

**BUSINESS RISK MODEL  
DELIVERY/QUALITY FAILURE**

RISK AREA	PROBABILITY OF RISK	INCREASING OR DECREASING	EFFECT/ CONSEQUENCE OF RISK	CONTROL MEASURES AND MONITORING
<p>15. Lack of robust, consistent enforcement processes and decisions for:</p> <ul style="list-style-type: none"> <li>• inspection</li> <li>• investigation</li> <li>• permissioning</li> <li>• formal enforcement</li> </ul>	H	Neither	<p><b><i>Inconsistency in operational decision making</i></b> leading to:</p> <ul style="list-style-type: none"> <li>• Adverse Court judgement in respect of operational decision or civil claim</li> <li>• 'Obiter dicta' in prosecution hearings at the higher courts</li> <li>• negative outcomes of judicial review.</li> <li>• Findings of maladministration by the Parliamentary ombudsman, against HSE</li> <li>• Judgements from the European Commission e.g. on SFAIRP.</li> <li>• Loss of some or all enforcement powers</li> </ul> <p><b><i>Successful challenges to our interpretation of the Code of practice on Open government (and eventually the Freedom of Information Act) or the Data Protection Act (DPA).</i></b></p> <p><b>Failure to meet the principles and approach of Enforcement Policy Statement</b></p> <p><b><i>Claims of unfair competitive disadvantage.</i></b></p> <p><b><i>Civil claims associated with</i></b></p>	<p><b><u>Control Measures in Place:</u></b>  <b>Quality Framework - CA2/HSC/HSE Enforcement policy statement and supporting documents</b> and the project to review and test fitness for purpose of these.</p> <p><b>Enforcement Management Model (EMM)</b></p> <p><b>Enforcement Handbooks:</b> England &amp; Wales and Scotland</p> <p><b>Operational Minutes (OMs) and Operational Circulars (OCs)</b></p> <p><b>ALARP guidance</b></p> <p><b>OD Policies and Procedures</b> including management involvement in enforcement decisions, Access to Solicitors Office, use of Solicitor Agents, Prosecution Pilot</p> <p><b>Training Programmes for inspectors</b> e.g. NVQ for Regulators, Diploma, legal training</p> <p><b>General Administration Procedures (GAPs)</b> particularly GAPs 1, 34, 37.</p> <p><b>MOUs with other authorities</b> e.g. EA and SEPA</p> <p><b><u>Mechanisms to Provide Assurance:</u></b>  Formal monitoring and review arrangements for MOUs.</p> <p>Internal Audit of quality framework and enforcement processes.</p> <p>Project on Assurance on regulatory decision making in HSE (application of ALARP guidance)</p>

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			<i>prosecution costs</i>	
<p>16. Failure to respond appropriately to major incidents / civil emergencies</p> <ul style="list-style-type: none"> <li>• inappropriate response</li> <li>• no response</li> </ul>	H	Increasing	<p><b><i>Failure to protect the public from harm.</i></b></p> <p><b><i>Loss of public confidence in HSE</i></b></p>	<p><b><u>Control Measures in Place:</u></b>  <b>HSE Major Incident response and investigation policy and procedures</b>  Including major accident investigation unit; <b>prior role inquiries</b>  <b>FOD investigation procedures</b></p> <p><b>Training courses being developed</b></p> <p><b>OD Policies and Procedures</b></p> <p><b>MOUs with other Authorities</b></p> <p><b>Establishment of RAIB</b></p> <p><b>Duty Officer System</b></p> <p><b>Development of HSE's response to civil emergencies</b> led by SCS member and linked to Whitehall Civil Contingencies agenda (<b>N.B. also relevant to Risk 6 - Inability to Respond Quickly</b>)</p> <p><b><u>Mechanisms to Provide Assurance:</u></b>  Formal monitoring and review arrangements for MOUs.</p> <p>Internal Audit of quality framework and enforcement processes.</p>
<p>17. Failure to achieve key operational outputs/outcomes</p>	M	steady	<p><b><i>Failure to deliver reductions in harm set out in HSC/E strategic plan</i></b></p> <p><b><i>Loss of HSE credibility with HSC,</i></b></p>	<p><b><u>Control Measures in Place:</u></b>  <b>PES Bidding process</b></p> <p><b>Strategic Planning process</b></p>

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			<p><i>sponsoring departments and the Treasury</i></p> <p><i>Reduced ability to attract appropriate resource in future</i></p>	<p><b>Document A:</b> resource allocation across ODs (PEFD lead)</p> <p><b>OD Operational Planning processes</b></p> <p><b>Evaluation</b> from previous programmes to improve future programmes and improve delivery prospects</p> <p><b>Project Management processes.</b> The risks for macro level objectives eg RHS, or major structural changes eg review of RI need to be identified upfront, on a case by case basis. All HSE projects to include a risk management plan. Major projects will fall within OGC Gateway procedures.</p> <p><b><u>Mechanisms to Provide Assurance:</u></b> Annual performance reporting</p> <p>Post Implementation Review of projects</p>
18. Poor 'customer' relationship management, on operational issues	M	?	<p><b>Loss of credibility and public support</b> i.e. of HSE's customers- those involved or affected by enforcement processes: employers, self-employed, employees, Safety Reps, members of the public.</p>	<p><b><u>Control Measures in Place:</u></b> <b>Operational Minutes (OMs) and Operational Circulars (OCs)</b> <b>EPS, EMM, Enforcement Management arrangements</b></p> <p>Procedures in <b>quality systems Compliance with Service First standards</b></p> <p><b>General Administration Procedures (GAPs)</b> particularly GAPs.</p> <p>Duty Officer system</p> <p><b>Training of Inspectors</b> e.g. Dealing with the bereaved.</p> <p><b>Publications</b> e.g. 'The Health and Safety Executive: working with Employers'</p>

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				<b>Mechanisms to Provide Assurance:</b> Opinion Surveys, Internal Audit eg Duty Officer System