



Insurance | Risk Management | Consulting

Gallagher Risk Management Solutions

UKCOA - Health and Safety update

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Gallagher Risk Management Solutions

What do we do?



Risk Management
Solutions: Health and
Safety Services



- 1: Help our clients to reduce and mitigate their risks
- 2: Reduce the likelihood of an accident
- 3: Reduce the risk of an insurance claim
- 4: Support our clients to be compliant with the law
- 5: Enable our insurance teams to present our clients positively
- 6: Impact on potential premium reductions
- 7: Enable a business to grow and focus on its priorities

Agenda

1

What is the law?

How does the HASAW act impact?

2

What are the key risks?

What are the sectors biggest risks?

3

How can you comply?

What can you do to mitigate the risks?

Compliance with H&S

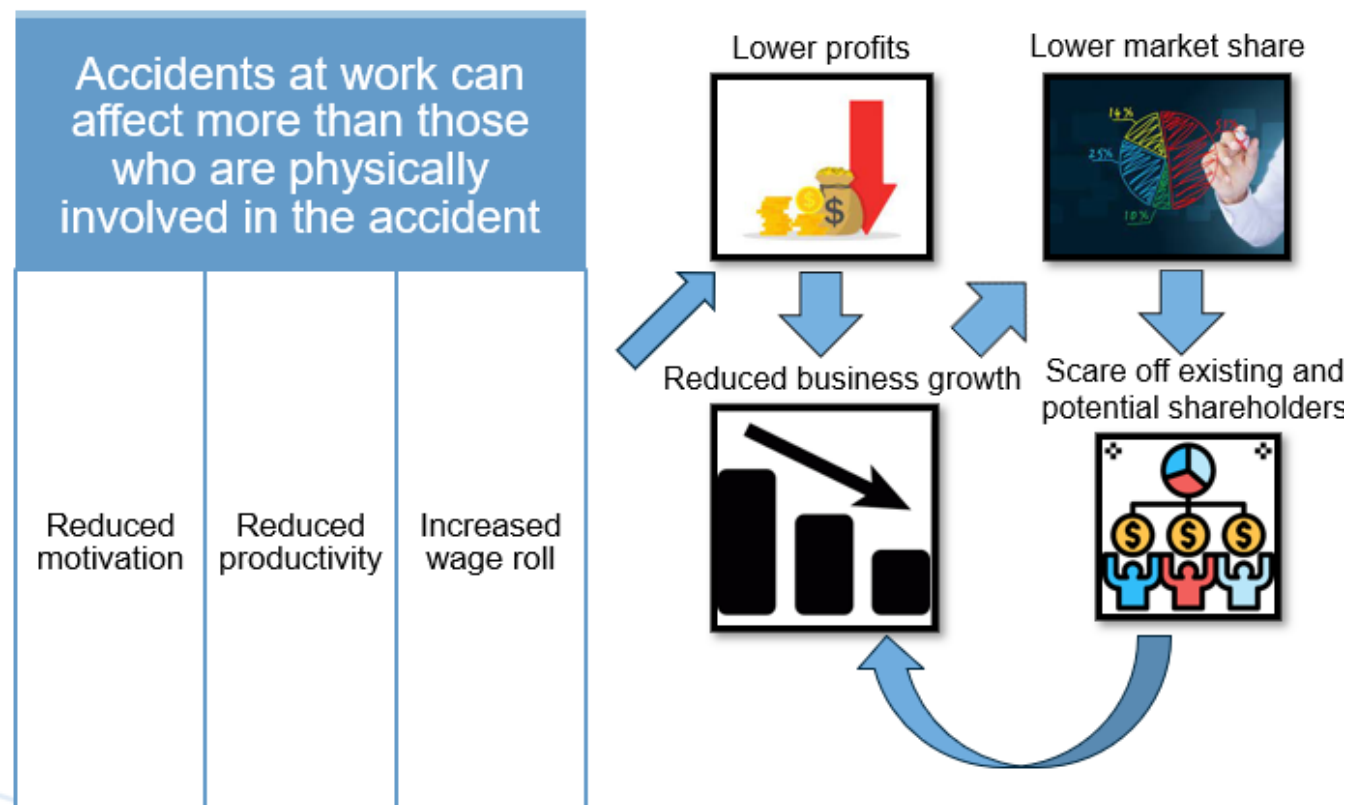
Why is compliance with H&S legislation important?

- **It's good for your business.**
- **It's good for your staff.**
- **Insurers expect you to comply.**
- **Directly links with liability claims.**
- **It's the law - civil and criminal.**



How can an accident impact on a business?

