

Draft HSC/E Simplification plan 2006

The Simplification Plan is part of HSE's better regulation agenda. The Plan is rooted in HSC's Strategy for workplace health and safety in Great Britain to 2010 and beyond, providing new impetus to the four strategic themes:

Developing closer partnerships

The initiatives set out in the Plan will help us work effectively in partnership with business, workers and other stakeholders to improve health and safety outcomes.

Helping people to benefit from effective health and safety management

Better, smarter legislation:

- is easy to understand and comply with,
- maintains and improves levels of worker protection, and
- helps to secure stronger commitment and compliance from businesses.

Focusing on our core business and the right interventions

The Plan includes initiatives to target consistent, proportionate enforcement activity where it will have the greatest impact and deal effectively with non-compliance.

Communicating the vision

Providing clearer, simpler advice and information particularly for small businesses will encourage greater compliance.

"...precisely because good occupational safety and health is so important to us, it is vital that we regulate wisely...Better regulation is about regulating in a way that is proportionate to the risks we need to manage, and is effective in delivering the outcomes we are trying to achieve."

Lord Hunt of Kings Heath

HSE's UK Presidency conference

18 October 2005

Introduction

1. The Health and Safety Commission and its Executive (HSE) are committed to protecting people's health and safety in the workplace. As part of this commitment we are constantly reviewing what can be done better.
2. Better, smarter legislation is easier to understand and apply. This will help secure stronger commitment to compliance from business and so improve health and safety results. Simplification would not reduce protection for workers or the public. It also supports our risk based, targeted approach to enforcement.
3. Wider promotion of health and safety using non-legislative routes to improvement has a vital complementary role, not least in reaching small- and medium-sized enterprises (SMEs). It also helps build understanding that well-managed health and safety brings business benefits.
4. Key themes to improve health and safety outcomes, in line with HSC's Strategy, within the Plan include:
 - Simplification for both employers and employees to help them concentrate on improving outcomes rather than bureaucratic processes. We are making a commitment to reduce the burden of forms by 25% following a zero-based review; and further to simplify guidance on risk assessment.
 - Changing the culture for example through a campaign to tackle excessive risk aversion; consideration of alternative penalties to simplify enforcement and create a more level playing field, so reducing the burden of compliance on law-abiding businesses; and challenging policy makers on the need for new regulation and its impact on SMEs. Rebalancing interventions with more emphasis on advice and prevention.
 - Simplifying existing legislation including proposals on management of construction projects which impact on a wider range of businesses across sectors; and a fundamental review of the system on reporting injuries and ill-health.
 - Joined up enforcement including more effective partnership with LAs to secure a consistent, targeted approach; and new arrangements for dealing with large organisations to ensure interventions are better coordinated for multi-site firms and consistent with agreed priorities for improvement across the organisation.

What HSC/E have already achieved

5. HSC/E has a strong track record and a good reputation with those it regulates. Since it was established in 1974 the number of fatal injuries has fallen by almost two-thirds, a risk-based approach is firmly embedded in the regulatory framework and a modern approach to control of major hazards is in place. A 2004 MORI survey found that more than 7 out of 10 employers say health and safety requirements benefit their companies as a whole, and over 80% of employers and nearly 7 in 10 employees regarded HSE favourably.
6. Since 1974, HSC/E has reduced its legislative stock (all the legislation it is responsible for) by over 55%. In the early 1990s, and more recently in 2004, reviews led to major reforms of the legislative programme reflecting new priorities and better regulation principles. Today HSC/E's stock of primary and secondary legislation stands at 227 items.
7. Since the early 1990s, HSC/E has followed the principles of good regulation; proportionality, accountability, consistency, transparency and targeting. These are integral to our enforcement policy statement, which formed the basis of the Government's Enforcement Concordat. Our approach to a cost benefit analysis in

policy development is now built into the Government's Regulatory Impact Assessment process.

8. In recent years HSC/E has:

- started to explore alternatives to regulation, for example the Stress Management Standards, a non-mandatory approach launched in November 2004, and e-COSHH Essentials, a simple, electronic, risk-based tool for carrying out chemical risk assessments,
- built on its established approach to wide consultation by engaging directly with SMEs,
- adopted the Government's policy on the use of Common Commencement Dates, and
- put in place a robust internal challenge process, with a strong small business focus.

9. In striving to become a truly modern regulator, HSC/E is working closely with Local Authorities and other regulators to ensure a consistent, proportionate and targeted approach to enforcement.

