

Health and Safety Penalties for Managers

All managers have a duty of care to ensure the health and safety of their employees. Failure to comply with health and safety regulations can result in significant consequences for both the company and its managers.

Types of Health and Safety Failings

There are many different types of health and safety failings that can result in fines for managers. Some of the most common include:

- Failing to risk assess a workplace
- Failing to implement control measures
- Failing to provide adequate training
- Failing to take action to prevent accidents
- Failing to investigate accidents

How Penalties Are Calculated

The Health and Safety Executive (HSE) sets guidelines for sentencing, but the final decision is up to the court. Based on the culpability levels, category of harm and category of the organisation, maximum fines and additional penalties are set.

- Very High Culpability:** Intentionally breaching or flagrantly disregarding health and safety regulations.
- High Culpability:** Actual foresight of or wilful blindness to risks and knowingly taking those risks.
- Medium Culpability:** An act or omission that a person exercising reasonable care would not do.
- Low Culpability:** Little fault, such as a minor error of judgment.

Culpability Level	Maximum fine for Organisation	Maximum fine for Individual	Additional Penalties
Very High	Unlimited	Up to £100,000	Imprisonment of up to two years, unlimited fines, and up to ten years' disqualification from managing or controlling an organisation.
High	Unlimited	Up to £50,000	Imprisonment of up to one year, unlimited fines, and up to five years' disqualification from managing or controlling an organisation.
Medium	£500,000	Up to £20,000	Disqualification from managing or controlling an organisation.
Low	£20,000	Up to £5,000	None.

HSE's Winning Record

Following a RIDDOR report, organisations have a 25% chance of being inspected, a 49% chance of enforcement and a 94% chance of being fined.

How to Avoid Fines:

Managers should:

- Be aware of their responsibilities
- Conduct regular risk assessments
- Implement control measures
- Provide adequate training
- Take action to prevent accidents
- Investigate accidents
- Collaborate within your industry to set the 'appropriate standard'

For more information, visit:

www.peoplesafe.co.uk