

Speak to your agency workers provider about this, or contact us if you need any more information.

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### **And Finally...**

Thank you for reading our newsletter. We hope you found the articles of interest.

Sincerely,

**Ian Laycock**  
Managing Director

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