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HEALTH AND SAFETY EXECUTIVE

Senior Management Team

Managing for Health and Safety Project

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Issue

1. Mandate for the next steps in the 'Managing for Health & Safety' Project.

Timing

2. Urgent - delivers a commitment in the 2009/10 Business Plan.

Recommendation

3. The SMT is asked to agree:
 - a. Work to refresh and reinvigorate the regulators' position on managing for health and safety;
 - b. Arrangements for the governance of any future work in this area.

Background

4. There is a long history of attempts to refresh HSE's position on health and safety management (a key feature of which is the publication HSG65 *Successful health and safety management*). Initiatives in this area have repeatedly stalled; the underlying causes of this have perhaps varied but the multi-faceted nature of the topic, combined with the multiplicity of views and expectations of what should be delivered are recurring, significant challenges.
5. From 2000 HID carried out a preliminary review of HSG65, as even then it was considered outdated; however no consensus was reached as to what action should be taken. In February 2004, Policy Group initiated a project to "Review HSE/LA approach to duty holder's management of health & safety". The review covered all sectors and sizes of organisation, and involved representatives from LAs and across HSE. Again no consensus emerged and an interim report was provided to the then Board (now SMT) in March 2005 (Paper HSE/05/012).
6. The project lead then passed to HID. Progress continued to be slow and the matter was returned to the then Board in October 2005 (Paper HSE/05/045). The challenging nature of the project and the difficulties of keeping control of its scope were highlighted. In April 2006 a further proposal was prepared by OPSD, a key part of which was that broader evidence should be sought to identify what management behaviours/characteristics are associated with good health & safety performance in the modern economy. The project

however stalled for a further 18 months when difficulties were encountered with first funding this research and then finding a suitable contractor.

7. The project restarted at the end of 2007, using a Delphi Study as an alternative, innovative approach to developing the evidence base. That work - *How Management Behaviours Associated with Successful Health and Safety Performance Relate to those Associated with Success in Other Domains: Report of the Delphi Study* - is about to be published. The findings, in the main, reinforce widely believed principles:
 - a. health & safety should be treated as an integral part of productivity, competitiveness and profitability. The business benefits were generally considered to justify the costs;
 - b. key factors for success are: Good leadership, sound business processes, a trained/skilled workforce, operating in an open and trusting environment;
 - c. cultural factors have the greatest impact both positive and negative;
 - d. the internal environment is more influential than the external.

Argument

8. The lead for the work has now passed to Cross-Cutting Interventions Directorate (C-CID), who are now scoping the next phase in the project. That scoping is against the backdrop of the strategy, in which effective health & safety management is a key underpinning component, particularly of the leadership theme. The connections however extend to competence, worker involvement, SMEs and avoiding catastrophe.
9. The Business Plan 2009/10, under “The need for strong leadership” includes the commitment “To help others take the agenda forward...” by delivering a programme of work on “Safety Culture /Managing for Safety”, with a target date of March 2010. In addition HSE have stated that, in taking forward their contribution to the delivery of HSE’s business plans, they will place a high priority on ‘health & safety management’.
10. In this scoping phase a number of options have been considered – these are described in Annex 1. We are proposing that the project is now focused on refreshing and reinvigorating the regulators position on managing for health and safety (option iii). The focus on this option is further reinforced by:
 - a. the views expressed during wide-ranging, exploratory discussions with internal and external stakeholders;
 - b. the increased interest in the topic generated by the recent Delphi study, with a resulting expectation that action will follow;
 - c. leadership (on health & safety) is a priority area in the strategy – current thinking is that for organisational success ‘leadership’ is critical but it needs to be underpinned by effective management arrangements;
 - d. stakeholders look to HSE leadership in thinking around this topic. HSG65, published in 1991, was very successful and influential, stimulating the development of guidance and standards worldwide, as well as prompting thinking by other regulators on approaches to assessing management systems. There has not yet been a wave of updated approaches by others to succeed the thinking in HSG65.Withdrawing from the topic remains an option, albeit with significant resource and reputational costs.
11. We have considered the results of the Delphi study and the analysis carried out for previous exercises. We propose that the goal is now to implement current findings about the read across between effective management generally and effective health & safety management. In doing that we need

to avoid the trap of telling business how to run itself, whilst still holding duty holders to account on their management performance in the health & safety arena. That will mean producing an up-to-date authoritative approach to improving health and safety management that both draws on lessons from effective business management more generally and forms a coherent, and integrated part of it. The proposition is to deliver this by:

- a. Refreshing what's in the regulator's 'offer' (in the form of guidance, toolkits, etc) and how it fits with the information provided by others eg BSI;
- b. further developing the confidence and competence of HSE/LA staff as they assess 'health & safety management' in their work as regulators

Does the SMT support this proposition?

