

Property Training Network (PTN)

Facing a Compliance Prosecution?

Prepare for your day in court (and how to avoid it) with Zurich and Weightmans LLP

4 hours CPD

Webinar Dates

Monday 15th March 2021

Monday 29th November 2021

Purpose

Over 94% of prosecutions brought to court by the Health and Safety Executive are successful. Whilst Councils seek to ensure they adhere to statutory compliance rules and regulations in the management of their buildings, mistakes do happen and prosecutions ensue. Should you find yourself or your organisation in this situation, would you know what to expect and how best to prepare?

This event will use a courtroom scenario to re-enact a prosecution following a fictitious legionella health and safety incident that could easily happen in your organisation. One solicitor will defend the Council whilst the other seeks to prove blame. Witness evidence will be heard and delegates, acting as the Jury, will consider the facts to deliver the final verdict and determine sentencing.

The ultimate aim is to avoid an incident and prosecution, so guided by law firm Weightmans LLP and risk management firm Zurich, the event will explore the management and avoidance of risks relating to compliance. The focus throughout the day will be the implementation of robust processes and procedures for managing statutory compliance and health and safety in buildings.

This event will enlighten, educate and prepare delegates through careful analysis of the law, culpability, harm and sentencing guidelines. This will be achieved through a very relevant and interactive event exploring and analysing the facts of the case, cross examination of testimony and deliberation via a structured question and answer session and workshop.

Learning Outcomes

This webinar will provide an understanding of the process of prosecution and the procedures through which Health and Safety law is enacted.

You will be appraised of risk management solutions and strategies to avoid contravention of health and safety law as it relates to the management of building statutory compliance.

Lessons will be learned through the opportunity to discuss with legal and risk management professionals how organisations should avoid, and when necessary, prepare for legal action being taken against them.

Who Will Benefit?

Anyone involved either directly or indirectly in Health and Safety management and building statutory compliance throughout the public sector. In particular, delegates with responsibility for:

- Managing health and safety and statutory building compliance
- Legal services where organisations are at risk of prosecution for non-compliance with health and safety law
- Senior management duty holders who represent an organisation delivering health and safety compliant premises.

Programme

09.30	Log – in and registration
09.45	Introduction to compliance health and safety In our first session, Jane Lowrie, our CIPFA facilitator and expert in regulatory compliance will introduce the topic.
10.00	Session 1 – Training on HSE Investigations / Prosecutions Overview Our legal experts will outline to you the approach taken by the HSE when investigating and prosecuting health and safety breaches.
11.00	Session 2 – Introduction to the Case Study
11.15	Break
11.30	Session 3 – Mock PACE Interview The legal experts will conduct a mock interview of the defendant by the Health and Safety Executive.
12.00	Lunch
12.45	Session 4 – Mock Trial The legal experts will recreate a typical court case following a major health and safety incident. Evidence will be submitted and witnesses cross-examined.
13.45	Session 5 – Verdict / Vote and Sentencing
14.00	Session 6 – Session 6 – Risk Management Zurich will advise you on general principles of risk mitigation alongside specific requirements to ensure legal compliance. This session will support you in applying a practical approach to the management of legionella risks onsite.
14.30	Session 7 – Feedback and Discussion In the final session the legal experts will lead a discussion on how to minimise the risks of challenge and how best to prepare for a legal challenge to your asset management compliance systems and procedures.
15.00	Close

The facilitators for this event will be;

Jane Lowrie



Jane is a chartered surveyor with over 35 years' experience in the property industry. For the past fifteen years, she has focused on the development and implementation of strategic asset management within the public sector. Jane worked for CIPFA as a Property Advisor for over seven years and is now working as a CIPFA Associate delivering professional training and consultancy work to help improve the efficiency and effectiveness in the way public sector land and buildings are managed. During 2017/18, she worked for the ESFA providing technical advice on the Capital Efficiency and Capability Programme, in particular in the development of the Good Estate Management for Schools guidance.

James Buchanan



James Buchanan is recognised as a leading criminal and inquest practitioner, specialising in corporate and gross negligence manslaughter, health and safety, trading standards offences and financial crime.

