RRC Trainer Packs are designed to aid delivery of face-to-face, or classroom-taught, courses by tutors approved by the relevant awarding body (e.g NEBOSH, IOSH, IEMA). The full pack – of which this is a sample – includes the following resources:

- An electronic copy of the RRC student textbook (course notes) for the course, supplied for use by the tutor as reference only.
- A ‘helicopter’ plan (MS Word) – an overview of how the course will be delivered over its duration.
- Daily lesson plans (MS Word) – a suggested breakdown of how the detailed subjects specified in the qualification syllabus will be covered on each day of the course.
- Slides (MS PowerPoint) – full-colour slides addressing the subjects specified in, and following the structure of, the qualification syllabus.
- Depending on the course, some Packs also contain additional resources, to be used at the tutor’s discretion.

Some third-party resources may be suggested in the Lesson Plans, or in the notes to the slides – for example, video footage, further reading, etc. These are not essential and they are not included as part of the licensed Trainer Pack – it is up to the tutor to source the suggested material, should he or she wish to do so.

This ‘Sample Trainer Pack’ contains a selection of pages from a lesson plan, a number of corresponding slides, and the relevant pages from the course textbook. These pages and slides are representative of the presentation, design and language of the full materials.

If you like what you see and wish to order a complete Trainer Pack for the course you want to deliver, please contact RRC’s customer advisors on +44 208 944 3100, or e-mail info@rrc.co.uk
<table>
<thead>
<tr>
<th>Time</th>
<th>Topic</th>
<th>Delivery and Key Points</th>
<th>Aid</th>
</tr>
</thead>
<tbody>
<tr>
<td>09:00</td>
<td>Review of day one</td>
<td>Use true or false quiz to review critical ideas and expand basic principles.</td>
<td>True/false quiz</td>
</tr>
<tr>
<td>09:30</td>
<td>Module 3: Risk control continued...</td>
<td>Review risk control options&lt;br&gt;Explain use of the risk control hierarchy&lt;br&gt;Discuss the influence of human behaviour&lt;br&gt;Explain the meaning of the term “so far as is reasonably practicable” with examples&lt;br&gt;Group activity on risk control – here ensure that the delegate are clear whether they are reducing likelihood or severity and note any additional hazards that they introduce with their controls and discuss</td>
<td>Slide 10 (recap)&lt;br&gt;Slides 11-17</td>
</tr>
<tr>
<td>10:30</td>
<td>Break</td>
<td></td>
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<tr>
<td>11:00</td>
<td>Mock Assessment 1</td>
<td>Introduce the first mock assessment&lt;br&gt;Explain the scoring system for IOSH assessments&lt;br&gt;Run assessment under exam conditions&lt;br&gt;Get students to mark their own papers&lt;br&gt;Discuss results</td>
<td>Mock assessment 1&lt;br&gt;paperwork</td>
</tr>
<tr>
<td>11:30</td>
<td>Module 4: Understanding Your Responsibilities</td>
<td>Introduction to health and safety law&lt;br&gt;Explain term ‘reasonably foreseeable’&lt;br&gt;Explain criminal law characteristics&lt;br&gt;Explain civil law characteristics</td>
<td>Slides 1-9</td>
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# IOSH Managing Safely Lesson Plan - Day 2