12. The products, based on the discussions held so far, that would be expected to be delivered in such a package of work include:
 - a. a statement of the core elements for managing for H&S , that would also signpost other important guidance, toolkits and case studies, eg on leadership, culture, etc;
 - b. a refreshed and 'reduced' HSG65, which reinforces widely believed principles but is expected to change in language and content;
 - c. a revised website presence on the topic;
 - d. an updated Guide to Inspection of H&S management (for HSE & LAs);
 - e. a briefing & training package, including using GRIP and RDNA.
13. This set of products would need to:
 - a. follow Better Regulation principles;
 - b. emphasise the importance of leadership and culture;
 - c. support the strategy themes;
 - d. be segmented, to take account of the needs of different sizes of organisations and different sectors;
 - e. consider the importance of both 'avoiding catastrophe' and (conventional) health & safety - process safety requires different management activity and skills than conventional H&S or, at least, a different application of a common set of principles;
 - f. reflect the needs of LA and HSE regulators;
 - g. be seen as authoritative, and;
 - h. be future-proofed as far as possible.
14. We need to learn from the history of this project but several key elements are now in place which mitigate the risks realised in previous exercises:
 - a. the impetus provided by the strategy;
 - b. a small team, dedicated to this project has been put in place within C-CID;
 - c. we have an updated evidence base.
15. Detailed plans, including timescales and links to other work, will be drawn up to underpin the delivery of the work agreed by SMT. The suggested work blocks are at Annex 2. Robust governance arrangements to ensure pace and direction are maintained are needed; it is suggested governance is through a joint HSE/LA senior steering group chaired by Patrick McDonald. Ideally others should be represented but given the cross-cutting nature of the topic and its importance to virtually every HSE stakeholder, pulling together a truly representative group would be extremely difficult.
16. To counter the regulatory focus of such a Steering Group, a core network of external contacts will be extensively consulted during the development of the proposed products; with wider consultation as appropriate. The views of the Leadership & Worker Involvement SAT will be sought. It will also be important to fully engage with HSE staff. **Does the SMT agree these**

proposed governance and consultation arrangements?

Consultation

16. In developing these proposals discussions were held with: FOD HQ (David Sowerby) and Heads of Operations (particularly the Procedures Working Group); HID MB (Gordon MacDonald, Peter Baker, Ian Whewell, Moira Wilson); LAU (Tony Hetherington); ND (Peter Snelson, Ian Britten) C-CID (Anna Bliss and Jenny Eastabrook); CSD (Trevor Shaw); CSAG (Michael Thomson); HR L&D (Maria Finch); DCE's Office (Phil Scott). PPU (Sarabjit Purewal) were also consulted. Preliminary discussions with external stakeholders included BSC, IOSH, RoSPA, NEBOSH and BSI.

Presentation

17. No publicity initiatives for the initiation of this work are proposed. A communications and consultation plan will be developed as part of the detailed project planning. It will be critical to fully engage and work with LAs and LACoRS. There may also be an opportunity to lead thinking more widely amongst regulators.

Costs and Benefits

18. The proposed benefits to business are access to simpler, clearer guidance to support managers. If new guidance is agreed then it is expected to result in lower net costs to business but a full impact assessment will be carried out to formally assess the costs and benefits.

Financial/Resource Implications for HSE

19. The costs so far, for this 'life' of the project are £48K (staffing) and £85K (research). The core team for the proposed work is B1 (0.9), B2 (0.8) and B4 (0.95). The B1 and B4 posts are funded to the end of the 2009/10 financial year, with the B2 agreed until November 2009, at a total further cost of £80K from existing budgets.
20. It is predicted that B2 resource will be needed to the end of the work year, which increases costs by £22K. In addition it is proposed to strengthen the team through an external 6mth secondment to bring in expertise on current business thinking and drafting/use of 'language'. This resource is expected to come from a Business School at an estimated cost of £36K (based on B3 Specialist costs). Funding for this will need to be identified.
21. FOD will resource the proposed work on the 'Guide to Inspection of Health & Safety Management'. The initial proposal is that this will be a B3 Inspector full-time for 6mths, at a salary cost to FOD of £31K from existing budgets.

Environmental implications

22. Not applicable.

Action

21. The SMT is asked to agree:
 - a. Work to refresh and reinvigorate the regulators position on managing for health and safety that is focussed on delivering a new 'offer' of guidance, case studies, toolkits and links and, alongside that, work to further increase the competence and confidence of regulatory staff;
 - b. arrangements for the governance of any future work in this area.

Options

(i) **'Status quo'** - Keep HSG65 un-amended and use the Strategy themes to get across any new messages on managing health & safety

PROS	CONS
<ul style="list-style-type: none"> Keeps HSG65 (a well regarded publication) in the HSE pantheon of guidance Saves resource Comfortable for staff 	<ul style="list-style-type: none"> Central plank of HSE Guidance increasingly outdated - already 12+yrs since last reviewed No single focus in the strategy themes for this work May lead to reputation damage as HSE's approach not seen as being that of a modern regulator

(ii) **'Leave the field to others'** - Withdraw HSG65 etc from the pantheon of HSE guidance and 'throw our lot in' with the guidance produced elsewhere eg BS OHSAS 18001 Occupational Health and Safety

PROS	CONS
<ul style="list-style-type: none"> Strong signal that we are not telling business how to run itself Lets others 'be part of the solution' 	<ul style="list-style-type: none"> Would signal a strategic shift in HSE's position in the eyes of stakeholders Removes HSE from taking a leading role in the topic Would still require resource to fit external guidance with HSE approaches to intervention and enforcement

(iii) **Refresh and reinvigorate the regulators position on managing for H&S** - update HSG65 to fit the current context and position it within a new 'offer' from the regulator.

PROS	CONS
<ul style="list-style-type: none"> Provides practical and pragmatic advice to support delivery of many elements of the strategy Keeps HSE as a 'market-leader' in the topic 	<ul style="list-style-type: none"> Past history shows this is a difficult step to make Resistance from some stakeholders who have a lot vested in the 'old' HSG65

Annex 2

Option (iii) Refresh and reinvigorate our position on Managing for H&S - Proposed Workblocks

