

## frESH Law Training

Training Courses on Law, Practice and Procedure for Health and Safety, Environment, Anti-Bribery and Corruption, Food and Drink and Product Safety





## Legal compliance issues can have a huge impact on the fortunes of your business.

Investing in skills, knowledge and competencies at all levels of an organisation is the most effective solution to preventing and mitigating the risks impacting on every business. Our lawyers can train your board, legal team and/or operational staff in relation to legal requirements, obligations and compliance; developments in ESH practice; directors' duties under the relevant regime(s); and the approach of the regulator and courts to any breach, including sentencing powers and relevant case law.

We have developed a range of training options to provide you with practical, commercial and tailored assistance where you need it most. The training is designed to be flexible and to meet your business needs. We propose an indicative length and content for each course, but all courses can be adapted to suit your business, your industry/sector and the knowledge and experience levels of the people who will be attending. If you are interested in more than one course, we can combine them, as required, and can adapt proposals accordingly. Please contact us to discuss our training proposals or any of our other products. We will be happy to help you and give you a tailored quote depending on your needs. Course fees include preparation, training materials and travel time.

## Contacts



### **Rob Elvin**

Partner, Manchester  
T +44 161 830 5257  
E [rob.elvin@squirepb.com](mailto:rob.elvin@squirepb.com)



### **Stephanie Perraton**

Partner, Birmingham  
T +44 121 222 3559  
E [stephanie.perraton@squirepb.com](mailto:stephanie.perraton@squirepb.com)



### **Nicola Smith**

Director, Birmingham  
T +44 121 222 3230  
E [nicola.smith@squirepb.com](mailto:nicola.smith@squirepb.com)



### **Dave Gordon**

Partner, Birmingham  
T +44 121 222 3204  
E [dave.gordon@squirepb.com](mailto:dave.gordon@squirepb.com)



### **Gary Lewis**

Director, Manchester  
T +44 161 830 5373  
E [gary.lewis@squirepb.com](mailto:gary.lewis@squirepb.com)



### **Anita Lloyd**

Director, Birmingham  
T +44 121 222 3504  
E [anita.lloyd@squirepb.com](mailto:anita.lloyd@squirepb.com)

*"Squire Patton Boggs excels at providing comprehensive, sound advice in relation to workplace manslaughter, HSE, Environment Agency, local authority and trading standards prosecutions."*

*The Legal 500*



# Index of Courses

1.	<b>Health and Safety</b> .....	Pages 4 – 12
2.	<b>Anti-Bribery and Corruption</b> .....	Page 13
3.	<b>Food and Drink/Licensing</b> .....	Pages 14 – 21
4.	<b>Product Safety, Compliance and Recall</b> .....	Pages 22 – 23
5.	<b>Environmental</b> .....	Pages 24 – 29
6.	<b>Sentencing Guidelines and Decisions</b> .....	Pages 30 – 32
7.	<b>Mock Interviews and Mock Trials/Hearings</b> .....	Pages 33 – 35

# Health and Safety

## Health and Safety in a Nutshell

There is a changing regulatory landscape, and corporate defendants can no longer recover costs from central funds, even if acquitted following trial. Magistrates can impose unlimited fines, and Sentencing Guidelines have significantly increased fines imposed. Against this landscape, there is an increased focus on health and safety compliance to ensure that management (collectively and individually) is accountable for health and safety failures. Of course, compliance and accountability are strongly linked to reputational impact, as well.

### **This course will cover:**

- Key provisions under health and safety laws and guidance (including IoD and HSC guidance on Leading Health and Safety at Work)
- Insurance cover – civil v criminal
- Fixed fee for intervention scheme
- The prosecution's arsenal
- Sentencing Guidelines – an overview (see page 29 for separate course on Sentencing Guidelines and Recent Sentencing Decisions)

- Immediate actions in response to a serious accident or fatality
- The accident investigation (including legal privilege)
- Regulatory interventions (including visits, investigatory powers, requests for information and enforcement notices)

This course is suitable for staff and management seeking an overview of the health and safety legal framework in the UK; the powers of the regulators; and the best approach to risk management. It can be combined with the separate course on “Responsibilities for Directors and Senior Executives” to provide a half-day course.