Productivity and Profitability impacts



Health & Safety

A history of learning

1833 – Factory inspectorates installed under the Factories Act.

1843 - Mines inspectorate was formed

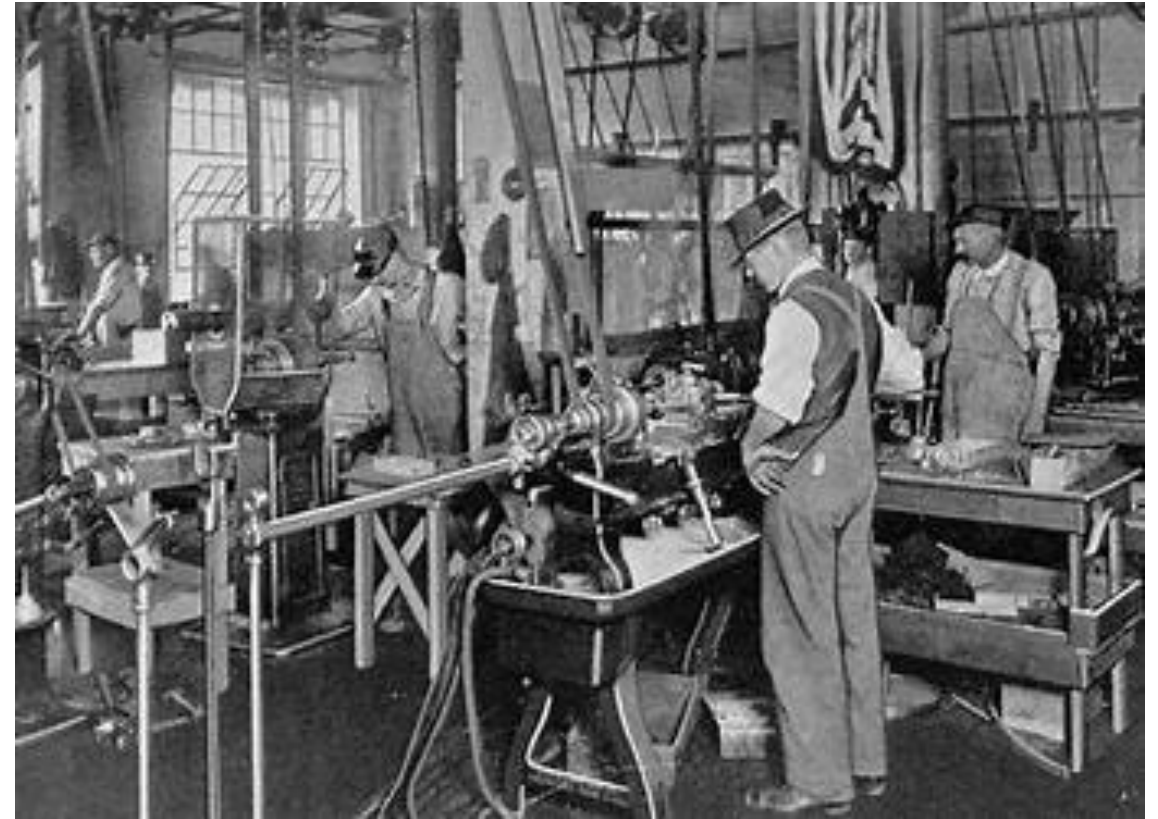
1895 - the Quarries Inspectorate formed.

1956 - The Safety, Health and Welfare Provisions Act 1956 made a massive difference to the way that farms and agriculture operated

1959 - the Nuclear Installations Act came into force.

