

## **HSC/E Seminar on Risk and Compensation - Striking a Balance 22 March 2005**

Speech by Timothy Walker, Director General of HSE  
“Difficult decisions – HSE’s approach”

Thank you Bill.

We do indeed have some difficult decisions to make in assessing risk and ensuring it is managed appropriately. The need for risk assessment was prominent in last week’s Hampton report on business regulation – and consequently as a significant plank in the Budget. Phillip Hampton’s team identified the need for regulators to focus their inspections on the basis of an assessment of risk. We heartily agree, and have been doing so for some years.

Risk assessment is also the basis of the occupational health and safety regime in this country. The Health and Safety at Work Act does not require firms to obey inflexible, hard and fast rules, rather they need to assess the risks that result from the work and identify sensible control measures that are proportionate to the risks. And, rather than leave them to reinvent the wheel we publish a great deal of guidance to help them identify what will work best for their particular circumstances.

As Bill said a few minutes ago, this is about sensible health and safety – managing risks, not trying to eliminate them altogether. Unfortunately this is not always the approach taken in practice. Some simply ignore the risks altogether, and we’ve all seen instances where that has led to real harm to people – and to the business. Others, perhaps driven by the fear of being sued, overreact and take a much more risk-averse approach, banning activities outright, instead of recognising that all human activities have risks and managing them appropriately.

I must say that whilst reporting of health and safety issues in the media is often very good, some myths are perpetuated that can only add to the perception of a compensation culture. The Health and Safety Executive has been accused of: requiring railings on mountains to protect climbers, banning children playing conkers and requiring trapeze artists to wear hard hats. All these are untrue. I can assure you that we do not want our inspectors conducting searches at the school gates for any contraband chestnuts! We want them to monitor the safety of nuclear power plants and offshore drilling platforms, to focus on occupational asthma or tackle real risk on construction sites.

The majority of risk assessment decisions are relatively straightforward – identify what might go wrong, look at what control measures are in place at the moment and decide if this is adequate or if further measures are needed. Much of the time it is about striking the balance between risk and cost – providing

hard hats to construction workers doesn't cost much but saves a number of lives each year. But not all decisions are that simple and I'd like to mention a couple of the instances where we have had to wrestle with more difficult trade-offs in making decisions.

Lifting patients by hand unsurprisingly causes a high rate of back injury amongst nurses or carers. This is a big concern for us – it leads to vital staff being unavailable for work because they are suffering from very painful and debilitating ill health. We have worked with health trusts to introduce mechanical lifting aids that take the strain and help keep nurses or ambulance workers healthy and at work. After HSE intervention one ambulance trust cut by 80% over three years the number of accidents from manual handling resulting in time off work. This saved them money. But what if a person with a disability objects to being lifted by a machine as an affront to their dignity and thus a breach of their human rights? That was exactly the issue put before the High Court in 2003. The nurse has a right to be protected from disabling back injury, but the patient also has a right to be treated in comfort and with dignity. The answer cannot be a blanket ban on all manual lifting whatever the circumstance, again it comes down to risk assessment and finding a way forward that controls the particular risks in a sensible manner.

To take another example, the 2002 Fire Brigade strike presented HSE with complex challenges. Many thought much of industry should be closed down during strike days. But by assessing the risks arising from reduced fire cover, and with the active support of HSE, companies chose to reduce their inventories of hazardous material, or to change the days on which particular operations were carried out to allow them to continue working. Similarly the London Underground was able, again with our support, to take a range of measures to mitigate the risk of reduced cover and so to restrict closures on strike days to underground stations serviced by lifts. Incidentally this was not because of fire risk but because the fire brigade were the agency able to rescue anyone who might be trapped in a lift.

It normally doesn't grab headlines, but this is exactly the kind of flexible, risk-based approach that we use and encourage others to do so too on a regular basis.

These are the kind of real dilemmas about risk that exist. So before I finish, as I'm sure that we are all keen to hear Lord Falconer's address, I'd like to ask you one question – where would you strike the balance?