**Suggested Duration: 2 hours**

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session when combined with Responsibilities for Directors and Senior Executives

**Suggested Attendee Numbers: Up to 25**

## Responsibilities for Directors and Senior Executives

Corporate behaviour is shaped by directors and senior management. The Health and Safety Executive (HSE) and the public expect directors and management to lead good health and safety practices and the law provides for enforcement against managers if things go badly wrong.

### This course will cover:

- The regulatory regime governing health and safety, including the Health & Safety at Work etc. Act 1974
- General duties of employers to their employees
- General duties of employers to persons other than employees
- Responsibilities for persons in control of premises used for work activities
- Employee duties
- Liability of senior officers or managers
- Key requirements under the Management of Health and Safety at Work Regulations 1999
- Other applicable regulations and requirements
- Penalties for non-compliance
- Reasonable practicability
- Sentencing Guidelines – an overview
- Sentencing trends
- Corporate manslaughter and gross negligence manslaughter
- What is expected of senior executives
- HSG65 – “Plan, Do, Check, Act” framework
- IoD Leading Health and Safety at Work

We will discuss the applicable health and safety laws which are most relevant to your business or sector and will provide directors and senior executives with the opportunity to ask specific questions around their obligations and potential liabilities. The course is suitable for all directors or executives wanting to understand their responsibilities, or those wanting to refresh their knowledge and understanding. It is also suitable for directors and executives who have recently been given specific responsibility for health and safety compliance.

### Suggested Duration: 1 – 2 hours

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session when combined with Health and Safety in a Nutshell

### Suggested Attendee Numbers: Up to 15





## Inquests – Procedure and Preparation

Following a work-related death, there may be a coroner's inquest. These hearings are the opportunity for the family of the deceased and the public to find out what happened. The employer and/or colleagues of the deceased may be required to give evidence at the inquest and their conduct may be scrutinised. This course covers the law, practice and procedure in relation to inquests, and how an organisation can prepare for one.

### **The course will cover:**

- The role, duties and powers of the coroner
- The format of the inquest hearing
- Juries
- The 4 questions at an inquest: who, where, when and how
- Interested persons' roles and rights
- Rules of evidence and disclosure
- Protection against self-incrimination
- Types of determination and possible coroner recommendations

This course is suitable for those managing health and safety on a day-to-day basis who want to understand the potential consequences of work-related deaths and to ensure that their organisation is in the best position to manage any such crisis properly and responsibly. It is also suitable for those who have recently experienced a work-related death and want a team to understand whether and how any inquest may proceed.

**Suggested Duration: 1.5 hours**

**Cost:** £1,500 plus VAT

**Suggested Attendee Numbers: Up to 20**

## Dealing With a Serious H&S Incident

A serious health and safety incident may be a fatality, a non-fatal accident, or even a near miss. Many organisations will have little experience of having to deal with a serious incident and a police or regulatory investigation. Ensuring you are equipped to deal with such incidents is vital to proper management of such a serious accident or regulatory event.

### This course will cover:

- Immediate actions in response to a serious accident/fatality
- Requirements under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrence Regulations 2013)
- Main offences capable of being committed by a company/organisation
- Main offences capable of being committed by an individual
- Reporting protocols
- Role of legal professional privilege over the accident investigation report
- The purpose of the police/HSE/local authority investigation
- Interviews and witness statements
- Police and HSE powers
- Notices of contravention and improvement and prohibition notices

This course is suitable for anyone within a business who may be involved in the initial management of a serious health and safety incident.

**Suggested Duration: Half day**

**Cost:** £2,500 plus VAT

£3,500 plus VAT for full-day session when combined with Investigation Management

**Suggested Attendee Numbers: Up to 25**

## Accident Investigation

Good organisations learn from mistakes and accidents. Accident investigation training will give you a broad understanding of the investigation process following a health and safety incident, looking at the benefits of accident prevention by proper investigation. Our trainers are qualified as lead accident investigators.