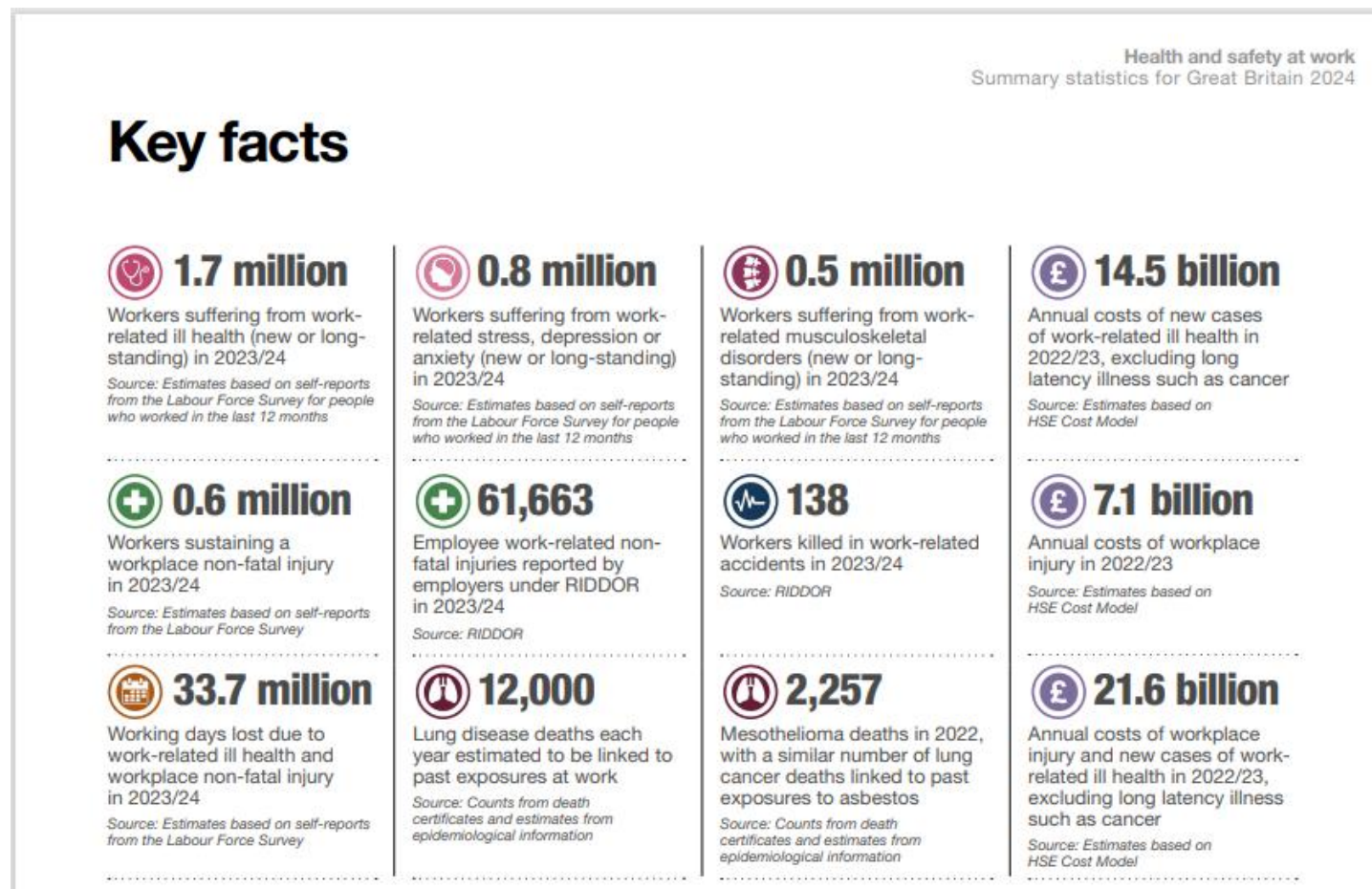
1974 - the Health and Safety at Work Act was introduced and became the primary “umbrella” legislation for all sectors of work.

Now - Various new acts have followed in support of where we are now: The Health and Safety at Work Act 1974 and amendments Etc.



Health & Safety at Work

2024 Health & Safety Executive statistics



Work related deaths

March 2023 to March 2024

138 workers killed in work-related accidents

The three most common causes of fatal injuries are:

- 1: Falls from height (50)**
- 2: Being struck by a moving vehicle (20)**
- 3: Being struck by a moving object (25)**

A further 87 members of the public were killed following a work-related incident in 2022/23.

225 Work Related Deaths – 2023/24



Health & Safety investigations

Reverse Burden of proof

Section 40 HSAWA imposes a **reverse burden**: “where a duty holder is required to do something ‘so far as is practicable’ or ‘so far as is reasonably practicable’, the burden is on the defendant to prove that it was not practicable or reasonably practicable to do more than was in fact done.”

The UK Courts have ruled that the burden of proof imposed on the defendant by section 40 is a legal burden which is justified, necessary and proportionate.

The legal burden is the obligation on a party to prove a fact in question.

The evidential burden is the obligation to adduce sufficient evidence on a fact in question to justify, as a possibility, a favourable finding on that question by a magistrate or jury.

