

Podbriefing Summary Note

Corporate Manslaughter

Overview

The Podbriefing video on corporate manslaughter provides a summary of the key elements of the offense that staff need to be aware of.

It supplements the University's Safety Handbook, links to which are at the end of the Podbriefing and at the end of this summary. Other pieces of useful information and examples of relevant case law are also provided.

Content and Aims

Focus

This Podbriefing is delivered by Kevin Bridges, a practising lawyer who specialises in this area of the law and who represented the first company to be charged with corporate manslaughter. Alongside this, a court room scenario depicts the prosecution of the fictional Oldtown University in connection with the death of a student in one of the university's laboratories.

Liability for Organisations and Individuals

Although only organisations can be liable for corporate manslaughter, individuals are often prosecuted for other criminal offences alongside them, as demonstrated by the real-life case examples that are provided below.

The Court Room Scenario

During the scenario, three members of staff at Oldtown University are present in court: Dr Slack, Mr Blindeye and Professor Stoic. Each member of staff fails to follow safety procedures and has a lax attitude towards health and safety in the workplace. Their collective failures then lead to the fatality.

Furthermore, while the characters in the scenario are fictional, the facts are taken from a real case

Key Points

Only organisations can commit corporate manslaughter

However individuals can commit other offences in parallel, such as gross negligence manslaughter and health and safety breaches

The offence is committed if:

1. the way an organisation has managed or organised its activities results in a person's death,
2. the death was a result of breach of the duty of care owed to that person,
3. and senior management played a substantial role in that breach

The duty of care has a wide application. It is a duty to exercise reasonable care in respect of staff, students and visitors.

As the offence is so serious, the breach of the duty must be a gross failure. Far below the standard of care that would be acceptable in the circumstances.

A jury would closely consider the existence of a safety culture within the organisation. What attitudes, policies, systems and practices are in place? Did they encourage or tolerate the breach and allow it to happen?

Penalties can include fines over £1,000,000

Other penalties include a remedial order, where the organisation would have to put right its failures, and a publicity order that would effectively "name and shame" the organisation

Managing risk is a major factor in avoiding corporate manslaughter and can include:

- Implementing effective safety management systems
- Risk assessment of key hazards
- Training
- Awareness at all levels of the organisation

Relevant Cases

Cotswold General

Costwold General (Holdings) Ltd were fined £385,000 in February 2011 when an employee died taking soil samples when an unsupported deep trench collapsed on him.

The director of the company was initially prosecuted for gross negligence manslaughter, but was later judged too ill to stand trial.

Cotswold were represented by Kevin Bridges, the legal expert featured in this Podbriefing.

(Source: <http://www.bbc.co.uk/news/uk-england-gloucestershire-12468535>)

Lion Steel

Lion Steel Equipment Ltd were fined £480,000 in July 2012 when an employee died falling 40 foot through the roof of the company's factory.

Three company directors were also charged with manslaughter by gross negligence, but were later acquitted

(Source: <http://www.bbc.co.uk/news/uk-england-manchester-18931390>)

56 prosecutions for corporate manslaughter are currently on-going and 119 cases have been opened since 2009.

(Source: <http://news.sky.com/story/1042970/corporate-manslaughter-cases-up-by-40-percent-in-a-year>)

Further Information

University of Nottingham Safety Office

www.nottingham.ac.uk/safety

University of Nottingham Safety Handbook

<http://www.nottingham.ac.uk/safety/handbook/safety-handbook.aspx>