

Balancing Society - Litigation Update - SARaH Bill

Tuesday, 09 February 2016

The SARaH Bill was passed and now we have the instruction to courts that social good intention must be taken into account in all cases of alleged negligence.

Whilst this may appear to be a re-write of existing case-law it is the intention and determination which is different: this government wants to show that acts with good intention which may have not worked out, but which show basic common-sense and a reasonable approach to health and safety should be commended and supported, especially by the lower courts. This latter point is important since it has been the case that teachers, community workers, sports coaches, youth-workers, volunteers and so on, have all had their careers and lives put on hold as the slow and unhelpful progression of cases through the courts have led to media hype over long periods, including stories of suspension, poor professionalism and poorly balanced articles on risk when a case is lost in a lower court, even when overturned at a later higher court hearing. Later articles rarely being equal in detail or headline to the original.Â Thus we expect a more balanced and informed approach by all courts in the future as well as more confidence by our professionals - volunteers and paid - that their good intentions and contribution to society are much better valued by all. Expectation of balanced media coverage remains an issue, but many reporters and editors have been better balanced and less seeking of unhelpful headlines.

We at CfA are now seeking discussion between insurance, legal and professional associations to check whether or not the UK should raise the bar of litigation to the far higher level of 'Reckless Endangerment' - as is present in some US states and a few other countries.Â If you have a view, please do write to us! admin@campaignforadventure.org