

## SENTENCING IN HEALTH AND SAFETY CASES



YOU ARE INVITED TO A SEMINAR TO BE PRESENTED ON THURSDAY 15TH OCTOBER AT BPP PROFESSIONAL EDUCATION, ST JAMES BUILDING, OXFORD ST, MANCHESTER. REGISTRATION AT 5.30PM, PRESENTATION COMMENCING AT 6.00PM. THE SPEAKERS WILL BE LISA ROBERTS QC AND AUSTIN WELCH.

Many Health and Safety prosecutions involving fatalities at work result in a guilty plea. The sentence hearings that follow can be time-consuming, complex and often in front of judges who, despite their experience in general criminal cases, have little experience of regulatory work. In this seminar we will look at the sentencing tools you need in order to put your client's case robustly when mitigating and how to meet the case as put by the HSE. We will consider the relevant sentencing guidelines, recent case law, the cases with which all practitioners in this field must be familiar and the ancillary orders a Crown Court may make in addition to a substantial fine. We will also consider how a judge determines whether or not the breaches to which the company has pleaded guilty are a 'significant cause of death' and the consequences of such a finding.

What advice would you give to a company director client as to the level of fine he can expect if faced with prosecution for a fatality at his business? What documents, other than case law and sentencing guidelines, would you put in your mitigation bundle? And how would you mitigate effectively for your client when the Deceased's family is sitting in court?

Perhaps you prosecute for the HSE or are instructed by one of their nominated solicitor agents? On which cases would you rely when compiling your sentencing bundle? How would you deal with defence counsel who insists on relying on decisions at first instance? How would you advise the judge as to how he should approach sentence? What level of fine – if any – can you expect in a case where the company has gone into liquidation? and is it right to prosecute in such circumstances?

We shall also consider recent developments in the sentencing of non-fatal health and safety prosecutions. The last twelve months have witnessed significant developments in this area and it is likely that the next twelve months will see even greater changes that could radically change the way such cases are approached. We will explore the effects of the removal of the cap on fines that can be imposed by magistrates' courts. How has this affected defendants' approach to cases that are likely to result in a guilty plea?

We shall also consider the Sentencing Council draft guidelines on sentencing for health and safety offences. As well as exploring some of the significant changes that are proposed we will consider how the new guidelines, if fully implemented, will influence the tactical approach to health and safety cases. What will be the overall effect of the seismic shifts in sentencing procedure that have been implemented already and may be implemented in the very near future?

## **LISA ROBERTS Q.C.**

CALL TO THE BAR: 1993



Ranked in Band 1 of Chambers and Partners 2015 as *"a tremendous lawyer"*

'Well regarded for health and safety, and trading standards work.'  
(Legal 500 2014)

*"The "outstandingly able" Lisa Roberts has a broad experience of Health and Safety and environmental regulation."* (Legal 500, 2013)

*"particular expertise in both Health and Safety matters and Trading Standards."* (Legal 500, 2012)

Lisa Roberts QC took silk earlier this year and continues to build on her practice prosecuting and defending health and safety fatalities at work.

Lisa is one of only a handful of 'A' list Specialist Regulatory Advocates in Health and Safety and Environmental Law. She is regularly instructed by the Police Federation to act on behalf of serving police officers in criminal matters and Misconduct (disciplinary) hearings and has acted on behalf of police officers and the Health and Safety Executive in several inquests. She has also acted on behalf of private individuals on a number of trials.

She spent 3 months earlier this year in the Hillsborough Inquests, representing a retired ACC.

Lisa regularly presents seminars and webinars on crime and regulatory law to defence solicitors and Trading Standards' authorities.

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AND HAS NAMES THAT ONE READILY ASSOCIATES WITH TOP-QUALITY ADVOCACY"**

**- CHAMBERS UK**

# AUSTIN WELCH

CALL TO THE BAR: 2005



Austin Welch was called to the Bar in 2005 and has established a busy practice specialising in the fields of regulatory law and professional discipline. Austin is regularly instructed to represent individuals and companies charged with criminal offences under the health and safety and fire safety legislation in both the Crown Court and Magistrates Court. Austin also has particular experience in representing interested persons in inquests.

Austin is currently instructed in the Hillsborough Inquests and is instructed to represent the defendant company and principal director in R v S, a prosecution arising out of a fatality at a construction site, scheduled for trial in January 2016.

The seminar carries 2 hours CPD and is presented free of charge. To register your interest please contact Joshua Bundy: [jbundy@lincolnhousechambers.com](mailto:jbundy@lincolnhousechambers.com)



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