

Editorial

Management Liability

The reported comments of a compensation lawyer, Mr David McIntosh (*The Times*, May 27), that the heads of companies involved in public disasters should be personally, and perhaps criminally, liable for lapses in safety standards and not be allowed to get away with passing the buck to their subordinates strike an uncomfortable chord. A continuing succession of horrendous cases involving loss of life and limb – Abbeystead, Piper Alpha, Zeebrugge, King's Cross,* to name just a few recent instances – has raised worrying questions about where responsibility, and public accountability, for safety issues in large corporate organisations ultimately lies. The very next day another newspaper (*Sunday Times*, May 28) reported that the Crown Prosecution Service was considering bringing manslaughter prosecutions against six British Rail employees, in the wake of the Clapham

rail disaster – and perhaps corporate manslaughter charges against BR itself. The report also noted, without comment, that any individuals so charged “could serve long prison sentences”, while the corporation “could face a limitless fine”.

Mr McIntosh asked why no senior executive or manager had been brought before the criminal courts. Should pilots, railway engineers, station staff, crewmen and other “down the line” employees always have to take the blame: “shouldn't those at the top, who are usually amply rewarded and sometimes, even after major catastrophes when forced to resign recipients of severance pay, be forced to face up publicly, wherever appropriate, to their own culpable neglect?”

There can surely be only one, emphatically affirmative, answer to the latter question. And Mr McIntosh puts his finger on a crucial point when he refers to the enormous salaries, fringe benefit packages, and (ultimately) golden handshakes with which so many

directors of big companies are nowadays rewarded. The present Government has encouraged an enterprise culture; it has made high earnings much higher by cutting top tax rates. It should also make it clear at every opportunity that big financial rewards carry high levels of public responsibility that cannot be palmed off onto others.

In some disasters, of course, subordinates may indeed be criminally culpable; in some circumstances top management may be remote from blame; sometimes criminality may not be an issue at all. But one cannot help thinking that a few successful prosecutions of directors, in person – not corporate proceedings, where any “limitless fines” can simply be passed on to the consumer – would have a very salutary effect in concentrating directorial minds on matters of public safety that transcend profit.

*Since this editorial was written it has been announced that there will be no prosecutions following the King's Cross Disaster.