

“He was on the money with everything; quick to draft under serious time pressure, and his commitment is phenomenal.” – Chambers & Partners, 2023 – Health & Safety

Inquest & Inquiries “Very good on the law and persuasive: he is able to get coroners on his side. Austin is also excellent with the clients and they trust him.” – Chambers & Partners, 2023 – Inquests & Public Inquiries

“Austin is an excellent senior leading junior. A superb advocate with a commanding presence and natural gravitas in the courtroom. He is unflappable during cross-examination, holds real weight with clients and delivers strategic and well thought out advice in a clear and accessible way. He is highly personable and fosters a true sense of collaboration” – Legal 500, 2023 – Inquests and Inquiries – Tier 1

“Austin is incredibly hard working, giving his time generously and diligently to a case. His technical knowledge of business and regulatory law is second to none; he is a quick thinking master strategist, who easily finds the best way through any legal or practical issue. He immediately gains the confidence of his clients with his straightforward and tactful approach. He is a compelling advocate.” – Legal 500, 2023 – Business and Regulatory Crime – Tier 1

“He is an absolutely fantastic barrister.” “He’s a superstar of the junior Bar across a range of specialisms. He’s the full package and his work rate is phenomenal.” – Chambers and Partners 2022 – Inquests and Public Inquiries – Band 1

“His work rate and ethic are phenomenal and his attention to detail is top-tier.” – Chambers and Partners 2022 – Health and Safety – Band 2

“He combines technical and forensic analysis of legal issues with excellent, sound judgment. He brings great insight into the fundamental issues of the case and his advocacy is exceptional.” – Chambers & Partners, 2022

“Excellent knowledge of the law, meticulous preparation, extremely hard working and tactically very astute. He is superb with clients, and very generous with his time. He will undoubtedly be in silk before very long” – Legal 500, 2022 – Inquests and Inquiries – Tier 1

“Austin’s written advice and submissions are to point and very persuasive. That to my mind shows a thorough assessment and review of the issues relevant for the court’s purposes.”

“His preparedness of matters for hearings and his oral advocacy is that of a highly-skilled advocate. He is thorough, straight-talking and his communication skills in getting often complex issues over to lay clients are excellent.” – Legal 500, 2022 – Regulatory – Tier 1



CONTACT DETAILS

Email:

austin.welch@lincolnhousechambers.com

Telephone:

0161 832 5701

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SPECIALIST PANELS

Attorney General's List of Junior Counsel to the Crown

List of Specialist Regulatory Advocates in Health and Safety and Environmental Law - List B

MEMBERSHIPS

Health & Safety Lawyers Association

Institute of Occupational Safety and Health

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"Very knowledgeable; his written and oral advocacy is top class. He is very patient and understanding with clients. A very capable lawyer and is very generous with his time. He has a very good track record." – Legal 500, 2021 – Regulatory (Tier 1)

"A committed and exceptionally talented barrister; without doubt a future QC. He is meticulous in his approach to the case and excellent with the client, he was reassuring, confident and worked hard to ensure a positive outcome for the client." – Legal 500, 2021 – Inquests and Inquiries (Tier 1)

"All the qualities you expect in the best barristers – he is meticulous, a great tactician and confident on his feet. He combines all this with a very personable approach, and my clients can't speak highly enough of him." "Austin's capacity for hard work is mind-blowing. He has a diverse practice and is handling high-level and large-scale work." - Chambers & Partners, 2021 - Inquests and Public Inquiries

"A very personable barrister." - Chambers & Partners, 2021 - Health and Safety

"Combines superb client care with fantastic technical ability." – Legal 500, 2020 – Inquests and Inquiries (Tier 1)

"His client care skills are second to none." – Legal 500, 2020 – Regulatory, Health and Safety and Licensing (Tier 1)

"An excellent tactician who is persuasive on his feet." – Legal 500, 2019 – Inquests and Inquiries (Tier 1)

"He combines fantastic technical ability with great client care skills." – Legal 500, 2019 – Regulatory, Health and Safety and Licensing (Tier 1)

"Knowledgeable and approachable." "Very thorough." – Chambers and Partners 2019 – Health and Safety (Band 2)

"His legal, tactical and presentational abilities are excellent." – Legal 500, 2018 – Inquests and Inquiries (Tier 1)

INQUESTS AND PUBLIC INQUIRIES

Austin represents corporate bodies, individuals, family members and government departments at inquests and public inquiries. He has appeared in some of the most high-profile inquests and inquiries in recent years and is considered a leading junior in this field. Austin is particularly adept at representing clients in inquests involving health and safety issues.



