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Mastering HSE Compliance: A practical guide for safety professionals

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Written by

Tristan Meears-White

Consultant, Meears-White Consulting

Introduction

American writer and critic Ralph Ellison once said, "The end is in the beginning and lies far ahead."

A cheering thought as I set out on the slightly daunting task of making the management of health and safety risk sufficiently interesting to hook you in and get you to stay until the end.

The idea behind this eBook is to provide context for health and safety risk management and compliance in terms of what the law requires, why it's worth complying and then some practical guidance on how to do so in a world where dusty loose-leaf files of paper or a bunch of folders on a G drive no longer cut it.

We're going to start our hike into the health and safety landscape with a short scramble up the loose-footed slopes of the legal framework. After that we'll press on through the sinking marshland of non-compliance and its true cost, before we summit and head downhill via the dry ground of proactive compliance methodologies; finally ending in the cosy pub replete with a roaring fire and a pint which is a 21st century compliance software solution.

After that tortured analogy, perhaps we should make a start.

Understanding the law and what it requires

And in the beginning, there was the **Health and Safety at Work etc. Act 1974**.

The Health and Safety at Work etc. Act 1974, referred to variously as "HSW", "HSWA", "HASAWA 1974" or "HASAWA" (all of which are wrong – it is "HASWA74", no other acronym is acceptable), is the principal Act of Parliament that sets out the framework for managing workplace health and safety in the UK. It is the Rosetta Stone of health and safety – and its' requirements are the key to deciphering the hieroglyphs of managing risk and compliance.

The act defines the general duties of everyone from employers (section 2) and employees (section 7,8) to owners, managers, and maintainers of work premises (etc) for keeping places safe.

The act is a piece of "primary legislation"– i.e. one of the principal laws passed by the legislative bodies of the United Kingdom. The regulations which complement the HASWA74 are known as "statutory instruments" (secondary pieces of legislation that may also be referred to as delegated legislation).

Statutory instruments serve to make changes, updates, or additions to existing primary legislation without having to create an entirely new Bill/Act. Statutory Instruments (normally in the form of an 'Order' or 'Regulations') are laid before the House of Commons and made under powers contained in an existing Act of Parliament – in this case HASWA74 (section 15 – not that it matters).

There is a lot of secondary health and safety legislation. We'll come to that shortly.

HASWA74 Health and Safety at Work etc. Act 1974

Primary Duties

Section 2 – "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees."

- The important parts of this to note are that it applies to "every employer" and to "all employees". There are no exceptions.
- "So far as is reasonably practicable" has a meaning. The HSE says: "An employer does not have to take measures to avoid or reduce the risk if they are technically impossible or if the time, trouble or cost of the measures would be grossly disproportionate to the risk."
- What the law requires here is what good management and common sense would lead employers to do anyway: that is, to look at what the risks are and take sensible measures to tackle them.
- The baseline requirement is that employers must follow all legal requirements and apply existing best practice unless they can make out a clear argument for doing something different. Best practice includes the HSE Approved Codes of Practice; British, European and international standards; and guidance issued by employer groups and industry bodies.

Section 3 – "It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety."

- Persons not in [his] employment...who may be affected by [his] undertaking – this has been interpreted widely and would include visitors, trespassers, pupils or students at a school, patients in a clinical setting, contractors working at a business.
- Whether a particular activity is part of the conduct of the undertaking is determined by the facts of each case [R v Associated Octel Co Ltd (1996) 4 All E R 846]. Although not decisive in every case, whether the duty-holder can exercise control over both the conditions of work and where the activity takes place is very important.

Other notable sections

Section 7 – this places a duty on employees to take reasonable care of the health and safety of themselves and others who may be affected by their acts or omissions at work.

The section also places a requirement on the employee to co-operate with their employer in ensuring the company complies with its requirements under the Act.

It may be surprising to learn that there have been hundreds of prosecutions of individuals under Section 7 – a point often lost on employees.

Section 10 – this section established the Health and Safety Executive ("HSE") as the body responsible for enforcing health and safety law.

Section 20 – This sets out the powers of the HSE Inspectors:

- Enter any premises which inspectors think it necessary to enter for the purposes of enforcing HSWA and the relevant statutory provisions.
- Order areas to be left undisturbed, take measurements, photographs, and recordings, take samples and take possession of, and carry out tests on, articles and substances that appear to have caused (or be likely to cause) danger.
- Require the production of, inspect and make copies of relevant documents.
- Require anyone they think might give them relevant information to answer questions and sign a declaration of the truth of the answers.
- Require facilities and assistance to be provided (tea, coffee and a printer).
- Seize and make harmless (by destruction if necessary) any article or substance which they have reasonable cause to believe is a cause of imminent danger of serious personal injury.
- Inspectors are also given any other power which is necessary for the purpose of carrying into effect the relevant statutory provisions – a huge "catch all".

Section 33 – the list of fifteen (or so) offences committed when any provision of the act (or regulation made under it) is contravened.

Section 36 – where an offence is committed due to the act or default of another person, that person can also be guilty of the offence. So, if an employee is charged under section 7 and the HSE find that they committed that offence because of poor supervision – then an individual supervisor (or the employer) could also be guilty of an offence.