Work streams included in the plan

10. The Simplification Plan has been broken down under two headings:

- Simplifying the legislation and regulatory initiatives
- Wider better regulation initiatives

11. To deliver the plan HSE will be working to sustain and increase the momentum on long-term developmental culture change across HSE such that the need for regulation is clearly justified at every appropriate stage of policy development. Both employer and employee stakeholders are involved in this process. This applies to considering the current stock of legislation as well as the flow of new requirements.

12. The work on **simplifying legislation** will be developed in the light of stakeholder suggestions received through both the Cabinet Office web-portal and direct to HSE. In setting priorities for action we will take into account the cross-government administrative burdens measurement exercise, which is expected to deliver its results in early 2006.

13. More generally, in taking work forward we will pay close attention to some points of connection and co-ordination between individual projects within the plan:

- We will **focus enforcement activity where it will have the greatest impact** in the most efficient way through both the work on alternative penalties and the Enforcement Programme.
- **Working with other regulators** will include regional/local schemes; and a Large Organisation Partnership Pilot, where HSE is working with Local Authority regulators to provide companies with a strategic approach to front line activities.
- We will **reinforce our focus on the needs of small businesses**, for example providing clearer, simpler information, focusing on practical steps to achieve legislative goals and non-regulatory approaches to encouraging compliance. HSE's Small Business Trade Association Forum will also provide a driver for on-going change.

14. In addition we will build on progress made under the UK Presidency to place better regulation at the heart of the new EU Occupational Safety and Health Strategy to run from 2007. On individual proposals we will renew efforts to embed better regulation in European health and safety, ensuring impact assessments are produced and influencing negotiations.

15. HSE is working with the BRE to promote joint working between the seven thematic regulators identified in the Hampton Report. This will ensure they deliver collectively on the Hampton priorities, including integrated advice packages, unified risk assessment used to target inspections, consistent use of enforcement tools, and a coordinated approach to large organisations.

Monitoring and review

16. HSE will establish a process to maintain momentum and monitor all the projects in the Plan. In line with all government departments, HSC/E will be expected to report on progress annually.

Conclusion

17. HSC/E welcomes the Hampton and the BRTF reports and, in developing its focus as a modern regulator, intends to take a lead role in ensuring that our approach to regulation is more effective and efficient, both for those regulated and the regulators. This draft simplification plan demonstrates our commitment to addressing these concerns and challenges.

Draft

HSC/E Draft Simplification Plan

Title and brief description of the initiative and how it will be delivered	Outcome (including sector/s to benefit)	Source of proposal (stakeholder, department, EU, other)	Offsetting simplification measure ¹ Yes/no	Estimated cost savings and RIA status where applicable	Milestones/ deadlines for delivery
<u>Simplifying the legislation and regulatory initiatives</u>					
(1) Asbestos regulations Amending Control of Asbestos at Work Regulations, Asbestos (Licensing) Regulations, Asbestos (Prohibitions) Regulations	Consulting on proposals to consolidate three sets of regulations into one, correlate notification and licensing criteria and remove licensing requirement for work with textured decorative coatings.	Implementing EU Directive HSC/E & industry propositions	Yes	Cost savings due to simplified regulations e.g. reductions in comparative familiarisation costs are being calculated. Textured decorative coatings: £206m - £365m over 50 years.	July 05: Partial RIA cleared by PM PRA. Nov 05 – Feb 06: Consultation Oct 06: In force.
(2) Offshore installations Remove unnecessary burdens and enhance value of safety case to dutyholder.	3-year safety case resubmissions replaced by 5-year reviews Benefit to off-shore oil and gas industry Benefit to frontline HSE resources – switch from safety case assessment to safety case related inspection	HSE, which consulted widely with all its stakeholders.	No	Simplification cost savings to business: £9.2m -£55m over 10 years. RIA is full and final	6 April 06: In force.

¹ Offsetting simplification measures are those initiatives that reduce the total number of HSE legislation such that necessary new regulatory measures might be 'offset' against the reduction.

