

Health and Safety Executive Board		HSE/15/25	
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Final report on implementation of Health and Safety reforms in this Parliament

Purpose of the paper

1. This paper presents to the Board the DWP final progress report on implementation of health and safety reforms in this Parliament.
2. Also appended is a letter from Lord Curry, Non-Executive Chair of the Better Regulation Executive, to Robert Devereux, DWP Permanent Secretary, which highlights the leading role of DWP and HSE in delivering regulatory change over the lifetime of this Parliament.

Background

3. During this Parliament HSE has been subject to several reviews¹ evaluating its stock of legislation, approach to enforcement, perceptions of health and safety and impact upon business. An overview of these reviews is at Annex A.
4. DWP, as HSE's parent department, has published reports on HSE's implementation of the recommendations; the final DWP report on health & safety reforms is attached.
5. This work has been undertaken against a background of wider initiatives by Government to reduce the burden of regulation on business and aid economic growth.

Argument

6. HSE has delivered a great deal towards this Government's better regulation goals. HSE's achievements, and the way the work has been managed and delivered is of reputational significance to HSE. The quality of engagement and response to this work has been recognised across Government, including by the Better Regulation Executive (BRE), Cabinet Office, the Red Tape Challenge team and the Regulatory Policy Committee (RPC). Highlights of HSE's outputs in response to the reviews can be found at Annex B.
7. An example of the regard in which HSE's input is held can be seen in the response of the Secondary Legislation Scrutiny Committee (SLSC) comments on the 2014 regulatory consolidation packages on Explosives, Acetylene, Petroleum and Genetically Modified Organisms. In their Sixth Report to Parliament, published on 15 July 2014, the Committee praised HSE for the quality of this legislation, saying:

¹ Lord Young's review - '*Common Sense, Common Safety*'; Government's '*Good Health and Safety, Good for Everyone*'; Professor Ragnar Löfstedt's review - '*Reclaiming health and safety for all: An independent Review of health and safety legislation*'; Red Tape Challenge

"All four of these Regulations are consolidations and simplifications of existing legislation, in some cases repealing legislation that is over a century old. They are the result of extensive consultation with industry and others to find where clarifications and improvements are needed while maintaining appropriate safety standards. The Committee commends the Health and Safety Executive for its efforts and regards these instruments as examples of best practice."

8. These Health and Safety reforms have been undertaken in the context of wider Government challenges and changes to the way in which the business of policy making and regulation take place. Responding to the challenges, HSE has set out to improve the health and safety system through enabling better understanding of, and access to, the knowledge and information business and others need to comply with the law, alongside a simplification of the stock of legislation.
9. Significant engagement with industry and worker representatives has taken place, helping secure business and worker representative support for the simplification programme and technical reliability of replacement legislation, ACOPs and guidance. Open and collaborative working with industry and worker representatives has encouraged them to take ownership of their own specific health and safety issues and to take part in the development of innovative solutions that suit their particular circumstances. Business feedback has been extremely positive and HSE's approach has ensured outputs are easy to understand and practical.
10. Feedback from Industry has been positive:

Mark Godden, Mine and Quarry Manager at Albion Stone, has welcomed the reform of the Mining Regulations saying:

"The principle changes involve less prescription and further goal setting. Safe working practices will be founded more upon local risk assessments and less upon one-size-fits-all regulatory decrees. In my opinion, provided risks are properly assessed, this is a sensible improvement. Duties under the new regulations will be transferred from the mine manager to the mine operator, which I also think is long overdue. Consolidating mining law into a leaner, more adaptable and user-friendly format will make compliance easier and this is indisputably in everyone's interest."

11. Against a baseline of 201 pieces of legislation identified as being owned by HSE in 2010, HSE has revoked consolidated and improved 84% of these during this Parliament. This includes reducing the overall stock of legislation by 50%. Both targets have been met, and these reforms have been achieved without compromising or diluting health and protections for workers.
12. In monetary terms, HSE has implemented a number of measures that contribute to the final balance of One In, Two Out (OITO) held by DWP. As of the final Statement of New Regulation of this Parliament (SNR9), HSE has been able to contribute £21.25m of savings to business under OITO in this Parliament. The most significant are measures to reform the Construction Design and Management Regulations (CDM), contributing an "out" of £19.6m.
- 13.

