

Six Pump Court Chambers

Date: Wednesday 28 June, 14.00 - 14.30 meeting room 7

Due Diligence Revisited - protection against excessive sentencing in food cases?

In the light of the dramatic impact of the Sentencing Guideline in food cases, this mini-theatre session will discuss the importance of 'due diligence' in the context of the investigation, prosecution and sentencing of criminal cases.

The Guideline requires judges to assess levels of culpability and harm. This means that they are key concepts for the prosecution and the defence, requiring both sides to present relevant and cogent evidence to support their submissions.

This is not always happening in the way it should.

Due diligence may provide a business with a viable defence to a prosecution. Alternatively the setting up and implementation of robust procedures may greatly influence the judge and reduce the ultimate sentence.

From a business standpoint, the session will focus on the importance of developing and maintaining proper systems and how to use them to its advantage throughout the investigation and court process.

From an investigation perspective, the session will examine the types of evidence officers should consider obtaining, particularly during the initial stages, in order to present the strongest possible case to the sentencing judge.

The session will benefit regulators and those they regulate by showing the importance of presenting cogent evidence to enable them to make forceful submissions about the case in the context of the Guideline.

Proposed Learning Outcomes:

- Identify the impact of the new sentencing guidelines in food cases
- In light of the increased penalties for some businesses, consider how to best protect the business's interests
- Consider the importance of the food safety management system and assess how best to use a due diligence system in responding to investigations
- See the value of a robust due diligence system in mitigation or in defending the prosecution
- Analyse the importance of gathering relevant and admissible evidence during the investigation process for use at a sentencing hearing
- Assess whether the new sentencing guidelines have achieved their aim of consistency in sentencing and the imposition of greater fines

Ticketing:

Reserve your ticket by contacting Bridget Tough, via bridgettough@6pumpcourt.co.uk
Remaining tickets will be available from the Information Desk on the day, on a first come, first served basis

CPPD: 30 minutes