



Prioritising the work of the Health and Safety Commission and Executive

The Health and Safety Commission hopes that publication of this paper will stimulate consideration and discussion of the issues raised

Any responses to the document would be welcome and should be sent to:

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to reach him no later than 22 October 2001

The Commission tries to make its consultation procedure as thorough and open as possible. Responses to this discussion document will be lodged in HSE's Information Centres after the end of the discussion period, where they can be inspected by members of the public or copied to them on payment of the appropriate fee to cover costs.

Responses to the discussion document are invited on the basis that anyone submitting them agrees to their being dealt with like this. Responses, or parts of them, will be withheld from the Information Centres only at the express request of the person making them. In such cases a note will be put in the index of responses identifying those who have asked that their views, or part of them, be treated as confidential.

DISCUSSION
DOCUMENT

Introduction

1 As part of the ‘*Revitalising Health and Safety*’ strategy for improving health and safety at work, the Government and the Health and Safety Commission have set targets to reduce injuries, ill-health and days lost at work.

2 The Health and Safety Commission’s published Strategic Plan for 2001 - 4 sets out how it and the Health and Safety Executive (HSC/E) will contribute to meeting the targets. This contribution will be through:

- **Taking action in priority areas where significant improvements are required if the targets are to be met.**
- **Effective regulation of the major hazards sectors.**
- **Its statutory responsibility to secure compliance with the law.**
- **Meeting the mandate given by statute and Government to modernise and simplify the regulatory framework; provide information and advice; promote risk assessment and technical knowledge; and operate statutory schemes.**

The need for prioritisation of HSC/E’s work

3 Given HSC/E’s finite resources, there will inevitably be competition between the different demands which arise in each of these areas of work. We cannot treat all demands equally. Choices have to be made, not least because if we try to do too much we may spread ourselves too thin and not have the impact needed to achieve the *Revitalising* targets.

4 HSC/E’s priorities are, to some extent, already determined, that is by the Strategic Plan which describes the current plans for delivering the targets. Some work is in effect ring-fenced, because HSC/E has to do it - for example HSE has duties to assess safety cases in the major hazards sectors, which it cannot duck or put off to a later date. In other areas there are strong political imperatives: for example to meet international obligations such as implementing EU directives. Then again, HSC/E is already committed to significant pieces of work - for example that concerned with the long-term occupational health strategy ‘*Securing Health Together*’ the Commission has already agreed with the Government and stakeholders.

5 However, there remains a range of other activities amongst which HSC/E will have to decide which should have prior call on resources, whilst recognising that all such work will be important to some stakeholders, will have some impact on health and safety; and that there will be some expectation on HSC/E to act on it. For example,

- gas safety has been the subject of a high profile HSE campaign. It is aimed at protecting vulnerable groups such as students and the elderly, and also provides valuable publicity for health and safety. But it generates significant demands on HSE's inspector resource - are we putting the right amount of effort into this area?
- HSE puts considerable effort into activity aimed at protecting children from the dangers of building sites, farms etc. This is because HSE takes particular note of society's concern when it comes to the safety of children, even though the number of deaths when compared to other activities is relatively small. But has HSE got the balance right?

6 Indeed, given the scope of the Health and Safety at Work Act and, especially, the breadth of Section 3 of the Act which concerns the protection of non-employees (e.g members of the public), we can see a growing demand for HSC/E to address new issues or give more attention to existing concerns.

7 All of which reinforces the need to prioritise - but how are we going about it? HSC/E proposes to undertake a prioritisation exercise, based on the framework set out below. Of course, deciding between the competing demands of different areas of work is not a new problem for HSC/E. We have had to exercise our professional judgement on such matters in the past. **The proposed framework is intended to help HSC/E's use of its judgement, not to provide a mechanistic substitute for it.** It is a tool intended to supply our judgement-making with an element of systematic and objective analysis, and to make our judgements more transparent to our stakeholders.

8 In the first place, however, HSC/E wishes to consult its stakeholders on the proposed framework. At the end of this document, is our invitation for your views.

FRAMEWORK FOR PRIORITISATION

9 HSE's risk-based decision-making takes into account two elements when determining how it should regulate the risk from a particular hazard¹ to particular sectors, vulnerable groups etc:

- (a) the individual risk, i.e. the potential harm to individuals; and
- (b) the societal concerns, engendered by the potential harm from risks which impact on society as a whole.

Both of these factors can be used as means of prioritising HSC/E's work.

10 In the case of individual risk, there are the well-established methods of objective risk assessment which can be used to determine, in respect of a particular hazard, the likely extent of the harm, in terms of injury or ill-health to workers and members of the public, damage and disruption in the community. Such risk assessments can be used to provide a ranking of hazards and thus a tool for prioritisation.

11 In the case of societal concerns, it is harm to the social fabric which is at issue. This arises from society's response to the realisation of a risk (i.e. an incident) which has its origins in the public perception of that risk. However, the methods for determining societal concerns are not so well-established. Taking account of societal concerns when prioritising (i.e. on the basis of the public perception of risk) is, in effect, taking account of what the public expects of HSC/E. Misreading such public expectation would imperil public trust in HSC/E and it is important, therefore, that HSC/E's approach to prioritisation in this way is robust. We propose the following approach.

