

Health and Safety Executive Board		Paper No: HSE/09/37	
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Results of consultation on new strategy (Part 2) – Analysis of responses and proposals relating to delivery and planning issues			

Purpose of the paper

1. To present an overview of the results of consultation on the draft new strategy as they bear on issues related to delivery and business planning, and to suggest ways in which ideas can be taken forward.

Background

2. The Board is familiar with the background to this consultation which closed on 3 March. The product was 216 responses via the online facility, by e-mail and a few by post. These came from a mixture of individuals and organisations, around 60% seeming to speak in a personal capacity. Paper HSE/09/28, considered by the Board at its last meeting, concentrated only on changes to the text of the strategy itself, ie looking at responses to Question 1.

3. This current paper looks at the delivery/planning issues that arise – essentially what others are offering to contribute to the collective effort to deliver the strategy or the expectations that others have of HSE and LAs. This means reviewing replies to consultation questions 2-7. All the questions are reproduced in Annex 1.

Argument

4. The analysis has to be tempered by two considerations. Firstly, the replies from individuals (the majority) could not of their nature commit to wider organisational delivery actions, though many offered useful thoughts and sometimes commitments at a personal level. Secondly, replies to one question sometimes strayed into the territory of other questions, or indeed the reply was not explicitly structured round the questions at all. So straight question-by-question analysis probably does not draw maximum value from the consultation exercise.

5. After some thought it was concluded that the most meaningful way to present results was under the following headings:

- (a) Contributions respondents can make themselves;
- (b) Contributions respondents expect of HSE and Local Authorities; and
- (c) Contributions respondents expect of others (excluding HSE and LAs)

Broadly though not exclusively, this means that (a) summarises the replies on Qs 2 & 7; (b) summarises Qs 4 & 5; and (c) summarises Qs 3 & 6

(a) *Contributions respondents can make themselves*

6. Replies largely fell in the category of incremental improvement rather than any decisive change of direction or initiation of genuinely new activity. The activities described split between engagement that was internal or external to the respondent's organisation. Internally it was about the individual either using their personal influence or changing business processes in some way to improve performance.

7. External activities broadly fell into the following descriptions:

- Organisations providing knowledge/experience/advice to their external (presumably smaller) stakeholders, such as local industries, suppliers and contractors. For instance, an industrial training provider intends to incorporate the strategy goals into their courses and materials;
- Organisations, such as trade associations, continuing an active role in initiatives already under way, eg in conjunction with HSE and/or with their own members. This often involved sharing of best practice;
- TUC and trade unions continuing in and enhancing their role to ensure that health and safety representatives are properly trained.

8. The analysis, therefore, does not reveal any bold new ideas, and in a situation where HSE maintains close relations with its stakeholders this is to be expected. It should not detract, though, from the invigorated activity that in many cases appears to have been stimulated by the consultation process. Also from HSE's point of view, the main potential value of the consultation probably lies in following up individual responses where there seems to be a genuine reaching out. For instance, the TUC wants to discuss with HSE ways to develop the knowledge and skills of representatives in non-union workplaces and to pursue the proposal in the strategy about joint training. And following up the responses linked to individual firms will potentially fit well with current proposals for pursuing leadership issues with large, influential organisations.

(b) Contributions expected of HSE and LAs

9. Question 4 asks who else HSE and LAs should be engaging with. Annex 2 lists all those that appear more than once. There are no particular surprises, but the interest lies in the frequency of mention. The top three are the insurance industry; the education sector; and health and safety professionals.

10. Question 5 asks what HSE and LAs should be doing differently. The main themes to emerge are set out in Annex 3. Again the interest lies in the ordering of these, with the top three showing as:

- Increasing enforcement activity;
- Providing a consistent approach between HSE and LAs; and
- Increasing partnership working with H&S professionals.

(c) Contributions expected of others

11. Since most respondents see HSE as 'holding the ring' in the H&S system, the distinction between replies in this area and (b) above became considerably blurred. The 'others' HSE and LAs should be engaging with (question 4) became very similar to the 'others' referred in questions 3 & 6. So on the whole replies to these two questions did not add much to the consultation but there were two exceptions.

12. The Risk & Regulation Advisory Council made the point that confusion in small organisations over what they should be doing to comply with their duties is "commonly produced by a combination of risk 'actors' – insurers, the legal profession, consultants and others who provide services and advice". The message

is that even where 'others' are better placed to deliver (parts of) goals, HSE cannot entirely stand back in relation to the potential impact on small organisations. There is clearly an inter-relationship here with the goal for SMEs of helping them comply in a manner proportionate to the risks posed by their work activities.

