



service information

Health and Safety - May 2008

Health and Safety

A guide to our expertise

Our Health and Safety team has clients active in many sensitive industry sectors and consists of specialist non-contentious and contentious lawyers.

We firmly believe our health and safety team has the specialist expertise to guide you through this complex and rapidly changing area of law.

Our lawyers will be available to you **24 hours per day** to ensure prompt and effective reaction to investigations undertaken by the Regulators and/or the Police following a Critical Incident. Out of hours contact details will be made available to your management teams. The lawyers who would undertake your work can reach the scene of a Critical Incident **within one hour**.

Our team of specialist contentious and non-contentious lawyers have a recognised expertise in this field and take pride in developing long-lasting client partnerships. Indeed, we have been involved in offering compliance advice of this nature for in excess of 30 years. We have a genuine enthusiasm for our clients and their work and we are committed to achieving high standards of service.

Our Team Leader Robin Havard has a national profile and is commended for having "**outgunned the biggest in this area**" and "**earned plaudits for his practical and commercial approach**". (Chambers & Partners Guide to the Legal Profession).

We pride ourselves on our teamwork - many of the core members of our team have worked together for many years. We will adopt a down to earth and user-friendly approach to work undertaken on your behalf and our advice will be pragmatic and commercially realistic.

Our response to a Critical Incident

In the event of a Critical Incident arising from a major safety, health and/or environmental incident to include incidents involving issues of patient safety, our lawyers will be available to you 24 hours per day to ensure prompt and effective response to investigations undertaken by the Regulators and/or the Police. Out of hours telephone numbers for designated lawyers will be made available to your management teams.

We encourage our clients to involve our lawyers at the earliest possible opportunity following a Critical Incident. We therefore welcome a service level requirement that we begin our involvement by attending the scene of the incident with a view to advising you throughout the entirety of an investigation by the Regulators and/or the Police. This will enable us to work closely with you and your nominated investigation team at all times to derive maximum benefit from early response planning and action. We will:

- Provide legal advice and assistance to your nominated investigation team, throughout your internal investigation and reporting process.
- Manage your response to an investigation by the Regulators and/or the Police to include implementing a strategy for the management of publicity if required.
- Provide legal advice and representation throughout the entire investigation to include support for your operating company and where appropriate, your board members, senior managers and employees during formal interviews to include interviews under caution.
- Provide representation throughout Coroner's Inquest proceedings.
- Provide legal advice and representation throughout a criminal Prosecution brought by the Regulators and/or the Crown Prosecution Service.

At the earliest possible opportunity during the course of an investigation, we will identify possible conflicts of interest between you and your employees. We will give due consideration to the need for separate legal representation in the event of such a conflict of interest and will, at all times, have regard to the Law Society's – Employers solicitors attending HSE Interview with employees – Rules and Ethics Committee Guidance. If separate legal representation is required, we will recommend the instruction of a solicitor from our list of approved solicitors. We have been commended by our clients for the sensitive and professional way in which we have approached this important issue.

At all stages during the course of an investigation and/or enforcement action, we will work alongside your Investigation Team to report fully to your senior management teams with particular reference to lessons learnt from the process. We will assist in the review of your safety, health and environmental policies and procedures with a view to incorporating provision for remedial measures to include the provision of suitable training for your employees.

We have experience in representing clients, both corporate and individual, throughout the course of investigations undertaken by the Regulators and/or the Police; Coroners' Inquests proceedings; criminal prosecutions brought by the Regulators or the Crown Prosecution Service. We advise on Prohibition and Improvement notices served by Regulators and take them to Appeal if appropriate. Many of our cases have been high profile and have attracted public and media interest both at a regional and national level.

Critical Incident Planning

Our experience has taught us that one of the most crucial factors in responding to a Critical Incident is communication. With this in mind, we work with our clients to develop a Critical Incident Plan/Protocol to define the actions essential for effective professional management and control of an emergency situation. We recommend that our clients select a Critical Incident team where the responsibilities of the individuals involved and the core objectives of the team are clearly defined. This ensures that the correct balance is maintained between fulfilling our clients' legal obligations towards the Investigators and protecting the interests of the company, its employees and all other parties who have contact or dealings with the company. As an example of recent work, our team drafted a Protocol for Responding to Environmental Emergencies on behalf of a national utilities company which is in the process of being implemented throughout the organisation and its operating companies.

Training

Training is central to our services and of importance in the building of good client relationships. We will tailor our training to your specific needs. Our team is actively engaged in a varied programme of interactive workshops and seminars for clients.

Our most popular sessions are those in which delegates are required to take part and work on practical examples and case studies. Our interactive sessions include a case study and associated role play. Our most frequently requested role play involves the interview under caution of a Construction Director following his arrest on suspicion of manslaughter in connection with a fatality on a construction site.

We supplement our training with regular bulletins and legal updates.

Our people



Robin Havard, Chairman / Partner

T: 029 2038 5522

E: robin.havard@morgan-cole.com



Claire Rawle, Partner

T: 029 2038 5532

E: claire.rawle@morgan-cole.com



Paddy Roche, Partner

T: 01865 262642

E: paddy.roche@morgan-cole.com