Prioritisation taking account of societal concerns

Work directed at particular hazards

12 Many of the demands on HSC/E resources will be concerned with work aimed at dealing with particular hazards. To prioritise such work on the basis of the societal concerns a particular hazard engenders, we suggest that four factors need to be considered, i.e.

- (a) the nature of the hazard and its associated risks and benefits;

¹ 'Hazard' - anything with the potential for harm
'Risk' - likelihood harm will occur;

- (b) HSC/E's ability to intervene effectively (i.e. what we can realistically do that will have an impact);
- (c) the extent of public interest in the area of concern (i.e. how high a profile does the issue have with the public, how long has this profile been maintained);
- (d) the expectations of HSC/E's stakeholders (i.e. are stakeholders looking to HSC/E for action, or to some other regulator)

13 For a particular item of work, prioritisation could proceed by evaluating the individual factors set out above and combining these to give an overall evaluation, which would allow ranking it against other items. Each of these factors needs to be evaluated against a number of characteristic criteria set out below

14 In the application of these criteria, HSC/E will not only be able to look at hazards in relation to the current state of affairs but also to take a longer term strategic view by forecasting how the factors will be affected by anticipated changes in public values and expectations and advances in science and technology.

(a) Criteria for evaluating the nature of the hazard and its associated risks and benefits

15 Studies by social scientists have revealed a wide range of factors influencing the public perception of risk. Those particularly important fall under five main headings:

- the extent of understanding of the hazard, its cause and effect;
- the scale of the consequences (e.g. could large numbers be killed in one incident);
- the dread inspired by the hazard - which is determined by such characteristics as the potential for globally catastrophic or irreversible consequences, the involuntariness of exposure;
- the vulnerability of the potential victims (e.g. are children involved?);
- how equitably the risks and benefits are distributed.

(b) Criteria for evaluating HSC/E's ability to intervene effectively

16 The ability of HSC/E to intervene effectively will depend, broadly, on:

- the extent of HSC/E's knowledge about the hazard, its cause and effects;
- the effectiveness of the control measures that HSC/E could require to be brought to bear on the hazard;
- the extent of HSC/E's legal scope (e.g. are there other regulations, enforced by a different regulator, better suited to ensure the necessary controls are introduced?).

(c) Criteria for evaluating the extent of public or other stakeholder interest in the area of concern

17 Two factors are pertinent:

- the strength of public interest in the hazard;
- the persistence of public interest.

18 Determining these factors could be achieved by sampling public perceptions directly, asking people for their views, or indirectly using a surrogate measure such as the degree of media interest.

(d) Criteria for evaluating the expectations of HSC/E's stakeholders

19 Operating within a society which is democratic and to which it is accountable, HSC/E needs to include an explicit consideration of the expectations of its stakeholders when determining priorities. Stakeholders include the Political (Ministers, MPs etc.); the work-related (employers, employees etc.), the general public and its representatives (e.g. non-governmental organisations). For the particular hazard, HSC/E needs to consider:

- the level of stakeholders expectation of action from HSC/E (i.e. are stakeholders looking to HSC/E, or to some other regulator);
- the extent to which HSC/E could, in principle, by taking action in respect of the hazard, meet stakeholder expectations.

The expectations of the stakeholder groups are not unconnected (e.g. public expectations will significantly influence the Political).

Other work

20 In addition to the work directed at particular hazards, discussed above, HSC/E undertakes work which contributes to the general process that HSC/E employs to support such hazard-specific work. The work in this category is not directed at any particular hazard but there could be harm to stakeholders' interests if appropriate work is not undertaken (or inappropriate work is undertaken), and also to HSC/E's credibility and, therefore, public trust. Examples of such work are the production of statistical information, the development of policy on regulation and enforcement.

21 To prioritise this general process work, we suggest that consideration should be given to the extent to which it helps:

- (a) to meet the expectations of HSC/E's stakeholders (for example, for guidance, information etc.);
- (b) HSC/E to act, and be seen as acting, according to the principles of better regulation (i.e. open, transparent, proportionate, targeted and accountable) and disinterestedly;
- (c) the public to better understand HSC/E's point of view, motivation etc
- (d) to achieve success in the hazard-specific work it supports

Your views, please!

22 We would welcome views on the approach to prioritisation set out in the framework above, and would like to hear in particular:

- i. whether taking account of societal concerns is a correct basis for prioritisation (para. 11) and, if not, what basis should be adopted;
- ii. whether, for prioritising work directed at particular hazards, the correct factors have been considered (para. 12) and, if not, what factors should be adopted;
- iii. whether, the characteristic criteria for evaluating these factors (para. 15 - 19) are the correct ones and, if not, what criteria should be considered;

- iv. whether, for prioritising work which contributes to the general process that HSC/E employs to support hazard-specific work, the correct factors have been considered (para. 21) and, if not, what factors should be adopted.

Please e-mail your comments by 22 October 2001 to laurence.golob@hse.gsi.gov.uk

or by post to:

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DISCUSSION DOCUMENT



The full text of this and other Discussion Documents can be viewed
and downloaded from the Health and Safety Executive web site on the internet:

www.hse.gov.uk/disdocs/

Discussion Documents are available from:

HSE Books, PO Box 1999
Sudbury, Suffolk CO10 2WA
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