

ENFORCEMENT PROGRAMME: PROPOSALS

AIM

- Clarify why we prosecute and the impact of prosecution;
- Explore how health and safety enforcement (including prosecutions) can strategically be used to support delivery of the strategy;
- Ensure our systems and procedures are fit for purpose;
- Ensure that we have a robust system for guiding decisions in respect of the “public interest” in sensitive and/or significant cases.
- Ensure that the different needs of the England/Wales and Scotland legal systems are taken into account.

DESIRED OUTCOMES

- Robust fit for purpose principles, procedures and performance standards for enforcement which can be managed consistently across health and safety enforcing authorities;
- Enforcement action including communication which maximises the impact of getting people to manage risks, meets public expectation and supports our reputation;
- A consistent approach to getting information relevant to the management of health and safety from an incident investigation quickly into the public domain.
- HSE’s approach to enforcement is widely published and understood publicly.

WORKSTREAMS

Policy/Legal: evaluation of EPS (JET – pan HSE approach), Section 3, incident selection criteria, embedding independent legal oversight, guiding decision making; impact of Hampton review.

Research: learning from accidents, impact of prosecutions.

Targeting: targeting of prosecution to support programme delivery, handling matters of evident concern.

Business Improvement: streamlining the prosecution process (eg evidence gathering, case submission and approval); greater use of litigation teams; improved interaction with the bereaved and injured.

Cultural and Behavioural: proactive prosecution; communication aimed at operational staff and their managers eg clear messages about the role of enforcement; training; getting information quickly into the public domain.

Communications: determine how better to exploit our enforcement effort including the benefits that flow from such action (eg case studies illustrating the improved management of risk flowing from enforcement); implications for offences and penalties report.

Special Cases (probably a subset of policy/legal): clarify the role of using formal enforcement in respect of the blue light services; explore the relationship between the “operational imperative” and the EMM; explore whether the EMM is biased against health.

PROGRAMME MANAGEMENT

Programme manager (Band 0/Band 1) to be appointed. Programme Board (HSE/LA) to be established (HSE wide including legal, CoSAS, LA, communications and strategic programmes), chaired by Sandra Caldwell. Each work stream to be managed by Band 2, drawn from across HSE.

LINKED ISSUES (but out of scope of the programme)

RIDDOR, Corporate manslaughter; work related death protocol; removal of Crown immunity; public safety; FoI.