Criminal law

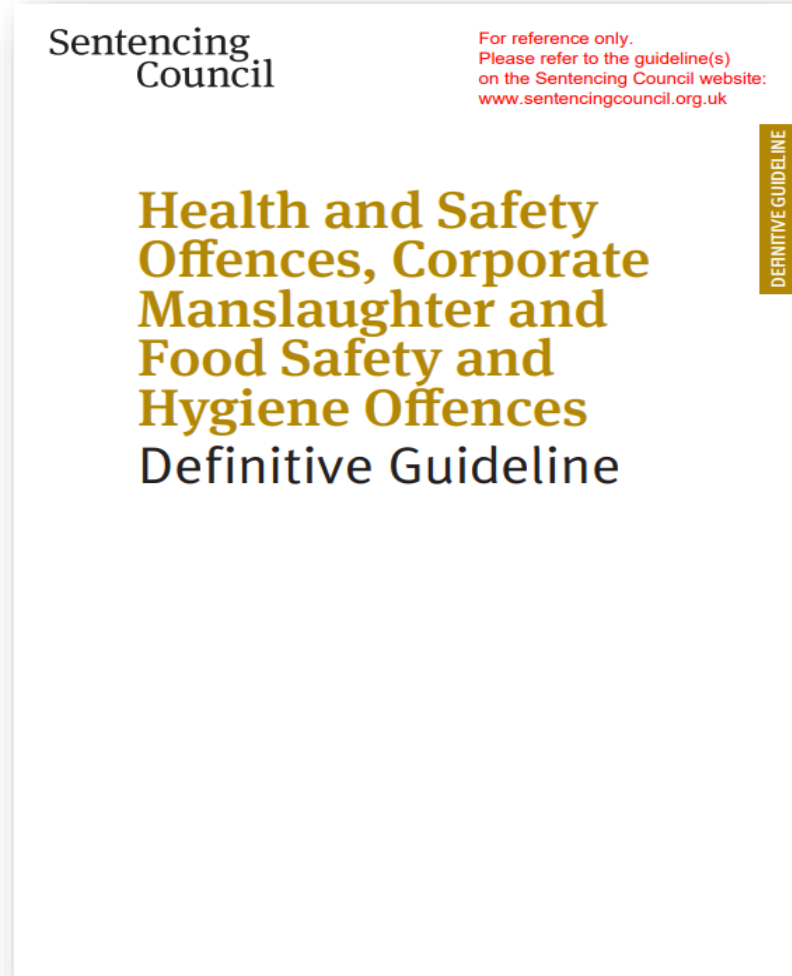
What needs to be evidenced?

As an employer, your client must protect their workers and others from getting hurt or ill through work.

If they don't:

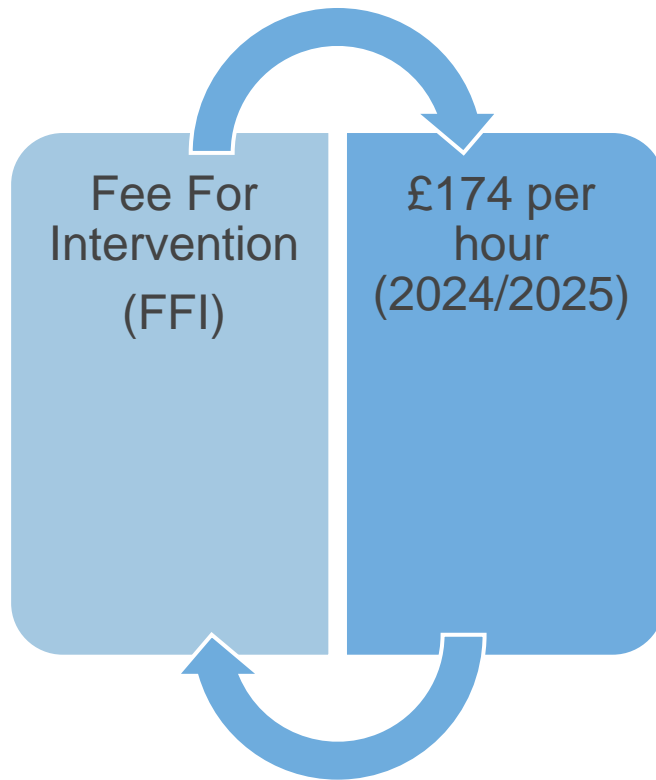
1: A regulator such as the Health and Safety Executive (HSE) or local authority may take action against them under criminal law.

2: The person affected may make a claim for compensation against them under civil law (i.e. employers or public liability).



How can you be impacted by the HSE

Fee for intervention/Prosecution



Prosecution process: Criminal Law

Are you competent or negligent?

If negligent then:

1: Culpability. Could you have prevented the accident?

2: Severity. How serious was the harm risked?

3: Turnover. What is your company turnover (not profit)?

