

Dangerous Construction sites
Industrial 'accidents'
Farms
Worker
Member of the public
Workplace
deaths
Schools
Train crashes
Hospitals
Hazardous
Factories
Deaths at sea

Work-related Death Advice Service

A free, independent, and confidential advice service for families and friends bereaved by a work-related death.

Contact us to help ensure that your relative's or friend's death is properly investigated and adequately dealt with by the prosecuting authorities.

Coroner's Courts and Inquests
Health and Safety Executive
Local Authority Inspectors
Maritime and Coastguard
Agency
The Police
Crown Prosecution Service
Health and Safety Law
The Offence of Manslaughter
Procurator Fiscal
Fatal Accident Inquiries
Health and Safety Executive of
Northern Ireland

How we can help you

When faced with losing a family member or a friend through a work-related death, people often want to know:

- exactly how and why the death occurred;
- if someone – or some company – was responsible and, if so, how they can be held to account;
- how similar deaths can be prevented in the future.

In trying to meet these concerns people are often faced with a complex and bewildering legal process at what is already a difficult time.

The CCA helps families and friends to work their way through this legal process by providing them with free, independent and confidential advice about the range of legal and governmental bodies involved and how they can ensure that these bodies fulfil their investigation and prosecution responsibilities.

A work-related death is one that takes place as a result of some form of work activity. The common feature of all these deaths – whether they involve a worker or a member of the public – is that they raise questions about whether the working practices of a company or organisation were adequate or not.

We provide information and guidance on the role of:

- **Coroners** who are responsible for carrying out a public inquest which considers how the death happened;
- the **Health and Safety Executive** and **Local Authorities** which are responsible for the investigation and prosecution of health and safety offences;
- the **Maritime and Coastguard Agency** which is responsible for the investigation and prosecution of Merchant Shipping Safety Act offences when the death takes place in British waters or on a UK registered ship;
- **Fire Authorities** which are responsible for the investigation and prosecution of fire safety offences when a death is the result of a fire;
- the **Police** who are responsible for investigating whether or not the death was the result of manslaughter by a company or individual;
- the **Crown Prosecution Service** which is responsible for deciding whether any company or individual should be prosecuted for the offence of manslaughter;
- **Crown Office** and **Procurator Fiscal Service** which are responsible in Scotland for the prosecution of health and safety offences and homicide offences;
- **Fatal Accident Inquiries** which look into the deaths of workers in Scotland.

We will also help you to ensure that these bodies carry out their responsibilities and fulfil their obligations under the Human Rights Act 1998.

Accountability not Compensation

As a result of the death of your relative or partner, you may well have a civil law claim for compensation. The Centre only provides advice on the inquest and the criminal justice process. We cannot assist you in any compensation claim. However, if you do not have a lawyer and wish to make a claim, we can put you in contact with a personal injury solicitor. We are happy to work with or alongside your solicitor.

Trade Unions and Lawyers

We also work alongside trade unions (when one of their members has died) and lawyers (who are pursuing a compensation claim).

Private Companies and Public Bodies

We provide advice in relation to deaths resulting from the activities of both private companies and public bodies (such as hospitals, schools and local authorities).

If the death takes place in Scotland

This leaflet deals with deaths that take place in England and Wales (or in the sea waters of England and Wales). If the death takes place in Scotland or in its waters the system of investigation and prosecution is different in some significant ways. Contact us for advice on fatal accident inquiries, and the role of the police, the Health and Safety Executive and the Procurator Fiscal in Scotland.

If the death takes place in Northern Ireland

Deaths in Northern Ireland are investigated and prosecuted in a similar manner to England and Wales. The law is very similar. The Police investigate for manslaughter offences. The Health and Safety Executive of Northern Ireland and Local Authorities investigate for health and safety offences. Contact us if you need advice on deaths in Northern Ireland.

This section provides further information on the prosecuting bodies and on how the Centre can help.

Inquests

A Coroner holds an inquest into most work-related deaths that take place in England or Wales. The Coroner opens the inquest a few days after the death, but the full inquest – at which witnesses will be called to give evidence in public – may be many months after the death, usually when all criminal investigations have been completed. This full inquest is usually heard in front of a jury, which, after hearing all the evidence will return one of a number of verdicts, which include “accidental death” or “unlawful killing”. The inquest is not supposed to apportion blame but to determine “how” the death took place.

Certain deaths involving state bodies, including certain deaths in hospitals, local authorities, police, and prisons, must have a more rigorous and detailed inquest to ensure compliance with the Human Rights Act of 1998.

We give advice on:

- the purpose of the inquest, how it will be conducted and the procedures involved;
- how the inquest is linked to the criminal investigations;
- why it is important that you have legal representation at the inquest, and what role your lawyer should play;
- whether the inquest should be heard in front of a jury;
- how you can ensure that the inquest is an adequate inquiry into the death;
- the meaning of the different verdicts that a coroner or jury can return;
- the particular significance of an “unlawful killing” verdict;
- whether any further action can be taken after the inquest into your relative’s or friend’s death.

the law, the relevant investigating and
n assist you.

The Criminal Offences

A work-related death can result in a company or an individual being prosecuted for two different kinds of offences. The crime of manslaughter is the more serious offence of the two requiring evidence that the death was caused by an individual's 'gross negligence'. If the individual being prosecuted for manslaughter is a company director or senior manager, the company itself can also be prosecuted with manslaughter. However, the company's guilt depends on whether or not the individual is convicted; it is not enough to show that the death was caused by the company's dangerous working practices. The offence of manslaughter is investigated by the police and prosecuted by the Crown Prosecution Service.

