

H&S RESPONSIBILITIES OF BOARD MEMBERS AND BUSINESS OWNERS

HEALTH & SAFETY RESPONSIBILITIES OF BOARD MEMBERS AND BUSINESS OWNERS

With the recent jailing of two business owners following the deaths of two of their employees, it's time to remind board members of their health and safety responsibilities for protecting their club staff and others who may be affected by your activities. It is an essential part of risk management and getting it wrong can be costly, whether it's an HSE intervention, a fine or an injury claim.

Leadership failures have been cited in many high-profile safety cases and prosecutions over recent years. Directors can be personally liable when duties are breached: board members have both collective and individual responsibility for Health & Safety and can be prosecuted under section 37 of the Health and Safety at Work etc. Act 1974. Recent case law has confirmed that directors cannot plead ignorance by arranging their business to leave them unaware of situations that would trigger their obligation to address health and safety breaches. Sanctions include fines, disqualifications and imprisonment.

Health & Safety Management

Effective health and safety management is rooted in strong leadership. The HSE has laid down three essential principles of Health & Safety management:

1. Strong and active leadership from the top

- visible, active commitment from the board
- establishing effective 'downward communication systems and management structures
- integration of good Health & Safety management with business decisions.

2. Worker involvement

- engaging the workforce in the promotion and achievement of safe and healthy conditions
- effective 'upward' communication
- providing high-quality training

3. Assessment and review

- identifying and managing Health & Safety risks
- accessing (and following) competent advice
- monitoring, reporting and reviewing performance.

These principles are about leading from the front. Good safety management is likely to increase productivity and reduce the cost impact on your club of any downtime from staff injuries. Everyone has a duty to work safely and report hazards, but you still need to manage and coordinate the overall health and safety programme.

Plan – Do – Check – Act Guide

HSE's Guide 'Successful Health and Safety Management' (HSG65) establishes standards for the management of health and safety responsibilities and is built on the principles of PLAN – DO – CHECK – ACT. The following provides guidance on how to achieve the essential principles.

GET IN TOUCH

If you have any questions, or would like further support, please get in touch with Georgia Wilson by calling 0141 221 2984 or by email at georgia.wilson@aab.uk.

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1. Plan

Senior management and Boards should set the direction for effective health and safety management. Therefore, it is important that Directors and Board members establish a health and safety policy that is much more than a document. It should be an integral part of your organisation's culture, of its values and performance standards.

All board members should also take the lead in ensuring the communication of health and safety duties and benefits throughout the organisation. To do so, executive directors must develop policies to avoid health and safety problems. In addition, respond quickly where difficulties arise, or new risks are introduced; non-executives must make sure that health and safety is properly addressed.

2. Do

Delivery depends on an effective management system to ensure, so far as reasonably practicable, the health and safety of employees, customers, and members of the public. Clubs should aim to protect people by introducing management systems and practices that ensure risks are dealt with sensibly, responsibly, and proportionately.

3. Check

Monitoring and reporting are vital parts of a health and safety culture. Management systems must allow the senior management or Board to receive both specific (e.g. incident-led) and routine reports on the performance of health and safety policy. Much day-to-day health and safety information needs to be reported only at the time of a formal review. But only a strong system of monitoring can ensure that the formal review can proceed as planned – and that relevant events in the interim are brought to the board's attention.

4. Act

A formal board or senior management level review of health and safety performance is essential. It allows the board or senior management to establish whether the essential health and safety principles – strong and active leadership, worker involvement, and assessment and review – have been embedded in the organisation. It tells you whether your system is effective in managing risk and protecting people.

When senior management or board members do not lead effectively on health and safety management the consequences can be severe. So don't let it cost you your business.

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