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HEALTH AND SAFETY COMMISSION

Sensible risk management

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Name of Board Member lead: Jonathan Rees

Cleared by DCE / Board Member: Jonathan Rees on 13th April 2006

Issue

- Proposals for the next phase of the sensible risk campaign. Our aim is to focus attention upon health and safety as a means of protecting people from real harm and to tackle misperceptions that we encourage for instance unnecessary paperwork.

Timing

- For decision at the May Commission meeting; launch of a package of measures is proposed for late June or early July 2006.

Recommendation

- Commissioners are invited to:
 - Endorse the draft principles of sensible risk management attached at **ANNEX A**; and
 - Note actions identified in paragraphs 10 and 11 on scoping the perception and reality of excessive risk aversion and clarifying core HSE guidance on risk assessment.

Background

- Work on Sensible Risk Management has its origins in the HSC Strategy. Theme 2 of the strategy identified the need to help people understand the benefits of health and safety and theme 4 made a commitment to be more robust in defending the reputation of health and safety against both detractors and those who are over-zealous. Sensible risk management responds to stories of excessive risk aversion and bureaucracy that were damaging both to the reputation and the effectiveness of the health and safety system. Communications research reported to the Commission over the past 2 years indicates that there is a widespread perception that health and safety is overly-bureaucratic and that opinion-formers and some parts of the media believe it is

excessively risk-averse and nannying. Whether reality or myth, these perceptions make it harder for us to get action taken on the risks that cause real harm and suffering.

5. HSC/E started work to tackle the issue late in '04; a speech by the PM in May '05 and the publication of the Compensation Bill helpfully raised the profile. We have developed good understanding with OGDs, particularly the Department for Constitutional Affairs (Lord Falconer trailed the Compensation Bill on an HSC/E platform). Lord Hunt takes a leading role on the Department of Constitutional Affairs –led Ministerial Steering Group on Compensation, which HSE is very active in supporting.
6. To date action has revolved around exploring the issues and building alliances. Key actions taken include:
 - Opening up the debate in 2005 with an online forum, HSC fringe meetings at the three main party conferences and a strategic series of speeches, articles, events etc;
 - Research to scope the myths and realities of risk aversion, including stakeholder interviews, a review of 100 media stories, a survey of managers within a wide range of sectors and 12 in-depth case studies. The project will be completed in April '06 and is intended to provide an overview of the subject, including its key drivers, allowing us to focus action.
 - Rebutting false stories in the media on an ongoing basis. Rebuttals are infrequently published and receive relatively little attention. However publication on our web site does reach an appreciable audience, particularly within HSE and trade unions.
 - Work with stakeholders from both inside and outside government to build a shared agenda based upon the emerging principles of sensible risk management, focussed upon putting them into action with practical measures;
 - Review of risk assessment guidance, including “5 steps to risk assessment” to ensure that it is as clear and straightforward as it can be without diluting the overall standard; and
 - Ensuring that the broad approach is understood within HSE and Local Authorities.
7. There remains considerable external interest in the risk agenda. For instance the Better Regulation Commission is carrying out an inquiry into risk and regulation that is due to report in September 2006. The BRC will look at how our understanding, acceptance and management of risk as a society influence our approach to regulation. The RSA has also launched a 3 year Commission in this area. Already in 2006 HSE has been required to give evidence to 3 Select Committee inquiries looking at aspects of risk. We remain in close contact with all the relevant groups.

Argument

8. There is now a need to turn research and alliance-building into action and delivery, positioning health and safety as a practical approach tackling issues that matter. We propose that the material outlined below should be launched as a

package in the early summer. This will maintain HSC/E's position at the forefront of the debate.