<p>(3) Construction regulations</p> <p>Amending regulations</p> <p>Construction (Design and Management) Regulations 1994</p> <p>Construction (Health Safety and Welfare) Regulations 1996</p> <p>They will also revoke:</p> <p>The Construction (General Provisions) Regulations 1961</p> <p>and</p> <p>The Construction (Design and Management) (Amendment) Regulations 2000</p>	<p>Consolidate four sets of regulations into one.</p> <p>Remove/simplify information obligations, improve management of construction projects and maximise flexibility of regulations.</p> <p>Benefit to construction sector.</p>	<p>The proposals build on responses to a Discussion Document and prepared in close consultation with an industry working group (CONIAC sub-group)</p>	<p>Yes</p>	<p>Simplification cost savings: £122.1m - £143m over 10 years.</p> <p>RIA status: Partial – to be revised post consultation</p>	<p>Jan 05: PM PRA cleared Partial RIA.</p> <p>31 Aug 05: Consultation ended.</p> <p>1 Oct '06: In force.</p>
<p>(4) Nuclear reactors decommissioning</p> <p>Amending regulations</p>	<p>Improve efficiency and so reduce costs. A more proportionate and flexible approach to the approval of changes to decommissioning projects.</p> <p>Benefit to nuclear industry.</p>	<p>HSC/E initiative with Industry support.</p>	<p>No</p>	<p>Simplification cost savings: £7.9m - £26.6m over the course of a project (100 years).</p> <p>A draft partial RIA has been completed at this stage</p>	<p>31 Oct '05: consultation ended.</p> <p>17 Jan '06: Below-the-line paper to HSC.</p> <p>6 April 06: In force.</p>

<p>(5) Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995</p> <p>A fundamental review of the Regulations looking at the whole reporting system and going back to first principles:</p> <p>what information do we <u>really</u> need and what is the best way to acquire it?</p> <p>No options have been ruled out. The focus will be on identifying need and efficient/effective collection of information. A principal objective is to achieve significant simplification.</p> <p>As part of the Review, HSC/E will explore partnership with DWP, DH, DfT and organisations like the NHS or Learning & Skills Council to address issues around the efficient collection and use of essential information. There is some duplication of information required under RIDDOR and information required for different legislative purposes under other HSE and non-HSE incident-reporting and recording frameworks.</p>	<p>Future requirements are to be easier to understand and comply with without undue administrative costs.</p> <p>The system should be less bureaucratic and the administrative burden on business and costs of compliance reduced.</p> <p>Specifically a more effective system that: guides enforcement action cost-effectively, focussing on essential information needs; and allows us to meet our EU and International obligations.</p> <p>Benefit to all sectors.</p>	<p>HSC/E initiative</p>	<p>Probably not</p>	<p>No cost details at this time but business savings are envisaged.</p> <p>RIA to be developed, in line with identifying the options and proposals for inclusion in public Consultation.</p> <p>Currently approx 231,000 RIDDOR notifications p/a.</p>	<p>Jan – Apr '06 – review of HSE, LAs and stakeholders information needs, liaison with other govt depts and initial consultation with key stakeholders</p> <p>July – Sept '06 –Formal consultation on proposals</p> <p>October 2007: In force.</p>
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<p>(6) HSE-endorsed Health and Safety pre-qualification criteria for [electrical] contractors</p> <p>Proposed by ECA to address the problem of a proliferation of expensive pre-qualification schemes for small contractors intending to bid for contract work.</p>	<p>Clear, practical guidance on acceptable pre-qualification criteria will help contractors comply with legislation, and improve the cost effectiveness of assessing, and delivering, good contractor Health and Safety performance. Guidance to be developed by industry bodies with HSE input and agreement.</p> <p>Benefit to all construction industry, particularly small contractors.</p>	<p>ECA (Electrical Contractors' Association) proposal</p>	<p>No</p>	<p>An Impact Assessment will be undertaken as part of the development of the project.</p>	<p>Policy officials have held initial meeting with ECA in January 2006 to discuss the proposal</p> <p>Formulation of plan of action, to include deadlines for delivery - February/ March 2006.</p> <p>Stakeholder Forum - May 2006.</p>
<p>(7) Mergers with other regulators</p> <p>Gangmaster Licensing Authority, Adventure Activities Licensing Authority, Coal Authority, Engineering Inspectorate and Security Industry Authority.</p>	<p>A reduction in the number of enforcing bodies leading to the reduction of administrative burdens on businesses via more efficient enforcement.</p> <p>Specific sectors to benefit: agriculture; coal extraction; outdoor activities; power generation & supply.</p>	<p>HSE is one of the 7 thematic regulators proposed in the Hampton report</p>	<p>No</p>	<p>Hampton estimate: up to 33% less inspection across Government.</p> <p>For example: Coal Authority inspections (approx 70 pa) would be combined with current HSE Inspector visits.</p>	<p>June 05: Began explorative work with the other regulators.</p> <p>Oct 06: Detailed merger plans prepared & implemented.</p> <p>April 09: Mergers completed.</p>
<p>(8) Forms review</p> <p>Zero-based approach. Remove unnecessary record-keeping, notifications, etc. Explore interactive electronic form-based transactions that would reduce burdens.</p>	<p>Removal of 25% of burden of forms.</p> <p>Benefit to all sectors.</p>	<p>Existing HSE initiative & Hampton recommendation.</p>	<p>Potentially</p>	<p>Illustrative example - removal of a notification form: £0.18m - £1.23m in year 1 - indicative estimate</p> <p>Estimated cost savings will be drawn from the administrative burdens</p>	<p>End Jan 06: list all relevant HSE forms in one of 4 categories:</p> <p>a) Forms that could be cut completely during 2006 (at least 25% of HSE forms)</p> <p>b) Forms that could be</p>