This section is increasingly used by the HSE to target senior individuals and hold them accountable for H&S failings.

Section 37 – "Where an offence is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect" of any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly."

Section 40 – the reverse burden of proof "sort of" defence – "it shall be for the accused to prove (as the case may be) that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement". In other words, guilty until you prove yourself innocent.

Some of the more important Regulations

The HSE "owns" and enforces dozens of regulations – you can find the full list at Legislation owned and enforced by the HSE and Local Authorities which cover everything from asbestos to radiation, but it is worthwhile highlighting some of those more frequently spotted in the courts:

Management of Health and Safety at Work Regulations 1999

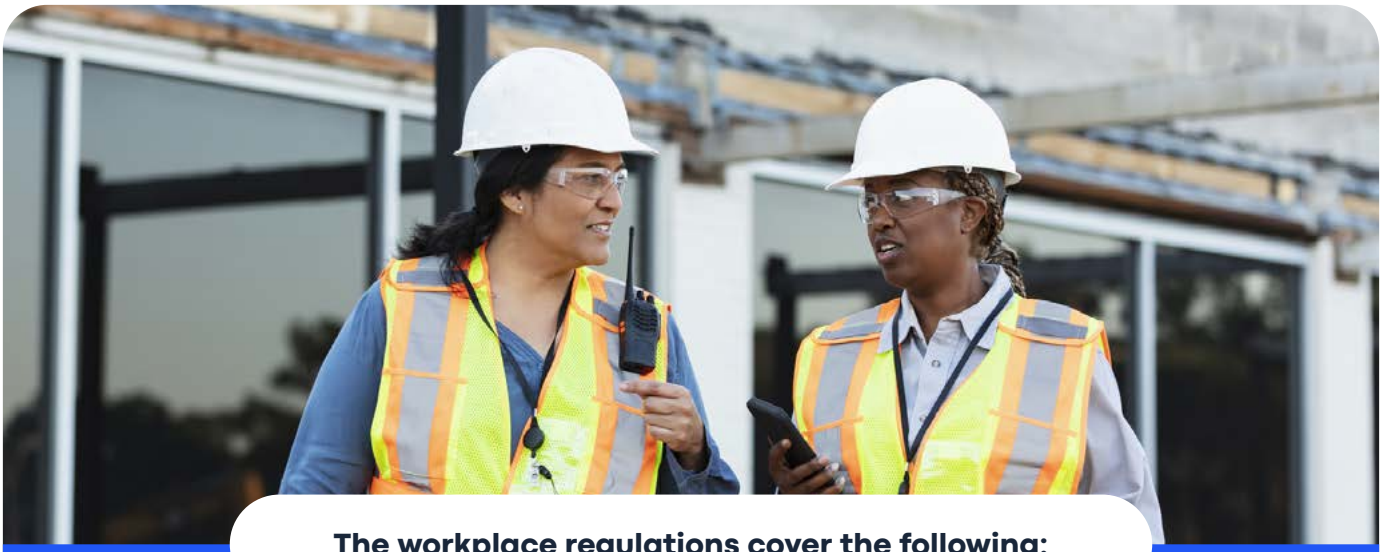
These Regulations are central to H&S compliance – establishing the legal requirement that an employer makes a "suitable and sufficient" assessment of work-based activities and implements any appropriate controls to manage those risks to the health, safety and welfare of their employees (and others). **See Managing risks and risk assessment at work – Overview, HSE.**

Workplace (Health, Safety and Welfare) Regulations 1992

The Workplace (Health, Safety and Welfare) Regulations 1992 apply to most places of work. They require employers to ensure the working environment is safe, as free from risk as is reasonably possible and that appropriate equipment is provided where necessary. **See Workplace health, safety and welfare. Workplace (Health, Safety and Welfare) Regulations 1992. Approved Code of Practice and guidance L24.**

The duties include:

- Providing adequate and proportionate health and safety training for employees.
- Ensuring that there are suitable procedures in place in the event of an emergency event.
- In workplaces where employees may be exposed to noise, vibration, substances hazardous to health, etc, providing of relevant health surveillance.
- Carrying out a suitable and sufficient assessment of risks to the health, safety and welfare of employees (and others) through operational activities.
- Carrying out specific such risk assessments presented to vulnerable person(s).
- Appointing competent person(s) to manage workplace health and safety.



The workplace regulations cover the following:

- Display Screen Equipment
- Ventilation and windows
- Maintenance of equipment
- Lighting
- The environment around the working area such as traffic, risk of slips, trips and falls
- Falling objects
- Waste
- Entry and egress
- Facilities such as restrooms, changing rooms and meals/drinks

The Manual Handling Operations Regulations 1992 (amended 2002)

These regulations apply to a wide range of manual handling activities, including lifting, lowering, pushing, pulling or carrying. **See Manual handling at work — Musculoskeletal disorders, HSE.**

The Regulations Require Employers to:

- Provide information and training on correct manual handling techniques.
- Ensure equipment provided is suitable for the purpose for which it is intended.
- Properly maintain manual handling equipment.