13. Under this heading some respondents took the opportunity to identify areas where HSE should be reducing its involvement to allow it to concentrate more fully on workplace issues. The main one mentioned was health, work and wellbeing. The influential role played by HSE in developing this work was widely appreciated, but the majority agreed that it was now time for HSE to hand over the lead on this work to Department of Health and Department for Work and Pensions. That said, a significant minority felt HSE should continue to play a lead role.

14. Other areas mentioned for reduced HSE involvement were domestic gas safety regulation and some aspects of the protection of patients and residents in the health care system or care homes. It was argued that, important though these areas are, HSE was not the most appropriate regulator and responsibility should be passed elsewhere.

Next steps

15. The by-line for this strategy is *Be part of the solution* to emphasise the message that improved national performance will only arise by concerted and co-ordinated action towards common goals. As regards what respondent organisations have proffered by way of their own actions, paragraphs 6-8 show that there are no sweeping conclusions to be drawn. The picture emerges more of incremental change flowing from the actions of individual organisations, or groups of organisations, structured round the framework of the strategy goals.

16. To capitalise on this situation requires HSE to follow up a number of the responses on a bilateral basis. Further analysis is needed to identify precisely which ones these should be but the number would probably lie between 30 and 40. It is **recommended** that this task is undertaken, possibly in parallel with the consideration of further engagement with large firms mentioned in paragraph 8.

17. As regards actions HSE is taking on its own account, Paper HSE/09/34 presents the draft 09/10 Business Plan which is subject to separate consideration. It has been developed round the evolving picture of the strategy, and makes the point that the timing offers an opportunity during 09/10 to explore, design and plan new work to take forward the finalised strategy, including following up ideas with other players. Mechanisms to do so are being established across all the interests in HSE. However, the Plan does already set out some new initiatives covering for instance leadership, worker involvement, registration of health and safety consultants (competence), and provision of information (supporting SMEs)

18. Beyond this HSE needs to consider or revisit the issues that consultation suggests are uppermost in respondents' minds, as indicated by the lists in Annexes 2 & 3, namely:

- The potentially greater roles that could be played by the insurance industry and the education sector;
- The relationship with professional bodies and their members;

- The expectations about enforcement activity and consistency of regulatory approach between HSE and LAs.

19. None of these are new but it is **recommended** that HSE reviews them in the light of this consultation. This does not necessarily imply that HSE carries the primary responsibility but the action for HSE could lie in stimulating new activity by others.

Overview of strategy delivery

20. The preparatory work mentioned in paragraph 17 does already reflect the expectation that contributions from others will be an explicit consideration in the work of the HSE teams co-ordinating the delivery of each of the goals. This will, of course, depend heavily on how far the promises that others have made are realised in practice, and how successful HSE is in encouraging this, and in tracking and recording the results that others deliver. To ensure effective capture of the broadest pool of potential contributors, HSE has set in hand an exercise to pick up commitments by companies and organisations that may not have emerged during the consultation, but are known to field staff.

21. What has been said above and what appears in the draft HSE 09/10 Business Plan shows that consideration of the precise mechanisms for delivering the strategy are at an early stage. So it is a useful exercise to set out broad expectations of the major contributors to delivery of each of the goals. The table in Annex 4 offers initial thoughts which the Board can discuss and build upon as more detail becomes available. It should be emphasised that organisations appearing in the table have not been consulted. So the ideas should be recognised as coming only from HSE officials.

Wider reflections on the strategy consultation

22. The first observation is that for such a broad consultation exercise there is remarkably widespread good will shown towards HSE and very little outright criticism. While respondents have naturally pressed issues that top their own agendas, this has largely been done in a spirit of engagement with HSE, not disillusionment. HSE needs itself to respond positively to this in ways such as the bilateral follow-ups recommended in paragraph 16.

23. One aspect of the consultation that particularly helped to engender this spirit of good will was the organisation of the consultation workshops in seven locations round Great Britain. Both the evaluation sheets for these events and various ad-hoc conversations suggest that the presence of HSE Board members and top management was greatly appreciated. The Board may want to consider repeating such an exercise in due course and in response to circumstances that merit it.

Action

24. The Board should note the results of consultation and consider the conclusions to be drawn from it. In particular it is asked to agree the recommendations on bilateral follow-ups (paragraph 16) and reviewing the headline issues to emerge (paragraphs 18 & 19).