9. We believe we need to establish a shared agenda with stakeholders around which we can structure specific actions to tackle both the myths and realities of excessive risk aversion. Therefore central to our approach is the set of principles of sensible risk management attached at **ANNEX A**. They are intended to state in everyday language what sensible risk management should – and should not – be about. The principles draw on the findings from the online debate, research by Greenstreet Berman Ltd, communications tracking and research as well as feedback from stakeholders in various discussions and meetings. We propose to launch the principles for comment and sign-up by stakeholders; any revisions required would then be made in the autumn.
10. Research into both the myths and realities of excessive risk aversion and bureaucracy, outlined in paragraph 6, is nearing completion. We will be able to outline findings at the Commission meeting on the 9th of May.
11. HSE's most popular guidance document, "5 Steps to Risk Assessment" is being updated, together with our risk assessment web pages. Whilst maintaining the standard expected, the language and layout are being amended further to emphasise the simplicity of the process. A greater emphasis is also being placed on the practical nature of risk assessment and the need to put findings into action. In response to feedback, example risk assessments currently available only in a priced publication will be promoted and made freely available on the HSE web site. We will follow up these revamped publications with simple targeted guidance for key sectors.

Consultation

12. A great deal of consultation has taken place with a range of external stakeholders, mainly on a face-to-face basis. Stakeholders consulted include: groups representing health and safety professionals, employers (including SMEs), trades unions, designers, lawyers, local government, volunteers, other government departments and insurers. Consultation has also taken place within HSE.
13. The principles have been developed with input from HSE Legal Advisors. As an added precaution we are currently taking Counsel's opinion to ensure that there are no unforeseen consequences. We will report back at the Commission meeting.
14. The principles have been shared with fellow regulators; they are happy with the general thrust, though had reservations about adopting the exact wording themselves.

Presentation

15. This campaign is very much communications-orientated; a specific plan has been agreed with Communications Directorate. The plan focuses on a number of

specific audiences, including: health and safety professionals; parliamentarians; other identified opinion-formers; segments of the general public, through the national media and HSE's own staff.

16. The package of measures would be formally launched at a Ministerial Steering Group event to sign-up stakeholders. This would be followed by publication of the research report and public relations opportunities to promote our key messages in selected national and sectoral media.

Costs and Benefits

17. The SRM campaign has been designed to support other programmes and initiatives and does not therefore add significantly to the costs on industry or stakeholders. Benefits are difficult to quantify but in as much as the campaign should feed through to more proportionate and effective risk management, a reduction in bureaucracy and less excessive risk aversion, the dividends are potentially substantial.

Financial/Resource Implications for HSE

18. The main cost of the launch event itself is to be borne by the DCA. HSE's resource implications are:

- Staffing of work on development and implementation of sensible risk: £140k
- Cost of supporting event materials for the launch: £10k
- Research costs: £50k
- Total: £200k

19. The campaign itself will have drawn to a close towards the end of 2006, the above costs will not be recurring. The costs of a successful campaign will be at least in part offset by freeing-up Press Office resource, currently used to rebut stories, for more proactive work.

20. "5 steps to risk assessment" was already being reviewed and updated.

Other Implications

21. None.

Action / Next Steps

22. Commissioners are invited to:

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PRINCIPLES OF SENSIBLE RISK MANAGEMENT

1. Sensible risk management **IS** about:

- ✓ Ensuring that workers and citizens are properly protected
- ✓ Providing overall benefit to society by balancing benefits and risks, with a focus on controlling real risks – either those which arise most often or those with the most serious consequences
- ✓ Enabling innovation and learning not stifling them
- ✓ Ensuring that those who create risks manage them responsibly and understand that failure to manage serious risks responsibly is likely to lead to robust action
- ✓ Enabling individuals to understand that as well as the right to protection, they also have to exercise responsibility

2. Sensible risk management **IS NOT** about:

- ☒ Creating a totally risk free society
- ☒ Generating useless paperwork mountains
- ☒ Scaring people by exaggerating or publicising trivial risks
- ☒ Stopping important recreational and learning activities for individuals where the risks are managed
- ☒ Reducing protection of people from risks that cause real harm and suffering