Stagecoach Devon Limited fined £380,000

Driver suffered lifechanging injuries



Plymouth Magistrates recently fined Stagecoach Devon Limited £380,000 with £18,000 in costs after it pleaded guilty to breaching section 2(1) of the Health and Safety at Work Act.

The prosecution came about as a result of an incident on 3 October 2019 when one of Stagecoach's drivers, David Heathfield, suffered life-changing injuries after being crushed between a reversing bus and a stationary vehicle.

Mr Heathfield's injuries were significant: he suffered compound multiple fractures of his arm requiring six titanium plates and 65 metal staples between his wrist and elbow.

The HSE viewpoint

HSE inspector James Collins said

'This incident took place during the morning runout. With bus depots, the busiest times are always the mornings – usually around 5am or 6am – when the drivers arrive and take their buses out to start their routes. There is a lot of vehicle movement and a lot of pedestrian footfall with drivers coming and finding their vehicles,'

'As this was in October, it was also dark at that time of the morning. The company had a parking plan that showed how the buses had to be set up the night before to make sure that they could all leave in good time the next day, but the parking layout at the depot was such that some buses had to be manoeuvred and reversed, in order to get them out. It's a relatively small depot for the number of vehicles they have, so there are a lot of vehicles that have to fit into a small space.

'At the time, Stagecoach Devon had one banksman to assist with reversing. That banksman was typically engaged in the upper part of the depot where most of the vehicles were. In the lower part of the depot, where the accident happened, it was custom and practice for the drivers to assist each other with the reversing manoeuvres – they acted as banksmen for each other, although they hadn't been trained as banksmen.

'The injured party in this incident, David Heathfield, wasn't in his bus but was assisting one of his colleagues to try and manoeuvre their bus out of the depot. The driver had moved forward and had hit one of the posts – one of the metal barriers that are part of the depot – and he was having obvious trouble getting out from in between two buses. Mr Heathfield stepped in to assist him reversing but the driver reversed into Mr Heathfield and crushed his arm against one of the other buses.'

The HSE investigation

What the HSE found?

- 1: CCTV footage was available
- 2: Witness statements
- 3: Good policies and procedure in place
- 4: Staff were trained

Underlying cause of accident – not have a proper site-specific risk assessment

'A proper site-specific risk assessment would have picked up that there were inherent risks from the way that the buses were parked. Reversing wasn't minimised there, and because reversing wasn't minimised and they only had one banksman for a very busy period, it was foreseeable that you'd need more banksmen support. People were stepping up to help out and, while staff were trained generally, they weren't trained to be banksmen. So, they shouldn't have been put in a position where they felt they had to act in that way.'

Key risks for coach and bus operators

Coach and bus companies face many health and safety risks that need to be effectively managed to ensure the safety of passengers, drivers, and other road users. Some of the biggest risks include:

Driver Fatigue

Long hours and irregular shifts can lead to driver fatigue, and increase the risk of accidents

Vehicle Maintenance

Regular maintenance and inspections are vital to prevent mechanical failure

Passenger Safety

Passengers should be safely seated and aware of emergency procedures where practical

Road Conditions

Drivers should be trained and procedures should be in place for adverse conditions

Security Threats

Have emergency plans and a BCP in place for unexpected threats including theft.

Health Risks

Hygiene protocols and ventilation reduce the risk of infectious diseases.

Ergonomic Risks

Drivers may face ergonomic issues due to prolonged sitting and repetitive movements

Regulatory Compliance

Ensure compliance to reduce legal risks and reduce accidents

What does competence look like?

1

Health & Safety Policy

Must be specific to you and detail your proposed actions and activities.

Must be updated annually.

4

Risk Assess Core Risks

Have a suit of specific RA's for your core continuous risks,

Act on the risk assessments.

2

Policies and Procedures

How will you behave and react, what steps do you expect to take to reduce your risk.

5

Risk Assess Dynamically

Train your team to risk assess dynamically and evidence the risk assessments.

3

Training

Train your workers to be able to be aware of risks and mitigate them.

Expand the sphere of accountability.

6

Continuous Improvement

Action plan your next steps to mitigate your risks, prioritise and evidence activity.

Gallagher Risk Management Solutions

How can we support?

- 1: Visits to premises**
- 2: Consultancy support**
- 3: Audits**
- 4: Action Plans**
- 5: Risk Assessment Support**
- 6: Advice and guidance**
- 7: Online staff training**
- 8: Dedicated consultant**





Trust and confidence built over many years of diligent professional and friendly service.”

Client feedback for RMS

Thank you

Get in touch to let us know how we can help.

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