

Evaluation of Legal Compliance 9.1.2

With regard to Legal Compliance I have written this document to share with you our position on what else needs be done to meet the requirements of the Standard as per BS 45001 and 45002 and Clause 4 and 6 with regard to your Legal Duty.

If you are safety aware you may have developed a Legal Register to help you with compliance evaluation and this could be in Word or Excel with links to certain pieces of Legislation or a Legal requirement.

However you will need to go one step further to meet compliance 'the register on its own won't satisfy the Auditor' or you're Legal Obligation

Certification bodies are only required to audit conformity with the Standard; they are not required to make a direct evaluation of Legal Compliance since this is a Company's Legal Duty.

I will explain further, it is the Organisations responsibility to ensure that they have a process for checking and maintaining legal compliance with access to up to date information (See Clause 6.1.3) and from this the Auditor should be able to determine whether the organisation has established the necessary procedures and have evaluated the requirements in enough depth to demonstrate Legal Compliance.

I would go onto say Legal Compliance is a minimum standard under the new standard so you will need to explain and show 'Who has that duty and/or Where' those records are kept and it would also be wise to prioritize further actions based on legal requirements or non-conformities.

Just to make it clearer to anyone including the Auditor how you check and confirm that you are compliant in certain key areas inline with the scope of the OH&S Management System.

The Evaluation Process is very similar to an Internal Audit but you will need to pay particular attention to the Legislative Requirements and ACoP's for a given process or activity to be able to show they are being effectively met.

The Auditor will expect to see references to operating procedures and risk assessments and he will want to check the Organisations Evaluations:

You must therefore have documents and references to show how your evaluations were made, what records were sampled, and examples of how compliance to specific Legal Duties has been met.

So simple documents such as Waste Transfer Notes, Statutory Inspections and ACoP referenced back to Working Procedures and Practices or Risk Assessments etc..... is a good starting point

In Summary the Organisation will need to show an Evaluation Process and over time this process must cover all of the Legal Requirements.

Here at Harness-it we have developed a Process and Activity Assessment System which enables us to check and confirm that staff understand the Legal Requirements and to add to this and to demonstrate good practice we have included a competency assessment for personnel to show how we determined the training requirements for that process or activity.

If you require any further assistance with Evaluation of Compliance, or BS 45001 please email me or give me a call to discuss your needs.



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