

Compliance - science or art?

Recently, MD Ernest Jones - rather than his organisation, Metal Finishers Ltd was prosecuted for failing to put in place a management system to control risk. In this instance it was the risk of legionella, but the use of section 37(1) of the Health and Safety at Work Act 1974 could be applied to any H&S issue. It also brings into clear focus the individual as well as corporate liabilities we carry.

The case centred on Mr Jones' failure to act on the recommendations of two separate surveys performed on the site's water systems - not a failure to assess the risk but to effectively manage it. Be it legionella, fire, asbestos or general H&S, the same rules apply, where risk are identified they must be eliminated or managed.

Where you have more than five employees, the policies, responsibilities, written schemes, controls and training must be documented and kept up to date. For one building this can prove difficult, for a portfolio the data collection alone can be huge.

Building compliance is, therefore, as much the 'fine art' of management as it is the 'exact science' of risk assessment. It's about making each piece of data you collect work for you in terms of the information it gives and ultimately the knowledge it is providing you on the levels of compliance you are achieving.

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