An offence under safety law is less serious since conviction only requires proof that companies or individuals breached their obligations as set out in various health and safety statutes or regulations. This does not require proof that there was a high degree of negligence or that the death was actually caused by the breach in the law. These offences are investigated and prosecuted by various regulatory bodies including the Health and Safety Executive, Local Authorities and the Maritime and Coastguard Agency.

We give advice on:

- what safety obligations the law imposes upon companies, organisations and individuals;
- the differences between health and safety offences and the offence of manslaughter;
- how individuals and companies can commit these offences in relation to work-related deaths;
- whether either of these offences apply in relation to your relative's or friend's death.

*'The CCA showed me how to get
justice when doors were being closed to me.'*

Mrs. Bell, whose husband died at a demolition site

The Police

Procedures require that the police investigate almost all work-related deaths to decide whether or not the offence of manslaughter has been committed. Police investigations are usually undertaken with the assistance of the relevant regulatory body, which is usually the Health and Safety Executive. The Police should only stop investigating when "it becomes apparent during the investigation that there is insufficient evidence" that manslaughter has been committed. At that point, the Police will hand over the investigation to the HSE or other regulatory body for a separate decision whether to prosecute for health and safety or other offences. However, the Police will review any new evidence that emerges, such as during the inquest.

We give advice on:

- whether the police are required to investigate the death of your family member or friend;
- what is required of the police under their investigation procedures;
- the relationship between the investigation conducted by the police and the one undertaken by the Health and Safety Executive, the Local Authority, or other investigating authorities;
- the adequacy of the police investigation into your relative's or friend's death.

Road Traffic Deaths

Some deaths on the road are work-related and require an investigation into a company's working practices. We will give you advice on whether or not this is the case.



The Health and Safety Executive and Local Authorities

Parallel to any police inquiries, most work-related deaths are also investigated by an inspector from either the Health and Safety Executive or from the Local Authority. Generally, all "industrial" deaths are investigated by the Health and Safety Executive, whilst all deaths in the "service" sector are investigated by the Local Authority. The first job of the inspector is to take the necessary action to prevent a recurrence of the incident that resulted in the death. The inspector will then investigate whether health and safety offences have been committed. The inspector does not investigate manslaughter, but will hand over any information gathered to the police and wait for the police and Crown Prosecution Service to complete the manslaughter investigation. If the Crown Prosecution Service decides not to prosecute for manslaughter, the police return the case to the Health and Safety Executive or Local Authority inspector for a decision whether or not to prosecute for health and safety offences.

We give advice on:

- what sort of investigation you should expect from the Health and Safety Executive or Local Authority;
- what information the Health and Safety Executive or Local Authority should give you about their investigation;
- whether the investigation undertaken is adequate and whether any decision not to prosecute is soundly based.

The Maritime and Coastguard Agency

If the death is not on land but at sea in British waters or on a UK registered ship, instead of the Health and Safety Executive or Local Authority undertaking an investigation, it is the responsibility of the Maritime and Coastguard Agency (MCA). The MCA's investigation is centred on determining whether an offence contained in one of the Merchant Shipping Acts (or one of its associated regulations) has been committed and whether or not to prosecute a company or individual. The Marine and Accident Investigation Branch (MAIB) will also undertake an investigation into the death; this investigation however is concerned not with apportioning blame but with finding out about the circumstances of the death and how similar incidents can be avoided in the future.

In relation to the Maritime and Coastguard Agency, we will give you the same advice and assistance as if the Health and Safety Executive were involved.

The Crown Prosecution Service

The Crown Prosecution Service is responsible for evaluating the evidence obtained by the police in its investigation and deciding whether or not a manslaughter prosecution is appropriate.

We give advice on:

- how to ensure that you are fully informed of the reasons for any Crown Prosecution Service decision and, if there is a decision not to prosecute, whether or not it is soundly based.

What is a work-related death?

- A work-related death is one that takes place as a result of some form of work activity.
- It can involve the death of a worker on a construction site, in a factory, or on a farm.
- It may involve a member of the public who dies in a train crash, whilst taking part in recreational activities, or when being operated on in hospital.
- The common feature of these deaths is that they raise questions about whether the working practices of a company or organisation were adequate or not.

All these deaths need to be investigated so that:

- their cause can be determined;
- action can be taken to prevent a recurrence;
- the authorities can decide whether it resulted from criminal conduct on the part of a company, organisation, or any individuals who run them.

The Centre for Corporate Accountability

The Centre for Corporate Accountability is a charity established in 1999. The CCA promotes worker and public safety by providing advice, and undertaking research and advocacy, on matters relating to law enforcement and corporate criminal accountability.

The Centre is a Company limited by Guarantee which is managed by a Board made up of individuals with wide experience of working on safety and accountability issues. It also has an advisory council composed of lawyers, academics and hazard campaigners.

The Work-Related Death Advice Service is funded by the Joseph Rowntree Charitable Trust and the City Parochial Foundation.

Contact details

By phone 020 7490 4494

By fax 020 7490 7191

By post Fourth Floor, 197/199 City Road, London EC1V 1JN

By e-mail advice@corporateaccountability.org

Monitoring deaths

If you are a friend or relative of someone who has been killed in a work related death, please contact us even if you are not seeking advice as we are trying to monitor the circumstances of every work-related death and the response by the authorities.

See our web-site: www.corporateaccountability.org



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