



Developments in Health and Safety Law – A Regulatory Round-up!

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Partner

October 2025





Vikki Watt

Partner & Head of Regulatory Team

Vikki is a Solicitor Advocate and heads up BTO's Band 1 ranked Health and Safety Team. She has specialised in the defence of health and safety prosecutions for over 20 years. A true leading light in her industry, she has been recommended and ranked as a Leading Individual in both legal directories for several years.



HSE Annual Statistics 2024/2025

- ❑ **124** work-related fatalities (workers)
- ❑ **92** work-related fatalities (members of public)
- ❑ **29%** of all road deaths work-related
- ❑ **89%** of those killed are non-drivers
- ❑ **26** fatalities in Scotland - up by **6** on national five-year average
- ❑ Construction & Agriculture represent **56%** of all fatalities
- ❑ **Falls from height** most common, followed by struck by moving objects and crush injuries.

The '**AIIM**' of robust health and safety management

- **A**ssessment of risk
- **I**dentification of control measures
- **I**mplementation of control measures
- **M**onitoring compliance



Health & Safety duties of Employers & Self-Employed

- **Sections 2 & 3** of *Health and Safety at Work etc Act 1974*
- *Regulations eg Management of Health and Safety at Work Regulations 1999*
- *Corporate Manslaughter and Corporate Homicide Act 2007*

Health & Safety duties of Individuals

- Employees - **Sections 7 & 8** *Health and Safety at Work etc Act 1974*
- Directors and Senior Managers – **Section 37** *HSWA 1974*
- Culpable Homicide / Culpable and reckless conduct
- *Road Traffic Act 1988*

When are Individuals likely to be prosecuted?

- **HSE's Code of Conduct:-**

*HSE will identify and recommend prosecution of individuals where there have been **personal acts or failings** by that individual and it is **proportionate** to prosecute.*



Duties of Employers to Employees

- **Onward Homes -**
December 2020 fined
£80,000
- **Stonewater Ltd -** April
2025 fined **£140,000**
- **MH Homes Ltd -** April 2024
fined **£528,000**



Duties of Employers to Others

- **Synergy Housing Ltd** –
January 2019 fined **£1m**
- **Ark Housing Association**
- February 2023 fined
£100,000
- **Sanctuary Housing Association** – October 2024
fined **£900,000**



Duties of Individuals

- **Adrian Barraclough** – June 2025 fined **£1,800**.
- **John Nolan** – December 2023 12-month community order with **180 hours** of unpaid work
- **Alan Paxton** – October 2024 **£1,000**



Emerging Risks

- Driving at Work
- Mental health at Work
- Failure to Prevent Offences
- More Fatal Accident Inquiries





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