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RECIPIENTS: All Council Services (including schools)

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Negligent managers face tough new manslaughter jail terms

Managers in England and Wales charged with gross negligence manslaughter will face longer prison terms under new court guidelines that come into force in November 2018.

As a Manager, you could be charged with the offence if your gross breach of a duty of care towards an employee, or any other person, resulted in them being fatally injured at work.

The guidelines mark the first time the Sentencing Council has provided instructions to courts on how to deal with offenders convicted of manslaughter due to gross negligence. It follows a step-by-step approach, similar to that in the guidelines for health and safety offences and corporate manslaughter that were introduced in February 2016. It addresses culpability, the sentencing range and aggravating and mitigating factors.

If the negligent conduct was motivated by financial gain or avoidance of cost, or if the offender showed a blatant disregard for a very high risk of death resulting from their conduct, or if they were the leader, where others contributed to the offence, the guidelines set a benchmark prison sentence of eight years. A combination of these factors could push the offence into the very high culpability range, for which the starting point is 12 years' custody with a maximum sentence of 18 years. If the negligent conduct was a lapse in the offender's otherwise satisfactory standard of care (indicating lower culpability), the starting point would be two years' custody and a range of one to four years.

What organisations and managers need to be thinking about when they are making decisions about budgeting and investment in their safety systems is that they have a sound and robust rationale for justifying the level of expenditure, based on sound risk management and not driven solely by financial considerations.

According to the Sentencing Council ten individuals were sentenced for gross negligence killing in 2016.

Lincolnshire County Council's [Health and Safety manual](#) contains links to all the Council health and safety policies, which set out the legal duties of all staff and gives advice and guidance on how to comply with those duties.

If you require further assistance or clarification on the subject please contact:
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