

| Health and Safety Executive Board Paper | | HSE/08/03 | |
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| BRE/NAO Report on HSE's Hampton Implementation Review | | | |

Purpose of this paper

1. To update the Board on action being taken in the light of the HSE's Hampton Implementation Review Report, following its publication on 20 March, and to agree how to respond to the key issues identified in the Report.

Background

2. At the HSC meeting on 11 December, we reported on the key findings in the HSE draft Hampton Implementation Review report (HSC/07/67). At that time, HSE staff agreed to return with an analysis of areas where HSE is already working to address the key issues and, if necessary, where further work is needed.
3. The report as published commented positively on many aspects of HSE's performance as a regulator, recognising that HSE is transparent and accountable and that it aims to minimise the burden of regulation on business whilst maintaining health and safety standards. It commends HSE's level of consultation and other relations with external stakeholders, and its design and implementation of regulations. It also recognises that HSE has increased its engagement with local authorities (LAs) in recent years in order to deliver a more joined up and consistent approach; although HSE recognises that this remains work in progress.

Key issues for action

4. However, the review team identified four key issues for HSE to address. These issues and the proposed responses to them are discussed below. More detail is in the Annexes.

A. Improving the use of intelligence

5. The review team recommended that HSE should make better use of the intelligence gathered through its various sources (inspections, RIDDOR, Infoline), in order to improve its targeting of business.
6. HSE was already aware of these issues. In 2006, the then Board initiated the **Fine Tuning review** which was intended to improve the targeting of interventions, introduce more discretion at local manager level and to recognise better the value of non-Fit3 programme high priority work. The project to implement the review's recommendations includes plans to improve targeting and intelligence by developing a regional intelligence officer role, making better use of information from sources such as complaints from the public and intelligence from LAs, concentrating more clearly on identifying small and medium-sized enterprises (SMEs) and their risks, and capturing data better. This work was reported in the Chief Executive's report to the Commission on 17 October 2006.
7. In the light of this, HSE conducted further work last year to look at what it could do to best target resources and what interventions/service/products to offer to maximise impact. This work led to the development of a 'framework'

(**segmentation framework**) to aid decision making in the planning and delivery of HSE's planned proactive work which was endorsed by the then Board in October. The Board agreed the development of a plan to implement the use of the framework to improve the targeting of HSE's planned work. An update on progress with the project was presented to the Board in February when it agreed the proposed proactive delivery model. Work is underway to collect the information and evidence which will underpin the use of the model.

8. **Annex 1** contains more information on both these projects.

B. Improving the focus on businesses less likely to comply with Health and Safety regulations

9. The report recommended that HSE should explore the merits of focusing more of its resource on regulating those who fall outside the system and could be less likely to comply with health and safety law in general.

10. In December, the then Board endorsed a proposed HSE position statement on 'rogue' businesses (**Annex 2**) identified through the use of channels such as complaints and information sharing with other regulators. It agreed that a pilot exercise should be carried out to ascertain the benefits in health and safety terms of tackling those businesses.

11. Part of the role of regional intelligence officers is to help identify and target poor performers rather than those with better track records. These posts are currently being piloted across the country.

C. Understanding and improving the 'reach' and influence of advice and guidance and improving guidance to fully address the needs of the audience

12. The report recommended that HSE should take steps to understand how its guidance influences health and safety outcomes, including monitoring 'market penetration' rates. It implied that HSE could have a more overarching strategy on advice and guidance – this was a common theme running across the reports of all five regulators.

13. HSE is generally praised by its stakeholders for providing authoritative independent written guidance and advice; and providing accessible advice and support was a strategic theme in the former HSC's strategy for workplace health and safety. **Annex 3** summarises HSE's current approach to advice and guidance and identifies some of the areas of work which begin to address the issues in the report. These include reinforcing efforts to ensure that core written and internet guidance better meets SME needs. Input from the Small Business Trade Association Forum has also been influential here.

