

Health and Safety Executive Senior Management Team Paper SMT/09/65			
Meeting Date:	29 June 2009	FOI Status:	Fully open
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## HEALTH AND SAFETY EXECUTIVE

Senior Management Team

### **INTRODUCTION OF A RISK BASED APPROACH FOR SELECTING COMPLAINTS ABOUT DUTYHOLDERS: 6 MONTH UPDATE**

A Paper by Ann Peatfield

Advisor: N/A

Cleared by David Ashton on 8 June 2009

#### **Issue**

1. At the HSE Board meeting on 28 January 2009 FOD asked the Board to support a change to HSE's policy for dealing with complaints about dutyholders, so that complaints are selected for investigation on the basis of the health and safety risk they present.
2. The Board supported this proposal and asked for an update on implementation progress in 6 months; this paper provides this early feedback.

#### **Timing**

3. For approval at the 29 June 2009 SMT Meeting to enable the paper to go to the HSE Board Meeting on 22 July 2009.

#### **Recommendation**

4. The SMT are asked to:
  - i) Agree to the submission of the attached "below the line" paper to the HSE Board, for their July meeting, and
  - ii) Note that it is an interim paper of FOD's progress in implementing the new arrangements and that it contains a commitment to provide fuller feedback in early 2010.

#### **Background**

5. See previous HSE Board Paper 09/10 "Introduction of a risk based approach for selecting complaints about dutyholders".

Health and Safety Executive Board		Paper No: HSE/09/XX	
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<b>INTRODUCTION OF A RISK BASED APPROACH IN FOD FOR SELECTING COMPLAINTS ABOUT DUTYHOLDERS: SIX MONTH UPDATE</b>			

### **Purpose of the paper**

6. To fulfil the commitment given at the 28 January 2009 HSE Board meeting to provide a 6-month update on FOD's progress in the implementation of a risk-based approach for selecting complaints about dutyholders.

### **Background**

7. At the January HSE Board meeting FOD presented a paper (HSE 09/10) asking the Board to support a change to HSE's policy for dealing with complaints about dutyholders, so that complaints are selected for investigation on the basis of the health and safety risk they present. The Board supported this proposal and asked FOD for an update in six months on progress with implementation. This paper provides early feedback as requested.

8. Detailed background to the existing and proposed systems for handling complaints about dutyholders is contained in HSE Board paper HSE 09/10 (<http://www.hse.gov.uk/aboutus/meetings/hseboard/2009/280109/b10.pdf>).

9. In summary, the key elements of change are:

- Divisionally based complaints handling teams with dedicated, trained complaints handling staff; thus
- Enabling the application of a risk based filter to select those complaints which present a real health or safety risk and prioritise these into the most serious (red) and significant risk (amber). Low risk complaints (green) will not be followed up by HSE.

### **Update**

10. By the end of September 2009, each division will have a single dedicated complaints team (in some divisions this single team will split over 2 locations, to make best use of experienced staff).

11. Each division is phased in and starts operating the new risk-based selection arrangements.

12. The timetable for phasing in the new arrangements is:

<b>FOD Division</b>	<b>Implementation date</b>
East & South East	Team already in place by April 2009  ESE tested the risk-based selection of complaints in February to August 2008 as part of the Trial.  All geographical FOD complaints and construction for East Grinstead and Ashford are currently subject to risk-based selection with the rest of the divisions construction complaints to follow.
Wales & South West	6 April
North West	11 May
Scotland	22 June
Yorkshire & North East	29 June
Midlands	1 July
London	28 September

13. It is too early to provide mature data or even detail on the complaints dealt with so far under the new arrangements (there have been no reports of operational difficulties). **Therefore, we propose to provide the Board with a more mature report early in 2010 when most divisions will have had 6 months operation under the new arrangements.**

#### **Presentation**

14. Lord McKenzie was briefed in February about the changes agreed by the HSE Board.

15. Information on resolving complaints about dutyholders and finding the appropriate enforcing authority has been included in the new HSE website which was launched in early June.

16. The new procedure will not apply to complaints on working time as HSE has a separate agreement with BERR on the investigation of such complaints.

17. Arrangements are in place to deal with complaints about health and safety issues that may come via the BERR Pay and Worker Rights Hotline.

#### **Costs/Benefits**

18. See the January paper.

#### **Action**

19. HSE Board notes the content of this update paper and agrees that a more mature progress report should be tabled early in 2010.

#### **Paper clearance**

20. The proposals in this paper were cleared by the SMT at its meeting on 29 June 2009.