### **This course will cover:**

- The reasons for investigation of accidents and near misses
- Objectives of any investigation
- Scope of investigations
- Understanding the accident investigation processes
- Investigation techniques
- The collection, analysis and sharing of information
- Information to be provided to insurers.
- Practical examples and case studies
- Review of findings for “lessons learned”
- Legal Privilege

This course is suitable for anyone who may be involved in an accident investigation following a serious health and safety incident, including line managers, supervisors and safety representatives.

### **Suggested Duration: Half day**

**Cost:** £2,500 plus VAT

£3,500 plus VAT for full-day session when combined With Dealing With a Serious H&S Incident

### **Suggested Attendee Numbers: Up to 25**



## Security, Terrorism and the Law: Legal Duties of Employers

This course is set against a background of recent terrorist attacks. Security and terrorist incidents are highly unpredictable but unfortunately foreseeable. Where companies are responsible for organising and/ or managing public events, or have employees working abroad in higher risk countries, could they face civil and/or criminal liabilities? This course outlines the legal duties and possible causes of action against an organisation in the event of a terrorist act.

### The course will cover:

- Duties relating to event management, security and terrorism
- Civil liability of employers
- Criminal liabilities – health and safety compliance
- Relevance of Corporate Manslaughter and Corporate Homicide Act 2007
- Application of local laws to employees working abroad in higher risk countries
- Emerging law of legal duties to assess risks of terrorist attacks
- Case studies/examples

- Steps to prevent risks
- Relevant sentencing in health and safety cases
- Inquest procedure where death occurs abroad

This course is suitable for organisations and managers who may have responsibility for organising and managing public events and/or employers who have staff working abroad in high risk countries keen to understand potential liabilities associated with risks to security and how to assess and address those risks.

**Suggested Duration: 1.5 hours**

**Cost: £1,500 plus VAT**

**Suggested Attendee Numbers: Up to 25**



# Anti-bribery and Corruption

## Adequate Procedures – Your Defence to Bribery and Corruption

The UK Bribery Act establishes corporate liability for acts of corruption committed by persons acting on behalf of a company and case studies (i.e. employees, agents or subsidiaries). The regime applies across the globe, but there is a defence for any organisation that can prove it has “adequate procedures” in place to prevent bribery.

### **This course will cover:**

- Why bribery and corruption is a problem
- The implications of bribery and corruption for your organisation
- The requirements under the UK Bribery Act 2010 and the main offences
- Senior officer liability
- The types of conduct that are prohibited
- Defences and penalties
- Adequate Procedures and Ministry of Justice Guidance
- Convictions and case studies

- Deferred prosecution agreements
- How to spot bribery and corruption
- Frequently asked questions

This course is suitable for compliance officers, in-house legal, financial controllers and senior executives with responsibilities for compliance who want to understand or refresh their knowledge on the legal requirements under this regime, how it is being applied in practice and what precautions should be in place to prevent bribery and corruption.

**Suggested Duration: 2 hours**

**Cost: £1,500 plus VAT**

**Suggested Attendee Numbers: Up to 25**

# Food and Drink/Licensing

## Overview of the UK/EU Legal System for Food and Drink

The legal system for food and drink in the UK is complex and wide-reaching. We have devised a course that provides an overview of the key legal provisions and the regime governing their implementation. However, if you want the course to cover a particular aspect of food and drink law, we can adapt accordingly to suit your business requirements.

### The course will cover:

- Regulatory framework and requirements at EU and national level
- Enforcement agencies and their powers
- Sanctions
- Defences, penalties and sanctions
- Sentencing Guidelines
- Other deterrents
- Food safety and hygiene requirements – general
- Traceability
- Microbiological criteria

- Obligations for notification, withdrawal and recall/RASFF
- Food labelling/information
- Health and nutrition claims

This course is aimed at clients wanting to understand the legal obligations and procedures relating to food and drink law in the UK. It would be suitable for in-house counsel, executives or managers with responsibilities for food safety.