The Work at Height Regulations 2005

These regs are aimed at ensuring the safety of individuals working at height. These regulations typically outline specific requirements, procedures, and precautions that must be followed to prevent falls and other accidents when working at elevated locations. **See Publications and resources relevant to work at height, HSE.**

Working at height — key provisions

- **Avoiding work at height:** Employers must avoid work at height wherever possible by using alternative means or methods that are safer.
- **Risk assessment:** Employers must conduct a risk assessment before any work at height activity to identify and address potential hazards and implement appropriate control measures.
- **Competence and training:** Employers must ensure that anyone involved in work at height is competent to do so and has received adequate training, instruction, and supervision.
- **Equipment selection and inspection:** Employers must ensure that any equipment used for work at height is suitable for the task, properly inspected, maintained, and used correctly. This includes ladders, scaffolding, platforms, and safety harnesses.
- **Fall prevention and protection:** Measures must be taken to prevent falls from height, such as guardrails, toe boards, and working platforms. Where the risk of a fall cannot be eliminated, employers must provide appropriate fall protection equipment, such as safety harnesses and lanyards.
- **Emergency procedures:** Employers must have emergency procedures in place to deal with accidents or emergencies involving work at height, including rescue procedures.
- **Information and instruction:** Employees must be provided with clear information and instruction on the risks associated with work at height and how to work safely.
- **Inspection and maintenance:** Equipment used for work at height must be regularly inspected and maintained to ensure it remains safe to use.

RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) RIDDOR — Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013, HSE

RIDDOR requires employers to record and report accidents and injuries at work and applies where there is a dangerous occurrence, injury, accident or disease if the incident is work-related. When deciding if an occurrence is reportable, you should consider the following:

- Was the way work is carried out or supervised a contributory factor?
- Was the accident related to any machinery or equipment being used?
- Are the premises in a poorly maintained condition?

If the answer is **No** to any of the above, a report is probably not necessary.

What are 'Reportable Incidents'?

- All deaths resulting from a work-related accident must be reported.
- Specific injuries including Fractures, Amputation, Electric shock, Crush injuries to head or torso, Any serious injury to eyes leading to the permanent loss of or impaired sight, Severe burns, i.e. covering 10% or more of the body, or causing damage to eyes, respiratory system or other organs, any injury causing loss of consciousness.
- Over-seven-day incapacitation of a worker. Accidents must be reported where the injuries result in missing work for 'over seven days'.
- Non-fatal accidents to members of the public (non-staff). Accidents to the public must be reported if they result in an injury which requires immediate hospital treatment.
- Over-three-day incapacitation of a worker. Accidents must be recorded but not reported where they result in over three consecutive days of incapacitation.
- Some occupational diseases or conditions. Including RSI (repetitive strain injury), carpal tunnel syndrome, tendonitis, occupational dermatitis.
- 'Dangerous occurrences' – i.e. near misses, some of which need to be reported such as the failure or collapse of lifting equipment.

There is help available for businesses to understand what is expected from them when it comes to complying with many of these regulations in the form of the HSE Guidance and ACOPs. **See the HSE Books — the official Health and Safety Executive publications shop.**
ACOPs are introduced by virtue of s.16 of the **Health and Safety at Work, etc Act 1974 (HSWA)**, which conferred the right for the HSE to introduce Codes of Practice for the purpose of providing practical guidance with respect to the general requirements of the HSWA and regulations made under the Act.

ACOPs have a special legal status. They require the approval of the Secretary of State before they can be introduced. ACOPs are not a legal requirement themselves, but in criminal proceedings they are admissible as evidence, and failure to observe an ACOP can be used to prove a breach of those regulations it supports. This special legal status works both ways. It helps enforcers to secure convictions in court, but it also helps those trying to comply with the regulations, since they know that if they comply with the ACOP they will "automatically" comply with the regulations.

Published guidance does not have the same legal status as an ACOP. Evidence of adherence to such guidance is not necessarily admissible in criminal proceedings and compliance with guidance does not mean compliance with the regulations.
See the HSE Books — Legal reference publications for the full list of ACOPs.

Implications of getting it wrong

Having reminded ourselves of the range of duties employers owe, it will be of little surprise to learn that there are myriad ways in which H&S legislation and regulation can be breached. However, it is rare that the HSE or Local Authorities just turn up out of the blue – almost all investigations are event-driven.

This usually means that there's been a RIDDOR reportable accident and the HSE is responding to a report, or a whistle-blower has reported unsafe practices or an incident the organisation has failed to RIDDOR. **See How to make a RIDDOR report — RIDDOR, HSE**.

The key to effective handling of an investigation by the HSE is to seek to achieve a balance between cooperation and preservation or advancing of your position in terms of any future mitigation or defence to alleged breaches. This involves understanding the powers the regulator is exercising and their limits, and your own legal rights. Sadly, this will mean engaging with lawyers!

Perhaps the easiest way to consider the implications of non-compliance is to look at some real-world examples of breaches, the ways in which they played out at court and the consequences for the organisations and individuals concerned.

Personal liability

Section 37 of the Health and Safety at Work, etc Act 1974 (HSWA) is the principal provision governing personal liability of senior company personnel.

It states that where a health and safety offence has been committed by an organisation with the consent or connivance or because of the neglect of a director, company secretary or senior manager, **THAT INDIVIDUAL** is guilty of an offence as well as the company, and so can be prosecuted.

