

THENUE HOUSING ASSOCIATION LTD

SECTION NO. 1.2

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REV. 0

DATE: JAN 2017

DATE: OCT 2016

HSCM (VERSION 3)

LFSCM (VERSION 1)

Subject	Policy Statement
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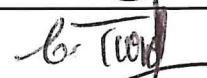
## HEALTH & SAFETY AT WORK ETC. ACT 1974

### EMPLOYER SAFETY POLICY STATEMENT

The Board of Management of Thenue Housing Association Ltd (Thenue) is responsible for the conduct of the business of Thenue.

The Health & Safety at Work etc. Act 1974 imposes statutory duties on employers and employees. To enable these statutory duties to be carried out, it is the policy of Thenue so far as is reasonably practicable, to ensure that responsibilities for health and safety are assigned, accepted and fulfilled at all levels of Thenue; that all practicable steps are taken to manage the health, safety and welfare of all employees; to conduct the business in such a way that the Health & Safety of visitors, to any premises under our control, is not put at risk.

1. It is the intention of Thenue, so far as is reasonably practicable, to ensure that:
  - a) The working environment of all employees is safe and without risks to health and that adequate provisions are made with regard to the facilities and arrangements for their welfare at work.
  - b) The provision and maintenance of machines, equipment and systems of work which are safe and without risks to health to employees, contractors and any other person who may be affected with regard to any premises or operations under our control.
  - c) Arrangements for use, handling, storage and transport of articles and substances for use at work are safe and without risks to health.
  - d) Adequate information is available with respect to machines and substances used at work detailing the conditions and precautions necessary to ensure that when properly used they will be safe and without risk to health.
  - e) Employees are provided with such instruction, training and supervision as is necessary to secure their Health & Safety.
  - f) The Health & Safety Policy will be reviewed at least annually. Communication of any such changes will be made to all employees.
  
2. It shall be the duty of all **employees** at work to ensure:
  - a) That reasonable steps are taken to safeguard the Health & Safety of themselves and of other persons who may be affected by their acts or omissions at work.
  - b) Co-operation with the Board of Management so far as is necessary to ensure compliance with any duty or requirement imposed on the employer, or any other person, under any relevant statutory duties.

Date adopted at Board of Management	24 September 2019	Review Date: September 2020
Chairperson:	Derek Quinn	Signature: 
Chief Executive:	Charles Turner	Signature: 

Subject	Responsibilities – Overview
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- 1) Thenue Housing Association Ltd (Thenue) recognises that all individuals within Thenue have a responsibility to ensure their own safety and that of others. Consequently, all employees will have the potential to be held liable if their negligent acts or omissions result in harm being caused to any other persons. Those in positions of responsibility have additional obligations, by virtue of their 'managerial' functions. Indeed, the Health & Safety Executives (HSE) Document Enforcement Policy Statement, HSE41, paragraph 43 notes the following on 'Prosecution of individuals':
 

*"... enforcing authorities should identify and prosecute or recommend prosecution of individuals if they consider that a prosecution is warranted. In particular, they should consider the management chain and the role played by individual directors and managers, and should take action against them where the inspection or investigation reveals that the offence was committed with their consent or connivance or to have been attributable to neglect on their part and where it would be appropriate to do so in accordance with this policy. Where appropriate, enforcing authorities should seek disqualification of directors under the Company Directors Disqualification Act 1986."*
- 2) The following sections set out the principal Health & Safety related responsibilities of individuals within Thenue. These duties will be in addition to the general duty on all individuals to ensure the Health, Safety and Welfare of themselves and all others who may be affected by their undertakings.
- 3) The rather unique management structure of Housing Associations differs from the traditional business organisation where a Board of Directors, Owner/Manager or Senior Management Board clearly runs the undertaking. Care has, therefore, been taken to determine realistic responsibilities of the Board of Management and Chief Executive in particular.
- 4) In addition to the individual liability of senior staff, **the Corporate Manslaughter and Corporate Homicide Act 2007** allows companies and corporations to be prosecuted for corporate homicide (in Scotland) where serious management failures result in death. Under this Act there is no longer the need to identify a 'controlling mind' (i.e. one individual whose negligence or recklessness caused the death) to convict an organisation of homicide, thus making it easier to prosecute organisations.
- 5) The management responsibilities defined within the Employer Health and Safety Control Manual and the Landlord Facilities Safety Control Manual should ensure that adequate and appropriate managerial control is exercised over Health & Safety issues to prevent against prosecution for corporate homicide.

<b>Subject</b>	<b>Responsibilities – Health &amp; Safety Organisational Chart Employer &amp; Landlord</b>
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