14. The Board may wish to consider whether HSE should have a more overarching strategy but there are a number of developments that may have implications for this. Officials therefore recommend that the Board return to the issue later in the year in the light of:

- a. the review of the existing strategy;
- b. the outcome of the Better Regulation Executive's review of low risk and SME businesses;

- c. the announcement in the Enterprise Strategy paper (see MISC/0808) of work to design specific approaches for small businesses when introducing new legislation if they cannot be exempt; and
- d. the independent review to make recommendations on ways of ensuring firms can place greater reliance on official guidance and so reduce the cost of compliance – also announced in the Enterprise Strategy paper.

D. Measuring perception and regulatory costs

- 15. The report suggested that HSE should publish performance against its key outcomes alongside measures of stakeholder perception of the efficiency and effectiveness of regulation, as well as measures of regulatory costs.
- 16. HSE believes that it is already addressing this through the Simplification Plan stakeholder evaluation, the evaluation involved in the new Impact Assessment procedure and the use of MORI opinion polls.

Follow-up

- 17. At the HSC meeting on 11 December, it was agreed that the Commission (now the Board) should be responsible for any follow-up. We recommend that officials should report on progress in these areas in the next iteration of the Simplification Plan.

Presentation

- 18. The Board may wish this paper to be published on the website as HSE's response to the Hampton Implementation report.

Recommendation

- 19. The Board is invited to:
 - a. note the work in hand to address the areas for improvement identified in the report (paras 5-16 and annexes);
 - b. agree to return to the issue of advice and guidance later in the year in the context of the strategy review (para 14);
 - c. agree that this paper should serve as HSE's response to the report;
 - d. agree the Board should receive reports on progress as part of the Simplification Plan reporting process.

Paper Clearance

- 20. This paper was produced by Chris Simon and Teresa Quinn and was cleared by the HSE Senior Management Team on 2 April 2008.

ANNEX 1

Projects which are addressing the key finding on improving the use of intelligence

1. The HIR report recommended that HSE should make better use of the intelligence it gathered through its various sources, in order to improve its targeting of business.

FINE TUNING REVIEW

2. The targeting and intelligence project has been underway since September 2006. The cross-HSE nature of the project has been reflected in the governance arrangements. Project Board membership has been drawn from FOD, CSAG, Policy, Sectors and Local Authorities. The project has the following objectives:

Tranche 1: By April 2008

- ensuring that all staff understand the contribution that intelligence and targeting make to the efficient and effective conduct of our business by coming to a view about the current state of intelligence in FOD and identifying what avenues are open for potential improvement;
- deciding what use to make of information which is legally required from duty-holders;
- exploring the availability of commercial sources of information, its costs and benefits;
- investigating and deciding what further work will have the greatest cost-benefit payoff in improving intelligence, recognising that pursuing better intelligence is an open-ended task, and that all information decays and requires resources to obtain and maintain.
- keeping in touch with, and contributing to, discussions with other regulators, particularly LAs, in relation to the possibility of sharing information and databases.

Tranche 2: Timing and detail dependent on the outcome of tranche 1, national work, and specific trials

- devising a tool-box of techniques for applying available intelligence to targeting duty-holders;
- clarifying and then supporting the roles and responsibilities of visiting staff in collecting and maintaining in-house intelligence, applying it in their work, and in obtaining and using relevant intelligence from other sources;

3. Taking forward this project has highlighted the need to distinguish between the targeting and intelligence which informs our plans (the Macro level) and the targeting and intelligence we need at local level to deliver those plans (the Micro level).

Targeting and Intelligence which informs our plans (the Macro level)

4. In addition to the related work on segmentation, there are a number of projects and initiatives already underway across HSE to tackle the targeting and intelligence needs at this level. As an example, at the request of the HSE Statistics Steering Group, CSAG recently undertook a review of its customers' needs for statistics and it identified some

18 potential improvement themes. Progressing four of these themes will significantly benefit this project, they are:-

- a) To identify employers reliably and consistently across databases
- b) To record small but key extra information (to support targeting)
- c) To model the number of accident reports, then sift companies by comparison of actual number with those expected
- d) To explore the value of indicators (across OGDs) of business management (to support targeting companies).

