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## HEALTH AND SAFETY COMMISSION

### THE NEW MODEL FOR FOD

#### A Paper by David Ashton

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**Cleared by Justin McCracken on 22 March 2004**

#### Issue

1. To describe to the Commission a “new model” for FOD, to be progressively implemented in 2004/05, and to outline the improvements in effectiveness and productivity that this will bring. The model strongly supports the new Strategy for workplace health and safety, and the move towards programme working.

#### Timing

2. Not critical. This paper, and the presentation which will accompany it on 6 April, are for interest. The Commission will wish to note the findings of the piloting of revised incident selection criteria, which is a current issue of interest to the DWP Select Committee.

#### Recommendation

3. That the Commission notes and welcomes what is proposed.

#### Background

4. Justin McCracken wrote to Commissioners on 16 June 2003 to outline some developments and new approaches in FOD. These were discussed at the residential Commission meeting the following week. A lot of work had already been done to bring about changes designed to make FOD a more effective regulator, using a broader range of intervention strategies. A range of further possible improvements were being tested in pilots in London and the North West. These pilots have been successfully concluded, and the proposed new model is the outcome.

#### Argument

5. FOD will be recast to have greater impact and effectiveness in delivering the Strategy, in particular by further emphasis on working with and achieving influence through a wider range of stakeholders, by giving more attention to educational and promotional work and by undertaking enforcement campaigns; working in all these areas in close collaboration with LAs. All field teams will have an operational Band 5 (developed from the successful Workplace Contact, Executive Officer, role) to contribute to the new (or newly-prioritised) areas of work, who will be the primary contact with most small firms. A range of administrative efficiencies will be introduced to increase the proportion of their time that inspectors are able to spend in high quality contact with dutyholders. How FOD will look when all these changes are in place is portrayed in Annex 1.
6. Revised incident selection criteria were piloted in the North West, which reduced the number selected for investigation by more than was initially intended. Amended criteria are still being piloted, and FOD intend to run these until the end of June 2004 before consulting with the Commission (and others) on how best to proceed.

### **Consultation**

7. Staff were closely involved in both pilots. Overall evaluation was conducted by dedicated pilot project managers, but also included independent evaluation. The two pilots produced strong evidence that the New Model would improve efficiency and impact. Illustrations will be given in the presentation on 6 April. There were also some clear indications that if taken together the above recommendations will have a benign effect on organisational health and that staff involved in the pilots did not wish to return to the previous working arrangements. The proposals are being fully discussed with HSE Trade Unions.

### **Presentation**

8. The eventual proposals on revised incident selection criteria will be of wider public interest. These will, of course, take due account of the proceedings of the Select Committee. As part of the communication effort to engage and enthuse FOD's own staff, the short paper at Annex 1 has been issued.

### **Costs and Benefits**

9. An implementation plan is being developed to capture the costs, mainly arising from appointing and training the operational Band 5 staff, and also the substantial benefits. For instance, total "contact time" in the North West rose by 22% during the pilot, representing a 38% increase per inspector.

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

10. The financial allocation to FOD for 2004/05 is designed to allow the new model to be implemented FOD-wide during the course of the year, with the full benefits flowing in the following year.

### **Environmental Implications**

11. Not relevant.

### **Other Implications**

12. The changes are designed to have a positive effect on HSE's dealings with SMEs, by increasing the capacity to find new ones and to offer early practical advice. Organisations needing further contact, for example because of poor control of risks, are filtered through to inspectors to deal with.
13. Under the new Strategy for workplace health and safety, HSE is seeking to alter its relationship with Local Authorities to one of partnership and closer collaboration. The New Model is designed to support this in several ways, such as the intention to achieve improvements through working with a wider range of stakeholders and to mount enforcement campaigns, some jointly with LAs.

### **Action**

14. Preparations to implement the New Model are under way.

**THE NEW MODEL FOD IN 2008**

1. The Strategy for workplace health and safety published in 2004 has made a major impact on how FOD works, and on the results achieved. The field programme is predominantly preventive. A wide range of influencing strategies is used. This work includes long-term interventions with major dutyholders and poor performers, enforcement campaigns linked to specific topics (usually contributing to a priority programme), issue/topic related work targeted by reported incidents or other intelligence, promotional/advisory campaigns such as 'awareness days' and seminars, work with designers and those in the supply chain, and other information and advisory work aimed mainly at SMEs.
2. Reactive work is closely managed to ensure that it delivers the primary objectives of (i) identifying root causes (ii) eliminating or reducing the risk of recurrence (both locally and more widely) and (iii) taking punitive action where appropriate.
3. Formal enforcement action is an essential element of both our preventive and reactive efforts and we show "zero tolerance" towards certain serious legal breaches/failures to control risk. Front-line operational teams are managed by a principal inspector and draw on a range of staff from Bands 3-6. Band 3 inspectors concentrate on the more complex, higher risk preventive work and investigation of serious incidents. Each Band 3 co-ordinates HSE interventions with several large regional or national multi-site employers.
4. COIN supports this work by giving easy access to accurate and comprehensive records of our dealings with large/multi-site organisations – and also contains an accurate database of other dutyholders for whom FOD is responsible. Visiting staff have ready access to key information when they are working away from their office.
5. Less experienced inspectors and those in training deal with more routine preventive and investigative work, supporting senior colleagues on more complex work when needed. Modular training, for all operational staff, is phased and structured to allow staff promptly to practise what they learn at tutorials and on courses. The career structure allows Band 5 staff to develop a front-line career in promotional and partnership roles, and those who wish it will be encouraged to seek to become inspectors.
6. Band 5 and 6 operational staff handle the team's lower risk work, such as providing advice and guidance (including on-site) to employers and others and investigating most complaints and some straightforward incidents. They support the team's inspectors on more complex operational work, both on and off-site; for example they are an essential part of any team investigating major incidents and fatal accidents and they do most of the research and planning work necessary to co-ordinate interventions with large employers. They are the primary contact with small firms, identifying those where risks are high, complex or poorly-controlled for referral to inspectors. They help in identifying and organising upcoming work so that the time of visiting staff is used as efficiently as possible.

7. These operational staff also provide more traditional 'back-office' support to operational teams. They are usually separately managed so that this support work can be done in the most efficient way, but work closely with the front-line teams. This 'close working' in mixed roles provides greater job satisfaction for the Band 5 and 6 staff and offers the benefits of wider team working (trust, knowledge etc).
8. A litigation team handles all post-approval work on prosecutions and all work on civil disclosure (there are comparable, appropriate arrangements in Scotland). This team may also manage case papers and evidence for inspectors investigating offences prior to case approval (although this support function could also be delivered by Band 5 and 6 staff attached to the operational teams).
9. A senior inspector within the division provides the first line of support to operational teams on legal and enforcement queries – such queries are only referred on to FOD HQ or Solicitors Office when they cannot be answered locally.
10. A team specialises in developing and maintaining HSE's relationship with regional intermediaries (any organisations through whom we can exert influence) and provides support to the Head of Division in their regional HSE role. The bulk of this team's work is done by front line administrative staff at Bands 3 and 4, calling in other operational staff when needed to handle contacts and meetings with significant/major stakeholders.
11. There are strong links between front-line operational teams and Local Authorities. These include access to common information, used to support a wide range of joint initiatives and enforcement campaigns. High quality advice and back-up is provided by HSE's specialist staff.