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Local Government Panel/HSE Board

BRE report “Improving Health and Safety Outcomes”

**Paper by Gerry Kasprzok (HSE/LAU)
Cleared by Sandra Caldwell on 1 Oct 2008**

Purpose

1. To alert members to the recent Better Regulation Executive (BRE) review of health and safety – in particular, recommendation 6 on the division of enforcement between the Health and Safety Executive (HSE) and Local Authorities (LAs) - and to seek advice on taking this issue forward.

Background

2. In 2007 BRE, with support from HSE, launched a review to consider how the health and safety regulatory regime affected low risk smaller businesses. Its aim was to reduce unnecessary burdens, reduce injury and ill-health and increase public confidence in the health and safety regime.

3. The review’s findings “Improving Health and Safety Outcomes” (<http://www.berr.gov.uk/files/file47324.pdf>) was published in August 2008. (see Annex 1 for summary of recommendations and HSE’s comments). The review recognised the impact that other health and safety players, as well as HSE and LAs, can have in improving health and safety outcomes in smaller and low risk businesses.

Argument

4. One of the review’s main conclusions was to target overall inspection resource at workplaces where the risk of injury or ill health is highest by encouraging further joint working between HSE and LAs. It’s recommendation (6) was:

“To address issues and challenges from the current division between HSE and LAs of health and safety inspection and enforcement, especially barriers to targeting overall health and safety inspection and enforcement resource on workplaces where the risk of injury or ill health is greatest”

and the specific requirements to:-

- build on their existing partnership the HSE and LAs should launch a series of pilots to test, both in terms of scale and types of workplace , where more joint-working (such as joint inspections and flexible warranting) can be most effective; and
- as part of their on-going strategic review, the HSE and LAs should consider revision of the existing enforcement regulations.

5. The BRE recommendation echoes the recommendations concerning enforcement allocation emanating from the Partnership Evaluation Report (see paper LGP6/01 – recommendations 19 & 20 that “HSE and LAs to work together to examine how the current enforcement boundaries could be developed.” and “Review the distribution of risk in health and safety and subsequent redrawing of the enforcement roles and responsibilities of HSE and LAs.”

6. HSE is committed to continuous development of the HSE/LA Partnership. It would wish to develop proposals using selective initiatives and pilots to learn lessons and to inform decisions about best use of our respective resources in the most effective and efficient manner. A number of possible pilots e.g. in Hampshire and Dorset are in development that will look at ways to better target HSE and LA resources at risk. However, this approach will take time and also needs to be addressed through the development and subsequent implementation of HSE’s new strategy.

Actions

7. LGP members are asked to:

- 1) Note the BRE Review’s recommendation 6 on taking forward the issue of the enforcement division between HSE and LAs and HSE’s suggested way forward of using selective trials and initiatives and addressing through HSE’s new strategy.
- 2) Discuss ways of encouraging LAs to participate in selective initiatives and pilots to test the way forward.

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Annex 1 – BRE Report Summary of Recommendations and HSE Comment

Recommendation 1 – Improve advice and support to SMEs

- Provision of telephone and web-based support
- Train and allow Infoline operators to provide more tailored support and advice
- Promote support for start-up businesses through first points of contact.

Comment - A range of measures being developed in line with recommendation e.g. Easier Access to Services Programme and further thought to be given to tailored support. Need to consider the 'Review of Guidance' due in Autumn. HSE informs and supports business start-up (eg. the development of example risk assessments) and is always looking to new and innovative ways to reach out to SMEs. HSE is planning a focused communications 'campaign' in Autumn to further disseminate, promote and embed the example risk assessments with the support of stakeholders.

Recommendation 2 – Improve outcomes in lower risk, small businesses in regulatory areas that employers associate with health and safety

- LBRO with HSE and LACoRS to design a new scheme for small firms (micro-firms in particular) to demonstrate in a single process compliance with regulatory areas including health and safety, fire, food safety, trading standards
- Local Better Regulation Office with local authorities to consider benefits for firms that have demonstrated compliance.

Comment - HSE to play its part and offer experience in areas like example risk assessments, myth of the month, encouraging sensible risk management sign-up and a revised version of 5 steps to risk assessment.

Recommendation 3 – Seek to improve the tone and impact of media coverage of health and safety

- Continue robust and immediate response to inaccurate media coverage
- Develop and even more active and joined-up proactive media strategy

Comment - HSE will continue to rebut silly health and safety stories and promote sensible risk management. It will look to others to take action within their areas of responsibility and support a sensible and proportionate approach to managing risk.

Recommendation 4 – Ease unnecessary burdens on business from requirements in health and safety procurement pre-qualification schemes

- Anne Glover's review to consider pre-qualification schemes as a barrier smaller businesses bidding for public sector contracts
- Public sector procurers should have a presumption that smaller firm bidders, which are members of any health and safety pre-qualifications scheme, meet their requirements.

Comment - HSE considers this to be an issue for the marketplace to resolve but is willing to play its part, e.g. in the construction sector to facilitate greater mutual recognition of schemes. It will want to reflect on the outcome of Anne Glover's review.

Recommendation 5 – Strengthen the contribution of the insurance industry towards low levels of work-related injury and illness and further improve clarity for businesses

- Association of British Insurers to encourage members to draw a distinction between advice grounded in regulatory requirements and advice to minimise liability
- British Insurance Brokers' Association to continue to promote good health and safety practice by highlighting government information and advice services to its members, support products that link small firm performance and premiums and assist in finding suitable brokers.

Comment - HSE supports any insurance industry moves that improve health and safety outcomes.

Recommendation 6 – Address issues and challenges from the current division of responsibilities between HSE and local authorities especially, in targeting health and safety inspection and enforcement

- Build on existing partnership re joint-working and flexibility
- Consider as part of its on-going strategic review, revision of the enforcing authority regulations.

Comment - HSE is committed to continuous development of the HSE/LA Partnership and will continue with selective initiatives and pilots to learn the lessons for informing decisions about best use of our respective resources collectively in a more effective and efficient (optimal) manner. However, this will take time and will be addressed through the development and subsequent implementation of HSE's new strategy.