Defining the work that needs to be done is underway.

Targeting and Intelligence we need at local level to deliver those plans (the Micro level)

5. There are a number of initiatives underway to look at ways of improving our targeting and intelligence needs at local level. These involve examining how we can make better use of the intelligence we already have, exploring opportunities for obtaining information from other regulators and supplementing these with information from commercial sources in order to get a much richer mix of premises to visit.

6. The project is on target for the completion of tranche 1. The resources required for tranche 2 of the project are to be discussed in the light of the SR2007 outcome for HSE.

SEGMENTATION FRAMEWORK

7. The segmentation framework is a tool to aid decision making in determining where and how to target resources and what interventions/services/products to offer to maximise impact. It is a three stage process which is evidence based with structured decision points. In summary:

- 1) **Market and audience segmentation** – the process of identifying coherent groups of similar duty holders (segments) by overlaying a series of homogenous characteristics.
- 2) **Targeting the audience** – the process of evaluating and selecting which segments to pursue to maximise impact
- 3) **Positioning the intervention/service/product** – the process of ensuring the action taken properly meets the needs of the target audience.

8. The work carried out in relation to asbestos provides a good example of how this three stage approach has been used to develop the identification of a high risk set of activities at stage 1 into a defined group of duty holders (tradesmen and maintenance workers, principally electricians and plumbers) at stage 2, who can then be targeted with messages specific to their working environment at stage 3. The campaign taking place at the end of February made use of stakeholders contacts to distribute information through DIY stores and also trialled various media routes to help develop a better understanding of how to most effectively reach this audience with HSE's messages.

9. In addition to improving the targeting of HSE's activities, the framework provides a common process, which, by involving all relevant parts of the organisation at each stage, will enable HSE to coordinate much better the planning and implementation of its proactive work.

10. Segmentation can be usefully applied to identify priorities at different levels in the decision making process. Its application is iterative with more specific target audiences

being identified at each level, from strategic priorities down to local targets. On the basis of using the framework in this way we have developed a proposed Proactive Delivery Model which applies segmentation at three levels, strategically, cross-HSE and at the local level.

HSE Position Statement on 'Rogue' Businesses

Statement can be seen at Annex 1 of <http://www.hse.gov.uk/aboutus/hse/meetings/2007/051207/b122.pdf>

HSE's approach to improving the influence of advice and guidance

1. HSE's current approach to improving the influence of advice and guidance was set out in HSC's 'A Strategy for workplace health and safety'. The primary driver for its inclusion as a strategic theme was that some businesses, particularly small ones, want to comply with health and safety standards but are fearful of approaching HSE or LAs for advice.

2. HSE has several tools in place to assist officials when deciding on and when drafting advice and guidance publications. These are: a business case must be made and approved by HSE senior management before the work begins; and comprehensive guidance on drafting guidance is available on HSE's intranet. Officials use a wide-range of options for promoting and improving compliance with health and safety law, these include: published guidance (free and priced); leaflets; web-based guidance/tools (such as the Workplace Transport Routemap); SHADs; Workplace Contact Officers and advice provided by HSE and LA inspectors. For significant campaigns, all of the above can be used plus seminars, posters, and newspaper and TV advertising. The guidance, also, emphasises the need for plain English and contains advice on thinking about the audience. In addition, officials are working with the Better Regulation Executive on new central-Whitehall guidance on drafting guidance.