				<p>measurement exercise</p> <p>HSE responsible for 145 forms resulting in 509,000 forms completed p.a.</p> <p>On initial estimation, category a) is likely to consist of 54% of HSE forms. A large proportion of these are in the Mining sector.</p>	<p>scheduled for cuts following legislative reform</p> <p>c) Forms burdens that could be cut by innovative approaches</p> <p>d) Forms to be kept because they are key to delivering programmes.</p>
<p>(9) Common Commencement Dates</p> <p>All domestic legislation to come into force on 6 April or 1 October. HSE implemented in Feb 2005.</p> <p>Now extending to European legislation.</p>	<p>Reduced business time spent scanning for regulatory changes.</p> <p>6 out of 7 legislative proposals came into effect as planned on 6 April 05; one slipped to 26 April.</p> <p>3 proposals aligned with the 1 Oct '05 CCD of which 2 were EU requirements.</p>	<p>Better Regulation Task Force recommendation</p>	<p>No</p>	<p>CO to consider a review of whether this has been a benefit to business.</p>	<p>From January 2006 all legislation is to be aligned to CCDs.</p> <p>Currently: Apr 06 - 5 domestic & 3 EU, Oct 06 - 1 domestic & 2 EU</p> <p>Jan & July 06: Publish statements of forthcoming legislation.</p> <p>Ongoing</p>
<p>(10) HSE Challenge Panel</p> <p>To test proposals against the principles of good regulation and promote best practice in policy development.</p> <p>To challenge the need for regulatory approach.</p>	<p>Better regulation compliant approaches to regulatory and non-regulatory proposals.</p> <p>Will be involved with policy review as well as new policy proposals.</p>	<p>HSC/E initiative</p>	<p>Not in itself, but scrutiny of 'one in one out' is part of Panel's remit.</p>	<p>N/A</p>	<p>July 05: 1st meeting held.</p> <p>Meets 3/4 times a year.</p> <p>January 07: The effectiveness of the Panel will be reviewed.</p>
<p>(11) Influencing policy development in the EU</p> <p>1) To continue the work of</p>	<p>In conjunction with Austria and Finland, (holding EU Presidency over coming 12 months) working to</p>	<p>HSE, other member states and EU initiative</p>	<p>Potentially</p>	<p>Each regulatory project will undertake its own RIA</p>	<p>Occupational Safety and Health Strategy to be agreed by end 2006.</p>

<p>the UK Presidency in influencing drive to better regulation in the EU</p> <p>2) Engaging with the cross-government initiative to review any 'gold-plating' on EU requirements in UK Regulation.</p>	<p>place better regulation at the heart of the new Occupational Safety and Health Strategy to run from 2007.</p>				
<p>(12) Legislative review Project</p> <p>To maintain the momentum of the regulatory review process</p> <p>To include:</p>	<p>HSE initiatives:</p> <p>To ensure both stock and flow of HSE regulation and other policy initiatives are reviewed with a view to simplification. The notion of 'one in, one out' will be integrated into this programme.</p> <p>Prioritisation system to be developed using the result of the administrative burden measurement exercise, external simplification proposals received, organisational priorities, forms review project results, etc.</p> <p>To review HSE's regulatory framework including considering the potential for restructuring to make understanding easier. The scope and timescale of this exercise will depend on capacity and organisational prioritisation.</p> <p>Will contribute to identifying offsetting measures.</p>				<p>On-going over the 5-year period.</p> <p>Annual review to revise and update rolling Simplification Plan.</p>
<p>(12a) Gas Safety (Installation and Use) Regulations</p> <p>A review of the domestic/consumer Gas Regulatory Framework including the Gas Safety (Installation and Use) Regulations</p>	<p>Review of the requirements under the regulations, to include:</p> <ul style="list-style-type: none"> i) the statutory registration scheme for installers, ii) landlords' duties, iii) enforcement options. 	<p>HSC/E initiative</p>	<p>No</p>	<p>An Impact Assessment will be undertaken as part of the development of the project.</p>	<p>This project will be considered for inclusion in the first phase of the Simplifying HSE Legislation programme. Following this an appropriate timetable will be drawn up.</p>

