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First corporate manslaughter conviction results in £385,000 fine

It was announced in February that Cotswold Geotechnic Holdings has become the first company to be convicted of the new offence of corporate manslaughter. The prosecution brought by the Crown Prosecution Service (CPS) follows the death of Alex Wright, aged 27 years, in September 2008 in a trench collapse on a development site in Stroud, Gloucestershire. Cotswold Geotechnic Holdings were sentenced on Thursday 18 February 2011.

“Alex Wright was a young man of talent with a promising career,” said Mr Justice Field, presiding judge on the western circuit. Imposing a fine of £385,000 to be paid over ten years, he said: “The impact of the fine on a company cannot be the determining factor as to the level. The fine must be fixed at a level which reflects the gravity of the offence, and sends out a clear message both generally and to those in the contraction and excavation businesses.

“The Sentencing Guidance Council says that generally fines for corporate manslaughter should be no less than £500,000, however



there are individual circumstances and factors.”

Neal Stone, director of policy and research commented: “The worth of lives lost in workplace accidents are incalculable. Both the jury in convicting Cotswold Geotechnic Holdings of the corporate manslaughter of Alex Wright and Mr Justice Field in imposing a fine of £385,000 were clear that the company had been grossly negligent. Were it not for the parlous state of the company’s finances the fine would rightly have been considerably greater and more closely in line with sentencing guidelines.

Whether the sentence in this case, which has taken over two years to reach a conclusion, will spur

the non-compliant and reckless to abide by the law remains to be seen. Fines have an important part in play in deterring others from breaking the law.

We should remember the family of Alex Wright who are still grieving and will forever feel his loss. As for Peter Eaton, the principal and director of the guilty company, we would ask no more than a public admission by him that his gross neglect caused a needless death. He could, if he was so minded, be an example to others of the human cost of needlessly getting it wrong.”

Mr Wright, a geologist for Cotswold Geotechnical Holdings, was investigating soil conditions in a deep trench when it collapsed and killed him. Kate Leonard, reviewing lawyer from the CPS Special Crime Division, said: “Alex Wright was a young man, full of promise. His death is a tragedy for all those who loved him and would never have happened if Cotswold Geotechnical Holdings had properly protected him. I hope that this conviction offers his family some sense of justice. I send them my sincere condolences once again.”



Workplace Trials

Choosing the right person to employ is a complex decision at the best of times. In the current economic climate, employers often have extra concerns about future business trends and market confidence, all of which can make them err on the side of caution. Yet such decisions are crucial for individuals as well as the economic recovery. One method of helping to build essential confidence is Work Trials.

Working with Jobcentre Plus, employers and employees can try out a vacancy for a short time. Employers can be sure that when they subsequently take on someone permanently, they are getting right person and the employee has a chance to gain confidence in the workplace. This is particularly important when someone has been out of work for some time. Single mum Claire had been out of work for a year and wanted a job with face to face contact with people after working in a call centre. Café manager Alison, was looking for help but needed the right personality for a business that depends on creating a friendly atmosphere.

“Using the work trial is a really good way for both parties to get to know each other better. It’s really working for us, and we’d recommend them to other employers.”

Work Trials are not suitable for every business and Jobcentre Plus works with both prospective employers and employees to ensure that it is the right choice. Further details can be found on Directgov



Judith Hackitt speech extracts



Consultants Register

We have been working hard with other stakeholders to

develop the Occupational Safety Consultants register. As far as HSE is concerned we see it as being another important step which is consistent with the strategy. Employers can consult the register with confidence that the person they are engaging has complied with the high qualification and competence standards of a recognised professional body. See <http://www.oshcr.org/>

Fee for Fault

We are working on a proposal to charge those who create risks. A so-called: “fee for fault” principle. The idea being that those who are found not to be compliant with the law during an inspection should be charged for the work that HSE does following the issuing of a notice or other requirement for action to rectify the fault. We believe that this approach is fair and equitable and will be welcomed by the vast majority of businesses who are compliant and who see those who take short cuts as getting away with an unfair competitive advantage.