**Suggested Duration: 2.5 hours**

**Cost:** £2,000 plus VAT

£2,500 plus VAT for half-day session when combined with Management of a Global Food Recall

£3,500 plus VAT for a full-day session when combined with Mock Interviews and Mock Trials/Hearings

**Suggested Attendee Numbers: Up to 25**



## Management of a Global Food Recall

Where food has been placed on the market that is not in accordance with the food safety requirement, a food business operator may be legally required to make a notification, withdraw from the market and/or recall the food. We cover the legal requirements and practical considerations around management of a global recall.

### **The course will cover:**

- What are notifications, recalls and market withdrawals?
- Legal requirements under EU regulation
- Europe and Rapid Alert System for Food and Feed (RASFF)
- International issues and alert systems
- Product Recalls – the good, the bad and the ugly
- Coordination of regulatory authorities – global examples
- Preparing for and conducting a product recall – top tips and checklists
- The potential impact of the BSI Code of Practice for product recalls (PAS7100)

This course is suitable for anyone who may be involved in a recall of food or drink products, including in-house counsel, executives or managers with responsibilities for food safety and/or crisis management.

### **Suggested Duration: 1.5 hours**

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session when combined with Overview of the UK/EU Legal System for Food and Drink

**Suggested Attendee Numbers: Up to 25**

## Food Information and Labelling: Requirements Under Food Information for Consumers Regulations

The EU Food Information for Consumers Regulation (the EU Regulation) came fully into force in December 2014 and governs food information and labelling in all member states. This course looks at the legal requirements on food business operators and the approach to enforcement in the UK.

### This course will cover:

- Application of the EU Regulation in the UK
- Which party is responsible for compliance with the provisions?
- Prepacked food requirements
- Non-prepacked food requirements
- Specified allergens under the EU Regulation
- Nutrition labelling/information
- Country of origin requirements
- Enforcement approach in the UK

The course provides an overview of the requirements and is suitable for those who have responsibilities for compliance and/ or review of labels in a food business, including in-house lawyers, marketing teams and managers.

**Suggested Duration: 1.5 hours**

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session when combined with Allergens and Due Diligence

**Suggested Attendee Numbers: Up to 25**

## Food Information and Labelling: Allergens and Due Diligence

Failing to provide information on allergens, or providing information incorrectly, is potentially a food safety issue, as consumers with allergies can suffer very severe reactions to undeclared allergens, including in some cases death. There have been a number of recalls for mis-declared and unlabelled allergens and prosecutions for manslaughter following allergy-related deaths.

### **This course will cover:**

- The legal framework
- Requirements for labelling/providing information on allergens under EU Food Information for Consumers Regulation
- Food safety and other applicable offences
- Penalties and Sentencing Guidelines
- Due diligence defence:
  - Court definitions
  - Local authority guidance
  - FSA guidance
- Case studies – real life examples

The course provides an overview of the requirements and measures which can assist to establish a due diligence defence. It is suitable for those with responsibilities for compliance, including in-house lawyers, executives and managers.

**Suggested Duration: 1.5 hours**

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session when combined with Requirements Under Food Information for Consumers Regulations

**Suggested Attendee Numbers: Up to 25**

## UK Licensing Law: Legal Regime and Hot Topics

The Licensing Act 2003 introduced a regime covering not only the sale of alcohol, but also the provision of regulated entertainment and late night refreshment. Our dedicated licensing team can advise on the legal requirements and practical implications of the law and its application by licensing authorities and responsible authorities around the country.

### This course will cover:

- Regulatory framework
- “Licensable activities” under Licensing Act 2003 (England and Wales)
- Licensing authorities and responsible authorities
- Authorisations required
- Annual fee and levy liability and suspension provisions
- Requirements for valid applications
- Role of designated premises supervisor
- Main offences
- Defences and penalties
- Licence reviews – powers of licensing authority
- Hot topics – legal changes and enforcement trends

The course is suitable for legal advisors and managers wanting to understand or refresh their knowledge of the licensing regime in the UK, how to maximise operational flexibility under their licences and avoid liability.