Liability can only be attached to the individuals mentioned above **IF THE COMPANY CAN FIRST OF ALL BE SHOWN TO HAVE COMMITTED AN OFFENCE**. If the company is not guilty, then a case against an individual under this section cannot proceed.

Section 37 refers to "consent", "connivance" and "neglect". Whilst consent and neglect are pretty well understood legal terms, there is no specific health and safety case law on the construction of the term "connivance". The most likely interpretation, however, would be a "deliberate closing of one's eyes to an existing state of affairs"– which is very close to neglect in many ways.

It is abundantly clear that the HSE has increasingly focused on individual culpability in its investigations; a position which reflects an increased desire on the part of the public to see individuals brought to account when serious incidents occur and lives are lost.

Case study

The extent to which "senior managers" are covered by s.37 was examined in detail in the case of **R V BOAL (FRANCIS) [1992] 2 WLR 890**.

The case was concerned with the identically worded section on personal liability contained in the **Fire Precautions Act 1971**.

Mr Boal was an assistant manager of a book shop. It was held that as a manager who was not at board level, he could not be criminally liable under the wording of the section.

The court decided that in order to fall within the ambit of the section, a manager must be sufficiently senior as to be part of the "directing mind" of the company, with real decision-making powers and able to influence corporate policy and strategy.

Case study

There are a lot of examples of section 37 being used to pursue individuals; by way of an example is a fairly recent case, **R V STONEGRAVE AGGREGATES.**

Stonegrave Aggregates Ltd, a waste recycling company, its managing director and site manager, were sentenced in February 2021 after a worker was killed and another was seriously injured at their site in County Durham.

The workers were operating a waste processing line when they were trapped inside a large revolving drum whilst attempting to clear a blockage of wastepaper. One of the men suffered fatal injuries and the other suffered extensive multiple injuries.

There was a history of blockages on the processing line, and it was not adequately guarded to prevent access to dangerous parts of the machinery.

In addition, control systems did not comply with relevant standards and management did not adequately monitor or enforce machinery isolation procedures. In fact, the machine's guarding was regularly bypassed by staff including the site manager.

In this instance the company was fined £200,000 plus £48,000 costs under s,2 of HSWA. The director was sentenced to a 12-month community order under ss.33 and 37 of HSWA and the site manager was sentenced to 6 months' imprisonment, suspended for 12 months, under ss.33 and 37 of HSWA. It is worth noting that both individuals were initially arrested and interviewed by police for the offence of gross negligence manslaughter.

The company's director was dealt with on the basis of his "neglect" but the case against the site manager was opened as "neglect" but with a strong suggestion of "consent and connivance" on his part. Only the establishment of exceptional circumstances by the defence allowed the court to suspend his jail term.

Section 7 of HSWA states that all employees while at work are under a duty to take reasonable care for the health and safety of themselves and anyone else who may be affected by their acts or omissions; and to co-operate with their employer or anyone else in the performance of their statutory duties.

As this section applies to all employees, it will apply to those managers and others who do not fall within the ambit of s.37 of HSWA. Additionally, to be convicted under s.7, there is no requirement for the company first to be guilty; s.7 is a stand-alone duty.

Section 7 imposes duties on employees at every level within a company. It has been used to prosecute:

- a college lecturer in whose laboratory several explosions occurred.
- a manager who failed to take reasonable care for their own safety when they used a fork-lift truck.
- an employee who injured a colleague through a practical joke.

The reality is that section 7 is rarely prosecuted – it is usually the case that the HSE and the courts regard failures by an individual employee to arise from failures by the organisation to train, monitor, supervise them etc.

Corporate liability

Corporate bodies have a legal status that is separate from that of the individual members or owners who comprise it. Corporate bodies are therefore legal personalities in their own right and can commit a criminal offence. However, as companies cannot physically be imprisoned, punishment in criminal cases will normally take the form of a fine.

As already discussed, the **Health and Safety at Work, etc Act 1974** and the regulations made under it impose responsibilities on an employer in respect of their employees, and those who may be affected by the employer's work activities. Breaches of the HSWA and the relevant statutory provisions are offences under section 33 HSWA.

The maximum penalty in the magistrates' court for an offence under section 33 is an unlimited fine. In the Crown Court, the maximum penalty is also an unlimited fine – this reflects the post-definitive sentencing guidelines world where it makes little difference to a corporate defendant in which court it is sentenced. **See Health and Safety Offences, Corporate Manslaughter and Food Safety and Hygiene Offences, Definitive Guideline**.

Both the magistrates and the Crown Court have a discretionary power to make an order requiring a convicted defendant to pay compensation for any personal injury, loss or damage resulting from the offence. A court must consider making a compensation order in any case where it is empowered to do so. If the court does not make a compensation order when it can, it has to give reasons for its decision. Loss, damage or injury has to result from the offence(s) charged, for a compensation order to be made.

The amount of compensation should be whatever the court considers appropriate. In making the order, the court must have regard to the defendant's means, and the defendant and the prosecutor can make representations to the court as to the loss suffered by the victim.

It is also worth remembering that where a court imposes a fine in respect of one or more offences, it must also order the convicted defendant to pay a surcharge, the proceeds of which will be spent on services for victims and witnesses.

