



Claire Baker <culpablehomicidebill@gmail.com>

**Culpable Homicide Consultation**

1 message

[Redacted]

Thu, Feb 14, 2019 at 9:04 PM

To: "culpablehomicidebill@gmail.com" <culpablehomicidebill@gmail.com>

**Culpable Homicide Consultation – Individual Response**

Name: Ronnie and Pat Adamson

E-mail address : [Redacted]

or

Contact address **Click or tap here to enter text.**

- I am responding as an individual
- I am a member of the public
- I am content for this response to be published and attributed to me
  - I confirm that I have read and understood the privacy notice attached to this consultation which explains how my personal data may be used

**Aim and Approach**

We fully support the proposed bill

The law of culpable homicide in Scotland is not fit for purpose. That is particularly the case in relation to how the law applies to organisations. More to the point, the law of culpable homicide has got itself tied up in knots by having different tests for different types of wrongdoers. The result is that the law is confused and does not apply consistently across individuals and different types of organisations.

We need one clear set of rules that apply to everyone – individuals, small organisations, large organisations, ministers and crown bodies. That is exactly what the proposed bill will achieve and that is why it has my full support.

We believe that when an individual or an organisation causes death through recklessness or gross negligence they are guilty of culpable homicide. I therefore support the bill containing both tests.

No organisation should be exempt from the law of culpable homicide. We Therefore fully support the bill applying to ministers, civil servants and crown bodies.

No organisation should be "too big to be convicted". We therefore fully support the proposal that an organisation will be guilty if an office holder of the company acts with recklessness or gross negligence and causes the death of an individual. The term "office holder" should be given the widest definition. It should apply to all levels of management and supervision. If a manager or supervisor is acting within

the course of their employment and their recklessness or gross negligence causes death then the organisation is as guilty as the individual and both should face conviction for culpable homicide.

The real benefit of the proposed bill is that the law will apply consistently and evenly to everyone and every organisation. The law will be clear and easy to understand. Wrongdoers will be punished.

Justice will be served. Most importantly, the law will serve as a real deterrence and Scotland will be a safer place.

### **Sanctions**

The widest sanctions must be available to Judges. That includes imprisonment and remedial orders. Victim impact statements should be mandatory in all cases where there is a conviction for culpable homicide. In appropriate cases senior management and directors of organisations should face the prospect of custodial sentences.

### **Any additional comments**

Michael Adamson was our son. His death occurred at an "all hands on deck" job to get a JJB sports store and gym complex completed and ready for handover to the client, or else contractual penalty clauses were going to be triggered.

He was only 26 years old. He was engaged and due to be married in April 2006. He lost his life in an electrocution which would never have happened had his employer looked after his safety.

A parent should never have to arrange a funeral for their child. Should never have to help organise an annual memorial golf tournament in his name. Should never have to cling onto memories, when he should by rights have long outlived us.

His employer company, Mitie Engineering Services (Edinburgh) Ltd was charged with offences under the Health and Safety at Work Act 1974, as too were the managing director, operations director and technical services manager.

Mistakes were made by the prosecutor and those three individuals walked free from the dock before the case got to the jury, leaving the advocate acting for the company to describe it as the "invisible man" now sitting in the dock.

So, having waited more than three years from the date of Michael's death for the case to come to trial, we sat and listened to the jury deliver a guilty verdict. The invisible man had been convicted of the health and safety failures that led to our son's death.

But the invisible man didn't take the decisions that resulted in Michael's death, real-life individuals did. So the conviction and £300,000 fine imposed on that invisible man did not provide our family with anything approaching justice.

And far too frequently this is the case: a family bereaved by work is left to feel that we have failed our lost loved ones, because the justice system has failed us!