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Austin Welch

Call to the Bar: 2005

He is also regularly instructed by medical professional bodies to represent their members at inquests. As a member of the Attorney General's list of junior counsel to the Crown, Austin is regularly instructed to represent government departments in complex Article 2 inquests.

NOTABLE CASES

Public Inquiries

The UK Covid 19 Inquiry – Austin advised and represented the Health and Safety Executive in the UK Covid 19 Inquiry

The Independent Inquiry into Child Sexual Abuse – Austin represented two senior police officers in relation to the investigation into alleged sexual abuse by Lord Janner.

The Manchester Arena Inquiry – Austin represented a number of family members of those who died as a result of the bombing at the Manchester Arena in 2017.

The Gosport War Memorial Hospital Independent Panel – Austin was part of the team involved in the investigation into the deaths that occurred at the Gosport War Memorial Hospital between 1988 and 2000 that led to the production of the report of the Independent Panel. Austin was responsible in particular for the drafting of the inquests section of the report.

The Grenfell Tower Inquiry – Austin advised various individuals and companies in relation to their involvement in the Grenfell Tower Inquiry.

Health and Safety Inquests

The Hillsborough inquests - Austin represented two senior police officers alleged to have orchestrated the cover up following the Hillsborough Stadium disaster.

In the inquest touching the death of E - Austin represented a national energy supplier in relation to the death of one of its employees who was carrying out work on the electricity grid.

In the inquest touching the death of K – Austin represented a waste company in an inquest into the death of one of its employees who had been hit by a n LGV whilst on site.

In the inquest touching the death of W – Austin represented a property management company in an inquest into the death of a third party employee who had been hit by a commercial vehicle whilst attending premises owned by the company.

In the inquest touching the death of O - Represented a clothing distribution company in relation to the death of the child of one of the company's employees. The child had been born prematurely. The inquest found that the working conditions nor the reasonable adjustments that had been made for the mother either caused or contributed to the death.

In the inquest touching the death of BW – Represented a waste company in relation to the death of a cyclist who had fallen into oncoming traffic having slipped on detritus on the road. The Local Authority for the area where the accident occurred instructed leading and junior counsel and had obtained expert evidence suggesting that the detritus had come from the waste company's premises due to a lack of cleaning of vehicles. The Coroner concluded that there was insufficient evidence to make any such a finding.



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In the inquests touching the deaths of T & J – Appearing for an interested party at a 9-day inquest into the death of two contractors killed when operating heavy machinery at an industrial plant in Knowsley. Austin represented the supervisor of the contracting company. Following the inquests the HSE indicated that there would be no prosecution of the interested person Austin represented.

Food Safety Inquests

In the Inquest touching the death of S – Austin represented a national restaurant chain in relation to the death of a customer who suffered an anaphylactic shock. No critical findings were made in respect of the conduct of the restaurant, the restaurants systems and procedures of its staff.

In the inquest touching the death of S – Represented the family of a young woman who died as a result of suffering an anaphylactic shock having consumed a chicken burger coated in butter milk (to which she was allergic) at the Almost Famous restaurant in Manchester. The inquest lasted 7 days and attracted national press attention.

In the inquests touching the death of C – Austin represented a food company that operated a butchers alleged to have been the source of a salmonella outbreak that resulted in the death of two people.

In the Inquest touching the death of K – represented a fast food business in an inquest into the death of one of its customers who had suffered an anaphylactic shock after consuming food from a takeaway restaurant.

Nursing and Care Home Inquests

In the inquest touching the death of O – Austin represented a nursing home in an inquest into the death of a resident who had died after pressure sores became infected.

In the inquest touching the death of B – Represented a nursing home in an inquest into the death of a resident who had died after not having been administered medicine. No finding of neglect.

In the inquest touching the death of C – Represented a nursing home in an inquest into the death of a resident who had died following suggestion of a lack of ongoing treatment. No finding of neglect.

In the inquest touching the death of B – Represented the manager of a care home in an inquest following the death of a resident who had fallen and suffered fatal head injuries.

In the inquest touching the death of S – Represented a care home in an inquest into the death of a resident with dementia who had fallen down a flight of stairs.

Healthcare Inquests

In the inquest touching the death of Nicola Bulley – Austin represented Ms Bulley's GP in the inquest into her death. The inquest was one which received national press attention.

In the Inquest touching the death of P – Austin represented an HCA in an inquest concerning the death of the resident of a nursing home who had suffered a fall.

In the inquest touching the death of A – Austin represented the nurse in charge of a ward in relation to the death of a patient who had died as a result of medication not being administered on time.