For completeness, the **Corporate Manslaughter and Corporate Homicide Act 2007** provides for remedial orders (ordering the defendant to take steps to remedy any matters in respect of the offence) and publicity orders (requiring the organisation to publish information about the offence and sentence). as possible sentences for corporate bodies.

Where a court imposes a fine in respect of one or more offences, it must also order the convicted defendant to pay a surcharge, the proceeds of which will be spent on services for victims and witnesses.

606,000

workers were injured in workplace accidents each year

£20.7bn

Total cost of new cases of work-related ill health and self-reported injuries

Source: HSE

677,000

workers suffered a new case of ill health

Beyond the Fines: Additional costs to offenders

The HSE statistics show that each year, more than a million workers are injured or made ill by their work in Great Britain.

We have focused on the enforcement implications of fines and costs but the impact of failures in managing health and safety risk can also be measured in terms of 'human' costs (the impact on an injured individual's quality of life and, for fatal injuries, loss of life and the impact on their families). There are other 'financial' costs, such as representational harm, adverse effects on insurance premiums, access to funding, loss of production and healthcare costs – all of which need to be considered.

The HSE has estimated the total direct financial costs based on data from 2019/20 to 2022/23, which showed an average of 606,000 workers were injured in workplace accidents each year and a further 677,000 workers each year suffered a new case of ill health which they believe to be caused or made worse by their work. The cost estimates (for 2021/22) include only new cases of work-related ill health and self-reported injuries, and exclude pre-existing cases, to represent the costs arising from current working conditions. Total costs were estimated around £20.7bn in 2021/22 – a staggering amount.

Let's look at the "hidden costs"

- Lost employee time or time away from work not covered by insurance.
- Additional uninsured labour costs including employee wellbeing support, overtime, engagement of temporary workers and associated provision of training/equipment etc.
- Sick pay (contractual and statutory).
- Damage to workforce morale; impact on safety culture, reduced ability to attract or retain staff.
- Production delays and/or lost production and potential adverse contractual implications.
- Loss of or termination of contracts/reduced ability to fulfil contracts and triggering of warranties/indemnities.
- Uninsured legal costs.
- Damage to products, plant, buildings, tools, equipment.
- Clearing or "making safe" the site.
- Senior Leadership Team time spent managing and investigating the accident, preparation for and attending court hearings, supervising actions necessary to resume operations.
- Consequent drop in management productivity and potential loss of focus on key commercial/operational decisions.
- Increase in claims excess payments and increased costs of future insurance on renewal.
- Harm to business reputation, PR costs and knock on impact on ability to tender for certain projects (particularly public sector).
- Costs of any remedial works identified by the regulator OR by a coroner through the rule 26 process.

Lenders and funders focus on H&S management as a key indicator of corporate governance and a business' ability to manage risk. Therefore reduced willingness to accept risk as a lender and enable access to borrowing and funding.

Every organisation will examine this list and have its own view as to which of these potential downsides might impact their undertaking most. What is certain is that most will have relevance and all will need to be considered in an organisation's planning for managing crisis events.

Let's look at an example:

Some years ago, I acted for an engineering contractor who had staff operating on a long-term basis at a major UK oil installation. Two of its operatives were tasked with altering the direction of flow in some pipework by (put simply) blocking or opening particular flanges by the installation and removal of metal discs known as "blinds".

Unfortunately, an error in the marking up of the flanges to be changed or a misunderstanding of their location by the operatives, led to a flange being opened at a point directly downstream of oil at very high temperature and under high pressure. This oil was released in an uncontrolled way and on contact with air, ignited causing an explosion and fire – one operative was killed, the other badly injured.

This inevitably led to criminal investigation – headed first by police but later by the HSE having been handed primacy once corporate manslaughter and gross negligence manslaughter offences had been ruled out.

The investigation was complex and took over 18 months to conclude. At inquest it became apparent that the underlying cause of the incident was inaccurate/inconsistent identification of individual flanges and a failure between the respective teams from the installation and contractor sides to have a reliable "handshake" between them when plant was handed from one to the other to carry out works.

The contractor was not prosecuted. However, sizeable civil compensation claims – settled swiftly led to a significant increase in their EL/PL premiums and a "generous" hike in excess.

Evidential conflict between the plant operator and contractor highlighted at inquest led to a breakdown in their relationship and early termination of the contract. This in turn led to redundancies and further costs being incurred by the contractor by way of lost revenue.

During much of the period of the investigation, the area of the plant impacted by the explosion was isolated, preventing operations and causing significant financial losses to the operator – who sought to recover a proportion of those losses from the contractor. This was uninsured litigation and protracted in nature; the ongoing legal costs had to be met by each of the parties.

During the months that followed the incident, several members of the contractor's site and regional leadership teams found their positions under scrutiny, this created uncertainty which impacted on "business as usual" to a significant degree.

The point to take from this is that sometimes, prosecution and fines can be the least of an organisation's troubles.

All this scaremongering cannot go unaddressed – what we must refocus on is how to mitigate risk.

Proactive Compliance Management

What does this really mean?
FRAM, one of America's leading automotive oil filter brands, had a well-known (in the US!) slogan back in the 70's, "You can pay me now, or pay me later."

