



Sentencing Guidelines Council

27 October 2009

SGC 04/09

**Council Publishes Consultation Guideline on Corporate Manslaughter and Health and Safety Offences which cause death**

Companies and organisations that cause death through gross breaches of care should face punitive and significant fines, a consultation guideline published by the Sentencing Guidelines Council proposes today.

Fines for organisations found guilty of the new offence of corporate manslaughter may be measured in millions of pounds and should seldom be below £500,000.

The new sanction of Publicity Orders forcing companies and organisations to make a statement about their conviction and fine introduced under the Corporate Manslaughter and Corporate Homicide Act should be imposed in virtually all cases.

The consultation guideline proposes that the publicity should be designed to ensure that the conviction becomes known to shareholders and customers in the case of companies and to local people in the case of public bodies, such as local authorities, hospital trusts and police forces. Organisations may be made to put a statement on their websites.

The guideline also deals with health and safety offences in the workplace that cause death. Fines in these cases should seldom be less than £100,000 and may be measured in hundreds of thousands of pounds or more, the Council proposes.

In deciding the level of fine, the Council says that a court should not be influenced by the impact on shareholders and directors but the effect on the employment of the innocent may be relevant.

Also, the effect on provision of services to the public should be considered. Public organisations and commercial companies are to be treated the same in relation to the standards of behaviour expected, and punitive fines for breach will follow although a different approach to determining the level of fine may be justified the guideline says.

Factors increasing the seriousness of the offence identified by the Council include how foreseeable was serious injury, how common is the kind of breach of care in the organisation and how far up the organisation did the responsibility for the breach go.

Other factors that aggravate the offence and may attract a larger fine include the number of deaths and serious injury caused, failure to heed warnings, cost-cutting or deliberate failure to obtain or comply with relevant licences.

Council member and Vice President of the Court of Appeal (Criminal Division) Lord Justice Anthony Hughes said; "Fines cannot and do not attempt to value a human life – compensation will be payable separately in these cases.

"The fine is designed to punish and these are serious offences so the fines imposed should be punitive and significant to reflect that.

"The Council considered very carefully the approach suggested by the Sentencing Advisory Panel of a fixed correlation between the amount of the fine and a company's turnover or profit, but decided this was not appropriate in view of the different financial structures and circumstances of organisations within the private, public and third sectors.

**Notes to editors:**

The Council's consultation guideline and letter to consultees are available on the SGC website ([www.sentencing-guidelines.gov.uk](http://www.sentencing-guidelines.gov.uk)) along with the Sentencing Advisory Panel's advice to the Council.

Printed copies of the guideline may be obtained from: the Sentencing Guidelines Secretariat, 4<sup>th</sup> Floor, 8-10 Great George Street, London SW1P 3AE (tel: 020 7084 8130).

Further information about the Council and Panel can be found at <http://www.sentencing-guidelines.gov.uk/about/index.html>.

For further information about this press release and the guidelines, please contact the secretariat on 020 7084 8130.

**The consultation closes on Tuesday 5 January 2010.**

**ENDS**