CDM 2015 AND HEALTH & SAFETY -
THE COST OF GETTING IT WRONG

A course designed for Directors and Senior Managers

COURSE AIMS

The aim of this training course is to provide delegates with a deeper understanding of: the role of the Principal Designer and the consequences for organisations / individuals of non-compliance with CDM 2015 (including contractual / common law liability). It addresses the overlap with H&S regulation following failures that lead to a death in the workplace; the nature of the joint investigation undertaken by the Police and HSE following a work related fatality; prosecutions for corporate and gross negligence manslaughter.

Attendees will have an understanding of the need for the business to: ensure that it complies with its CDM 2015 responsibilities; that it is receiving health and safety advice from a competent source; review the competency of its senior management team; and review its policies and procedures with a view to ensuring that it has in place a properly structured system that is actively enforced, monitored and reviewed to achieve compliance.

COURSE CONTENT

The law

- An overview of the statutory duties of the Principal Designer under CDM 2015, for organisations and individuals
- The questions of ‘competence’, timing and assistance by third parties
- Contractual claims founded on non-compliance with CDM 2015, limitations / exclusions and insurance
- Common law claims for negligence, and defences
- Case study of recent FAQs on the CDM 2015 as applied
- An overview of the statutory duties of employers and employees under the Health and Safety at Work Act
  - Corporate accountability
  - Offences committed by individuals (s.7 and s.37(1))
- Corporate Manslaughter Act 2007
  - The new offence
  - Relevant duties of care – the Judge decides
  - Gross breach of relevant duty of care – the Jury decides
  - Who will be included in senior management?
- Penalties on conviction
  - Unlimited fines –Sentencing Guidelines
  - Remedial orders
  - Publicity orders
- The position of individuals

- Gross negligence manslaughter
- Health and Safety (Offences) Act 2008 – imprisonment an option

Under investigation

- Joint investigation by Police and HSE
- The Work Related Death protocol – in practice
- Powers of the investigators
- Gathering evidence
  - Documentation
  - Voluntary and compelled witness statements
- Interviews under caution
- Protecting the position of individuals

Critical Incident planning and management

- The need to implement a Critical Incident protocol for use across your organisation
- Appointing a Critical Incident team and defining roles and responsibilities
- Putting your Protocol into action

Bespoke fatal accident case study

- Facts of the case
- Overview of mock Joint Investigation and evidence gathering
- Mock arrest of Director/Senior Manager on suspicion of manslaughter and interview under caution by Police

TRAINERS

The training course is delivered by

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