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<tr>
<td>12:30</td>
<td>Lunch</td>
<td></td>
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<tr>
<td>13:30</td>
<td>H&amp;S Law continued...</td>
<td>Explain civil law in more detail:</td>
<td>Slide 10-12</td>
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<tr>
<td></td>
<td></td>
<td>• negligence, contributory negligence and vicarious liability</td>
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<td>• include examples</td>
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<td></td>
<td>Clarify this using a practical scenario in <strong>Group Activity</strong></td>
<td>Slides 13-14</td>
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<tr>
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<td></td>
<td>Explain statute law in more detail:</td>
<td>Slides 15-18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• HSWA, Regulations, ACOPs and guidance</td>
<td>Slide 19-20</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• enforcement of the Act</td>
<td>Slides 21-22</td>
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<tr>
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<td></td>
<td><strong>Group Activity</strong> on powers of inspectors</td>
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<tr>
<td>15:00</td>
<td>Break</td>
<td></td>
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<tr>
<td>15:30</td>
<td>Safety Management Systems</td>
<td>Introduce the idea of management systems:</td>
<td>Slides 23-26</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Explain the PDCA management cycle</td>
<td></td>
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<td></td>
<td>• Outline HSG65 explaining that there is a new model of HSG65 based upon</td>
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<tr>
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<td></td>
<td>the PDCA cycle, however assessments are still based on the old model</td>
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<td></td>
<td></td>
<td>Carry out recap to check understanding by carrying out <strong>Group Activity</strong></td>
<td>Slides 27-28</td>
</tr>
<tr>
<td></td>
<td>OPTIONAL RESOURCES</td>
<td>Case Studies can be used to illustrate the responsibilities in law.</td>
<td>Handout of case studies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>These can be sourced from the internet/newspapers or use the handout</td>
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<td>available as an optional resource.</td>
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IOSH Managing Safely

Module 4: Understanding Your Responsibilities
Module 4: Understanding Your Responsibilities

• Assessing Reasonable Foreseeable Risks
• How the Law Works
• Health and Safety Management Systems
Module 4: Understanding Your Responsibilities

Assessing Reasonable Foreseeable Risks
Meaning of the Term ‘Reasonably Foreseeable’

Health and safety law requires the employer to manage reasonably foreseeable risks. There are three tests that are helpful in determining whether a risk is reasonably foreseeable:

- Common knowledge
- Industry knowledge
- Expert knowledge
Meaning of the Term ‘Reasonably Foreseeable’

- **Common knowledge**
  - Any reasonable person would identify the risk
  - e.g. working on the sloping roof of a tall building

- **Industry knowledge**
  - Well known and understood in your industry
  - e.g. unsupported excavation on a construction site

- **Expert knowledge**
  - Outside of the knowledge of most competent people working in an industry,
  - E.g. a specific chemical
Module 4: Understanding Your Responsibilities

How the Law Works
Criminal and Civil Law

The way in which the law works is best illustrated using an example:

• A worker is run over by a forklift truck at work and suffers multiple broken bones

This accident might well lead to:

• Criminal action
• Civil action
Criminal Law

• Legal action is brought by the state.
• The intention is punishment.
• Legal proceedings are normally started within 6 months of the offence coming to light.
• Insurance is not available to pay the fine.
• Statute law is used as the source of law.
• The burden of proof normally required is “guilt beyond reasonable doubt”.
Civil Law

• Legal action is brought by the individual.
• The intention is compensation.
• Legal proceedings have to start within 3 years of the date of the injury, or date of diagnosis of ill-health
• Insurance is available to pay the compensation.
• Common and statute law are used as the sources of law.
• The burden of proof required is “on balance of probabilities”.

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Negligence

If a person is injured as a result of someone else’s negligence they can use the civil law to claim compensation using the principle of negligence. Negligence can be defined as a failure to take reasonable care when a duty of care exists. There are three proofs or tests for negligence:

• a duty of care was owed (by the defendant to the claimant);
• the duty of care was breached;
• injury or loss occurred as a direct result of the breach of duty of care.
LEARNING OUTCOMES

On completion of this module, you should be able to:

1. Explain the meaning of the term ‘reasonably foreseeable’ and outline the three tests for reasonable foreseeability.

2. Outline how the criminal legal system works and identify some of its key characteristics.

3. Outline how the civil legal system works and identify some of its key characteristics.

4. Outline the part that Approved Codes of Practice and Guidance play in the interpretation of legal standards.

5. Identify the enforcement notices available to an enforcement officer.

6. Outline the key elements of a health and safety management system.
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<td>Revision Question</td>
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A company or organisation is not expected to manage risks that could not have been identified or understood before the event. However, it is expected to identify and correctly manage the ‘reasonably foreseeable’ risks created by its work activities.

In the first part of this module we will examine the idea of reasonable foreseeability and identify the tests used to define it.

**MEANING OF THE TERM ‘REASONABLY FORESEEABLE’**

There have been many occasions when work activities have exposed people to risks that were unknown at the time. As knowledge and understanding have increased, these risks have come to be understood. Today we would describe the same risks as being reasonably foreseeable, but it would be unfair to look back in time and retrospectively apply this term.