James specialises in workplace crime and has significant experience within the construction, retail, manufacturing, transport and healthcare sectors.

Chambers UK: *"He is excellent in front of clients and very able on his feet. His 'red-meat' criminal background stands him in good stead when dealing with complex regulatory matters. His case analysis is sound and he is incredibly hard-working and very approachable. He is very good at building relationships".*

Crispin Kenyon



Admitted in 1980, Crispin has been a partner since 1986 and joined Weightmans in April 2011 where he leads the London office of a nationwide health and safety team which works exclusively in this field.

Crispin's roots are in insurance litigation where he was a specialist for over 30 years in employers', public, product and motor liability claims.

His caseload now exclusively involves advising clients under regulatory investigations and prosecutions by HSE/Environmental Health Officers in local government and Police, as well as inquests, for individuals and the full range of commercial business activity including local authorities, construction, waste management, leisure, transport, education, care sector, manufacturing and fire safety.

Crispin is frequently instructed by other specialist firms where conflicts of interest arise.

He is a regular speaker at Health & Safety seminars for clients and the firm and on behalf of the Health & Safety Lawyers Association of which he has been Hon Treasurer and executive member since 2010.

Anna Naylor -



Anna is a regulatory defence lawyer specialising in advising organisations on health and safety, food safety, trading standards and environmental law. She assists clients who are being investigated by the Health and Safety Executive, Local Authorities, Environment Agency and Police following serious incidents.

She represents companies in enforcement notice appeals, fee for intervention disputes, environmental permitting issues and prosecutions of companies and individuals for a range of regulatory offences. Anna also provides advice and support for directors and senior managers on regulatory compliance.

Anna assists clients in getting to grips with forthcoming changes to legislation and provides training on a wide variety of health and safety, food safety and environmental topics.

Lauren Rigg



Lauren is a regulatory lawyer specialising in health and safety. Her client base is made up of companies and individuals from a wide variety of sectors which include local government, manufacturing, construction, food and retail. She has a vast amount of experience in representing clients in investigations by the Health and Safety Executive, Police and Local Authorities in respect of workplace accidents. Lauren also represents companies and individuals charged with the full range of criminal offences

James Muller



James provides advice and representation for companies and individuals throughout the entire duration of regulatory investigations, often being instructed in the immediate aftermath of serious and fatal accidents and carrying matters through to their conclusion. He has extensive experience of court litigation and trial preparation and has particular skill in dealing with complex areas of expert evidence.

James has significant prosecution experience in relation to such matters, having worked on the prosecutions of the Atomic Weapons Establishment, UK Coal and Mid Staff NHS Trust for HSE prior to joining Weightmans. More recently, at Weightmans, his prosecution of Embrace All Ltd on behalf of Mansfield District Council in 2016 remains one of the highest fines for a company when compared to its turnover. Having experience of how such cases are prosecuted gives James a significant tactical edge when defending.

Clive Speed - Zurich



Sarah is a Risk Consultant for Zurich Insurance Company with over 10 years' experience in Health & Safety and Risk Management. She has held roles in internal health and safety management and consultancy, working alongside a wide range of industries and business sectors. Within her current role Sarah has supported several of our customers within the public sector in identifying improvements and applying practical solutions to enhance risk control and risk mitigation. Sarah works closely with internal and external stakeholders to enhance knowledge around existing and emerging risks and provides training to customers on a wide variety of health and safety and risk topics.

[Booking Details](#)

Find out more visit www.cipfa.org/property

To attend PTN Network Members can use prepaid places, no other network places can be used to attend this event

Member Cost: £250+VAT for any members that have used all there allocated prepays

Non-Member Cost: £375+VAT

If you have any queries or would like to book a place, please contact Keeley Hope property@cipfa.org

CIPFA Sustainability Policy

CIPFA is delivering all of our training courses, workshops and seminars in accordance with our sustainability strategy. We do not provide hardcopy course materials to delegates and these are now distributed by email in advance of the event. We are striving to reduce our carbon footprint in every way that we can, and we hope that we can count on your support.