

## Health and Safety - Maximising Resources: Director's Briefing

Whilst it is widely recognised that failure to comply with H&S legislation can have dramatic consequences, all companies and organisations have limited resources, both financial and human. Therefore, it is crucial to balance the cost of compliance with the benefits gained and what is actually legally required. This involves taking into account what is reasonably practicable to do as most (but not all) health and safety legislation obligations are qualified by the words "so far as is reasonably practicable". It is worth noting that some legal requirements are absolute and have to be undertaken irrespective of cost.

### Is your company wasting money?

- Ad hoc initiatives
- Excessive audit programmes
- Consultants not being used for the most appropriate work
- Ineffective use of internal resources
- No overall H&S strategy.

### Key recommendations

1. **Determine which legislation is applicable to your business** – this is an area where you can draw upon the experience of a reliable consultant or internal specialist. Having listed the applicable statutes you should then –
2. **Decide how best to comply with the legislation. Focus on the highest risk areas first** – time spent doing this properly will ensure that you comply in the most effective way for your business. You should also have a way of keeping up to date with new legislation and guidance.
3. **Spend time formulating a clear H&S compliance strategy** – know what your aims are and the type of culture you wish to create. Look at where you want to be. Be realistic with your strategy. When completed ensure that the strategy is properly communicated throughout the organisation.
4. **Communicate the H&S compliance strategy** – this is critical and you must ensure that the strategy is properly communicated throughout the organisation.
5. **Routinely review the strategy** – the aim is to assess and measure the effectiveness and to amend your policies in light of any new controls that are required.

### Case study

For many years a large insurance company used external consultants to carry out annual reviews of all their risk assessments (H&S, fire, Legionella etc.). The findings were similar each year.

They engaged a third party to review the risk profile of their business and stopped the routine reviews and now run specific campaigns covering the high risk issues in more detail.

The net result was a saving of approximately £25k per year and improved risk management.

## Internal and external

**Use internal resources where possible** - get the most out of your staff. H&S is everyone's responsibility. A small investment in training can reap benefits.

**Use external resources wisely** - where appropriate bring in an objective third party who you trust and who can support you. Try and avoid using multiple resources as advice and interests may conflict. Ensure an end goal and stick to it.

**Manage enforcing authorities well** - ensuring that there is good evidence of compliance, and inspectors are promptly provided with evidence and records of this, will avoid fees for intervention. Ensure that you have a good protocol and professional support in any interaction with enforcing authorities.

### The Political Agenda

The political agenda Since taking office the Government have commissioned two reviews, the first led by Lord Young to "investigate concerns over the application and perception of health and safety legislation, together with the rise of the compensation culture over the last decade". Lord Young said, "Health and safety regulation is essential in many industries, but may well have been applied too generally and have become an unnecessary burden on firms"

The second review was an evidenced based review, by Professor Löfstedt, and was entitled "Reclaiming Health and Safety for All". The purpose of this review was to look into the scope for reducing the burden of health and safety regulation on business, whilst maintaining the progress that has been made in health and safety outcomes. The report concluded, that in general, there is no case for radically altering current health and safety legislation, but nonetheless, there are a number of factors that drive businesses to go beyond what the regulations require and beyond what is proportionate. The review made a number of recommendations, including the HSE reviewing all the Approved Codes of Practice, some implication and consolidation of health and safety regulations and some limitations on the application of health and safety legislation to the self-employed. Since the reviews, there has been emphasis placed by the HSE on consolidating and reviewing requirements and ensuring enforcement is proportionate and there has been an ongoing programme of rationalizing legislation and simplifying Approved Codes of Practice.

Underlying requirements have remained however largely unchanged. In addition the HSE have also introduced a "Fee for Intervention Scheme" where, if an inspection results in the HSE determining that there has been a "material breach" of the legal requirements, which necessitates the HSE writing to an organisation, then a fee is charged. The fee charged, is for the entire inspector's time in undertaking the whole of the inspection and all follow up action including writing letters etc., charged at £124 per hour. This can result in charges amounting to several thousand pounds being incurred even for a small business.

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