



In This Issue

Are you Managing Your Drivers?

The road safety charity Brake has published new research which indicates that one in eight (12%) drivers had nodded off at the wheel in the past year, warning that it takes only seconds of sleep behind the wheel to cause a fatal crash. "Head-nodding" occurs when someone nods off to sleep for between 2 and 30 seconds, often without realising that he or she has been asleep.

The research also revealed risky behaviour among many that can contribute to tiredness, with one in four admitting embarking on a journey when they already felt drowsy.

The vast majority (86%) are also failing to follow best practice advice on dealing with tiredness at the wheel, by stopping somewhere safe for a

Welcome to our latest Newsletter.

Some recent landmark Health and Safety cases have occurred recently which are detailed below.

New Corporate Manslaughter Charge

A company that manufactures storage products will appear in court next month to answer corporate manslaughter and health and safety charges after a worker died from injuries sustained in a fall.

The company has been summoned to appear before magistrates in August; as well as being charged with corporate manslaughter, the company is also charged under the Health and Safety at Work Act for failing to ensure the safety at work of its employees.

Three of the firm's directors have each been personally charged with manslaughter by gross negligence.

The reviewing lawyer at the CPS Special Crime and Counter Terrorism Division, confirmed that the three directors have also been personally charged under the Health and Safety at Work Act for failing to ensure the safety at work of their employees.

The charges brought by Greater Manchester Police relate to an incident in May 2008, when one of the firm's employees fell through a fragile roof at an industrial unit in Hyde. The worker was taken to hospital, where he later died as a result of his injuries.

The CPS commented "We have taken this decision after very carefully reviewing the material gathered in the police investigation and have concluded that there is sufficient evidence for a realistic prospect of conviction, and that it is in the public interest to bring these charges."

The company has been trading for more than 50 years, and is listed as a medium-sized business with more than 100 employees.

nap.

Brake says that more than a quarter (29%) put their own and others' lives on the line by continuing their journey after they notice the first signs of drowsiness.

In addition, one in seven drivers surveyed (13%) reported suffering from a health condition such as sleep apnoea that makes them tired during the day.

HSE to Hit Non Compliant Companies with Costs of Policing

In an effort to bring more fairness to the system, the Health and Safety Executive has opened a three-month consultation on how cost recovery for intervention will operate, having already agreed the underlying principle with Government. The new scheme could apply from as early as April 2012.

The HSE's programme director, said:

"The Government has agreed that it is right that those who break the law should pay their fair share of the costs to put things right - and not the public purse. These proposals provide a further incentive for people to operate within the law, levelling the playing field between those who comply and those who don't. Compliant firms will not pay a penny in intervention fees."

Costs would be recovered, if during an inspection or investigation a material breach - a failure to adhere to health and safety law identified by an inspector as requiring formal action - is discovered. Fees would apply up to the point where HSE's intervention in supporting businesses in putting matters right has concluded.

Law-abiding businesses will be free from costs and not have to pay a penny.

Under the proposals, HSE will recover costs at current estimates of £133 per hour. Costs of any specialist support needed by HSE would also be passed on. Invoices will need to be paid in 30 days.

Beverley Brown, Broking Director at Atkinson Smith commented that "These costs are unlikely to be covered by insurance, however we will advise further if this situation changes."

Wall Designer Charged On Girl Death

A man who designed a wall which collapsed and killed a three-year-old girl will be charged with gross negligence manslaughter, the Crown Prosecution Service (CPS) has said.

Meg Burgess was killed when a wall designed by George Collier and constructed by his company, Parcol Developments, collapsed on to a footpath in Ffordd Penrhwylyfa, Prestatyn, North Wales, on July 26, 2008, said a CPS spokeswoman.

She said it had been decided it would not be in the public interest to charge the firm, of which Mr Collier was a director, with corporate manslaughter but the company should be charged with an offence under the Health and Safety Act at Work 1974.

The reviewing lawyer for the CPS special crime and counter terrorism division, said: "We have carefully reviewed all of the evidence gathered by North Wales Police and the Health and Safety Executive during their thorough investigation into the tragic death of Meg Burgess in July 2008.

"After considering reports from experts on construction standards and advice from counsel, we have decided that George Collier should be charged with gross negligence manslaughter for his role in designing and constructing the wall that collapsed."

She added: "We have also decided that Parcol Developments Limited, of which Mr Collier was a director, should be charged with an offence under Section 3 of the Health and Safety Act at Work 1974. Section 3 requires all employers to conduct their business in a way that ensures, so far as is reasonably practicable, that others are not exposed to risk.

"We did consider whether Parcol Developments should also be charged with corporate manslaughter. There is sufficient evidence to prosecute the company for this offence, but it would not be in the public interest to do so. The company had only two directors and Mr Collier was the only one directly involved in this incident. The charge against him is sufficiently serious to address the alleged offending."

Mr Collier has been summonsed to appear at Prestatyn Magistrates' Court on October 3.

And Finally...

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

Sincerely,

Ian Laycock
Managing Director