

At the 2016 UKLPG Conference in Edinburgh, Finch explained how the Sentencing Guidelines had changed for health and safety prosecutions. What have we learnt 3 years on?

The first thing we've learnt is that duties imposed by health and safety legislation are serious and the Court is willing to impose substantial penalties for breach. We should all take time to understand them. *Really* understand them.



Finch Consulting

Engineering Confidence.



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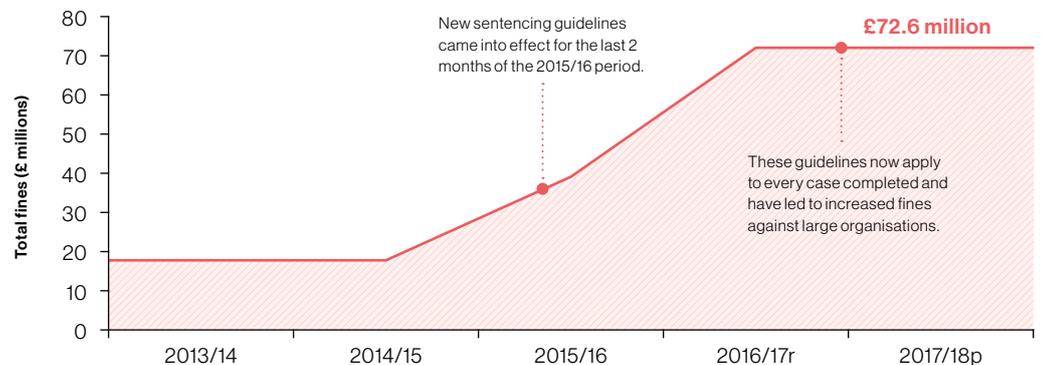


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Breaches follow a failure to manage risk – they don't necessarily need an accident to be prosecuted. Fines and custodial sentences have remained high since The Smiler incident at Alton Towers, which attracted an enormous £5m fine in September 2016 for owner Merlin (still the highest). Fines in the period 2017 to 2018 were between £1.4m and £3m, with a total of about £73m, yet in the same period workplace fatalities increased to 144 deaths. By contrast, between 2014 and 2015 the total fined was about £18m.

Total fines for health and safety offences prosecuted by HSE and, in Scotland, COPFS



The Court has also not shied away from handing down prison sentences with directors and senior managers being personally held to account and the HSE determined to pursue individuals as well as businesses for health and safety breaches.

As a result of the higher stakes, Finch Legal has certainly noticed an increased appetite for challenging the HSE's allegations of breaches, through contests to Fees for Intervention, Appeals against Prohibition and Improvement Notices and robust defending of prosecutions.

Finch is the only engineering consultancy to also be a licensed law firm. We are already working with a number of organisations on machinery, equipment and process safety improvement projects and awareness training initiated by improvement or prohibition notices, and defending enforcement action, in many cases helping business to successfully avoid prosecution.



Finch Consulting is a trade member and supporter of UKLPG

The complex interactions between engineering, health, safety and the environment can increase organisational risk.

Finch offers outstanding expertise and exceptional people to deal with complexity, helping organisations across many sectors prepare for, adapt to and resolve the many aspects of risk management.

We might work with you for a few hours, days, weeks or even years but ultimately it is always our objective to leave you much improved and more informed. We embrace best practice methods and innovation is always in sight.

Your relationship with Finch will be with some of the best minds in engineering, law, health, safety, and the environment. So, whatever your challenges, whether you talk to us about your machinery, facilities, processes, equipment, people, warehouses or management systems, we'll talk with you from a deeply informed point of view.

Our clients tell us that our genuine blend of experience, expertise and service is priceless – perhaps unique. They tell us we give them complete confidence and reassurance. We believe a true partnership should give them nothing less.

Advisory

Great advice comes from listening, reflecting and focusing.

We offer to assess and optimise your assets, operations, processes and people.

Investigative

A sound investigation is about tenacity, logic, and clarity.

We offer reliable, incisive expert witness services in many different areas.

Representative

Great representation is about empathy, stamina, and honesty.

We offer serious legal expertise with real-world experience.

Learning

Excellent training is about understanding, curiosity, and pace.

We offer to coach your people to achieve an even higher standard.