

# The Defendants

- Company or home manager or both?
- Don't be put off by a vigorous defence team
- Get help from experts

# The Charges

- Embrace All Ltd:

- 1) FAILING TO MAKE A SUITABLE AND SUFFICIENT RISK ASSESSMENT (Management of Health and Safety at Work Regulations 1999)
- 2) FAILING TO ENSURE THE SAFETY OF NON-EMPLOYEES (HSWA 1974)
- 3) FAILING TO PROVIDE A SAFE WORKPLACE (Workplace (Health, Safety and Welfare) Regulations 1992)

The charges contd.

- Amanda Dean, home manager, was charged with 1 offence:

1) FAILING TO TAKE REASONABLE CARE OF OTHERS (Section 7(a) HSWA 1974)

NOT GUILTY PLEAS ENTERED

KEY DATES

# The Defence

- Embrace - blamed Amanda Dean and blamed other regulatory bodies for not having raised concerns
- Amanda Dean – said she didn't know about George's increased wandering and didn't know about controls at fire doors

# Witnesses

- 25
- Keeping in touch with them all was a huge task
- A very emotional process
- Only 5 statements were agreed

# Disclosure of Unused Material – the reality

- Independent disclosure officer appointed
- Constant criticism
- Continuing duty
- Consequences of non-disclosure

# The Outcome – preparation for sentence

- Guilty pleas 4 days into the trial
- Adjourned for sentence
- Forensic accountant's report – the economic reality argument
- Embrace All Ltd's turnover £13m – profit £6m
- The new sentencing guidelines

# The Sentence

## Embrace All Ltd:

- £1.5 m Fine
- £200,000 Costs

## Amanda Dean:

- 9 months' imprisonment – suspended
- £20,000 Costs