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Communications plan for the exemption of some self-employed persons from health and safety law

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Purpose of the paper

1. The Board is asked to note and agree proposals for communicating changes to the Health and Safety at Work etc Act 1974 (HSWA), which will exempt from health and safety law the self-employed whose work activities pose no potential risk of harm to others, but retain within scope some 2.3 million self-employed people.

Background

2. Professor Löfstedt's report, 'Reclaiming health and safety for all: An independent review of health and safety legislation', published in November 2011, recommended exempting from health and safety law those self-employed workers whose work activities pose no potential risk of harm to others. This recommendation was accepted by the Government, who undertook to implement any changes by December 2013.
3. HSE developed a number of options to implement the recommendation and consulted on these proposals from 2 August 2012 to 28 October 2012. After considering responses to the public consultation, the Board agreed that HSE's preferred option should be taken forward. This option proposed to exempt from health and safety law those self-employed whose work activities pose no potential risk of harm to others, with the addition of a prescribed list by the Secretary of State comprising high hazard/high risk sectors or activities where no exemption would operate. This is expected to exempt approximately 800,000 self-employed workers from HSWA. Under this option 2.3 million self-employed workers will still be covered by the requirements of health and safety legislation.
4. The public consultation generated a range of responses. Concerns were raised about the potential lack of understanding around the change for people who are in fact still in scope of HSWA, but incorrectly consider themselves exempt.
5. The Board requested that external communications around the legislative change should be focused on those in scope of HSWA and recognised the need for communications to address the potential

6. This paper summarises the communications activity that has taken place to date and outlines the future communications plan for informing agreed target audiences of the change; explaining how it affects them and referring them to new information and guidance that will be available to help them.
7. It was confirmed as part of the Queen's Speech on 8 May 2013 that exempting from health and safety law self-employed people whose work activities pose no risk of harm to others would be part of the Deregulation Bill. Cabinet Office is the lead department for the Bill.
8. The change in legislation will be implemented once all stages of the Parliamentary process are complete. Once a date is confirmed, we will aim to begin communication 12 weeks before the change comes into effect, to allow self-employed workers time to familiarise themselves with the changes and test developed guidance.
9. Communications activity to date has been aimed at proactively raising awareness of the consultation, to encourage responses from self-employed people; employers; employees; trade unions and other organisations.
10. HSE's range of owned and earned channels have been utilised throughout this activity and there has been some media interest in the proposed changes.

Future communications approach

11. To help self-employed workers, and relevant contractors, understand the change in legislation and determine if, and how, it affects them, new, accessible and clear guidance will be developed by policy colleagues.
12. A tailored communications plan will be implemented to ensure the self-employed still in scope of HSWA are aware that they have legal responsibilities and understand how to access the information and guidance that will inform them of what they must do to comply with the law.

Target audience

13. The communications plan will specifically target self-employed workers who will remain in scope of HSWA. It will also apply to those who employ self-employed workers as contractors. This will include those in the prescribed sectors, activities and industries: agriculture; construction; gas installation and fitting; diving; mining; quarries; offshore; nuclear; explosives and railways.

Objectives

14. Communications activity will focus on the following core objectives:
- Ensuring relevant self-employed workers understand that they are not exempt from HSWA legal duties
 - Driving target audiences to access tailored information and guidance to ensure compliance with health and safety law
 - Minimising confusion that may impact on legal compliance

Key messages

15. Provisional key messages include the following:
- Health and safety law is changing/has changed and self-employed people whose work activities pose no risk of harm to others are now exempt.
 - There are 2.3 million self-employed workers who will still be subject to health and safety law. Approximately 800,000 self employed workers will [now] be exempt.
 - The change happens/happened on a date to be confirmed in due course.
 - The law change (the Health and Safety at Work etc Act 1974) will only affect occupations where the work carried out poses no risk of harm to others. In occupations such as agriculture; construction; gas installation and fitting; diving; mining; quarries; offshore; nuclear; explosives and railways, health and safety law will still apply.
 - New, tailored information has been added to the HSE website that provides simple guidance and case studies, so that self-employed workers can clearly see how the law applies to them. Find out more by visiting www.hse.gov.uk .