Action

14. The Board are asked to note and comment on the Report and the successful and highly regarded outcomes delivered by HSE staff.

Paper clearance

15. This paper was cleared by Jane Willis on 11 March 2015.

Annex A: Background on Health and Safety Reforms

1) Lord Young's review - 'Common Sense, Common Safety'

In June 2010, the Prime Minister asked Lord Young of Graffham to "investigate and report back on the rise of the compensation culture over the last decade coupled with the current low standing that health and safety legislation now enjoys and to suggest solutions". In his report *Common Sense, Common Safety* (October 2010) Lord Young made recommendations on:

- Legislation
- Enforcement
- the role of insurers; and
- compensation claims procedures.

The Government accepted Lord Young's recommendations and in February 2011 and the Prime Minister passed responsibility for overseeing progress of the overall health and safety reform agenda to the Department for Work and Pensions.

Lord Young's report made 35 recommendations. Sixteen of these recommendations fell to HSE, 15 of which are now delivered, only AALA remains ongoing.

2) Government's 'Good Health and Safety, Good for Everyone'

Good Health and Safety, Good for Everyone introduced significant further reforms (March 2011):

- the independent Occupational Safety and Health Consultants Register (OSCHR), providing access to good quality, sensible and proportionate health and safety advice for employers.
- HSE's 'Health and Safety Made Simple', easy to use guidance for small and medium sized employers in low risk businesses, making it easier for employers to do the right thing.
- major changes to the enforcement regime for health and safety, refocusing both HSE and local authority inspection activity on higher risk areas and away from lower risk businesses who manage their responsibilities effectively.

3) Professor Ragnar Löfstedt's review - 'Reclaiming health and safety for all: An independent Review of health and safety legislation'

Professor Ragnar Löfstedt, Director of the King's Centre for Risk Management at King's College London was also asked to review health and safety regulation. Comments received through the Government's Red Tape Challenge on health and safety regulation were fed in to his review.

His recommendations '*Reclaiming health and safety for all: An independent Review of health and safety legislation*' were accepted by the government and as a result, by the end of 2014, 50% of health and safety legislation will have been reviewed, scrapped or improved. The Government used the Red Tape Challenge to go further, and committed in the 2012 Budget to scrap, review or improve 84% of health and safety legislation.

One year on from his review, Professor Löfstedt concluded that good progress had been made and that there is evidence that the perception of health and safety was changing.

4) Red Tape Challenge

The Red Tape Challenge is a Government initiative offering people the opportunity to have their say on regulations that affect their everyday lives. This is part of an overall aim: to leave office having reduced the overall burden of regulation.

Health and safety is a cross cutting Red Tape Challenge (RTC) theme with the regulations listed on the RTC website since its launch in April 2011.

HSE Regulations were in the RTC “spotlight” for two weeks in July 2011 to allow stakeholders to comment online in time for the evidence gathering phase of the independent Löfstedt review.

Comments made on the Red Tape Challenge Health and Safety theme up until 28 July 2011 were considered by Professor Löfstedt alongside responses to his call to evidence. His report ‘Reclaiming health and safety for all: An independent review of health and safety legislation’ set out a number of risk and evidence-based recommendations to reduce regulatory requirements on business where they do not lead to improved health and safety outcomes, and to remove pressure on business to go beyond what the regulations require. This report was published on 28 November 2011.

The Red Tape Challenge built on Professor Löfstedt’s report to see whether the measures being taken forward could go further or faster. As a result, around 85% of health and safety regulations will be scrapped or improved.

Annex B: Highlights of HSE's response to the Better Regulation agenda:

