

## No summer holiday for the new sentencing guidelines



Seven figure failures are becoming the norm for health and safety offences regardless of size and sector. The impact of the Sentencing Guidelines for health and safety, corporate manslaughter and food safety ([as we blogged in February](#)) was clearly evident and momentum seems to have been maintained by judges up and down the country.

In just 25 days during September 2016, fines totaling £11,500,000 were handed out to just five organisations for health and safety failings. Three of these cases involved single fatalities and one life changing injuries, the other resulted in no proven illness or injury but a significant failure to properly manage.

The outcome is not just a legal and financial cost either; with in each case reports highlighting the failures of the duty holders in detail, the moral and reputational issues are self-evident too. What they also do is provide a clear agenda for why health and safety is an investment not a spend and in reality when done well adds to the bottom line not consumes it - judge for yourself.



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### 1. 27th September 2016 - Leisure

**Who** - Merlin Attractions Operation Ltd of 3 Market Close, Poole, Dorset pleaded guilty to breaching section 3(1) of the Health and Safety at Work Act etc. 1974

**What** - Fined £5,000,000 with costs of £69,955.

**Why** - "Investigators found the root cause to be a lack of detailed, robust arrangements for making safety critical decisions. The whole system, from training through to fixing faults, was not strong enough to stop a series of errors by staff when working with people on the ride."

### 2. 19th September 2016 - Manufacturing

**Who** - Parker Hannifin Manufacturing Ltd of Maylands Avenue, Hemel Hempstead, Hertfordshire, pleaded guilty to breaching Regulation 3(1) of Management of Health and Safety at Work Regulations 1999 and Section 2(1) of the Health and Safety of Work etc. Act 1974.

**What** - Fine - £1,000,000 with full costs £6,311 and a victim surcharge of £120.

**Why** - The Health and Safety Executive found during its investigation that the work was not properly planned. The centre of gravity of the machine had not been properly assessed and taken into account before the move took place. This resulted in an unsafe system of work being used for the job, with fatal consequences.

### 3. 14th September 2016 - Wholesaler

**Who** - Decco was and branded 'idiotic' by the sentencing judge following the death of Mr William Richardson having pleaded guilty to breaching Sections 2(1) and 3(1) of the Health and Safety at Work etc. Act 1974.

**What** - Fined £2,200,000

**Why** - Mr Richardson fell eight feet onto concrete from a platform with no guard rail while he was helping to unload a delivery, sustaining fatal brain injuries  
An investigation by EHOs from Chiltern District Council found that while Mr Richardson had undergone training in manual handling and a basic induction, there was no record of him having any training on working at height. EHOs also found that the safety mechanism on the platform, whereby the gate should spring close was no longer working properly and could be, and was frequently, left open.



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### 4. 8th September 2016 - Care home

**Who** - Embrace All Ltd, formerly European Care (GB), the owners of the home, pleaded guilty to failing to ensure the safety of non-employees. The Manager, Amanda Dean, Dean was also fined £20,000 and sentenced to nine months prison, suspended for two years.

**What** - Embrace All Ltd fined £1,500,000 plus costs of £200,000

**Why** - Mr Chicken, who had severe dementia, was known to wander around the home and push open fire exit doors to get out. On the day of the accident he wandered through a first floor fire escape door and fell down concrete stairs, fracturing his skull and suffering a bleed on his brain. He died at King's Mill Hospital two days later.

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