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Exemptions:	The following material will be removed from the public version of this paper, all or part of: paragraphs 2, 3, 4, 5, and 6 – 23; Annex 2 and Annex 4.		

HEALTH AND SAFETY COMMISSION

POLICE REFORM ACT SECTION 95 – HSC CONSULTATION ON PROPOSAL TO MAKE POLICE AUTHORITIES THE ‘EMPLOYER’ OF POLICE OFFICERS

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Issue

1. What stance the Commission should take in the light of consultation on the Home Office proposal to make police authorities the ‘employers’ of police officers.

Timing

2. →← *This section has been removed under exemption 2(indent 2) (Internal discussion and advice)*

Recommendation

3. The Commission is invited to agree that:
 - 1) there is no basis for endorsing the proposal to make police authorities the employers of police officers (under section 95, Police Reform Act) as this risks undermining effective health and safety regulation;
 - 2) Chief Constables should remain the ‘employers’ of police officers for health and safety;
 - 3) the law should be changed so that:
 - a. Chief Constables will remain personally criminally liable where their personal action or neglect has caused a breach, or they have knowingly permitted it;
 - b. Chief Constables may be prosecuted, with no personal criminal liability, for health and safety breaches arising from wider ‘organisational’ decisions for which an individual would not normally be prosecuted;
 - 4) the Commission should write to respondents (Annex 1) welcoming Home Office led work on alternatives to section 95, and calling for an amendment to primary legislation which would achieve the above policy, while ensuring effective accountability for health and safety management; →← *This section has been removed under exemption 2(indent 2)(Internal discussion/advice)*

Attachments:

Annex 1 draft letter to respondents

→← *This section has been removed under exemption 2(indent 2) (Internal discussion and advice)*

Annex 3 options for change – appraisal

Annex 4 summary of consultees' views

Annex 5 list of respondents

Copies of consultees' responses are available from the contact point (see below), and publicly from HSE Information Centres.

Background

4. The Home Office introduced what became section 95 of the Police Reform Act in the late committee stages of their Bill. Section 95 enables the Home Secretary to make police authorities the 'employer' of police officers for health and safety purposes, instead of Chief Constables at present. →← ***This section has been removed under exemption 2(indent 2) (Internal discussion and advice)*** The Commission considered the draft code on 14 January (HSC/03/28) and decided to consult for a full 12 weeks, on the underlying proposal as well as on the mechanics of the amending regulations. →← ***This section has been removed under exemption 2(indent 2) (Internal discussion and advice)*** The consultation letter went directly or indirectly to all interested police service stakeholders including UNISON, LGA and COSLA, about 120 in all. A full list of respondents is at Annex 5. All are represented on the Home Office Health and Safety Standing Committee which is, through smaller working groups, involved in developments.

Presentation

21, →← ***This section has been removed under exemption 2(indent 2) (Internal discussion and advice)***