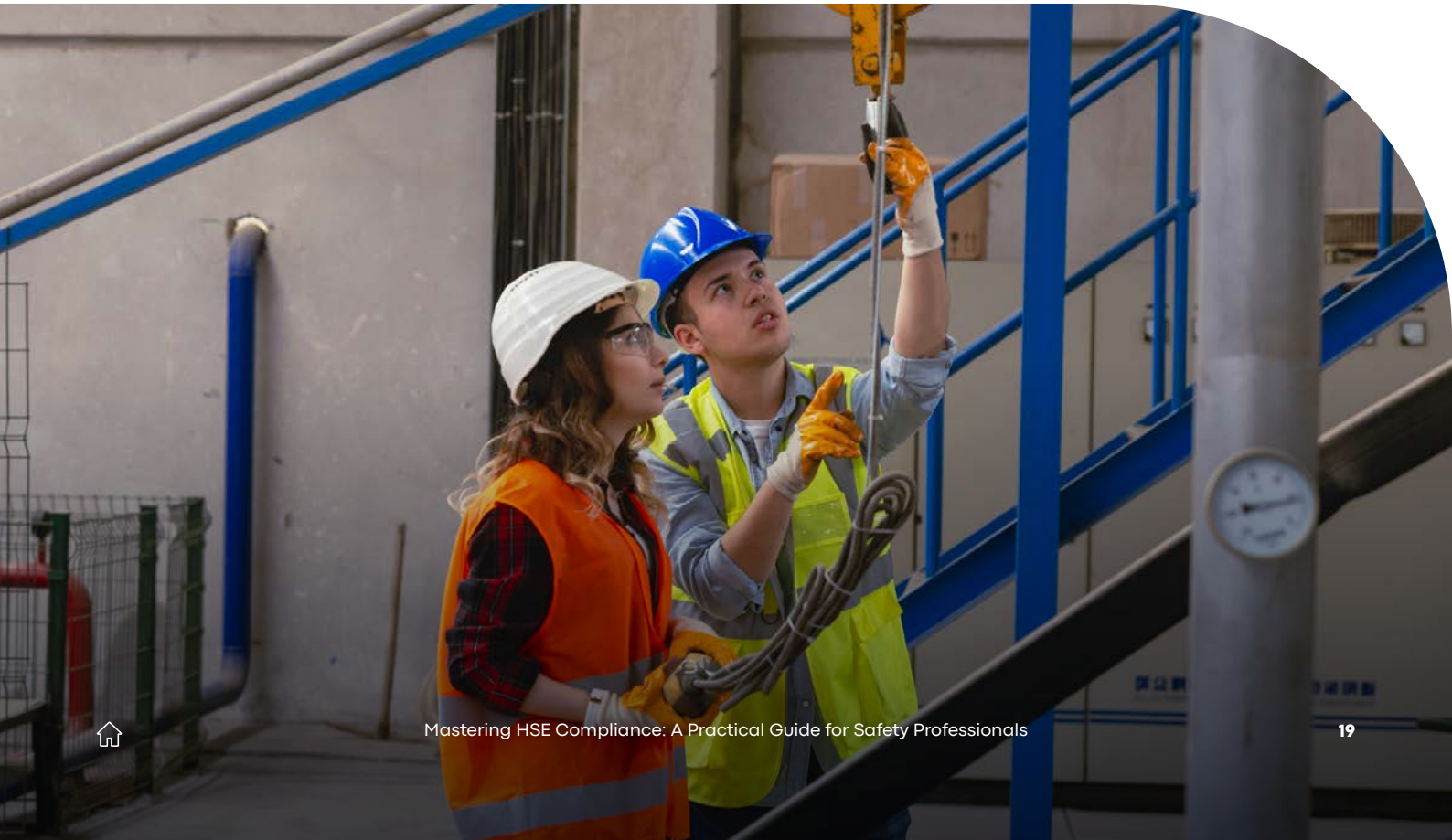
50 years later, this slogan has relevance – the idea that the small investment in regularly changing a car's oil filter will help prevent costly repairs down the line. Similarly, a proactive health and safety compliance management system can help prevent costly accidents down the line.

Being proactive is all about anticipating likely issues so the process may cost more or require more structure in the immediate term. The "pay me now" bit.

Over the longer term, this approach can save money compared to a reactive approach which responds to problems once there's been an accident and insurers and regulators identify them. Depending on how bad such an issue is, a reactive program may be no better off than the seized engine in the "pay me later" bit of FRAM's advertising.

The dictionary defines proactive as "acting in anticipation of future problems, needs, or changes". Simple then... Not so much. This approach requires an organisation's board/ senior management team to know about and fully understand health and safety risk and to implement "all reasonably practicable" mitigation strategies – how far they go depends upon their appetite for risk. In health and safety, this appetite should be lower than a snake's belly.

What does proactive health and safety compliance look like? Here are the top ten components – how many can you tick off?



Leadership

The foundation of successful health and safety compliance is buy-in from the top. Senior management need to authentically believe safety is a top priority so that they allocate sufficient resource and encourage safety as a core value, communicating a clear vision for safety. Leading by example – following the rules creates trust and shows employees that safety isn't just theoretical but part of business as normal, for everyone.

Assessing and Managing Risk

Managing risk is the core of a proactive approach to health and safety – identifying potential hazards before they translate to harm. Organisations need to "suitably and sufficiently" assess the likelihood and impact of hazards associated with its various tasks, processes, or equipment.