1. **Reduction in proactive inspections** – Refocusing inspection activity on higher risk areas and away from lower risk businesses who manage their responsibilities effectively.
2. **Introduction of the LA Code** – Setting out the risk based approach to targeting health and safety interventions that LA regulators should follow. LA regulators have reduced their proactive inspections, from a baseline of 118,000 in 2009/10 to 6,300 in 2013/14, representing a 95% drop.
3. **Focus on enforcement** – The government led [Chemicals Sector Review](#) is one of four that has been recognised as demonstrating reforms that deliver significant benefits to business by integrating previously separate COMAH and Environment Protection inspections to remove unnecessary duplication and overlap. 77% of those polled by BIS found the new arrangements were an improvement and over 85% reported the change had benefited their business.
4. **Review of ACOPs** – HSE has reduced the page count of ACOP material by 40% - down from 1842 pages to 1222. Business feedback has been positive, delivering resource benefits to business and helping ensure the end products meets their needs. Business has confirmed ACOPs give them practical advice to ensure they are doing enough to comply with the law.
5. **Review of guidance** – HSE has reduced the number of guidance pages by 60% - down from 11072 to 6776. The review was targeted to provide resources for business that give practical advice and allow a proportionate approach in complying with health and safety law, removing duplication, combining publications to present information in the most appropriate manner for the audience and the withdrawal of guidance no longer relevant or where industry has taken the lead.
6. **Health and safety made simple** - A single, easy to use, piece of guidance with tools aimed at small and medium sized employers in low risk businesses. The guidance takes businesses quickly through their basic health and safety duties describing in plain English "what to do" and "how to do it". Where necessary, the guidance provides signposts to more detailed help and industry-specific advice. It has already been accessed more than 1.6 million times since it was launch on 21 March 2011.
7. **Health and Safety Toolbox** – Aimed at SMEs, the Toolbox is a set of interactive web pages offering practical advice, tools and case studies for those who need to identify, assess and control more complex risks in their workplace. The Health and safety Toolbox has received over 1.3 million visitors since launch in September 2012.
8. **Risk assessment tools** – HSE created four risk assessment tools for low hazard premises (offices, classrooms, shops and charity shops). The tools help avoid unnecessary paperwork and bureaucracy, cutting the process back to less than 20 minutes. The office tool for example, which to date has been used to produce over 49,000 risk assessments, is expected to save business around £380,000 a year. The forecast total savings over a ten year analysis period to be in the region of £3.3 million.
9. **RIDDOR** – Changes to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations and its associated guidance make it easier for business to understand what

they need to do. The reporting period has been extended from 3 to 7 days. This is expected to save business more than £5m over 10 years. Further changes to revise reporting requirements for major injuries and ill health conditions have also been made resulting in a further £1.3m over 10 years.

10. **Portable Appliance Testing (PAT)** – Professor Löfstedt highlighted that many businesses were having everyday appliances, such as kettles and microwaves, tested annually, something both costly and of questionable value. Revised PAT guidance was published in April 2012 making it clear the testing requirements for low risk workplaces. It is estimated that just for offices, the potential savings from eliminating over-compliance would be approximately £30 million annually.
11. **First Aid** – In response to the Red Tape Challenge and subsequent Star Chamber, HSE published revised guidance in May 2012, to clarify the minimum requirements relating to first aid provision in the workplace for small businesses. Professor Löfstedt recommended that businesses should have greater flexibility to choose first aid training that was right for their business by removing the requirement for HSE to approve the training and qualifications of first-aid personnel, provided the training met a certain standard. The first aid ACOP text was also removed and incorporated into revised guidance to provide simple, comprehensive information for businesses. These changes were estimated to save business an estimated £4 million in present values over 10 years and by removing duplication in training for emergency service personnel save society an estimated £85 million in present values over 10 years. As part of ongoing stakeholder engagement, HSE later identified further significant savings to business of around at least £57m in present values over 10 years arising from these changes (however it is the RPC's policy not to revalidate further estimates once they have approved the final stage IA and so these additional savings were not included in the OITO balance.)
12. **Empowering business and public to challenge excessive or misapplied H&S** – Following a suggestion by Professor Lofstedt, the Myth Busters Challenge Panel was established in April 2012, providing a mechanism for the public to challenge health and safety advice from non-regulators who use health and safety as an excuse or issuing advice that members of the public think is incorrect or disproportionate. So far the panel has published opinions on over 330 cases and responded to over 1000 enquiries, and has proven to be a popular and successful way for HSE to challenge those who use health and safety as a convenient excuse. Media monitoring indicates a reduction in negative stories. There have been 7 publicity campaigns with TV, radio and leading newspapers all running articles on the Myth Busters Challenge Panel highlighting the difference between real health and safety issues and 'elf and safety' silly stories.