<p>(12b) Factories Act and Offices, Shops & Railway Premises Act</p> <p>Project to repeal all or part of the Acts</p>	<p>The majority of the provisions in these Acts have already been repealed and/or replaced. This project would complete the revocation of the Acts, possibly re-enacting specific requirements if necessary to clarify what was still required.</p>	<p>HSC/E initiative</p>	<p>Probably</p>	<p>An RIA would be necessary as part of the development of the project</p>	<p>This project will be considered for inclusion in the first phase of the Simplifying HSE Legislation programme. Following this an appropriate timetable will be drawn up.</p>
<p>(12c) Management of Health and Safety at Work Regulations</p> <p>A review to take into account provisions repeated in other regulations, e.g. risk assessment, with a view to possible consolidation.</p>	<p>Review of aspects of the Regs repeated in other regulations where consolidation might lead to a reduction in duplication and therefore the potential for confusion.</p>	<p>HSE & industry initiative</p>	<p>Possibly</p>	<p>An Impact Assessment will be undertaken as part of the development of the project.</p>	<p>This project will be considered for inclusion in the first phase of the Simplifying HSE Legislation programme. Following this an appropriate timetable will be drawn up.</p>
<p><u>Wider Better Regulation initiatives</u></p>					
<p>(13) Sensible risk management</p> <p>(a) Conduct a campaign tackling excessive risk aversion, culminating in publication of a set of principles of sensible risk management. The campaign targets key opinion formers and is fully coordinated with the Ministerial Group on Compensation Culture.</p>	<p>Main outcomes:</p> <p>(a) Better understanding amongst businesses and key opinion formers that sensible health and safety is about managing risk, not trying to eliminate it altogether.</p>	<p>HSC/E initiative (now coordinated with Ministerial Group on Compensation Culture)</p>	<p>No</p> <p>But potentially significant reduction in perceived burden</p>	<p>Headline products:</p> <ul style="list-style-type: none"> - principles of sensible risk management - revised version of “5 steps to risk assessment”. - revised version of “Essentials of Health and Safety” - Sector-specific example risk 	<p>Campaign has already begun.</p> <p>Phase 1: (completed)</p> <ul style="list-style-type: none"> - House of lords launch - web forum - seminars & events promoted with partners - research commenced into root causes of excessive risk aversion

<p>(b) Revise risk assessment guidance to emphasise what does not need to be done as well as what does. A key deliverable is revision of '5 steps to risk assessment' HSE's highest volume guidance for SMEs</p> <p>(c) Provide sector-specific example risk assessments to help SMEs understand that relatively little needs to be recorded.</p> <p>(d) Work with stakeholders to ensure that health and safety practitioners (whether consultants, in-house advisers or regulatory staff) are fully aware of the need to give balanced advice.</p> <p>All of the above must involve the Local Authorities Partnership project to ensure national continuity.</p>	<p>(b) Clearer, simpler guidance. Key messages of balanced, proportionate approach, fit for purpose – not perfect.</p> <p>(c) Simpler, quicker, proportionate risk assessments undertaken</p> <p>(d) Greatly increased awareness amongst health and safety professionals of the need to give balanced advice and to draw attention to excessive risk aversion.</p>			<p>assessments.</p> <ul style="list-style-type: none"> - High-profile events targeting key opinion formers. <p>MORI polling in 2005 indicated managers and CEOs generally very supportive of HSE in particular and health & safety in general. However, also indicated that 46% of managers and 52% of CEOs believe health and safety is overly bureaucratic; perceptions of risk assessment requirements appear a particular concern.</p> <p>Will reduce these figures by January 2008 to less than 40% for managers and 45% for CEOs.</p>	<p>Phase 2: Nov 05 – Feb 06</p> <ul style="list-style-type: none"> - Research findings fed in - Draft principles of sensible risk management - Review and redraft guidance - Test new draft guidance with target audience <p>Phase 3: Feb – Mar 06</p> <ul style="list-style-type: none"> - Research report finalised - Launch sensible risk principles - Promote principles to stakeholders, opinion formers and health and safety practitioners. <p>Phase 4: Apr 06</p> <ul style="list-style-type: none"> - Launch & promote new guidance. <p>Phase 5: Apr – Dec 06</p> <ul style="list-style-type: none"> - Evaluate main campaign - Publication of sector-specific example risk assessments.
<p>(14) Why HSE staff visit business</p> <p>Short explanation of how risk determines which businesses are visited and what will be covered during a visit. On HSE internet site.</p>	<p>Greater transparency. Businesses will better understand why they are selected for visits and the focus of those visits.</p> <p>Benefit to SMEs in all sectors.</p>	<p>Hampton recommendation</p>	<p>No</p>	<p>n/a</p>	<p>Sept 05: Published on HSE internet site.</p> <p>HSE will review the business pages of its website in due course.</p>