For example, asbestos is known to be a cancer-causing mineral that is harmful if inhaled as a dust - the serious ill-health effects have been understood for decades. So, exposing a worker to asbestos dust today might be described as unacceptable because the risks are reasonably foreseeable. However, asbestos was not recognised as a harmful substance in the 1940s and 50s. Consequently the law would not have expected an employer to manage those risks – they were not considered reasonably foreseeable.

In the same way it would be quite reasonable for the law to punish an employer who exposed his workers to a risk that any reasonable person would identify and recognise as unacceptable. But that might not be the case where the risk was of a highly technical nature because it could then be described as beyond the knowledge and understanding of the employer (even if they were highly skilled and competent in their particular type of work).

For example, the law would punish an employer who put an untrained and unqualified worker at the controls of a high risk piece of machinery, such as a train. This is because any reasonable person would recognise that as a risk. However, the law might not punish an employer following the unpredictable failure of a piece of machinery which was being used correctly and for its intended purpose; particularly if that fault was very rare or previously unheard of in the industry in question.

Essentially, health and safety law requires you and your employer to manage reasonably foreseeable risks. In most cases these are the risks that would be recognised by a competent person working in your particular field. In a few cases these are also the risks that would only be recognised by a competent technical expert.

There are three tests that are helpful in determining whether a risk is reasonably foreseeable:

1. **Common knowledge** – if any reasonable person would identify the risk associated with the work then it is reasonably foreseeable, e.g. every reasonable person would recognise the risk associated with working on the sloping roof of a tall building.

2. **Industry knowledge** – if a particular risk is well-known and understood in your industry then it is reasonably foreseeable. For example, putting a worker into an unsupported deep trench dug into the ground is commonly recognised as a risk in the construction industry. The risk might not be recognised by a person who does not work in construction, but it is still considered reasonably foreseeable because workers and employers are expected to have a certain degree of industry knowledge.

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**KEY INFORMATION**

- You are expected to be able to identify and manage reasonably foreseeable health and safety risks at work.
- There are three tests that can be used to determine whether a risk is reasonably foreseeable - common knowledge, industry knowledge and expert knowledge.
- In most workplace situations you are expected to identify and manage risks that require common knowledge and industry knowledge.
- If you are an expert then you are also expected to identify and manage risks that require expert knowledge.
Assessing Reasonably Foreseeable Risks

3. **Expert knowledge** – if a risk is outside of the knowledge of most of the competent people working in a particular industry, then that risk might be described as not *reasonably foreseeable*. Only experts are expected to recognise such risks. For example, if a chemical is not classified as hazardous to health and is not generally recognised as harmful in a particular industry, then exposing a worker to health risks from such a chemical could be described as not reasonably foreseeable, even though there might be some research chemists who would disagree if asked for their expert opinion.

So you can see that, in most cases, you are expected to identify and manage reasonably foreseeable risks, i.e. those that would be recognised by a reasonable person and those that would be recognised by competent people working in your industry. In these cases, tests 1 and 2 would apply. You will rarely be expected to identify and manage risks that would only be recognised by experts - unless you are an expert! In which case, test 3 would also apply.

In the next part of this module we will look at the general legal framework that applies to health and safety.

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**REVISION QUESTIONS**

1. What does the term ‘reasonably foreseeable’ risk mean?
2. What are the three tests that can be applied to determine whether a risk is reasonably foreseeable?

(Suggested Answers are at the end.)
Two main types of law create a framework for the regulation of health and safety - criminal and civil law. 

**CRIMINAL AND CIVIL LAW**

Before examining each type of law it is worth outlining some general principles and characteristics of the legal framework.

The way that both types of law work is best illustrated using an example.

Imagine a scenario where a worker is run over by a forklift truck at work and suffers multiple broken bones.

The criminal law implications might be:

- The accident might be investigated by a Health and Safety Executive (HSE) Inspector. The HSE are an enforcing authority acting on behalf of the state. In some workplaces health and safety law is enforced by the Local Authority Environmental Health Officers instead.
- The inspector might decide to prosecute the company involved, for a breach of the **Health and Safety at Work, etc. Act 1974** or a breach of Regulations made under the Act. (Acts and Regulations are types of statute law that have been passed by Parliament.)

