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HEALTH AND SAFETY COMMISSION

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

Evaluation of the HSC Enforcement Policy Statement

Issue

1. To bring to the attention of members HSE's current evaluation of the impact of the HSC Enforcement Policy Statement (EPS) on compliance with health and safety law.

Background

2. The EPS (on HSE Website at <http://www.hse.gov.uk/pubns/hsc15.pdf>) sets out the general principles and approach that HSC expects from all staff in HSE and the local authorities that take enforcement decisions. It was last revised in 2002 following extensive consultation and has been well received. However, this revision was not informed by a broad evaluation of the principles and practices that underpin enforcement.
3. Following publication of the revised EPS, the Commission stated that HSE would develop and implement an approach to evaluating the impact of the Statement on compliance with health and safety law. This approach has now been developed and the evaluation process begun.
4. The evaluation programme will run for three years, to be completed in time for the next review of the EPS, which is scheduled for 2007. As such, the results of the programme will impact significantly upon future HSC enforcement policy.
5. Bill Callaghan, HSC Chair, is the HSC Champion for this programme.

Objectives

6. The aim of the programme is to ensure that the next review of the EPS is informed by evidence as to whether the policies, principles and practices set out

in the current Statement continue to be effective in protecting those who may be exposed to risks from the way work is carried out.

7. We will do this by examining a wide range of issues that address the nature and practice of enforcing health and safety law. For example:
 - Examining whether enforcing authorities observe the principles and practices set out in the EPS;
 - Exploring whether these principles and practices are effective in fulfilling the purposes of enforcement (ie: ensuring action to deal with immediate risk, promoting and achieving sustained compliance with the law and holding failing duty holders to account);
 - Considering whether our enforcement policy can be made more effective still.
8. The evaluation programme involves the management of a portfolio of related projects, from surveying inspectors and duty holders to applying the findings of relevant associated research. We are also seeking the views of stakeholders because we want the programme to focus on those issues that they see as particularly important.
9. Input from stakeholders in the construction industry would be especially helpful as this sector is subject to more enforcement action from HSE than any other and so can be said to have a unique perspective. Indeed, statistics show that the industry received over half of all prohibition notices served by HSE last year and accounted for approximately one-third of all prosecutions (<http://www.hse.gov.uk/statistics/causacc/tables.htm#enforcement>).

Action

10. CONIAC members are invited to submit to the evaluation programme team their views on any aspect of HSC's enforcement policy. Examples could include:
 - The extent to which enforcing authorities are proportional and consistent in enforcing.
 - The effectiveness of the enforcement tools – primarily advice, notices and prosecution – at an inspector's disposal.

- The criteria by which HSC would normally expect prosecution to follow in response to an apparent breach of health and safety law.
- The effectiveness of the prosecutions and notices database as a factor in promoting and achieving compliance with health and safety law

11. We hope that you will take this initial opportunity to contribute ideas to the evaluation of the EPS. To do so, please write to the contact below.