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## **HEALTH AND SAFETY EXECUTIVE**

### **The HSE Board**

## **ENFORCEMENT PROGRAMME : PROPOSALS**

### **A Paper by Sandra Caldwell**

#### **Issue**

1. Proposals for the 'Enforcement Programme', which is being developed following Timothy Walker's note of 23 September on "HSE Board Structure and Directors' Responsibilities".

#### **Timing**

2. Routine

#### **Recommendation**

3. Board members to note the progress made to date and endorse the proposals, which are set out in Annex 1.

#### **Background**

4. Timothy Walker's note of 23 September asked that a new enabling programme be set up to look carefully at how best we can use HSE prosecutions to support our objectives of improving health and safety, and to help us in meeting our targets. The programme was to build on the work of the new model for FOD, the evaluation of the enforcement policy statement, and implementation of the proposals on legal oversight of prosecution decisions and also include the work being done by COSAS on learning from accidents.
5. More recently, at the publication of the Offences and Penalties Report, it was stated that there was an expectation and a continuing need for HSE to use fair, reasoned and sensible enforcement as a necessary and powerful tool in ensuring that employers comply with the law. The report also commented on research into why businesses comply with health and safety legislation, and how use of enforcement powers may affect their actions.

6. This programme is an opportunity to take these issues forward in a co-ordinated way, and to involve all relevant interests within HSE, our colleagues in LAs, and external interests wherever appropriate and possible.

## **Argument**

7. The overall aims and desired outcomes of the programme are set down in the Annex. The programme will take into account the different needs and processes of the England/Wales and Scotland legal systems. Principally, the programme will provide means by which we can maximise the benefits of formal enforcement, and better manage our enforcement effort to align with, and help deliver, the strategic programmes.
8. Our enforcement, particularly prosecution, is guided by the Commission's Enforcement Policy Statement (EPS) and the Code for Crown Prosecutors and its Scottish equivalent. This will not change, and the programme will not move into these areas – other than to link with the work being led by CEPS on the evaluation of the EPS. The programme will however look at our enforcement processes (including the Enforcement Management Model) with a view to managing them more effectively and more consistently, to gain maximum benefit from our enforcement activities.
9. The programme will involve a number of linked workstreams across HSE and wider which will be run as projects. Some of the work areas will be new, but some are already in place. It is not intended to duplicate or repeat any existing work, but to pull them together into one co-ordinated programme. Each workstream (Policy/Legal, Research, Targeting, Business Improvement, and Cultural/Behavioural) will be managed by a Band 2, and there will be an overall Programme Manager (Band 0/Band 1). A Programme Board will be established chaired by Sandra Caldwell.

## **Consultation**

10. The programme has been discussed with FOD Management Board, in view of the significant proportion of formal enforcement coming from FOD, and also with OMT. There has been some informal discussion with Board members including Alex Brett-Holt, HSE Solicitor. Alex is keen to involve members of Solicitors office in the individual project teams.
11. Discussions have yet to be had with the Local Authority in their capacity as an enforcing authority. They will have an important part to play and are, through LACoRS, already a member of JET (Joint Enforcement Team).

## **Presentation**

12. The programme may generate interest in other regulators, as well as employee and employer organisations, health and safety organisations, the media, campaigning groups and some OGDs.

## **Costs and Benefits**

13. No direct additional costs, the work will be managed from within existing resource.

## **Financial/Resource Implications for HSE**

14. A number of the workstreams have the potential to give rise to efficiency gains.

## **Action**

15. The Board is invited to note and endorse the proposals for the Enforcement Programme.