Information for bereaved families from HSE

England and Wales

Introduction

This leaflet provides information about what happens when a death occurs at work, or in connection with work activities. It is for members of families who have lost a relative in such an incident.

Since an investigation will begin straight away into the circumstances, this leaflet is to help you at this difficult time by explaining:

- how the investigation will proceed, particularly the role of the Health and Safety Executive (HSE);
- the legal processes and decisions that will follow;
- the services and support offered to you by other organisations.

If you have any questions about the information in this leaflet, or want to know more, please contact either:

- the person who gave or sent it to you; or
- the inspector leading the investigation, whose details are below.

Inspector’s name:
HSE office:
Telephone:
Email:

The investigation

HSE’s part in the investigation normally begins after the police have attended the scene, and have informed the next of kin and the Coroner’s Office.

The purpose of the investigation is to:

- find out what happened and why;
- ensure action is taken to stop it from happening again;
- determine what, if any, legal action should be taken, including prosecution.

The police and HSE inspectors work together from the start of the investigation. This is because the police have to consider whether an offence of corporate or gross negligence manslaughter may have been committed, while HSE looks for any failures to comply with health and safety laws. The arrangements for jointly managing investigations are set out in a document called Work-related deaths:
A protocol for liaison (www.hse.gov.uk/pubns/wrdp1.pdf). The police will take the lead if manslaughter is under consideration. If not, the lead will fall to HSE, although the situation can change as the investigation progresses.

The investigators recognise that the families of people who have died in work-related incidents will be anxious for information, and to know what is happening in the investigation. The police may appoint a Family Liaison Officer (FLO) to meet this need, and HSE will make contact with you either through the FLO or separately.

We will offer to come and see you at your home or other convenient address as soon as you feel ready for this. If a home visit is not practical, for example because of the distance involved, we will keep you informed by telephone. We will understand if you do not wish to see us, but if you change your mind or your circumstances change at any point, please contact us. If you have any information that you think might help the investigation, we would be grateful if you could let us know.

All visiting HSE staff carry identification with a photograph (inspectors hold warrants). You can ask to see this to avoid any confusion over who is contacting you and why.

We will keep you informed of progress at important stages of the investigation in the way that suits you best. If you have any particular information needs, please discuss them with the inspector. The timing and intervals between our contacts with you will depend on factors such as how complex the investigation becomes, and how much evidence has to be gathered and analysed. We aim to avoid delay, but it may take up to a year, occasionally longer, for an investigation to reach its conclusion.

We aim to tell you as much as we can, including what we have done, what we believe to be the cause and the action we intend to take. However, there may be things that we are not able to explain in detail because we have to avoid prejudicing a possible prosecution.

Our agreed method of contact with you will continue through to the Coroner’s inquest and any health and safety prosecution, but will stop when these processes are over. If you wish to know more about our policy on working with bereaved families, see www.hse.gov.uk/enforce/victims.htm.

**Legal processes**

The legal processes usually, but not always, take place in the following order:

- Coroner’s investigation and inquest;
- criminal proceedings;
- civil proceedings dealing with compensation.

**The Coroner’s investigation and inquest**

Coroners have a duty to investigate deaths that have been reported to them if it appears that:

- the death was violent or unnatural;
- the cause of death is unknown;
- the person died in prison, police custody, or another type of state detention.
The purpose of the investigation is to establish the identity of the person who has died, and how, when and where they died. In a significant number of investigations, the Coroner will hold an inquest into the death. In the case of a work-related death, this is likely to be before a jury.

Coroners may suspend their investigation, and adjourn any associated inquest until:

- any investigation by the police and/or HSE has been completed; and
- any subsequent prosecution of homicide and/or health and safety related offences has been concluded.

Upon conclusion of any criminal proceedings, the Coroner will consider whether there is a need to resume their investigation, or whether the relevant facts (who died, and how, when and where) have been established during the prosecution.

In cases where there are no prosecutions for homicide or health and safety offences, the inquest will be held as soon as possible and normally within six months of the death.


**Criminal proceedings**

If there have been breaches of law then either the Crown Prosecution Service (CPS) or HSE can prosecute in the criminal courts: the CPS for homicide related offences (gross negligence and corporate manslaughter) and any other offences; HSE for health and safety and related law only. Before any criminal prosecution can be brought, it has to meet the criteria and tests in the Code for Crown Prosecutors at www.cps.gov.uk/publications/code_for_crown_prosecutors.

The key criteria are whether:

- there is sufficient evidence to provide a realistic prospect of conviction; and
- it is in the public interest to prosecute.

The following information explains the process for health and safety cases only.

HSE can prosecute organisations (eg companies), individuals, or both. However, the fact that there has been a work-related death does not always mean there has been a breach of the law, or one serious enough to warrant prosecution.

A decision on whether to prosecute is made once all the evidence has been gathered and tested against HSE’s Enforcement Policy Statement (www.hse.gov.uk/pubns/hse41.pdf) which expects decisions to be made in accordance with the Code for Crown Prosecutors.

HSE will inform you whether there will be a prosecution as soon as we have made the decision and informed whoever is being prosecuted. We will let you know about the next step which will be the date for a first hearing in a local Magistrates’ Court. The hearing will be held in public, so you will be able to attend. Details about court proceedings are at www.gov.uk/going-to-court-victim-witness.
Compensation claims under civil law

It is for you to decide whether you propose to sue for compensation, and to start the process. The Citizens’ Advice Bureau and solicitors can advise you on this. Some trade unions provide legal help to their members and families. You will need a solicitor to pursue a case through the courts. It is not HSE’s role to seek compensation on your behalf.

Sources of help and information

If you need it, the following national organisations offer information and support, or can put you in touch with other local sources.

Citizens’ Advice
Tel: 0844 411 1444
Website: www.adviceguide.org.uk

Victim Support
Tel: 0945 30 30 900
Website: www.victimsupport.org.uk

The Law Society
Tel: 020 7242 1222
Website: www.lawsociety.org.uk

HSE’s website lists more organisations that provide a range of services to bereaved families. The information can be found on the Working with victims pages at www.hse.gov.uk/enforce/victims.htm.

HSE holds information which it makes available through the public registers on its website at www.hse.gov.uk. The information includes summaries of work-related fatalities (including the names of the people who have died), details of organisations and individuals convicted of breaches of health and safety law, and other enforcement action taken by HSE.

Making a complaint about HSE’s service

If you are dissatisfied with the way we have treated you and wish to complain about the level of service, please refer to our Complaints Procedure at www.hse.gov.uk/contact/complain-about-hse.htm, because we welcome opportunities to put things right and improve our performance.