Systematic hazard analysis allows a business to rank its risks and develop strategies to mitigate them by reducing the likelihood of occurrence, minimising the impact, or, ideally, eliminating them altogether. This must be a continuous process so the organisation adapts to change – identifying and addressing new risks as they evolve.

Training and Competence

Knowledge is key. Ensuring all individuals in an organisation, from employees to contractors, or visitors, are given the information and instruction they need to operate safely. Training should be comprehensive, addressing general safety principles and the specific hazards related to an individual's role.

Training should also aim to develop competence, ensuring that individuals can effectively apply knowledge in practical situations. This will help a consistent understanding and approach to managing risk.

Communication and Engagement

Communication – always highlighted, rarely good enough. Open channels of communication should encourage feedback from every level; it is trite to say that those on the front line are usually the first to identify potential hazards but it is true.

Employers need to encourage an environment where workers feel completely comfortable reporting hazards, near misses, or incidents – i.e. no blame, no reprisals. Making it as easy as possible for them to do this is really important and helps engage people in the whole risk management process.

Crisis Response and Preparedness

It does not matter how diligently an organisation manages its health and safety risk, accidents will happen, so the prudent business prepares so that it can respond quickly and effectively.

A thought through crisis management plan, tailored to an organisation's specific risks AND structure, will minimise the impact of a crisis event and help protect it from the downsides set out in section 3! By regularly testing these plans through practical drills and desktop exercises, it's possible to spot gaps, ensure employees understand their roles during emergencies, and work together to improve crisis response.

Performance Measurement

In any functional H&S management system, it is absolutely essential to track progress and performance–this can only be done by collecting and analysing data. Best practice – seen in ISO45001 – cites the creation of performance measures (KPIs), audits, inspections, and reviews as essential. It is the only way to gauge how well health and safety protocols align with established standards, guidance and best practice.

Key Performance Indicators (KPIs) should be measurable health and safety outcomes metrics. By tracking them, it is possible to look at trends, highlight risk hotspots and see if they are moving in the right direction–it is then possible to adjust strategies when they're not achieving the required results.

Incident Investigation

Incidents are to be avoided BUT they do provide an opportunity to learn and improve. Every incident provides a snapshot of where a system has failed. Thorough investigation helps find the underlying cause, rather than an immediate cause, which provides insight into systemic shortcomings – this makes sure the organisation doesn't just treat symptoms but deal with those underlying issues.

Once the root cause is identified, it is important to openly communicate findings. Transparency helps engage the workforce and reinforce a commitment to safety and continuous improvement. Speaking of which...

Continuous Improvement

The world (and technology) move on – an approach that works today might (and likely will) be outdated tomorrow. The same applies to health and safety systems, they need to adapt and evolve if they are to keep pace. This evolution is grounded in the principle of continuous improvement.

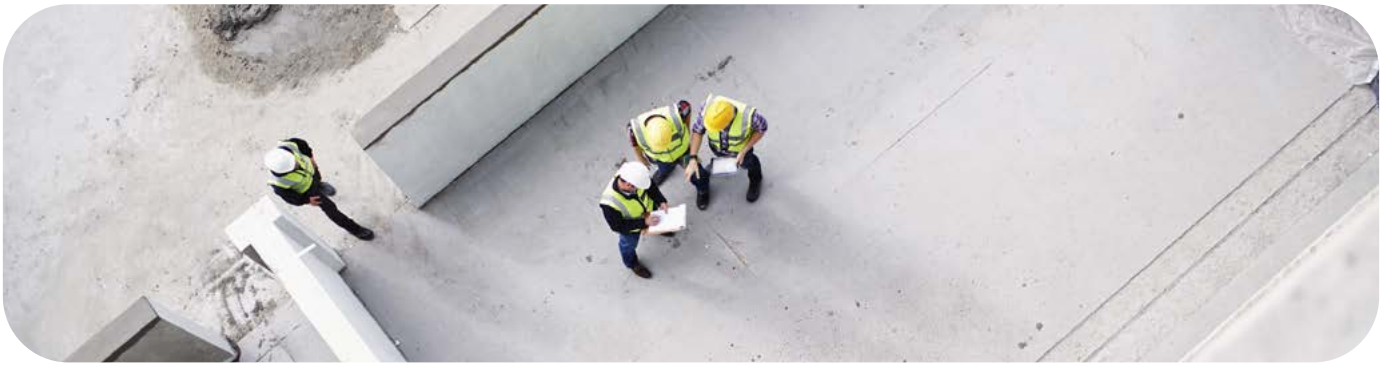
Review and reflection ensure safety systems keep pace with organisational and industry change. The safety system should be a live thing, changing so that it stays resilient, robust, and relevant by incorporating new information, updated guidance and lessons from incidents and near misses.

Safety Culture

People are the most variable but important component of any health and safety management system. Cultivating a safety culture is really, really challenging. It means embedding safety values into the organisation's fabric. If you can make safety second nature, people do the right thing not because they feel they have to but because they believe it is important. The concept of behaviour-based safety refines and underpins this approach. It recognises that individual behaviours, habits, and choices significantly impact safety outcomes. This is the magic bullet of H&S management which can drive a deep seated and fundamental commitment to safety.