### Suggested Duration: 2 hours

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session also covering Inspections and Test Purchase Operations

£3,500 plus VAT for full-day session when combined with Mock Hearing (Licence Application or Review)

### Suggested Attendee Numbers: Up to 25

## UK Licensing Law: Inspections and Test Purchase Operations

Many licensing authorities and police forces regularly inspect licensed premises and carry out test purchases to detect underage sales of alcohol, tobacco, fireworks, e-cigarettes, knives and other age-restricted products. As the frequency of these visits is often determined on the basis of risk, handling them well is important. In the case of test purchases, ensuring staff are aware and remain vigilant can of course prevent enforcement action (which can include review of your premises licence as well as criminal enforcement actions, such as prosecution).

### This course will cover:

- Age-restricted products
- Offences connected with underage sales
- Due diligence:
  - Legal definition
  - Due diligence in practice
- Consequences:
  - Penalties/changes to maximum fine
  - Review of premises licence
- Key pointers for test purchase operations
- Licensing inspections – when and who
- Do's and don'ts for licensing inspections:
  - First impressions count
  - Checklist
- Follow-up procedures for test purchases and licensing inspections

The course is suitable for legal advisors, managers and other operational staff who have responsibility for compliance at and management of licensed premise.

**Suggested Duration: 1.5 hours**

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session also covering Inspections and Test Purchase Operations

£3,500 plus VAT for full-day session when combined with Mock Hearing (Licence Application or Review)

**Suggested Attendee Numbers: Up to 25**



## Licensing Issues in Insolvency: Part 1 – An Overview

The effect of the insolvency of licensed premises operators on the licence needs to be understood to ensure that the business can continue to trade, either with the support of the administrators, or another party, and to protect the licence from lapsing permanently.

### **This course will cover:**

- Licensable Activities under Licensing Act 2003 (England and Wales)
- Authorisations required
- Insolvency of licence holder – effect on Premises Licence
- Meaning of insolvency under Licensing Act
- Resurrection of licences
- Pitfalls:
  - Time limits
  - Annual fee and levy liability
  - Suspension for non-payment
  - Validity of application
  - Designated premises supervisor
  - Scottish and Irish licences

This course is designed for insolvency practitioners and management companies who may be required to make applications and/or trade licensed premises following the insolvency of the licence holder. The course can be combined with Insolvency: Practical Implications and Lessons Learned for a half-day session.

**Suggested Duration: 1.5 hours**

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session when combined with Practical Implications and Lessons Learned

**Suggested Attendee Numbers: Up to 25**

## Licensing Issues in Insolvency: Part 1 and Part 2 – An Overview, Practical Implications and Lessons Learned

This extended course on licensing issues in insolvency covers all of the content in Part 1. However, in addition, in order that attendees can fully understand how the law is likely to apply in practice, this course also allows attendees to work through a real life case study of an insolvency of a retailer with over a hundred premises licences authorising 'off-sales' of alcohol.

### Part 2 will additionally review:

- Importance of identifying licence holder
- How advance planning could avoid the need for applications post-insolvency
- Difficulties encountered in practice with licence records and submission of applications
- How lapsed licences were “resurrected”
- Priorities for trading stores
- Pitfalls for continuity of trade
- Checklists:
  - Initial enquiries
  - Next steps

This course is suitable for insolvency practitioners who want to understand how to protect the asset and maximise value when dealing with companies which operate licensed premises and to work through a real life example of what will be required in practice to effectively manage the applications and precautions required.

**Suggested Duration:** 3.5 hours

**Cost:** £2,500 plus VAT

**Suggested Attendee Numbers:** Up to 25

# Product Safety, Compliance and Recall

## Product Safety and Compliance: Overview of the UK/EU Legal System

The legal system for product safety in the UK is complex and wide-reaching. This course provides an overview of the key legal provisions and the regimes governing their implementation and enforcement. However, if you want the course to cover a particular aspect of product safety law, which is relevant for your particular sector (for example rules relating to the safety of toys), we can adapt accordingly to suit your business requirements.

### The course will cover:

- Key legislation: General Product Safety Regulations 2005 and Consumer Protection Act 1987
- Negligence – common law
- Consideration of key definitions: producer, distributor and product
- Statutory responsibilities for different parties
- Defences and penalties
- Sanctions
- Sentencing
- Other deterrents and considerations
- Examples and case studies of product safety and compliance issues in practice

This course is aimed at helping organisations to understand the legal obligations and procedures relating to product safety and compliance law in the UK. It would be suitable for in-house counsel, executives or managers with responsibilities for product safety.

