

**WORK RELATED
DEATH
A PROTOCOL FOR LIAISON
NATIONAL LIAISON
COMMITTEE
ANNUAL REPORT
2000-2001**

HEALTH AND SAFETY EXECUTIVE POLICE CROWN PROSECUTION SERVICE



WORKING TOGETHER



PREFACE

The past twelve months has seen ACPO responsible for chairing the partnership which has done much to provide the investigators and prosecutors of work related deaths guidelines to work with and directions to obtain the best evidence in such difficult circumstances.

The signatories have now gone full circle and I hand back the Chair to the Crown Prosecution Service for 2001-2002 with the knowledge that the HSE, ACPO and CPS are working together to achieve the same goals. The Local Liaison Committees are generally functioning as expected and their hard work to cascade the protocol ideals is reflected in the number of enquiries relayed to the National Liaison Committee to consider.

As the level of inter agency co-operation continues to improve in the investigation of such high profile and sensitive cases then we can expect the need to improve our responses through the protocol guidelines and to make aware those at ground level of best practice identified through experience.

The protocol requires to be continually reviewed and challenged, as we await Government decisions whether the offences relating to manslaughter will change and anticipate how case law in respect of the Human Rights Act will affect us, the NLC will ensure that the protocol will adapt accordingly.

I believe that the work required to enable the inter agency approach to this type of investigation, although not easy, is proving beneficial to all concerned. The first three years of inter agency collaboration has created strong foundations on which to build. The unfortunate victims and their families deserve a well organised professional approach to this type of incident.

Tony Rogers
Assistant Chief Constable South Wales Police and
Chair of the National Liaison Committee

BACKGROUND

The protocol for liaison on work related deaths was publicly launched on 23 April 1988. It sets out principles for effective liaison between the Health and Safety Executive (HSE), the Association of Chief Police Officers (ACPO) and the Crown Prosecution Service (CPS) in relation to work related deaths in England and Wales where the HSE is the enforcing authority for health and safety legislation.

The protocol established a National Liaison Committee to oversee and review the operation of the protocol and Local (Regional) Liaison Committees (LLC) to ensure implementation of the liaison arrangements at a local level and to discuss issues of mutual interest and concern.

It has been agreed that the chair and the secretariat of the liaison committees should rotate annually between the three agencies, their duties commencing on the 1st April. 2000-2001 saw ACPO take the reins and complete the circle handing the role back to the CPS for the forthcoming twelve months.

DEVELOPMENTS OVER THE YEAR

The period of ACPO stewardship of the liaison arrangements has seen the change in the number of LLC's increasing to nine in line with the new ACPO areas and the year commenced with the NLC meeting the Regional chairs to underline the importance of liaison whilst dealing with cases of work related death to ensure a corporate approach to any investigation.

There is no doubt that in the past three years the liaison continues to develop and enables the individual agencies to work together using each others expertise to investigate the cause of such high profile deaths and to prosecute those responsible when necessary.

The protocol is continually being assessed by the NLC and it is generally felt that there will need to be amendments in the near future. It is anticipated that the Governments' proposals to reform the law on involuntary manslaughter if adhered to maybe the appropriate time to do so, however it is clear that as the liaison develops the protocol will also need to improve in order that best practice is implemented.

A number of specific issues are being developed and are outlined.

LIAISON WITH CORONERS

The NLC continues to meet annually with Coroners Society and local liaison is encouraged. Although the Coroner is not a signatory to the protocol it is important that matters of mutual interest are discussed and working practices improved by discussion.

WORK ON AT-WORK ROAD TRAFFIC INCIDENTS

Generally, the protocol on work related deaths does not cover road traffic incidents. However, the Government and the Health and Safety Commission have commissioned an independent task group to reduce at-work traffic incidents. A discussion document was issued on 1 March 2001 with comments due in by 25 May 2001. Any decisions and possible implications which arise from the task group's report will need to be considered separately by the National Liaison Committee.

MAJOR INCIDENTS-RESPONSIBILITY FOR SITE SAFETY

This was identified as an area where inter agency cooperation was necessary not only to achieve best evidence through scene preservation but also to consider the injured and the safety of those attending the incident. A Major Incident Progress Group are considering policy and the NLC will await their findings to see if they can be included in the protocol.

HANDING OVER INVESTIGATIONS

When investigations are to be taken by one or other of the agencies then the reason behind any decision needs to be documented to prevent criticism in the future. A pilot scheme is to be devised to meet the requirements of all agencies in the next twelve months.

NATIONAL POLICE TRAINING

A representative of the National Crime Faculty has met with the NLC to ensure that their views are included in the national training programme being devised for detectives to investigate work related deaths. It is important that the people facing such incidents obtain as much awareness training as possible to provide the public with the service they deserve.

SUMMARY

The public have a far greater knowledge of the Joint Protocol document and its content, this is reflected in the increased number of public challenges to the service provided by the agencies concerned.

The relevant authorities have now responded to the Home Office consultation document on reforming the law on manslaughter, the Government's response is awaited and when received will inevitably have an effect on future investigations and the roles that each agency will play. The introduction of the Human Rights Act is an additional piece of legislation that will impact on the way we enquire into work related deaths and it is the continued review of what has been set in place which should ensure that together the signatories of the protocol provide the public with a standard of service they expect.