25. The Board may also wish to express a view on the high level approach to strategy delivery sketched out in paragraph 21 and Annex 4. Finally, either now or on another occasion, the Board may want to reflect on the consultation process itself, recognising the wider benefits but also the logistical demands.

Paper clearance

26. This paper was cleared by Kevin Myers, Deputy Chief Executive, on 17 April 2009.

The seven consultation questions

Question 1	Do you support the goals as set out in the strategy and are there any omissions?
Question 2	How can you/your organisation help us deliver the goals?
Question 3	Can you help us to identify others who have a role to play in delivering the goals as set out in the strategy?
Question 4	Who else should HSE and the Local Authorities be engaging with to help deliver the goals in the strategy?
Question 5	What should HSE and Local Authorities do differently to help deliver the goals in the strategy?
Question 6	What parts of which goals in the strategy are best delivered by others?
Question 7	What can you own and other organisations do differently to help in the delivery of this strategy?

Question 4 – Who else should HSE and the Local Authorities be engaging with to help deliver the goals in the strategy?

Main themes

Who	No of mentions
Insurers	23
Education sector	22
H&S Professionals (Orgs & individuals)	22
The media	19
NHS/PCTs etc	18
Large companies & their reps (CBI etc)	13
Trade Unions	12
Trade Associations/regional groups	12
Government/politicians	12
Everyone	11
Legal system	10
H&S advisers/reps	9
SMEs/FSB	8
Chambers of Commerce	7
Training organisations	7
EU	7
Emergency Services	7
Senior managers	7
Individual workers	6
Standards organisations	6
Victims/support orgs	5
LAs as employers	5
Voluntary orgs	4
Consultants	3

In addition a number of respondents said that they thought the strategy document (pages 6/7) captured all the relevant interests.

Question 5 – What should HSE and Local Authorities do differently to help deliver the goals in the strategy?

Main common themes:

Increase enforcement activity, including more targeted enforcement, revision of the policy to ensure it more effective, on the spot fines (25)

Provide a consistent approach between HSE and LAs (including suggestions for one regulator) (19)

Increase partnership working with H&S professionals at national and local levels (eg IOSH branches), and with Trade Associations and local community group (17)

More support for Safety Reps, including the introduction of roving safety reps (10)

Make all HSE publications free (7)

Increase the advisory role (6)

Joint training of HSE inspectors and stakeholders (at HSE's expense) (6)

Beef up the occupational health agenda (6)

Market the H&S brand/message to all in society (6)

Be more proactive (5)

Public recognition for 'good' companies (5)

Publish more case studies (4)

HSE to provide improved data – stats and results of investigation and enforcement activity (4)

Introduce a new duty on company directors (4)

Provide resource/grants to companies to enable them to meet their H&S obligations (4)

Provide more tailored advice for SMEs (4)

Numbers in brackets show the number of times this particular theme was mentioned in one form or another.

Outline strategic delivery plan

HSE and LAs would expect to contribute to all the goals and have not been included in the table below.

Goal No	Goal Title	Potential contributors
1	Investigations & securing justice	<ul style="list-style-type: none"> ➤ CPS and police service ➤ Pressure groups
2 & 3	The need for strong leadership	<ul style="list-style-type: none"> ➤ Major organisations representing business ➤ LAs as employers ➤ Trade associations ➤ Large individual organisations ➤ Large organisations working together
4	Building competence	<ul style="list-style-type: none"> ➤ Professional bodies and their members ➤ Training providers ➤ Trade bodies & associations ➤ Large organisations ➤ TUC and individual unions ➤ Educational establishments and their umbrella bodies
5	Involving the workforce	<ul style="list-style-type: none"> ➤ TUC and individual unions ➤ Major organisations representing business ➤ Trade associations
6 & 7	Creating healthier, safer workplaces	<ul style="list-style-type: none"> ➤ All duty holders ➤ Major organisations representing business ➤ Trade associations ➤ TUC and individual unions ➤ Professional bodies and their members
8	Customising support for SMEs	<ul style="list-style-type: none"> ➤ FSB and Chambers of Commerce ➤ Trade associations with SME membership ➤ Professional bodies and their members
9	Avoiding catastrophe	<ul style="list-style-type: none"> ➤ Business organisations representing major hazard industries ➤ TUC and individual unions
10	Taking a wider perspective	<ul style="list-style-type: none"> ➤ Major organisations representing business ➤ TUC and individual unions ➤ Government Departments ➤ LAs as employers ➤ Large organisations working together ➤ Educational establishments and their umbrella bodies