



SAFETY UPDATE BRIEFING – JULY 2010

INTRODUCTION

This issue reports recent developments in Health & Safety and breaking news of the problems for the property maintenance company Connaught Group who operate a range of H&S services.

Prosecution Costs

Those who have sought to challenge prosecutions brought by the Health and Safety Executive have faced an uneven playing field in that the Health and Safety at Work Act requires you to prove yourself innocent, making a defence when accused significantly harder. On top of this, in October 2009, the Government introduced a capping system for legal costs.

If you lost and were prosecuted, the HSE were able to claim all of their costs from you, on top of your fine. On the other hand, if you successfully defended yourself and were found not guilty, you could only claim some of your costs from the HSE.

This meant that you could be proven innocent, but still be out of pocket, and the more effort you put in to defending yourself, the more prospect of irrecoverable costs you faced.

In a recent High Court case, however, has declared this capping illegal. As a result of this, if the HSE loses a prosecution, they will be required to pay the Defendant's costs in full.

This newsletter can be freely distributed to friends and colleagues. If you have queries about any of the matters mentioned in this newsletter, or require more information, please contact us for advice

Don't forget: We're here to help you with any question on the burdens of **Health & Safety**.

We're here when you need us. Just call:

Leicester Office: Nigel on 0116 2392594 or Mobile: 077850 377570

Rugby Office: David on 01788 226111 or Mobile: 07970 672274

Email: Enquiries@PRMuk.co.uk

Website: www.PRMuk.co.uk

for Health & Safety advice.

Problems at Connaught Group

Monday 26th July opened with news that the Connaught Group – a large national property maintenance corporation – was expected to announce an inability to service its debts. This is compounded by the cancellation of several large government contracts on which it was clearly pinning its survival hopes. At the time of writing, its share price had fallen by 82% in 4 hours.

From a H&S viewpoint there are some interesting ramifications:

Connaught acquired National Britannia in 2007, including its contract to run the HSE's Incident Reporting centre, to which all notifiable accidents are currently reported.

Connaught also own Exor Management Services, which operates the "Exor" and "Safecontractor" contractor accreditation schemes. It is not clear what impact this will have on these services at the current time. PRM will advise further when information emerges.

