

# Whitepaper – Record Keeping

## **Record keeping: What records should be kept and for how long?**

Record keeping for Health and Safety purposes is something that many organisations sometimes struggle with as there can be uncertainty about what records to keep and for how long.

## **Why do businesses have to keep records?**

Record keeping is an important part of your Health and Safety management system as it provides an audit trail, ensures that you can demonstrate 'management' of safety issues.

Different people will want to see your records at different times. For example your work equipment must be serviced and maintained by law – so having these records reassures your employees that the plant and machinery is 'fit for purpose'. Lifting equipment – including passenger lifts, hoists and slings must be certificated and inspected to a six-monthly regime to protect the people (often your clients) using the equipment – and your insurers will often require you to produce these documents – along with records for boilers and compressors. Of course the enforcement authorities will look for evidence that certification records and internal inspection regimes are in place too. If you cannot produce the servicing records for the plant and equipment you have when requested – then you are technically in breach of legislative requirements and could face criminal action and enforcement notices.

Records retained around accident investigations are also a legal requirement and will show the various interested parties that you have both investigated an accident and taken action to prevent its re-occurrence. Your employees, insurers and the enforcement authorities can request this information.

Record keeping is also an efficient way to demonstrate that an organisation is compliant with current legislation and in the event of a company being prosecuted or sued; it can also be used as part of a legal defence. Poor records mean poor defence, no records mean no defence.

## **What should be retained?**

Producing a comprehensive list of records that an organisation should retain can be intricate, however we have listed a few examples of Health and Safety related records that need to be kept and these include:

- Policy statements and action plans.
- Any risk assessments, their reviews and updates or amendments that you have written for general activities, any involving equipment and machinery and any specific assessments for example the fire risk assessment, risk assessments for new or expectant mothers, manual handling, young persons or for chemicals.
- Employers' liability insurance certificates.
- Maintenance, examination and testing records (including ventilation and extraction equipment, respiratory and other personal protective equipment).
- Environmental monitoring records, for noise, vibration, dust etc or any water and asbestos surveys.
- Medical and Health surveillance records.
- Health and safety training records – especially for inductions, job specific activities and any tool box talks.
- Safety inspections walk rounds, etc.
- Safe Operating Procedures and Safe Systems of Work.
- Personnel and work records – people, places, tasks.
- Accident book and Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) reports.
- Accident and incident investigations.
- Annual reports of performance reviews.

### How long records should be kept?

All records shall be retained for a minimum of 3 years with the following exceptions:

- Health Surveillance, including medical reports – at least 40 years from the date of the last entry.
- Accident book/record – whichever is the greater: 3 years from date that the record is created (or last record entered if in an accident book).
- Risks assessments: There is no set amount of time that you need to keep your records relating to general risk assessments. It is good practice, however, to keep them whilst they remain relevant.
- Water safety records: 5 years.

### Case scenario

An employee seriously injures their hand on a conveyor belt and requires hospital treatment and many months off work. The Health and Safety Executive visit site having received the RIDDOR report. They will want to see the accident report and investigation. A risk assessment covering the work activity and an assessment for the conveyor machine along with service records and proof that the machine has the correct guarding and protection devices in place – as per the manufacturer's and supplier's guidance. You also need to prove the machine has a CE mark and complies with machinery safety guidance.

You also have to produce records to show relevant training for the employee and a recent update or refresher session along with any safety inspection reports for the conveyor or work activity. Being able to produce these documents may prevent a prosecution – but something obviously hasn't worked if your employee still managed to injure themselves – so the investigation may probe deeper into behavioural issues and management attitudes. This is where a robust, documented safety management system is most likely to protect you and your business.

After they have gone and the worker returns to work you are likely to receive a solicitor's letter from the employee informing you of their intention to seek compensation. This is where you must be able to prove that you looked after the equipment and employee and fulfilled your 'duty of care' by completing assessments, undertaking training and good supervision. The more information you can produce to help your insurers, the smaller the claim is likely to be.

### Summary

There are many health and safety records that should be created and maintained. Suitable records are one of the most important pieces of evidence that a company can produce to demonstrate that it has complied with health and safety law and met its legal requirements, such as to reduce the risk to as low a level as is reasonably practicable.

**This information is provided for general reference purposes only. If you have a specific enquiry relating to this topic please contact Wirehouse on:**

**033 33 215 005 | [info@wirehouse-es.com](mailto:info@wirehouse-es.com)**

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