- To win the case the prosecution would have to show that the accused were guilty of the offence beyond reasonable doubt (i.e. there could be no doubt in the mind of a “reasonable” person that the accused is guilty).
- If the organisation were found guilty of an offence they would be fined. The fine cannot be reclaimed from an insurance company. This is the punishment for breaking the law. If an individual were found guilty of the offence then they would be fined and/or imprisoned.

The intention of the criminal legal system is to punish those who break the law. However, the criminal legal system does not necessarily help the injured worker. If the injured worker in this scenario wanted financial compensation for the injury, then they would have to turn to the civil legal system.

The civil law implications might be:

- The injured employee might sue their employer for compensation.
- To do this they would instruct a solicitor to act on their behalf. The letter of claim to the employer would have to be sent within three years of the date of the accident.
• In court the employee’s legal team could use both common law and perhaps statute law to support their case. Common law is the law of the land that has been created by judges through the precedents that they set. This is different to statute law that is written in the form of Acts and Regulations passed by Parliament.

• The employee would need to show that their employer was negligent and is therefore liable for their injuries “on balance of probabilities” (i.e. it is more probable than not that the employer was negligent).

• If the employee won the case then the court would decide how much compensation should be paid. This compensation is paid from the employer’s liability insurance policy.

The table below summarises the two types of law and shows some of the significant differences between the two.

<table>
<thead>
<tr>
<th>Criminal Law</th>
<th>Civil Law</th>
</tr>
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<tbody>
<tr>
<td>Legal action is brought by the state.</td>
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<td>The intention is punishment.</td>
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<td>Legal proceedings are normally started within 6 months of the offence coming to light.</td>
<td>Legal proceedings have to start within 3 years of the date of the injury.</td>
</tr>
<tr>
<td>Insurance is not available to pay the fine.</td>
<td>Insurance is available to pay the compensation.</td>
</tr>
<tr>
<td>Statute law is used as the source of law.</td>
<td>Common and statute law are used as the sources of law.</td>
</tr>
<tr>
<td>The burden of proof normally required is “guilt beyond reasonable doubt”.</td>
<td>The burden of proof required is “on balance of probabilities”.</td>
</tr>
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There are, of course, many complications and technicalities that are not reflected in the scenario above. However, the above scenario and characteristics are useful as a general framework.

Negligence

Negligence can be simply defined as a failure to take reasonable care when a duty of care exists.

If a person is injured or suffers some other form of loss as a result of someone else’s negligence then they can use the civil legal system to claim compensation using the principle of negligence.

To demonstrate negligence the claimant must show that:

• a duty of care was owed to them by the defendant (the person or organisation that they are suing);
• the duty of care was breached;
• they suffered an injury or loss as a direct result of the breach of duty of care.

These are often referred to as the three proofs or tests for negligence. The claimant must prove their case on a balance of probabilities.

Let’s examine each of these ideas in a little more detail:

• The duty of care

The concept of a “duty of care” stems from case law. Essentially this is the idea that you owe a duty of care to the people who might be directly affected by your acts and omissions (according to what is reasonably foreseeable). For example, an employer owes his employees a duty of care when they are carrying out his work.

• Breach of duty

Did the defendant act in a way that a reasonable person might be expected to act in the circumstances? Or did they omit to do something that a reasonable person might be expected to do in the circumstances? For example, a reasonable employer would cordon off a damaged stairwell and prevent its use; an unreasonable employer would leave it open and so breach the duty of care they have to their employees.

• Injury as a direct result

The injury or loss must have arisen directly from the breach of duty of care. There must be a straightforward causal link from one to the other. For example, failure to cordon off the damaged stairwell (the breach of duty of care) leads to the collapse of the stairwell which, in turn, leads to an employee being injured.

Often the amount of compensation awarded to the injured worker is reduced as a result of contributory negligence. Contributory negligence is where a part of the blame for the injury is attributed to the worker. If they are partly to blame for their injury then they will lose some of their compensation payment. The proportion of their compensation payment that they lose will depend on how much of the blame they share for their own injury or ill health.