For more information on this roadmap, and any of the others in our Global Compliance Roadmap series, please get in touch with the Osborne Clarke team [here](#).
Introduction

All employers have duties to control the risks to the health and safety of their employees and those who may be affected by their business. In order to comply with the Health and Safety at Work Act 1974, employers must be able to demonstrate that they have taken steps to reduce such risks to a level as low as is reasonably practicable.

The starting point is to ensure that all material risks associated with your business have been identified. Those risks should then be assessed and where practicable adequate control measures implemented.

Health and safety management should be a continually evolving process of improvement. Changes to business practices or the introduction of new equipment can introduce new risks or alter existing risk profiles. As such risk assessments should not be viewed as a one-off exercise but be subject to a regular review.

Set out below is a ‘roadmap’ of questions and issues designed to identify key information that will need to be taken into account by a business in determining the health and safety risks it may face.

Having answered these questions, an assessment can be made of the extent to which a commercial organisation’s policies and procedures adequately address those risks, and what further measures could or should be adopted to assist the business in meeting its statutory health and safety obligations.
1. Assessing your health and safety risks

1.1 About your business
☑ What is the principal function of your business?
☑ Does this require interface with the public?
☑ Do you regularly have contractors working on your premises and/or premises which you control?

1.2 Business management
☑ Do you have someone senior in the business who is responsible for health and safety?
☐ Who sets the organisational health and safety policy and standards and how are they monitored?

1.3 Corporate structure
☑ Do you have subsidiary companies over which you have some operational control?
☐ Do you have any business partners, for example joint venture entities, who would be regarded as performing services for, or on behalf, of your organisation?

1.4 Supplier risk
☐ Do you undertake health and safety due diligence on any supplier, whether of goods or services, before undertaking business with such suppliers?
☐ Do the contracts your organisation enters into with any supplier contain clear provisions about health and safety performance?

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2. Assessing your current approach to health and safety

2.1 Safety culture

☑ Is safety perceived to be ranked high, low or not at all, in the priorities of senior management/the Board (or equivalent)?

☑ Are there clear communication lines on health and safety matters from the senior leadership team to employees and back up again?

☑ Do managers give feedback on safety performance to the leadership teams?
  
  (i) If so, how is that feedback provided?

☑ How does the business learn from accident history, incident reporting etc.?  

2.2 Policies and procedures

☑ Do you have a clear policy statement addressing how the business will ensure a safe and healthy environment for employees and anyone else affected by work activities?

☑ Are health and safety roles/responsibilities set out in writing?

☑ Are the right people conducting health and safety risk assessments (i.e. with an understanding of the activity and health and safety risk and how to manage it)?

☑ How does the business brief out its policies and procedures on health and safety?

☑ How does the business review policies and procedures to ensure they are fit for purpose?

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3. Communication and training

3.1 Employee engagement

☐ Do you ensure health and safety information is communicated effectively, for example, using a variety of mediums within your organisation?

☐ Are the needs of any vulnerable workers (temporary or agency staff, or those whose first language is not English) appropriately met, including through, for example, the use of interpreters, use of symbols and diagrams rather than written instructions?

☐ Are employees consulted in good time about significant matters that could affect their health and safety?

☐ Does your organisation have a whistleblowing procedure and if so, is this overseen by a member of senior management?

3.2 Competence and training

☐ Have the senior leadership team had relevant health and safety training?

☐ What level of training, qualification or other skills do you require of any health and safety ‘Competent Person’ in the business?

☐ Does your organisation provide health and safety training to all relevant employees?

☐ Is the training tailored so that appropriate staff get specific training relative to their roles?

☐ Is understanding of the training tested?

☐ How do you check that a sufficient level of competence has been achieved?

☐ Do contractors have an appropriate level of induction and training?

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4. Checking health and safety performance

4.1 Monitoring and review

☐ What review and audit processes are in place for health and safety?

☐ Is the level of monitoring proportionate to the risk profile of the business?

☐ How are managers and supervisors made aware of health and safety performance in their team/across the business?

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5. Specific concerns

- Have any potential health and safety issues or red flags been identified as part of any internal or external audits conducted within the past 5 years? If so, how were these dealt with?
- Have any whistleblower reports referred to potential health and safety issues within the past 5 years? If so, how were these dealt with?
- Are you aware of any allegations, inquiries, investigations, prosecutions or other actions by a regulator which may indicate a health and safety issue connected to your organisation or a third party that performs services for or on your behalf?

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