

# LEICESTERSHIRE POLICE AUTHORITY

PAPER MARKED

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Meeting POLICE AUTHORITY  
Date 27<sup>TH</sup> JANUARY 2009  
Report of CHIEF CONSTABLE  
Subject HEALTH AND SAFETY

## Purpose of the report

1. This report is intended to inform the members of the Police Authority of new health and safety legislation as well as to bring the members' attention to the new corporate health and safety policy.

## Commentary

### Health and Safety Offences Act 2008

2. The Health and Safety Offences Act received Royal assent on 16<sup>th</sup> October 2008. The Act was created to increase the opportunities for the courts to apply significant penalties to organisations and individuals who breach health and safety legislation.
3. Previous to the Act the maximum fine in the courts for most health and safety offences was £5,000, unless they involved breaches Sections 2 to 6 of the Health and Safety at Work etc Act, and imprisonment of individuals was only available in very limited cases such as when an enforcement notice had been contravened. The Health and Safety Offences Act now allows for a maximum fine of £20,000 for most health and safety offences and allows for the imprisonment of individuals who have played a part in the breach.
4. The factors that would be considered before prosecution would take place are contained in the HSE's Enforcement Management Model. This states that prosecution would be considered in situations where there is a combination of high risk and an extreme failure to meet an explicit or clearly defined standard.

### Force Health and Safety Policy

5. The Force Health and Safety policy has been reviewed and is enclosed. The Force health and safety procedure has been amended to reflect guidance based around the corporate manslaughter act.

### Persons to contact:-

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