

Compliance & Risk

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New guidelines on sentencing for health & safety offences

On 3 November 2015, the UK government published the Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences Definitive Guidelines.

The guidelines will come into force on 1 February 2016, and will apply to all individual offenders, aged 18 and over, and organisations sentenced on or after that date regardless of the date on which the particular offence was committed.

The stated aim of the guidelines is “to ensure a consistent, fair and proportionate approach to

sentencing organisations or individuals convicted of corporate manslaughter, health and safety and food safety and hygiene offences”.

As had been anticipated, the guidelines warn of a significant increase in fines for such offences in the future. During the consultation process, which took place between 13 November 2014 and 18 February 2015, similarities were drawn between health and safety and food safety offences and environmental breaches.

The consultation response document fol-

lowed that line by proposing a tariff-based system for sentencing, much like that employed in the Environmental Offences Definitive Guidelines published by the Sentencing Council in July 2014, which is expected to result in a dramatic increase in penalty levels.

In recent cases before the courts, judges have already shown support for the approach taken in the guidelines, with the courts sending a clear message that stiff fines will be imposed for breach of regulatory matters. This is true

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FCA sets out new whistleblowing requirements for regulated firms

New rules in relation to whistleblowing have been published by the Prudential Regulation Authority ('PRA') and the Financial Conduct Authority ('FCA').

The rules, which were published on 6 October 2015 and will come into effect in 2016, will require all relevant firms to implement key provisions concerning channels of reporting for, and oversight of, whistleblowing disclosures.

The rules will be binding chiefly on UK deposit-takers, PRA-designated firms, and specified insurance and reinsurance firms, but are to operate as non-binding guidance for all other businesses regulated by the FCA. The FCA has said that it will consider extending the scope of the mandatory application of the new provisions in due course.

The key provisions

include having clear whistleblowing capabilities - that is, arrangements that permit all types of whistleblowing disclosure, not simply those related to regulatory concerns or protected disclosures, that ensure effective escalation of concerns, and that are available to any person wishing to make a disclosure.

Further, whistleblowing

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