### Suggested Duration: 2 hours

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session when combined with Management of a Global Product Recall

£3,500 plus VAT for full-day session when combined with Mock Interviews and Mock Trials/Hearing

### Suggested Attendee Numbers: Up to 25



## Management of a Global Product Recall

Crisis management plans need to be under-pinned by an understanding of global regulatory issues and authorities and the legal framework for product recalls. All recalls are challenging; few are completely successful. This course focuses on handling a product recall with a particular emphasis on international recalls including in the UK, EU and US.

### The course will cover:

- Sector regulation v general rules
- Legal obligations for notification, withdrawal and/or recall
- Co-ordination of regulatory authorities and sharing information globally – RAPEX, INFOSAN and OECD recalls portal
- Coordination of Regulatory authorities – global case studies
- International enforcement – case studies
- Product Recalls – the good, the bad and the ugly
- Preparing for and conducting a product recall – top tips and checklists
- Consider the BSI Code of Practice for product recalls (PAS7100)

This course is suitable for anyone who may be involved in a product notification, withdrawal from the market and/or recall, including in-house counsel, executives or managers with responsibilities for safety and/or crisis management.

**Suggested Duration: 1.5 hours**

**Cost:** £1,500 plus VAT

£2,500 plus VAT for half-day session when combined with Overview of the UK/EU Legal System

**Suggested Attendee Numbers: Up to 25**

# Environmental

## A Practical Guide to REACH Enforcement Risks and Strategies

Regulation 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) came into force on 1 June 2007 and was intended to: provide a high level of protection of human health and the environment from the use of chemicals; make those who place chemicals on the market responsible for understanding and managing the risks associated with their use; allow the free movement of substances on the EU market; enhance innovation in and the competitiveness of the EU chemicals industry; and promote the use of alternative methods for the assessment of the hazardous properties of substances.

### **This course will include:**

- A reminder of the enforcement mechanisms available under REACH
- A look at enforcement approaches and statistics across the EU
- The approach of regulators, including audits and requests for information
- The main areas where enforcement occurs
- A strategy for effectively managing REACH enforcement
- Some case studies from different jurisdictions
- Q&A session

This course is suitable for legal representatives, ESH directors, managers and others with responsibilities for product stewardship and compliance, or may otherwise be involved in product supply chain decisions. It is also suitable for more senior compliance and in-house legal teams who may want an overview of key issues relating to chemical regulatory matters.

**Suggested Duration: 1.5 hours**

**Cost:** £1,500 plus VAT

£2,500 for half-day session when combined with Sentencing Guidelines and Recent Sentencing Decisions

**Suggested Attendee Numbers: Up to 25**

## Practical Guidance on Dealing With Environmental Issues

Environmental issues can take many forms, but they often occur suddenly and unexpectedly and require careful management to minimise the consequences, both environmental and legal. This course will look at different types of environmental issues and liabilities, and provide guidance on how to deal with the assorted issues.

### **This course will include:**

- Different types of environmental liability and the different legal consequences
- Policies and procedures – how to be prepared
- Internal investigations
- Legal privilege
- Regulators' powers
- How to deal with regulators
- Enforcement steps, including PACE interviews
- Dealing with environmental complaints
- Environmental Information Regulation requests
- Environmental issues in transactions and due diligence
- Practical case studies

This course is suitable for those who have responsibility for environmental compliance, or may otherwise be involved in the aftermath of an environmental incident or dealing with any environmental queries and issues within the business. It is also suitable for more senior compliance and in-house legal teams who may want an overview of key issues relating to environmental matters.

**Suggested Duration: Half day**

**Cost:** £2,500 plus VAT

**Suggested Attendee Numbers: Up to 25**



## Waste and Your Duty of Care

Every business has a duty of care of care to ensure the waste it produces is handled and disposed of properly, including after it leaves the business' custody. There are further legal duties, including separation and classification of waste, application of the waste hierarchy and document retention. Businesses that treat, store or wish to use waste have further regulatory hurdles to navigate.

