



Leading Health & Safety at Work

The Owner's Guide



Federation of Small Businesses
The UK's Leading Business Organisation



SAFETY FIRST

Leading Health and Safety at Work

The Owners Guide

This is an essential document to help any small-business owner ensure they are taking the right lead on health and safety at work.

Protecting the health and safety of employees or members of the public who may be affected by your activities is an essential part of risk management, and must be led from the top.

Health and safety law places duties on employers. Owners, partners, directors and their equivalents can be personally liable when these duties are breached; members of the board or owners have both collective and individual responsibility for health and safety in the workplace.

Legal Responsibilities of Employers

Health and safety law states that businesses must:

- *provide a written health and safety policy (if they employ five or more people);*
 - *assess risks to employees, customers, partners and any other people who could be affected by their activities;*
 - *arrange for the effective planning, organisation, control, monitoring and review of preventive and protective measures;*
 - *ensure they have access to competent health and safety advice;*
 - *consult employees about their risks at work and current preventive and protective measures.*
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Failure to comply with these requirements can have serious consequences – for both businesses and individuals. Sanctions include fines, imprisonment and disqualification.

If a health and safety offence is committed with the consent or connivance of, or is attributable to any neglect on the part of, any owner, manager, secretary or other similar officer of the organisation, then that person (as well as the business) can be prosecuted under section 37 of the Health and Safety at Work etc. Act 1974.

Those found guilty are liable for fines and, in some cases, imprisonment.

In addition, the Company Directors Disqualification Act 1986, section 2(1), empowers the court to disqualify an individual convicted of an offence in connection with the management of a company. This includes health and safety offences. This power is exercised at the discretion of the court; it requires no additional investigation or evidence.

Individual directors are also potentially liable for other related offences, such as the common-law offence of gross negligence manslaughter. Under the common law, gross negligence manslaughter is proved when individual officers of a company (directors or business owners) by their own grossly negligent behaviour cause death.

This offence is punishable by a maximum of life imprisonment.

SITE SAFETY

Under the Health & Safety at Work Act 1974 all persons entering this site must comply with all regulations under this act. All visitors must report to the site office and obtain permission to proceed on to the site or any work area. Safety signs and procedures must be observed and personal protection and safety equipment must be used at all times.



**Construction work in progress.
Parents are advised to warn children
of the dangers of entering this site**



**Safety helmets must be worn
Unauthorised entry to this site
is strictly forbidden.**



Following this guidance will help you and your business find the best ways to lead and promote health and safety, and thereby fulfil your legal responsibilities.

The following four actions comprise a standard process for you to follow. If they are legal requirements they are marked **Core**; the others are processes that may help you comply with legal requirements.

1 Plan

- It is important to understand what are the significant and reasonably foreseeable health and safety risks faced by your business. **Core**
- Plan how you will manage these risks; if you employ five people or more, you need to write your plan down. **Core**
- Check your plan with your staff – winning their involvement can ensure that your plan works.

You can download a simple policy statement to fill in yourself from www.hse.gov.uk/business/policy-statement.pdf

2 Deliver

- Put your plan into practice. **Core**
- Provide the resources to carry it out. **Core**
- Assess and deal with the real risks that you and your staff face, sensibly, responsibly and proportionately – don't waste your time and effort on trivial risks and unnecessary paperwork. **Core**
- Train staff and involve them in decisions that will affect their health and safety. **Core**
- If you take on new work practices or new people, consider whether there are any new health and safety factors to take into account. **Core**
- Leadership is more effective when it is visible; ensure that employees see you leading by practice.
- Use competent advisers to help you: for example, IOSH has a guide on 'Getting help with health and safety', available at; <http://www.iosh.co.uk/index.cfm?go=technical.guidance> **Core**

3 Monitor

- Keep in touch with events and developments – in small businesses it is often easier to do this, so don't waste this advantage. **Core**
- Some businesses have found that they win greater support for health and safety by involving workers in monitoring.
- Act on safety and health concerns that arise from staff.
- Keep a brief record of agreed actions. **Core**

4 Review

- Take stock of how you are doing on a regular basis. **Core**
- Look again at your plan when an incident occurs. **Core**

Whatever your title is within a small business (owner, partner, director or equivalent), your responsibility for health and safety is the same.

Use the health and safety leadership checklist to identify whether you are addressing health and safety in your business.

Make sure you:

- read this leaflet
- have a policy statement on health and safety that also includes your role
- review your health and safety procedures regularly
- look at the IOSH guide or similar on how to find competent H&S advice
- check that all staff are sufficiently trained and competent in their health and safety responsibilities
- ask staff about health and safety regularly and act on their concerns
- know what systems are in place to ensure that your organisation's risks are assessed
- check that your staff are doing what they have been trained to do with health and safety
- keep and maintain information about health and safety performance, injuries and work-related ill health
- maintain a health and safety file with information that is relevant to your business and industry
- discuss changes in working arrangements that have significant implications for health and safety for all your staff
- always check that contractors are aware of your health and safety arrangements when they are on your premises

For more in-depth guidance, go to www.hse.gov.uk/leadership

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