<p>(15) Intermediaries and the Supply chain</p> <p>Working with large organisations, insurers, and other intermediaries to influence their contractors, clients, etc.</p> <p>Working with H&S consultants on good practice guidance to encourage delivery of good, proportionate advice.</p>	<p>Non-regulatory approach to improving levels of health and safety in the workplace and a proportionate approach to compliance.</p> <p>Large companies requiring proof of certain standards being maintained by small companies bidding for contracts with them (links to ECA proposal, see (6), above).</p>	<p>HSC/E initiative</p>	<p>No</p>	<p>On-going monitoring of the success of initiatives will be undertaken over time</p>	<p>As individual initiatives are developed timetables, deadlines and goals will be established.</p>
<p>(16) HSE Advice</p> <p>Building on HSE's good track record of providing advice and guidance to:</p> <ul style="list-style-type: none"> • Provide better targeting and accessibility of advice. • Separate advice from the fear of enforcement • Work through others: encouraging and supporting external bodies in the production of their own health and safety guidance. 	<p>Telephone advice line for SMEs on occupational health: Workplace Health Connect will be HSE's occupational health, safety and return to work support service for SMEs in England and Wales. An example of an alternative to regulation, designed to give free, confidential and practical advice and support.</p> <p>Health and Safety Awareness Officers – frontline staff providing tailored advice to businesses.</p> <p>Stakeholder-led guidance that is more tailored to industry needs.</p> <p>Guidance for Safety Representatives - simple introductory guidance</p>	<p>Variety of HSE and stakeholder-led proposals</p>	<p>No</p>	<p>We intend that this advice and guidance will lead to higher levels of more proportionate compliance and so reduce the cost of occupational ill health and sickness absence to business. Co-ordinating with DWP, who are investigating a corresponding reduction in Incapacity Benefit expenditure.</p> <p>28 million working days are lost to occupational ill health each year.</p> <p>The cost of occupational ill health and injury in SMEs was estimated to lie between £8.5 and £16.1 billion for 2001/02</p>	<p>Pilot of Workplace Health Connect - advice line - to be launched in Feb 2006</p> <p>Evaluation report June 2007</p>

	<p>based on that produced for new SMEs</p> <p>Benefit to all sectors.</p>				
<p>(17) HSC Small Business Trade Association Forum</p> <p>To ensure the 'voice' of small business is heard by HSC/E.</p> <p>Forum being used as a conduit for simplification suggestions feeding into the legislative review project.</p>	<p>Policy and legislation fully takes into account the impact on small and micro businesses.</p> <p>Requirement to report back provides momentum for on-going review of regulation as part of Simplification Plan.</p>	HSC/E initiative	Not in itself, but providing simplification proposals	N/A	<p>Meets 4 times a year.</p> <p>Review of Forum effectiveness 2006 – Contractor appointed and briefed. Interviews began in Dec 05.</p> <p>Initial findings early 2006. Full report and recommendations Spring 2006.</p>
<p>(18) The Enforcement Programme</p> <p>Four work streams of this Programme support the Better Regulation agenda:</p> <p>1. Identifying the practical arrangements and skills needed to investigate and bring to account those who break the law, particularly for financial gain ('rogue traders'), thus addressing law-abiding businesses' concern that they have the burden of compliance yet their competitors can put people at risk for financial gain without fear of being caught or punished.</p> <p>2. Improving the effectiveness of our</p>	<p>Efficient and effective enforcement activities to bring those that break the law to account more quickly.</p> <p>Enforcement activities consistent and targeted in line with identified priorities.</p> <p>Clarity for business about when, why & how enforcement action will be taken.</p> <p>An enforcement communications strategy - effective use of publicity to provide a ripple effect.</p> <p>Maintenance of a credible level of enforcement.</p> <p>A deterrent effect created by credible enforcement</p>	HSC/E initiative in partnership with LAs	No	<p>The effect of a level playing field for enforcement will reduce financial inequality on law-abiding businesses.</p> <p>A fall in work-related injury and ill-health will reduce the burden to business and society from time lost, and medical expense.</p> <p>Cost benefit analysis will be considered as part of initiative development.</p>	<p>Jan 06: Recommendations to improve efficiency and effectiveness of HSE's investigation and prosecution processes. Recommendations to align enforcement to support reduction in time lost caused by work related incidents.</p> <p>April 06: Implementation plans for the above recommendations. Enforcement communications strategy prepared.</p>

