

Health and Safety Helpline

Problems on site do not restrict themselves to working hours. Even if they do you may well be concentrating on priorities such as clearing up the site and planning remedial measures. Undoubtedly you will produce an excellent response to the crisis for your client, but will you be helping yourself?

Our experience of defending clients in high profile HSE prosecutions shows that the first few hours and days after an incident can be critical for the preparation of a defence to a criminal prosecution. Prosecution may be the last thing on your mind at this time, but its effect on your future could be immeasurable. A little thought could help avoid a criminal conviction, a fine and, in extreme cases, a prison sentence. The commercial consequences of a conviction may be far-reaching. Most tender forms specifically ask 'Have you ever been convicted of an offence under Health and Safety legislation?'

The powers of the Health and Safety Executive after an incident are wide ranging and there is an obligation to co-operate with them in their investigation. However, it is sensible to take advice on such measures as:

- compliance and appeals against Prohibition and Improvement Notices;
- statements to be given by members of staff and directors or partners to the Health and Safety Executive;
- documents to be handed over to the Health and Safety Executive;
- evidence gathering for your defence such as photographs, videos and retaining samples;
- instructing appropriate experts to look at the site before it is cleared;
- coroners' investigations and representation at inquests.

There are many more points to consider which will depend on the circumstances of the case.

We have a Health and Safety helpline to provide immediate access to legal advice from specialist lawyers.

During working hours please contact us on +44 (0) 20 7240 3474 and ask for [Antony Smith](#), [Sheena Sood](#) or [Stephen Chessher](#).

Emergency contact numbers for out of office hours are:

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