

## A new shape of lawyer

**I heard last year that the penalties for businesses which have breached health and safety laws had increased. Is this the case?**



Simon Crack

**New sentencing guidelines were indeed introduced in February 2016, relating to offences including health and safety, food safety and hygiene.**

A number of different factors are likely to be taken into consideration when the court is deciding what sentence to impose. These include the level of culpability, whether anyone was injured as a result of the breach and the company's turnover.

While newspaper reports often focus on large businesses, the penalties are the same for smaller firms which breach the laws.

This point was pressed home a few weeks ago, when the director of a construction firm was sentenced to eight months in prison after a young employee suffered serious burns.

The court heard that the member of staff had been told to stand on top of a skip and pour a drum of flammable chemicals on to burning waste.

A fireball erupted and the worker was blown over by the flames, suffering burns to both his arms and legs.

A subsequent investigation by the Health and Safety Executive (HSE) found that the firm's director, David Stead, had not taken steps to ensure the disposal of the waste was carried out in a safe or appropriate manner.

He also failed to administer first aid to the stricken employee, to send him to hospital following the incident or inform the HSE – as required by law. The HSE made clear that the young man could have died as a result of the accident, which arose as a direct result of poor working practices.

Mr Stead received the 32 week prison sentence and was disqualified from being a director for seven years.

While businesses sometimes tend to associate health and safety breaches with a fine, this case demonstrates that a custodial sentence isn't out of the question following serious incidents.

**If you would like advice about health and safety regulations please call the Hethertons employment team on 01904 528 200 and speak to Jo or Gill.**