3. There are a number of key initiatives that contribute to delivery of improving the influence of advice and guidance. These are:

- **FIT 3 Strategic Delivery Programme** - analysis of injury and ill health generation across known hazard and sector hotspots in businesses, large and small. For example, the current *Shattered Lives* Campaign. This addresses slips and trips in food manufacture (from food processing to retail and catering and hospitality) and falls in building and plant maintenance.
- **Sensible Risk Management** – promoting the message that health and safety is about practical measures to manage real risks, not endless paperwork and unnecessary red tape. 29 example risk assessments have been published on the HSE website giving businesses practical help by showing what a record of a risk assessment might look like
- **SME Information and Advice Project** - At the level of improving the quality and accessibility of basic information, good progress has been made in;
 - Embedding 'think small first' within HSE, including intranet tools and guidance for HSE staff (and version for LA enforcers on HELA Extranet)
 - A revamped business area of HSE's website with simplified language, improved accessibility and navigation and updated core information and tools to benchmark performance
 - Use of the HSE's Small Business Trade Association Forum to 'SME proof' published guidance
 - On-going work with Business Link to provide core information via businesslink.gov.uk.

- **Other SME projects** – The lessons from these to provide vital information for future development of the approach to SMEs:
 - The **Workplace Health Connect Evaluation** will give vital information about what works and why.
 - The **Milton Keynes Pilot**, a free service from HSE and Milton Keynes Council, giving confidential, practical advice to small businesses. It will help establish whether HSE staff can deliver a cost-effective WHC-type service, in partnership with local authorities.
 - **Work Boost Wales** offering free, confidential, tailored advice and help on workplace health, safety and return-to-work issues will give information on an alternative model.

More generally, work on initiatives such as segmentation will point the way in terms of determining the other two levels of information and advice provision, namely ‘tailored information’ and ‘tailored advice’.

Areas of work starting to address the key issues in the report

Insight process

4. On the specific issue of ‘improving guidance to fully address the needs of the audience’, the **‘Insight’ process** will help HSE understand its audience better. It is a structured method for developing a detailed understanding of the audience, who they are and what motivates the behaviours we want to challenge. It is designed to help develop options at a strategic level based on the audience’s perceptions of the organisation or issue and is useful in widening the evidence base used in the segmentation process to evaluate which segments we will have most success in pursuing.

5. HSE has received the report produced after the Insight process was carried out for Health and Work, and a paper will be going to the Senior Management Team meeting in May on the Health at Work agenda, taking account of the findings.

6. Among the strategic conclusions from the report were:

- The core of the HSE brand is regulation, enforcement and the most trusted source for H&S info – HSE should evolve to reflect modern society but shouldn’t abandon or move too far from core capability or reputation into new, already crowded, areas.
- HSE should stick to eliminating injury and illness caused by or exacerbated by work. Health promotion should be left to DoH or employers motivated by corporate reputation/talent attraction/benefits etc.
- When HSE tackles a specific area of ill-health, we should be consistent in the approach taken and stick to tangible, enforceable actions.
- HSE should only be responsible for the preventing employees becoming ill part of the days lost target (including reducing risk of relapse for returners). The reduction in length of time employees are absent element should be left to employers, OGDs (esp DWP) and LAs (as part of LAAs).

- Definition of the modern workplace needs to extend to while working rather than just in the workplace.
- HSE should understand the capabilities required to take on their role in the future, and our current performance against those capabilities.
- We should engage strategically at a national level to re-energise H&S with modern UK industries and employers. Demonstrating good management leads to better productivity and therefore H&S outcomes would increase relevance to employers. However significant change to the language used to HSE and extension of its traditional stakeholder group needs to be made.
- HSE would benefit from an employer segmentation to allow more targeted resource allocation – considering behaviour and attitudes, as well as demographics.

7. The insight process is also being applied to Agriculture with a final report being due in April.

Reach of guidance

8. In addition, HSE is looking at what else it can do to better understand the reach of its guidance. For example, it is preparing to run some research on the warehouse guidance issued last year and it is considering undertaking some research on how effective HSE's guidance is at the Health and Safety EXPO in May.

Conclusion

9. The above provides a brief overview of HSE's approach. There will be other more local projects/initiatives across HSE that focus on the provision of advice and guidance.