### **This course will include:**

- What the waste duty of care means in practice
- How to carry out due diligence on waste service providers
- Document retention requirements
- The waste hierarchy
- Different types of waste
- Waste classification principles (legally rather than technically)
- Definition of waste and "end of waste"
- Waste exemptions and regulatory position statements
- When environmental permits are required
- Requirements for waste carriers
- Liability for fly tipped or abandoned wastes
- Enforcement and penalties

This course is suitable for those who have responsibility for environmental compliance, or may otherwise be involved in waste management for the business (for example, facilities or buildings managers). It is also suitable for more senior compliance and in-house legal teams who want an overview of key issues relating to waste law.

**Suggested Duration: Half Day**

**Cost:** £2,500 plus VAT

**Suggested Attendee Numbers: Up to 25**



## Brexit and Environmental Law (including REACH)

Brexit will of course impact all areas of law, but with around 80% of the UK's body of environmental law being derived from EU law, and with a number of key regimes governed by directly applicable EU regulations, there are particular challenges and issues in the field of environmental law. For added complications, a number of regimes, such as REACH, are also managed and co-ordinated through EU regulatory bodies rather than member state authorities. The content of this course will be adapted to the stage of the Brexit negotiations at the time, but is likely to include coverage of:

- Legal structure of UK environmental law
- Potential effects of Brexit (under different possible scenarios) on those laws
- Complexities of “copying and pasting” EU environmental regimes into UK law
- Interaction of environmental standards and trade
- “Zombie” legislation, and subsequent changes to EU law
- What are the current proposals for REACH?
- Potential opportunities for UK environmental law to adapt to UK requirements after Brexit
- What can you do to keep up to speed and to plan for Brexit?

This course is suitable for those who have responsibility for environmental or product compliance. It is also suitable for more senior compliance and in-house legal teams who have more strategic roles and want an overview of key issues relating to the potential impacts of Brexit on environmental law and associated compliance.

**Suggested Duration: Half Day**

**Cost:** £2,500 plus VAT

**Suggested Attendee Numbers: Up to 25**

# Sentencing Guidelines and Decisions

## Sentencing Guidelines and Recent Sentencing Decisions: Part 1 – An Overview

In February 2016, definitive guidelines from the Sentencing Council came into force. For the first time, the guidelines include food safety and hygiene offences and health and safety offences which do not result in death. Turnover is taken into account, as well as culpability and risk. Large organisations can face fines of £20 million for corporate manslaughter, £10 million for health and safety and £3 million for food safety and hygiene offences. In light of such penalties, the overall approach to risk management by operators and senior management is increasingly important.

### **This course will cover:**

- Sentencing Guidelines Council Definitive Guidelines on Sentencing Corporate Manslaughter and Health and Safety Offences Causing Death – published 9 February 2010 – effective from 15 February 2010
- Sentencing Guidelines for Environmental Offences – sentenced on or after 1 July 2014
- Sentencing Guidelines H&S and Corporate Manslaughter offences – sentenced on or after 1 February 2016
- Definitive guidelines on reduction of sentence for a guilty plea – applicable to all cases where first hearing is after 1 June 2017 – “First stage of proceedings”

- Sentencing Guidelines for gross negligence manslaughter
- Offences covered by Sentencing Guidelines
- Tariff based approach of courts
- Recent sentencing decisions
- The increased use of civil sanctions (Enforcement Undertakings) for breaches of environmental law
- Importance of risk management: defence and mitigation
- Appeals

We will discuss the issues raised by the application of the Sentencing Guidelines and the tariff, which could apply to your business based on its turnover. The course is suitable for organisations wanting attendees to consider the cost of compliance vs the cost of prosecution and will provide attendees with the opportunity to discuss specific issues/queries.

