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HEALTH AND SAFETY COMMISSION

Channels of Advice free from fear of enforcement

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Cleared by Kate Timms, DDG Policy, on 24 August 2004

Issue

1. Publication of proposals for 'channels of advice free from the fear of enforcement', an early deliverable under the Commission's new strategy to 2010 and beyond.

Timing

2. For this meeting. The early deliverable is for September 2004.

Recommendation

3. That you agree the statement set out in the Annex, and its publication on the HSE website accompanied by a press release.

Background

4. Evidence gathered in development of the strategy strongly indicated that some SMEs have little or no contact with HSE or LAs, and wanted to keep it that way lest they attract attention to themselves and possibly enforcement action. Nonetheless they said they wanted to comply with health and safety standards. The strategy concluded that overcoming this barrier to obtaining advice could lead to significant improvements but recognised this was not an easy issue. It committed us to developing proposals for channels of support and advice that can be accessed without the fear of enforcement.

Argument

5. As the project evolved it became clear that many relevant pieces of work were already taking place. As a result, the project shifted its focus to providing an overarching purpose and direction for these individual developments, and its initial product would

be to publish a statement of what we are already doing and intend to do. This statement is attached as an Annex.

6. The project generated many varied and interesting development ideas, and although these have not necessarily been discounted, we concluded that it would be inappropriate to include them in the published statement at this stage without more closely researching their impact. This is why the document largely focuses on the areas where we can have greatest effect and influence. A structure for it emerged, comprising 4 key areas:
 - complete separation of enforcement from advice
 - developing existing HSE services
 - sharing approaches with LAs
 - use of 3rd parties and intermediaries.
7. The one more radical and speculative idea in the statement is the complete separation of advice from enforcement within HSE, a model in which the organisation would essentially have 2 distinct branches – an enforcement arm, and an advisory arm. Its inclusion was because research for the strategy indicated many stakeholders were attracted to such an idea. The Commission also received a presentation in December 2002 from a representative of the Dutch enforcement agency who adopted this type of approach about 10 years ago. We propose finding out more about how it might work in practice and a member of HSE staff is going to the Netherlands in the autumn for a two-week study visit. The Commission should note that, while it would require both significant legal and organisational changes, it would be premature to discount this approach at this stage and before we know the outcome of the Hampton review

Consultation

8. Consultation on the statement has been confined to within HSE. Given the extensive consultation processes used for developing the strategy, we have not consulted externally at this stage but we will invite comments when we publish.

Presentation

9. Primarily this statement should be made available on the Internet and its existence highlighted with a suitable press release. In addition, the statement should be distributed to key stakeholders, especially those providing routes to hard-to-reach groups.
10. Publication is intended for 22 September, when the Commission Chair gives a keynote speech to a seminar on the workplace Strategy. A section of the speech will draw attention to the statement's publication.

Costs and Benefits

11. The statement contains a number of broad proposals at this stage and a more detailed cost benefit analysis will precede implementation of any detailed change but, in the absence of further charging, any costs will fall to HSE. The benefits are that

authoritative advice on health and safety is more accessible, especially to SMEs, and better targeted.

Financial/Resource Implications for HSE

12. Costs associated with publishing the statement are very small, but its content commits us to investigating development of current HSE services. These costs could be significant in the long term, particularly regarding development of Infoline. The current contract is worth approximately £800k, and handles in excess of 250 000 calls a year but there is scope for further efficiency and less duplication between Infoline and HSE staff.

Environmental Implications

13. N/A

Other Implications

14. The attached statement is primarily aimed at SMEs, although the proposals will also be of benefit to a wider range of our stakeholders. If we are successful, then improved accessibility to advice should lead to an improvement in standards, and improved performance of the health and safety system as a whole.

15. Development and expansion of HSE services will benefit many of the companies LAs are responsible for inspecting. Any impact on LA services will need to be explored as the work is taken forward.

Action

16. The Commission is asked to agree:

- (i) the contents of statement set out in the Annex, and
- (ii) its publication on the HSE website accompanied by a press release.