Delivery

16. Guidance

- A self-employed section will be introduced to the HSE website to host the new guidance developed by policy colleagues. This will include illustrative case studies of those occupations in scope of the legislation. It will also feature a set of key questions and answers to help individuals determine whether or not they need to comply with health and safety law.

- The new web presence will be developed to ensure it is easily searchable and will be accessible via the existing (and popular) 'About you' and 'Guidance' sections.
- It is proposed that links to the site will also be added to relevant sector pages and referenced within Health and Safety Made Simple (HSMS) and The Health and Safety Toolbox.
- As well as being fully searchable web pages, the guidance will be also be available to download and print. It is not proposed to produce a hard copy guidance document or leaflet at this stage.

17. Digital activity

- Key digital channels will be used to reach target audiences in the prescribed sectors. HSE has a range of relevant e-bulletins that have high reach and readership with the prescribed occupations. Social media channels will also be utilised including Twitter.

18. Stakeholder activity

- Stakeholder engagement will be undertaken through internal and external routes.
- Policy and sector leads will be encouraged and supported to engage key stakeholders. Meetings will be held with HSE colleagues to explain what the changes will mean for their sectors and contacts. They will be provided with a core script containing key messages and information slides that can be tailored to a particular audience and will act as advocates, liaising with their stakeholders (e.g. trade associations and interest groups).
- It is also recognised that some HSE board members can play a part in promoting the changes through the networking opportunities available to them. A briefing pack will be developed for board members, containing a presentation, key messages and frequently asked questions, arming them with information that can be shared with contacts.
- Externally, information will be circulated through other Government departments (particularly DWP, HMRC and BIS), maximising opportunities to reach our target audiences through their avenues such as the new start-ups network.
- We will also liaise with trades unions, Local Authorities, the Small Business Trade Association Forum and other trade associations and health and safety associations (e.g. IOSH, ROSPA etc.), all of who will considerably extend the reach that HSE could achieve on its own and take us directly to our target audiences.

19. HSE channels

- In addition to the support from policy and sector leads, to ensure general awareness within HSE, proposed internal communication activities/channels will include:
 - articles on the intranet;
 - coverage in the weekly staff bulletin, e-express, signposting to information available online;
 - updates via directorate/division bulletins;
 - Frequently Asked Questions (for internal and external use on a reactive basis); and
 - updates to Local Authority contacts via Local Authority Unit.
- The HSE H&S Newsletter has a circulation of approximately 20,000 and will be used to communicate information on the changes.

20. Media

- Targeted press releases will be issued to trade journals and regional/local newspapers to obtain coverage of the changes. Editorial features will also be drafted and pitched to key publications to obtain wider coverage.
- While HSE communication will focus on those in scope of the law, HSE Communications Directorate will discuss with other Government departments (and their respective ministers / ministerial teams) what they might want to say about the exemptions.
- Immediately following the announcement in the Queen's Speech, there was broad national media coverage referencing the Deregulation Bill and the exemption, however it was predominantly very brief and factual.
- Department for Work and Pensions (DWP) proactively trailed the change during the weekend of 11/12 May. To date we are not aware of any other communication about the exemption being undertaken by other Government departments..

21. Events

- HSE will provide information to target audiences at a range of public-facing events that HSE representatives already attend e.g. SHADs and Business Advice Open Days run by HMRC to help businesses understand their key legislative responsibilities and gain support in running their business. These advice days attract start up businesses and the self-employed so will be a useful route to reach our target audiences, collaborating with other Government departments.

22. Partners

- We will also seek to utilise the relationships built with small business advisors in delivering current activity to raise awareness of HSMS and the Health and Safety Toolbox. These relationships are being established with key organisations including banks and retailers and we will support our contacts in sharing information with self-employed workers that they may reach through their work.

23. Measurement

- A range of key measures will be used to evaluate the effectiveness of the communications plan including:
 - The number of web visits to new guidance
 - The number of guidance downloads
 - Reach of digital activity
 - Reach and quality of media coverage
 - Reach and quality of events activity/interactions

Action

24. The Board is asked to note and agree the communications proposals above to enable those self-employed people with continuing legal responsibilities to take appropriate action.

Paper clearance

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