**Suggested Duration: 1.5 hours**

**Cost:** £1,500 plus VAT

**Suggested Attendee Numbers: Up to 25**



## Sentencing Guidelines and Recent Sentencing Decisions: Part 1 and Part 2 – An Overview and Detailed Case Study Examples

This extended course on sentencing covers all of the content in Part 1 on the Sentencing Guidelines and Recent Sentencing Decisions. However, in addition, in order that attendees can fully understand how the courts are likely to make sentencing decisions in practice, this course also allows attendees to work through two real life case studies which examine the court's assessment of:

- Culpability
- Seriousness of harm
- Risk of harm
- Turnover
- Aggravating and mitigating factors
- Guilty plea credit

This course is suitable for those managing health and safety on a day-to-day basis who want to understand the factors that will be important to regulators and the courts in the event of breach, to ensure that their organisation is in the best position to defend and/or mitigate in the event of actual or potential enforcement action.

**Suggested Duration: Half Day**

**Cost:** £2,500 plus VAT

**Suggested Attendee Numbers: Up to 25**



# Mock Interviews and Mock Trials/Hearings

## Mock Interview Under Caution

A mock interview under caution, or PACE interview, can really bring home to key individuals: the importance of responsibility and ownership; and of the need to adduce evidence of precautions, procedures and safeguards in place to prevent breaches of legal requirements. Our mock interviews can be provided as a stand-alone session, or combined with one of our other courses to provide a half-day, or full-day session, as appropriate. The interview will be based on whichever legal regime is most appropriate for your business, be that breach of health and safety laws, food safety, licensing, product safety or environmental duties.

For the mock interview, we will provide a scenario as to an alleged breach. Depending on the numbers available, one of the attendees will be interviewed under caution and another will role-play as a legal representative! One of our lawyers will play the role of the relevant enforcement officer (for example, police, local authority, HSE, environment agency, depending on applicable scenario) and will conduct the interview in front of the other persons on the course. After the interview(s), we will run a discussion session for all attendees to feedback on what went well, whether there is enough evidence to prosecute, how things could have been improved and whether formal enforcement action will follow. The interview works well as a follow on session to the Health & Safety legal framework.

**Suggested Duration: 2.5 hours**

**Cost:** £2,500 plus VAT

**Suggested Attendee Numbers: Up to 15**



## Mock Trials/Hearings – Understanding the Hearing Process

As with the mock interview, a mock trial or licence hearing as a training exercise, can really bring home the importance of being able to provide evidence of precautions, procedures and safeguards in place (to prevent breaches of legislation and ensure compliance by employees); and the potential penalties that individuals can face, in addition to penalties faced by the company, in the event that things go wrong. As with the mock interview, the mock trial or hearing will be based on whichever regime is most appropriate for your business, be that breach of health and safety, food safety, licensing, product safety or environmental law.

We will provide a background scenario for the trial/hearing, details of the company policy/procedures in place at the time of the breach, information on the circumstances leading up to the breach, a summary of the post-accident/incident investigation findings, the charges/grounds, a list of agreed facts and details of the proposed witnesses. We will allocate roles for people attending the session as witnesses in the trial and give them briefing documents as to their evidence. We will also provide a copy witness statement for the relevant enforcement officer. We will provide a prosecutor, defence advocate and judge.

Those people attending the course who are not giving evidence as witnesses, or as defendants, will find a role as decision-makers (the jury, magistrates or Committee depending on the scenario). They will need to decide the outcome, depending on the evidence they have heard. After the trial, we will lead a short discussion session on “lessons learned” from the trial.

**Suggested Duration: 4 hours**

**Cost:** £4,000 plus VAT

**Suggested Number of Attendees: Up to 20**



## Don't Just Take Our Word for It

Squire Patton Boggs excels at providing comprehensive, sound advice in relation to workplace manslaughter, HSE, Environment Agency, local authority and trading standards prosecutions.

*The Legal 500 UK*

First-class industry knowledge and excellent response times.

*The Legal 500 UK*

They know our business extremely well and are good at spotting issues before they arise and deciding how to deal with them.

*Chambers & Partners UK*

Robust practice handling defence work for a number of major companies ... has extensive expertise in various sectors such as retail, power, entertainment and waste.

*Chambers & Partners UK*

Squire Patton Boggs has a longstanding track record of work in the food and beverage sector.

*The Legal 500 UK*

SQUIRE   
PATTON BOGGS

[squirepattonboggs.com](http://squirepattonboggs.com)