

Corporate Manslaughter Sentencing Guidelines

Briefing Note

This Briefing Note accompanies the University's eLearning module on corporate manslaughter. Following the introduction of the corporate manslaughter offence, further clarification was provided by the sentencing guidelines, which came into force on 01 February 2016.

The Sentencing Council guidelines for Health and Safety, Corporate Manslaughter and Food Safety and Hygiene offences ("**the Guidelines**"), substantially increase the penalties for a range of breaches of health and safety law. This includes institutional and personal liability.

The level of the penalty will depend on the overall seriousness of the offence by reference to the harm and culpability. Courts will consider, for example, how foreseeable the risk of serious injury was and the compliance history, procedures and practices of the organisation concerned. Awareness and pro-active management of risk is, therefore, key.

The University is categorised as a "large organisation" for the purposes of the Guidelines meaning that fines can be expected to range from £3,000,000 - £20,000,000 for corporate manslaughter, depending on the facts of the case. Courts have signaled an intention to impose fines at a level which will have a "real economic impact". It should be noted that the true maximum for the fine is unlimited, and there is scope for courts to go beyond the £20 million upper limit outlined in the Guidelines.

Mitigating factors include;

- No previous convictions or no relevant/recent convictions.
- Evidence of steps taken to remedy the problem.
- High level of co-operation with the investigation, beyond that which will always be expected.
- Good health and safety record.
- Effective health and safety procedures in place.
- Self-reporting, co-operation and acceptance of responsibility.

Factors which increase the seriousness of the offence (aggravating factors) include;

- Previous convictions.
- Cost cutting at the expense of safety.
- Deliberate concealment of illegal nature of activity.
- Obstruction of justice.
- Poor health and safety record.
- Falsification of documentation or licences.
- Deliberate failure to obtain or comply with relevant licences.

The court will form its own conclusions, including the assumption that any fine imposed can be paid. Organisations facing substantial fines may also have to report such matters in their annual accounts, with inevitable reputational damage as a result.

More detailed guidance on managing health and safety risk is available through the [University's Health and Safety Department](#).