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In the inquest touching the death of J – Austin represented a nurse in an inquest into the death of a nursing home resident who had died as a result of a diabetic emergency.

HEALTH & SAFETY, FOOD SAFETY AND FIRE SAFETY LAW

Austin represents clients in relation to health and safety, fire safety, food safety and product safety offences.

Austin has an enviable record of achieving positive results for his clients in regulatory prosecutions and is recognised for providing focused, commercial advice. He is frequently instructed at the early stages of prosecutions and investigations to provide strategic advice to solicitors and lay clients.

Austin is known for his ability to quickly digest large amounts of complex, technical information and identify the key issues in a case. He has been involved in a number of cases involving public health outbreaks that have resulted in multiple fatalities and involved complicated scientific evidence. Austin is also regularly instructed in cases involving engineering and technical evidence and industry specific information.

Austin is also a member of the Regulatory List of Counsel used by the Health and Safety Executive and the Office for Rail Regulation. Austin is instructed to provide advice and prosecute cases of regulatory crime on behalf of these bodies and also local authorities.

NOTABLE CASES

Industrial Disease Cases

HSE v ES – Represented a national road haulage, logistics and distribution company in a prosecution under section 2 HSWA following an incident involving the potential exposure to asbestos of a number of employees. The case involved complex evidence relating to causation, exposure levels and the likelihood of harm as well as consideration of whether the defendant fell into the category of being a very large organisation. A fine of £120,000 was imposed.

HSE v G – Represented a national construction company charged with breaching section 2 of the Health and Safety at Work Act and the Control of Asbestos Regulations. The prosecution had suggested that the case involved high culpability and category 1 harm, resulting in a starting point of a fine of £950,000. Following submissions, the court accepted that the case involved medium culpability and category 3 harm and imposed a fine of £125,000.

R v J – Junior counsel for the Crown in the prosecution of a national retail company following an outbreak of Legionnaires' disease in Stoke on Trent in 2012, caused by a contaminated hot-tub, that resulted in the deaths of 2 people and hospitalisation of many more. The company was fined £1 million.

HSE v H & H – Represented two companies charged with breaching sections 2 and 3 of the Health and Safety at Work Act and the Control of Asbestos Regulations. The prosecution had originally suggested that this was a case of high culpability and category 1 harm. If accepted this would have attracted fines with starting points of £250,000 and £160,000 for each of the companies respectively. Following the service of applications to dismiss certain of the counts the HSE discontinued the charges under section 2 and 3 of the Health and Safety at Work Act and accepted that the case involved category 3 harm. A total fine of £34,000 was imposed.



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HSE v U – Represented a company and managing director in a prosecution under section 3 of the Health and Safety at Work Act and the Control of Asbestos Regulations. The prosecution had suggested that the case was one of very high culpability and category 1 harm. Following the calling of expert evidence on the question of 'likelihood of harm' arising from asbestos exposure and submissions from the defence the court found the case to be one of medium culpability and category 2 harm. A fine of £5,720 was imposed.

Working at Height Cases

HSE v SS – Represented an aviation production company in a prosecution under section 2 HSWA following the fall from height of one of its employees. The Prosecution had alleged that the defendant company fell into the very large organisation category for sentencing and that the Court should take account of the finances of its parent company – both submissions were rejected by the Court. A fine of £660,000 was imposed.

HSE v D & R – Represented two linked companies charged with separate breaches of the Work at Height Regulations at the Crown Court at Southwark. The prosecution had suggested that the starting point for the fines for both companies was £1.2 million. Following submissions, the court imposed a total fine of just under £140,000.

Manchester City Council v R – Represented a clothing distribution company in relation to a prosecution under section 2 of the Health and Safety at Work Act following a fall from height at the company's warehouse. The prosecution had suggested that the case involved high culpability and category 1 harm, suggesting a starting point of a fine of £250,000 with a range between £170,000 and £1 million. Following the service of expert evidence by the defence in relation to the actual risk and likelihood of harm, and following submissions, the court found medium culpability and category 3 harm and imposed a sentence of £28,000.

HSE v J – Represented a company charged with breaching section 2 of the Health and Safety at Work Act following an 8-metre fall from a roof suffered by one of the company's employees. The court rejected the prosecution submission that the case involved high culpability "at the high end." The prosecution had suggested that the starting point for the fine was "a figure higher than £160,000". The court imposed a fine of £40,000.

R v C – As junior counsel, represented a company and sole director charged with offences under section 3 of the Health and Safety at Work Act following a fatality at a construction site in which two employees had fallen through skylights.

