

Health and Safety Executive Board		HSE/ 12 / 84	
Meeting Date:	31 October 2012	FOI Status:	Open
Type of Paper:	Above the line	Exemptions:	
TRIM Reference:	2012/401643		
Keywords:	Myth Busters		

Myth Busters Challenge Panel Update

Purpose of the paper

1. This paper responds to the HSE Board's request for an update on the work of Myth Busters Challenge Panel since its launch in April 2012.

Background

2. The Myth Buster Challenge Panel was set up in response to the findings of Professor Ragnar Löfstedt's review of health and safety legislation. He suggested that there should be challenge mechanisms which allowed cases of incorrect, over application of health and safety legislation to be addressed.
3. Many decisions and advice given in the name of health and safety are not provided by health and safety regulators but by other parties such as insurance companies, health and safety consultants, and employers. They often do not have any basis in health and safety legislation; instead, health and safety is incorrectly used as a convenient excuse to stop what are essentially sensible activities going ahead. The new Panel is a mechanism to challenge such decisions and advice.
4. The Panel is chaired by Judith Hackitt, with Robin Dahlberg as Vice-Chair. They are supported by a pool of independent members who represent a wide range of interests including small businesses, public safety, trade unions, the insurance industry, and who have a variety of outside interests where day-to-day common sense decisions on risk management are made.
5. The secretariat for the Panel is resourced by part of a small team within Cross-cutting Interventions Directorate (CCID). To date the Secretariat has processed nearly 200 referrals although many of these have not met the terms of reference for consideration by the Panel. Nonetheless all of these have been considered and received a response from HSE. Nearly 100 cases have now been put to the Panel for consideration. The secretariat has also received positive feedback from a number of sources welcoming the creation of the Panel.

Argument

6. Some common themes are already emerging from the cases received. These relate in particular to actions by housing associations, to issues around food safety and hygiene, and to activities involving volunteers.
7. When cases are received the Panel secretariat seeks information and suggested lines to take from the relevant policy or sector lead to inform the Panel's considerations. Each case is allocated to three or four members of the Panel

pool. The outcomes of the Panel's considerations are signed off by the Panel Chair and then published in summarised format on the HSE website <http://www.hse.gov.uk/myth/myth-busting/index.htm>.

8. The length of time taken to progress a case is dependant upon the level of its complexity. When a new case is very similar to one that has already been dealt with and the panel opinion on the matter has been established, it is dealt with quickly by referring to the relevant case summary published on the HSE website.
9. To date there have been three media announcements relating to the work of the Panel – one about its launch and two features on its casework. HSE has worked with the Minister for Employment and DWP Press Office on these. The post-launch PR activity has used newsworthy case studies that focussed on the more ridiculous health and safety stories the Panel had dealt with, such as banning Blu-tak on a school's windows, and the refusal to provide a customer with a blanket on a plane unless they bought it. These cases have helped publicly promote the work of the Panel and resulted in a large number of new cases and enquiries to the secretariat.
10. The launch of the Panel has also helped HSE to bolster its approach tackling the misreporting of health and safety. While overall HSE's media coverage is almost entirely neutral or favourable, the reporting of health and safety more generally is less positive. This is largely due to persistent negative reporting in the national press of the sort of nonsensical or risk averse decisions the Panel was established to challenge.
11. HSE has long sought to make the positive case for proportionate risk management. It rebuts misleading stories routinely, including by challenging publicly in robust terms decisions it considers unnecessary, or instances when health and safety has been misleadingly offered as an excuse. The most high profile rebuttals can attract widespread coverage in the media and online, generating several thousand reports. They are also widely picked up on Twitter, with hundreds of people repeating or responding to HSE's statements.
12. HSE's Press Office assesses every story misrepresenting health and safety it sees and where appropriate a response is issued. This can range from a statement criticising the decision, to a rebuttal letter to the media or a tweet. Some of these stories are referred to the Panel as casework, to be picked up for proactive PR once the Panel has made a ruling. This enables HSE to proactively place the story with the national media itself, and make its voice heard. HSE Press Office currently plans Panel casework announcements quarterly, though particularly newsworthy cases will be dealt with individually.
13. According to HSE's media evaluation, there has been a decline in the volume of 'health and safety gone mad' stories in the national media in the last two years, coinciding with the adoption of a more robust approach to tackling misreporting and the subsequent introduction of the Panel this year. There was a 12.5% fall in the total volume of such stories in the national press between 2010/11 and 2011/12, and a sharp improvement in favourability, with fewer solely negative stories and more coverage that reflected HSE's position.
14. Examples of some of the media coverage are provided separately to support this paper.

Resources

15. The team from within CCID providing the secretariat for the Panel consists of 1.0FTE at Band 2 and 1.0FTE at Band 4. It is also supported by 0.2FTE of a Band 1 post. At full economic cost this equates to £177,258 per annum. In addition, the work of the Panel has an impact on resources across HSE from policy and sector colleagues providing input to each case; to communications colleagues monitoring media and handling issues; and senior managers providing oversight, direction and clearance of cases. It is difficult to calculate the exact cost of these wider resources; however the costs are affordable within current allocations.
16. The costs of running the Panel itself (including time spent on cases by panel members) is forecast for FY2012-13 at £66,000 based on an estimate of cases received. Currently the expenditure is within budget.

Action

17. The Board is invited to note the successful introduction of the Myth Busters Challenge Panel and the impact of its activities to date as a contribution to work more generally to improve the reputation of HSE through communications activity and media publicity.

Paper clearance

18. Paper cleared by Jane Willis/Sarah-Dean Kelly