<p>investigation and prosecution processes to use public funds efficiently.</p> <p>3. Using a targeted communications strategy to increase the fear of enforcement in those who fail to comply with the law, especially when done for financial gain.</p> <p>4. Ensuring that enforcement targets the areas where there is a prevalence of work-related injury and ill health, reducing the burden to society from time lost, and medical expense.</p>	<p>supported by publicity.</p> <p>Benefit to all sectors.</p>				
<p>(19) Penalties</p> <p>Health and Safety Law provides few sentencing options for the Courts. This initiative was set up to explore alternative penalties to help reduce burdens and simplify the enforcement process. It is envisaged that any fixed penalty system adopted will include suitably large financial penalties to ensure effective deterrence.</p> <p>Following the Hampton Report, a cross-government review of penalties was launched on 7 December '05 of which this project will now form a part.</p> <p>Includes research into the</p>	<p>Potential for wider variety of enforcement tools available to regulators, resulting in simplification and increased efficiency of enforcement processes and judicial system.</p> <p>Hampton concluded that administrative penalties are quicker and simpler than court proceedings, and could reduce the burden of time and worry placed on businesses under threat of prosecution. Hampton also recommended that the Better Regulation Executive's (BRE) review of penalties should consider the possible</p>	<p>Existing HSC/E initiative & Hampton recommendation being pursued by BRE.</p>	<p>No</p>	<p>The project will consider time and cost savings to business undergoing enforcement.</p> <p>Costs to both regulators and business depend on the outcome of the BRE cross-government review.</p>	<p>Oct 05: Initial input to BRE on Administrative Fines.</p> <p>2006: Research and consultation on alternative penalty options, with proposed input to BRE overview of regulators' penalty regimes.</p> <p>Milestones:</p> <p>Feb 06 – submission of evidence to BRE review</p> <p>Spring/Summer 06 – response to BRE consultation</p> <p>Autumn 06 – consider changes following BRE report</p>

<p>advantages and disadvantages of various penalties;</p>	<p>benefits of introducing restitutive justice and/or restorative justice orders. Other alternatives being examined include:</p> <ul style="list-style-type: none"> • Conditional cautioning, • Enforceable undertakings, • Fixed penalties, • Remedial orders, • Probation for companies and directors; • Adverse publicity orders 				
<p>(20) Targeting of inspection activities</p> <p>Prevent unnecessary or unjustified inspections of organisations whose activities are low risk and/or levels of compliance are good.</p>	<p>Assurance that HSE inspection resources will be directed to areas that have the most impact in improving health and safety outcomes focussing on HSE's priority topics and improvements needed to deliver PSA targets.</p> <p>Benefit to all sectors.</p> <p>Benefits will be realised by both HSE and compliant businesses by HSE focusing inspections on poor performers.</p>	<p>HSC/E initiative</p>	<p>No</p>	<p>No cost benefit has been estimated at this stage.</p> <p>The overall resources devoted to proactive inspection are not expected to change from the current level but these are to be more focused to achieve the maximum effect.</p> <p>The cost of legal compliance following an inspection will be higher for poor performers compared to good performers in any sector. In addition poorer performers will be subject to greater inspection activity.</p>	<p>Oct 05: Develop inspection profile - HSE reviewed how it targeted its inspection activity.</p> <p>Jan 06: Complete review of current HSE approach, to validate or propose improvements in current inspection targeting approach and use of resources. Objective is to ensure that HSE focuses its resources on poor performance, priority topics and delivery of PSA targets.</p> <p>Future milestones depend upon outcome of above review, presented to HSE's Hampton Implementation Programme Board January 2006.</p>