HSE v R – Represented a construction company in an appeal against a prohibition notice following an inspection at site when employees were working on the roof of a building.

Machinery and Guarding Cases

HSE v LCC – Represented a local authority that was prosecuted in relation to its failure to implement sufficient safeguards relating to the exposure to HAVS of members of its Highways Department. The case involved consideration of expert evidence relating to exposure levels, likelihood of harm and the treatment of VLOs that were in the public sector. A fine of £50,000 was imposed.



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Hambleton District Council v CH - Represented a hospitality and entertainment company in a prosecution alleging breaches of section 2 HSWA and PUWER, concerning a life changing accident suffered by an employee who was injured whilst using an all terrain vehicle. The company was fined £45,000.

HSE v M - Represented a steel engineering and manufacturing company in a prosecution alleging a breach of section 2 HSWA arising out of the Company's failure to manage the risks associated with the use of vibrating tools and the risk of HAVS. Following the service of expert evidence by the defence, the Court accepted that the likelihood of level B harm occurring was 'between low and medium' and that no actual harm was caused by the defendant's breach. The Court imposed a fine of £90,000 on the company, significantly below that which the HSE had originally suggested.

HSE v N - Represented a food distribution PLC in a case concerning an employee who lost three fingers having trapped them in a piece of unguarded machinery. The HSE accepted the defence representations that the case fell into medium culpability (as opposed to high, as originally alleged) and the Court accepted the defence submission that the case was one of low likelihood of harm as opposed to the prosecution submission that it fell in the medium bracket. A fine of £100,000 was imposed.

HSE v B - Represented the HSE in the prosecution of a demolition company in relation to an accident in which an employee suffered life changing injuries having become trapped by a roof beam when operating a MEWP. The Court accepted the prosecution assessment that the case involved high culpability and category 1 harm and imposed a fine of £250,000.

HSE v C - Represented a national food distribution company that is a subsidiary of an Irish multinational food company. The case involved an employee who had suffered serious injuries when his arm became ensnared in a packaging machine that had not been properly maintained. The company was fined £400,000.

HSE v S - Represented a company in relation to a workplace accident in which an employee had lost a finger whilst operating a piece of machinery. The court rejected the prosecution submissions in relation to culpability and harm and accepted the defence submissions that the case was one of medium culpability with category 3 harm. The prosecution had suggested the case fell within the range of fine between £30,000 and £110,000. Instead the court imposed a fine of £19,000.

HSE v C - Represented the company and managing director in a prosecution under section 2 HSWA. The case involved allegations that the company had provided unsuitable drilling equipment to its employees over a period of more than 20 years, resulting in the employees contracting hand arm vibration syndrome (HAVS). A fine of £36,000

South Kesteven Borough Council v L - Represented a company, which was a subsidiary of a German multinational company, in a prosecution under section 2 of the Health and Safety at Work Act. The prosecution had suggested that the case was one of very high culpability with level 1 harm. Following submissions by the defence the court rejected the prosecution assessment of culpability and harm and imposed a fine of £25,000.

HSE v S - Represented the director of a company charged with an offence under section 37 of the Health and Safety at Work Act following a workplace fatality in which a lorry reversed into a banksman. Case discontinued by the prosecution.



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Food Safety Cases

Durham County Council v C - Represented a food company in a prosecution for food safety offences following a salmonella outbreak that occurred in 2017 and was alleged to have resulted in over 20 people becoming infected and 2 deaths. The Company, as well as two directors who had been charged, were acquitted.

Blackpool Borough Council v G&S – Represented the owners of a Blackpool hotel charged with breaches of the Food Safety and Hygiene Regulations.

Blackpool Borough Council v G – Represented a restaurant owner charged with breaches of the Food Safety and Hygiene Regulations.

Thanet District Council v A – Represented a national retailer in relation to alleged breaches of the Food Safety and Hygiene Regulations. Case discontinued.

FSA v MA – Represented an abattoir in a prosecution by the Food Standards Authority concerning breaches of food hygiene rules relating to the storage and treatment of halal meat. After submissions the court imposed a limited fine of £12,000.

Fire Safety Cases

SYFRS v B - Representing a national retailer in relation to fire safety breaches at one of their stores.

SYFRS v T - Representing a health and safety advisor in relation to allegations that he had prepared a defective fire risk assessment. Fine of £750

Public Event Safety

Nottingham CC v U - Represented a company and director who had been charged with offences under section 3 HSWA relating to a mass crushing event at an urban music festival in Nottingham. The case was discontinued.



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