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**HEALTH AND SAFETY COMMISSION
ADVISORY COMMITTEE ON TOXIC SUBSTANCES**

Reducing Risks, Protecting People: HSE's Decision Making Process

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Issue

1 To re-familiarise members with *Reducing Risks, Protecting People* (R2P2), and to note its implications for chemical control.

Timing

2 In the course of business, although before ACTS comes to any risk-based decisions, it will wish to have considered the issues in this paper.

Recommendation

3 For information.

Background

4 In recent years, there have been moves, co-ordinated through ILGRA (the Inter-departmental Liaison Group on Risk Assessment), to encourage British government departments to publish "risk frameworks". These frameworks describe each department's decision-making processes on risk issues. HSE's framework is called *Reducing Risks, Protecting People* and explains the basis for HSE's decisions regarding the degree and form of control of risk from occupational hazards. It is available electronically at <http://www.hse.gov.uk/dst/r2p2.pdf> and in hard copy (ISBN 0-7176-2151-0, price £5.00).

5 It follows the Better Regulation Task Force's five principles of good regulation:

- openness and transparency;
- accountability;
- proportionality;

- consistency; and
- targeting.

Its central purpose is to describe the process and underlying principles through which HSE (on behalf of HSC) reaches decisions on risk control measures. This gives HSE staff guidance and ensures consistency, and opens up our decision making process to others.

6 Transparency is vital to ensure HSC/E's effectiveness, to reassure the public that risks are being properly addressed and to let other regulators know the basis of decisions so as to promote consistency. It also means that HSC/E can be held accountable for their decisions, since people can look at the document and see whether we have followed our framework.

Argument

7 R2P2 has three main sections. First, it describes its purpose. Second, it reviews developments in knowledge about risk and risk management issues since the introduction of the HSWA. In particular, it discusses:

- the public's perception of risk and what is meant by individual concerns (tangible harm to individuals) and societal concerns (socio-political response to dreaded risks, unfamiliar risks, risks that if realised produce large numbers of victims and risks that affect particularly vulnerable groups);
- changes in the regulatory environment (internationalisation, complexity, legal judgements about the meaning of "risk");
- changes in business; and
- changes in society's preferences, values and expectations.

8 Third, it describes HSC/E's framework for adopting decisions. This is a 6 stage, iterative process, in which stakeholders are actively involved at each stage. The stages are:

- 1 Deciding whether the issue is one for HSC/E
- 2 Defining and characterising the issue;
- 3 Examining the options available for addressing the issue, and their merits;
- 4 Adopting a particular course of action for addressing the issue;
- 5 Implementing the decisions;
- 6 Evaluating the effectiveness of actions taken and revisiting the decisions if necessary.

9 Getting stage 4 (how we reach decisions) right is particularly important. R2P2 says that a large part of getting it right is making sure that we understand the criteria for judging whether a risk is unacceptable, tolerable or broadly acceptable. The "tolerability of risk" (TOR) framework discussed in the 1988 HSE publication *The tolerability of risk from nuclear power stations* is described (see annex).

10 When R2P2 was published in December 2001, HSE's Director General issued a message to all staff, asking them to ensure that the framework was followed in our work. HSC Advisory Committees are encouraged to adopt the same approach.

Implications for chemical control and the OEL framework in particular

11 R2P2 is meant to **describe** HSC/E's processes, not **prescribe** them: it is a framework, not an entirely rigid set of instructions. However, there is a clear expectation that the processes described will be followed unless there are compelling reasons to depart from them. HSC/E will need to be clear why such departures are necessary, and to be prepared to defend them.

12 Therefore, when ACTS advises HSC on what decisions it should take about the control of risks from toxic substances, eg for the revision of the existing OEL framework, it should be able to demonstrate that its advice is in accord with the R2P2 framework. HSE staff will help ACTS do this.

Evaluation Plan

13 The success of R2P2 in building trust and demonstrating openness will be evaluated in due course.

Relevant Control Systems

14 Not relevant.

Consultation

15 R2P2 was the subject of a formal HSE discussion document (DDE11) in 1999.

Presentation

16 ACTS will wish to ensure that public confidence in the regulation of risks from toxic substances is improved or maintained. An important part of achieving this will be that there is a clear explanation of how tolerable are the risks from toxic substances, and that the controls are demonstrably proportionate to the risks.

Costs and Benefits

17 There are no additional costs involved in following the R2P2 framework because it describes the existing system. The benefits that will accrue from following the system include consistency, transparency and openness, which will improve the trust and confidence stakeholders have in HSC/E.

Environmental implications

18 None.

European implications

19 None.

Devolution implications

20 None.

Other implications

21 None.

Action

22 ACTS is invited to note the contents of this paper.

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The tolerability of risk framework

