



People for Proper Policing in North Wales

The Corporate Manslaughter and Corporate Homicide Act 2007

This is a landmark in law. For the first time, companies and **organisations** can be found guilty of **corporate manslaughter** as a result of **serious management failures** resulting in a gross breach of a duty of care.

Companies and organisations should keep their health and safety management systems under review, in particular, the way in which their activities are managed and organised by senior management.

Legal responsibilities of employers

Health and safety law states that organisations must:

provide a written health and safety policy (if they employ five or more people);

assess risks to employees, **customers, partners and any other people who could be affected by their activities;**

arrange for the effective planning, organisation, control, monitoring and review of preventive and protective measures;

ensure they have access to competent health and safety advice;

consult employees about their risks at work and current preventive and protective measures.

Failure to comply with these requirements can have serious consequences – for both organisations and individuals. Sanctions include fines, imprisonment and disqualification.

Under the Corporate Manslaughter and Corporate Homicide Act 2007 an offence will be committed where failings by an organisation's senior management are a substantial element in any gross breach of the duty of care owed to the organisation's employees or members of the public, which results in death. The maximum penalty is an unlimited fine and the court can additionally make a publicity order requiring the organisation to publish details of its conviction and fine.

The PPP comments ... Unfortunately the parlous state of senior management in the UK, particularly in the public services requires this act to protect the public from Gross incompetence. Classical cases regularly occur Nationwide in the Health service and the Police and by the management of the rail network. We recently published an article relating to such events and North Wales Police. We repeat again, we are not targeting the rank and file members of the force. In most cases adequate control and disciplinary procedures were in place BUT they must be used by both the force and Police Authority management. If not we believe they are rightly held accountable as they should have been in the three events we covered.

We also repeat yet again that proactive management will anticipate and avoid such problems if a culture of sound discipline and a positive attitude to the customer is present. We believe that the current management culture is one of arrogance and ignorance and lack of respect for the customer. This is despite all the façade of home office initiatives like the 'policing pledge' described here <http://www.north-wales.police.uk/nwvpv2/en/about/policingPledge.asp>