

Prosecution Policy

This document is intended to outline the process required when considering a prosecution.

This is for the most serious cases, where an informal approach has not worked, where the offence is considered sufficiently serious or where there are frequent, less serious breaches.

South West Water Limited (“the Company”) recognises that the initiation of a prosecution is a serious matter that should only be taken after full consideration of the implications and consequences. Before proceeding with a prosecution, the Company will apply the same tests the Crown Prosecution Service use in deciding whether to bring a case to court. These evidential and public interest tests are described in the Crown Prosecution Service Code of Crown Prosecutors.

Evidential Test

A prosecution will not be commenced or continued by the Company unless it is satisfied that the evidence is sufficient, admissible and reliable to provide a realistic prospect of conviction. The Company will also consider what the defence case is likely to be and how this is likely to affect the prospects of conviction.

Public Interest Test

The following factors will be considered in addition to the evidential test when deciding whether to proceed with a prosecution:

- The seriousness of the alleged offence
- The severity and scale of potential or actual harm
- Foresee ability of the offence or the circumstances leading to it
- Intent of the offender, individually and/or corporately. Offences that are deliberate or reckless are more likely to result in prosecution
- Any explanation offered
- The willingness to prevent it happening again
- Whether those involved have broken the rules before and how willing they are to put it right
- The probable public benefit of a prosecution and the importance of the deterrent effect of a prosecution on the offender and others
- Whether other action could be more appropriate or effective
- When members of the general public have been exposed to a risk in a public building

The above list is not exhaustive and additional factors may also be taken into account by the Company in making an overall assessment.

This policy replaces all previous company policies in relation to these matters.