

‘Implications for managers of fatalities following council accidents’

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- Glasgow Bin Lorry Crash 22/12/2014 killed 6 people and injured 15 others.
- Driver, was a Mr Clarke, 58, was unconscious during the crash.
- In February 2015 Scotland's Crown Office stated that it would not bring criminal proceeding against the driver.
- The Fatal Accident Inquiry (FAI) commenced in August 2015 and looked at Mr Clarke's health, the bin lorry and it's route



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- The inquiry interviewed in the court Operational managers and HR managers from Glasgow Council and previous employers.
- The driver had his first blackout in April 2010 at the wheel of a bus whilst working for First Bus.
- He also had a lot of sick days at First Bus and the word on the ground was that 'he was on his last legs'.
- Previous medical records were also investigated and Mr Clarke's medical history exposed a significant number of dizzy episodes back to the 1970's
- Records also showed that he had a history of stress, depression and anxiety and back in 1994 reported a symptom of chest tightness.
- Besides all these problems Mr Clarke had been involved in a road-rage incident.

- In 2010 whilst working for First Bus, he had lied in health assessment forms when applying for his LGV licence from the Swansea based DVLA.
- He had also lied about his medical history when applying for a job at Glasgow Council.
- In 2011 he was assessed by a doctor for his HGV renewal and would not have passed this examination if the medical profession knew anything about the faints suffered in the last 5 years.
- No access was made to previous medical records at this assessment.
- **LESSONS TO BE LEARNT!**

- Baldwins Crane Hire will become the first firm to be charged with corporate manslaughter when a company driver was killed.
- It is alleged that brakes failed.
- The CPS is bringing the case to court and they believe they have sufficient evidence to charge the company with offences under Section 2 and Section 3 of the Health and Safety at Work Act 1974.
- Trial commences in October 2015.

- Corporate Manslaughter Legislation was introduced in April 2008.
- Two organisations have been acquitted while a further four companies are awaiting trial.
- There is public concern at the lack of convictions.
- The CPS are now pursuing more cases year on year.
- New sentencing guide lines to be introduced will tougher sanctions imposed for breaches of corporate manslaughter.
- Large firms face fines of £4.8million to £20 million
- Smaller firms will face fines between £180,000 a £540,000.



- A driver was jailed for 4 years after he had worked an illegal 20 hour shift when he crashed into a broken down car on the A12 in Essex killing a motorist.
- The Transport Manger was also jailed for 4 years for failing to control his drivers.
- In the context of corporate manslaughter the prosecution must prove that the way in which the companies activities were organised or managed caused the death of the deceased and that it mounted to a gross breach of a relevant duty of care the company owed to the deceased.
- The company would have owed a duty of care under Section 3 of the Health and Safety at Work Act which aims to ensure that the employer conducted it's undertaking, so far as reasonable practicable, without exposing other persons to such risks.
- Other legal requirements such as DRIVERS HOURS RULES, which imposes more specific duties on the company and the driver over and above the general Health and Safety Duty.

