

SMALL BUSINESS FORUM

18 JULY 2007

AGENDA ITEM No. 6

Written H&S Statements: Eliminating Duplication

Background

The government's Administrative Burden Measurement Exercise indicated that a significant proportion of British businesses who employ five or more, produce both:

- a written health and safety policy statement as required under s.2(3) of the Health and Safety at Work etc. Act 1974 (HSWA) ; and
- a written record of the arrangements they have in place for the effective planning, organisation, control, monitoring and review of the preventative measures they've devised from their risk assessments, as required by regulation 5 of the Management of Health and Safety at Work Regulations 1999 (MHSWR).

A more detailed summary of these legal requirements and an indication of available guidance on them is given at appendix 1.

Simplification project

HSE is currently scoping a project to investigate how best to ensure businesses don't duplicate efforts, while ensuring that an effective health and safety management system is worked out and put in place: a system that is based on an adequate assessment of the risks in line with HSE's current work on sensible risk management (SRM).

Current thinking is that HSE should consider what more it could do to clarify to business what is needed by way of paper work for managing health and safety. This initiative should:

- Take advantage and build on the simplification work already started by the Sensible Risk Management Campaign.
- Join up with other HSE work streams – eg examination of industry standards for health and safety management systems BS 8800 and OHSAS 18001 – while recognising that such detailed approaches will not be suited to all businesses.
- Ensure resulting key messages are communicated clearly and simply and revise and update HSE guidance, including internal guidance to inspectors, as appropriate.

HSE wishes to make it clear that businesses could produce a single policy that sets out their arrangements that would satisfy the requirement under both sets of Regulations

Questions for Forum Members

As part of the early stages of our preparation it would be helpful to take the view of the forum on this issue. The following questions may help guide discussion, although any views are very welcome.

- Does the forum agree that generally businesses spend resources producing two documents - a health and safety policy and a written record of arrangements?
- How, in practice, do businesses achieve compliance - write these themselves? employ a consultant? take advice from trade associations, etc?
- What is their feeling of the impact of the two duties? - a real driver to get sensible arrangements in place? Simply a way to keep large clients happy? Etc.....?
- What do they estimate the cost to be?

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Appendix 1

Legal Requirements

Section 2 (3) of the Health and Safety at Work etc. Act 1974 (HSWA), requires employers of five or more people, to produce an up to date written statement of their health and safety policy and communicate this to staff.

Regulations 3, 4 and 5 of the Management of Health and Safety at Work Regulations 1999 (MHSWR), that implemented the “Framework Directive” (391/EEC, 1989, as amended) require employers to undertake:

- a suitable and sufficient risk assessment, recording the significant findings if five or more people are employed;
- decide upon the best control option using the hierarchy of controls set out in Schedule 1 of the Regulations; and
- make adequate and appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventative and protection measures, recording these if five or more people are employed (reg 5(2)).

There are also specific duties to communicate with employees and pass on relevant information to guest workers, et al – eg contractors at the employer’s workplace.

Guidance and Advice on Policies and Records of Health and Safety Arrangements

Generally guidance on health and safety policies says that the policy should cover health and safety arrangements and responsibilities, reviewing and monitoring these and consulting the workforce. Examples include:

- **HSE web pages** say that the policy should “set out how you manage health and safety in your organisation.” Before going on to talk about deciding on what steps are reasonably practicable by doing risk assessments. General advice on why a statement is needed and the requirement to involve the workforce in drafting and reviewing the policy are included.
- **Local Authority Web pages** – A Google search of UK web pages has shown that some LAs publish guidance on writing H&S policies on their sites. This is usually based on (sometimes out of print) HSE guidance.
- **“Essentials of Health and Safety at Work” (C750)** gives guidance on risk assessment. Health and safety policies are mentioned, saying that responsibilities should be clear and that this has to be summarised in the policy.

- The free leaflet “**An Introduction to Health and Safety (in small businesses)**” (INDG259 (rev 1) of 2003, includes a template for a policy that the employers can fill in the gaps, covering:
 - A one page statement of general policy, followed by;
 - Detailed sections covering arrangements for consulting employees, responsibilities, plant and equipment, training, safe use of substances and accidents and first aid.

- HSE’s guidance book and free leaflet on “**Successful Health and Safety Management**” – **HSG 65 and INDG 275** requires the production of a policy, however this policy is perhaps more detailed than INDG259 requires, being a foundation of a total quality management (TQM) system. The HSG 65 approach is offered as one of two ways to managing health and safety for achieving BSI accreditation to BS 8800: 2004 and OHSAS 18001:1999.

- The guidance leaflet INDG 343 – “**Directors’ Responsibilities ...**” (currently under review by an IoD led working group) says that a written policy that is communicated to employees is required. The first action point, about strong leadership at board level, also reminds directors that the health and safety policy should be a “living document”.

Risk Assessment

The Approved Code of Practice (ACoP) for MHSWR – L21 – gives detailed guidance on the requirements of the regulations. “Essentials of Health and Safety at Work” (C750), as stated above, gives lengthy guidance on risk assessment.

Recent initiatives on sensible risk management (SRM) has led to the production of HSE web pages giving model risk assessments and new simplified versions of “Five Steps to Risk assessment” (INDG 163 (rev 2)).