<p>(21) Working with other regulators</p> <p>Examples of initiatives to date:</p> <p>(a) Initiatives with Environment Agency MoU with EA and SEPA for COMAH implementation Examples of ongoing projects with EA include: SRAM (Safety Report Assessment Manual) - an internet manual being revised with industry.</p> <p>(b) Regulation & Recognition - a chemical industry pilot project to identify criteria for better targeting of inspections.</p> <p>(c) Chemical waste sites joint initiative</p>	<p>Improved planning and working with other regulators, including more joint inspection.</p> <p>Reduced administrative burdens placed on organisations across all sectors.</p> <p>Benefit to all sectors.</p> <p>(a) Better coordinated inspection regime. Benefit to chemical industry sector</p> <p>(b) Industry/ Regulator agreed measure of industry management activity</p> <p>(c) Most relevant regulator for site will hold a watching brief for other parties. Will lead to fewer inspections for waste industry</p>	<p>Existing HSC/E initiative & Hampton recommendation</p> <p>(a) HSE/EA/SEPA</p> <p>(b) Regulators (HSE/EA/SEPA) and chemical industry</p> <p>(c) Regulators (HSE/EA/SEPA)</p>	<p>No</p>	<p>Aims to prevent uncoordinated or competing demands being placed on business by different regulators.</p> <p>(a) No estimate of savings has been made for COMAH inspections at this time. It is not possible to set firm targets at this stage of discussions. An objective is to increase the number of joint inspections</p> <p>(b) Recognition factor should contribute to better focussed application of inspection resources to poorer performers</p> <p>(c) RIA not undertaken</p>	<p>Dec 05: Publish good practice on HSE website.</p> <p>(a) Mar 06: Establish arrangements to pilot joint inspection approaches with EA and SEPA.</p> <p>(c) National inspection protocol agreed for 2005/06. An industry/regulator meeting is proposed as part of the initiative.</p>
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<p>(d) HSE has a number of initiatives with Local Authorities. (Such as that on moving goods safely in London - centralised joint inspections of selected organisations with fewer separate inspections completed by the 33 London LAs. Specific information sheets and web page produced for both regulators and organisations involved in this pilot programme.)</p>	<p>(d) Benefits to operators are fewer, better co-ordinated inspections encompassing the complete range of the organisations activities.</p>	<p>(d) Joint initiative with London LAs</p>		<p>(d) No cost benefit undertaken at this time. Following the pilot, the roll out to a national programme could lead to approximately 400 joint inspections, producing a reduction in LA inspections.</p>	<p>(d) Review to be undertaken in Jan/Feb 2006</p> <p>This project has been selected as a national initiative for the second half of work year 06/07.</p>
<p>(22) Local Authorities partnership</p> <p>Developing the HSE/LA partnership to get the best health and safety outcomes. HSE and the 400 LAs will work locally, regionally and nationally, to common objectives and standards, in line with the Enforcement Concordat. Focusing resources on agreed priorities and with a common regulatory strategy.</p>	<p>A more consistent and effective enforcement service.</p> <p>Working to reduce duplication of effort in HSE in providing support for LAs and to maximise use of the combined resource. A greater involvement by LACoRS will reduce the admin burden on HSE. Joint planning and common approaches will aid consistency and reduce admin burdens on business.</p> <p>Benefit to all LA enforced sectors.</p>	<p>Existing HSC/E initiative & Hampton recommendation that consistency at LA level required better co-ordination of Departments and LAs at national level.</p>	<p>No</p>	<p>HSE's Corporate Science & Analytical Services Directorate is currently reviewing the cost benefits of HSE and LAs working together.</p> <p>There has been no impact assessment at this stage but the focus of the programme is about putting in place structures to allow joint working. An effective impact assessment would be relevant at a later date.</p>	<p>Feb 06: Partnership arrangements agreed by HSC.</p> <p>May 06: Partnership arrangements in place.</p> <p>31 Mar 07: 40% of LAs working towards H&S PSA targets, with annual incremental increases thereafter. These incremental increases cannot be accurately predicted at present. However interest and involvement expected to increase significantly in the following three years.</p>

<p>(23) Large Organisation Partnership Pilot (LOPP)</p> <p>Prevent irrelevant and/or uncoordinated interventions by health and safety regulators (particularly for multi-site organisations).</p> <p>Working with Local Authority regulators and 15 large organisations (i.e. 10,000+ employees).</p>	<p>A more coherent, customer-focused involvement with large organisations; better management of interventions by the regulator.</p> <p>Benefit to all sectors, ensuring that firms' priorities are taken properly into account by regulators, and regulatory interventions better tailored to the firms' needs, avoiding interventions that are irrelevant or redundant. This, in turn, will lead to more effective and efficient use of regulators' resources.</p> <p>Lessons from the Pilot will be applied generally to large organisations.</p>	<p>HSC/E initiative</p>	<p>No</p>	<p>Given that this is a Pilot exercise, success will be judged principally on the:</p> <ul style="list-style-type: none"> (i) quality of relationship established between regulator and organisations, (ii) effectiveness of coordination of regulatory interventions. <p>The extent of regulatory intervention and the more efficient use of regulators' resources will depend on the improvement and engagement plans developed with each individual organisation. These are at an early stage of development and so not allowing quantification of outcomes.</p>	<p>Oct 06: 12 month pilot evaluated.</p> <p>Following evaluation, successful approaches determined through the Pilot will be rolled out to more large organisations on a continual basis.</p>
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