Legal Compliance

Operating within the requirements of the law is not just about avoiding prosecution; it's about committing to the safety and well-being of employees, stakeholders, and the community in which your business operates. The law provides the framework for health and safety risk management – the concept of "all reasonably practicable". Ensuring compliance means checking how you do things against these legal standards. The law changes so keeping up to date with those changes is equally crucial. By proactively adapting to intended new or amended laws, a business will stay ahead of the curve.



Meeting the challenge of ticking the box of these ten components of best practice will not be easy but help is there–using technology instead of relying on paper or spreadsheets and folders makes the whole process less daunting and more likely to succeed – high quality health and safety management software is now an essential part of compliance.

Like the oil filter changes - in the short term, proactive safety measures can seem expensive. If you are leading compliance in a business, you are asking it to spend time and money on health and safety before any safety or health issues may have developed.

The reality is that you are also spending that time and money on your terms. There's no crisis. No one has been killed or injured. There are no HSE inspectors rooting through every aspect of operations and no insurers claims teams on the phone. And most importantly, no lawyers.

One of the occasionally overlooked benefits of this approach is that it allows an organisation a high degree of predictability in its compliance spend, and an ability to more effectively budget.

Health and Safety Software
Supporting and accelerating compliance

For health and safety professionals, digitalising the health and safety process is becoming key to reducing risk and supporting compliance.

If an organisation is anxious about upcoming audit or worried about what the HSE might uncover if they turn up unexpectedly, it could be time to start looking for a new Health and Safety Software Partner.

What is Health and Safety Software?

In the simplest terms, Health and Safety Software is an online system that is designed to help a business simplify, streamline and enhance health and safety processes.

It helps support compliance with legal requirements, engage employees, save time and money, and create a central view of safety for organisations to proactively reduce risk and the likelihood of accidents and injuries occurring in the workplace.

How can Notify's Health and Safety Software support compliance?

Notify includes features such as digital document management, real-time incident reporting, and a transparent view of corrective actions — providing a central system for retaining and analysing all an organisation's health and safety data and information.

Think of Notify as a "digital partner", a reliable audit trail, a go to place to demonstrate that your business is not just meeting but exceeding legal requirements and meeting the HSE's best practice guidance.

5 ways Notify can support compliance

Use your digital audit trail

Notify ensures that every action, from the implementation of control measures to the completion of audits and incident investigations – and the tracking of actions thrown up by those processes are recorded, traceable and visible.

Safety Intelligence dashboards amplify the value of these digital trails by visually representing the impact of your safety initiatives. They allow you to easily show the HSE or Insurers that what you are doing is having a positive impact on safety (i.e. through a reduction in LTIs or the AFR). They are also incredibly impactful and easy to understand.

Simplify document management

Notify enables your organisation to digitalise and organise all health and safety polices, procedures and processes in one place. This means the process of retrieval of documents is simplified and that the most up to date versions are readily accessible. As a result, employees will be following the latest procedures.

This functionality also helps support compliance with ISO45001, ISO14001 and ISO9001.

Empower and engage employees via mobile apps

A cornerstone of Notify's solution is a user-friendly mobile app – this means anyone in an organisation or supply chain can report hazards, near misses or accidents in seconds.

The result is heightened awareness of potential hazards, a route for learning to help identify trends and reduce risk, and quicker response times if things do go wrong.

A workforce that is engaged, assumes ownership and prioritises health and safety at work–leading to a positive and proactive safety culture.

Visualise safety performance

Carefully considered Key Performance Indicators (KPIs) are vital to any health and safety strategy.

With Notify, visualising and reporting on these metrics becomes an intuitive process–as their dashboards allows for real-time tracking of safety initiatives and their impact on KPIs such as LTI's or the AFR.

Using the Notify Safety Intelligence Dashboards, a senior leadership team can easily conduct internal performance assessments, and you, as a health and safety leader can quickly demonstrate compliance and management effectiveness to external regulators and stakeholders.

Generate insight for data-driven improvements

Imagine being able to show the HSE that you are not just reacting to incidents, you are proactively reducing risk by using the data generated via your employees.

With Notify, all of your safety data is in one place. This allows for the identification of trends and risk hot-spots, meaning you can prioritise improvement initiatives and make efficient use of time and money.

When it comes to compliance, Notify understands the weight of the responsibility a management team must carry. It is not just about ticking boxes or passing audits; but fostering a culture of safety that reaches every level of an organisation.

Notify's Health and Safety Software solution is designed to help management achieve this goal in the most efficient way possible. By embracing technology, a business not only streamlines compliance processes but can be seen to be championing a safer workplace where every employee plays an active role in safety and believes that they are being kept safe.

Our goal at Notify is to make the role of safety management easier and more impactful. With our Health and Safety Software, you're equipped with the tools to not only meet the letter of the law but to exceed it, creating a workspace that's not only legally compliant but genuinely safe for employees.

Health and Safety Software is more than just a digital toolbox — it is a strategic partner that reduces risk and supports both legal compliance and the meeting of quality standards such as IOS45001 and ISO9001.

Our global mission is to make a billion people safer and healthier at work

Talk to the team

hello@notifytechnology.com
(+44) 0330 390 0530
notifytechnology.com