Such an approach should be seen by business as a way of levelling the playing field. We do recognise that there will need to be safeguards built in to the process to ensure that such a scheme is transparent and open to scrutiny.

Intern Scheme Offers Businesses High Quality Graduates

An intern programme at the University of Bradford is offering employers the skills of graduates for very little cost.

Internships are sought in the West Yorkshire region for 8-12 week projects. The placements are part of the University's Postgraduate Certificate in Employability and Entrepreneurship course, which boosts the employability prospects of recent graduates.

The course is highly competitive, accepting only high achieving graduates and providing them with further key skills sought by employers, such as project management skills (Anne are you OK with this, the ones you suggested sounded a bit basic and aimed at helping the student rather than equipping them with higher level skills these employers might want).

The cost to employers is a maximum of £210 a week, and organisations in a range of sectors are sought. Graduates are happy to work on any project of benefit to the employer, such as a piece of marketing, some quality control or setting up a new ordering system. Courses studied by the graduates include internet production, biomedical sciences, chemistry, English, and business – but all

have transferrable skills.

The course was introduced last year and proved to be a great success with employers. Sarah Pemberton, Lead Consultant at the UKRC hosted an intern last year. She said: "Mehrin (the graduate) came to us through the internship scheme to work on developing an online package for women seeking work placements in the science, engineering and technology sectors. She was enthusiastic and efficient from the word go and provided great ideas to help take the project forward. It was a real pleasure to have Mehrin in our team and I wouldn't hesitate to employ an internship student in future".

The University of Bradford's mission is 'Making Knowledge Work'. All courses are designed to maximise the employability prospects of students, and the University has a wide range of placement schemes available.

City of Bradford Metropolitan District Council
www.bradford.gov.uk

Targeted Inspections report

The West Yorkshire wide Targeted Inspection Campaign took place over two weeks, commencing 4th October 2010, where four Local Authorities actively sought to be involved in the 2010/11 initiative; Bradford, Calderdale, Kirklees and Wakefield.

Ann Hall (HSAO) took the lead representing HSE, working with Bradford and Calderdale councils, Cheryl Eeles (HSAO) took the lead representing HSE, working with Kirklees and Wakefield councils.

From the outset, Bradford and Calderdale had agreed to work together in a bid to promote joint working, benefit from a more substantial media splash and make better use of individual resources. Kirklees and Wakefield were to initially work individually alongside HSE when the idea was put forward for them to benefit from joint working as well.

It was agreed that the Bradford and Calderdale initiative would take place from the 4th – 15th October 2010 over a two week period, of which Kirklees and Wakefield later agreed to join, to secure a more significant impact in the media as a West Yorkshire wide campaign.

The separate organisation teams maintained their individuality throughout, with LA and HSE Inspectors in the Kirklees and Wakefield area concentrating their efforts in a single week each. Alerting local businesses to the intervention with an informative mail shot of "what to expect". Whereas Bradford and Calderdale LA and HSE Inspectors were visible throughout the two week period with businesses only aware of our intervention through the press release.

Press release issued by COI, in partnership with LA press officers informing of the forthcoming campaign. An additional press release was issued following the visits detailing numbers of visits and enforcement action taken.

In total 35 Inspectors were involved in the campaign, 16 from HSE and 19 LA colleagues. 448 full interventions took place with 63 improvement notices and 8 prohibition notices served.



Most issues arose with smaller businesses with little resources to invest in Health and Safety reinforcing the fact that these are the businesses requiring help, guidance and further input from us."

Goodbye to John Blanchfield and Wendy Bland

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John Blanchfield Environmental Health Manager for Bradford Council said about the TIC visits.

"The visits in Bradford in many ways confirmed our hopes that most of the larger organizations had good standards of Health and Safety management.

The Forum Working Group says a big thank you to John and Wendy, who have both taken early retirement from the Council and who both significantly contributed to Bradford Area Occupational Health and Safety Forum. Wendy and John are pictured at the bottom of the photograph above.

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WHAT

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