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From the Chief Executive

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*Dear Professor Tombs,*

**CCJS BRIEFING 6**

I refer to your briefing "A crisis of enforcement" published today.

The substance of your briefing is not new and the issues have been debated many times. It is of course quite right that those who wish to criticise public bodies such as ourselves should be free to do so within the normal conventions of a democratic society.

Nevertheless I do have to object to the manner in which a statement I made to the DWP Select Committee (copy of the full exchange attached) has been artificially truncated to misrepresent my and HSE senior management's position on resourcing. As is in fact completely clear from the full exchange, the point I was making was that there is no objective manner of determining the number of inspectors needed for an enforcement body, that in these circumstances one is reliant on trying to measure the impact of movements from the existing number and that "if we were to find on a particular issue we need more inspectors, I personally would be very happy to recommend that".

I should be grateful if you would correct your briefing to properly quote from my remarks to the Select Committee. At the same time you might also like to acknowledge that the civil servant status of HSE staff put them in a different position in giving evidence to Select Committees than police officers. This is a rather elementary point, of which you might reasonably be expected to be aware.

I am copying this letter to Neil Hope-Collins in his Prospect capacity.

*Yours sincerely,*  


**GEOFFREY PODGER  
CHIEF EXECUTIVE**

*Podger*

lifting. I think our role is to try and make sure that the advice and guidance which we give is practicable.

**Miss Begg:** Thank you.

**Q49 Michael Jabez Foster:** You have talked already about the balance between the advice and the campaigning of your work and the inspection at the other end. I suppose one is the cheap end and one is the expensive end. Have you got the balance right?

**Mr Podger:** I think the honest answer to that is that it is a question we continually ask ourselves because in fact, contrary to what is often claimed, we continue to invest around the same amount of resource in investigation and enforcement work. What is true, though, is that we have rather more targeted this. We tend to spend more time with fewer businesses, which in our view is well-justified given that we actually quite deliberately select businesses which are either high risk or where there is other reason to think that employees are particularly vulnerable. Our view is very clearly that if you are trying, for example, to deal with work at heights then inspection and enforcement is complementary to public information campaigns, such as the one we have on at the moment, and to our inspectors providing advice. I think it is fair to say I know of no methodology which enables you to calculate precisely what you should have in each pocket. What we try and do is for each particular either business sector or topic to actually work out what seems to us, on the basis of the experience of our colleagues in the field, what we know from the communications angle and the research we have done, to be the proper way of addressing that problem.

**Q50 Michael Jabez Foster:** The empirical evidence is that people do not get to see an inspector very often and that is what people say to their MPs, that the inspector is never called. It is the old thing where if a policeman is going to come around the corner, you do not burgle a house. That is the feeling which may be out there, that the inspector is never going to call and therefore it does not really matter what you do. Your health and safety reduces its importance to the employer and a culture develops in consequence.

**Mr Podger:** I personally very much contest that view, to be honest with you, because I think first of all the one thing you can be absolutely certain of is that if actually you neglect health and safety soon enough you are going to have a nasty accident, in which case the inspector most certainly will call, and you do run a very serious risk of ending up on the courts. That is something I personally say and have no hesitation in saying publicly. I think, on the other hand, we have equally to accept that what we really want of employers is that they actually undertake this responsibility not in fear of HSE appearing on the doorstep but because they recognise it is actually their responsibility anyway. I think that is actually a more powerful way forward. So I think we do have to, very much as was suggested by an earlier question, work with good, responsible employers to get these messages out and we have to spend an amount of time in actual public campaigning. The other point is that one does have to ask oneself, is it a good use of public money to engage in extensive inspections of businesses which are regarded as being of low risk and which can be approached in more economic ways? I think you will gather from the way I posed that question what my answer is to that. I think there is a variety of issues here. I also have to say that my own impression from making completely random visits with our own inspectors is that actually quite a few people are living in terror of HSE appearing. I think it is wrong to assume that the current level of inspections does not actually still have a deterrent effect. I think it does.

**Q51 Mr Dunne:** Could I just put the converse of this point, which is that the Hampton review and the Better Regulation Taskforce have been recommending that a measurement is made of the administrative burden imposed by HSE. Have you made an assessment of the cost on business of the regulations which you have put in place, and are you planning to do so if you have not?

**Mr Podger:** Yes, we are in fact engaged with the Better Regulation Executive at the moment in precisely that exercise, which I would expect to be published, as to what the burden on industry is. I think you are quite right to say that in a sense here one is inevitably piloting a course and obviously our concern is to take a balanced approach, not to give rise to costs to industry which are not justified, but conversely, and I must say this very strongly, not to expose workers to unacceptable risks simply because industry on costs grounds has a disinclination to address the point. So we try and balance it, and we do certainly engage and have engaged—and I am sure the figures will be published generally as it is an exercise across Whitehall—in precisely these issues. We do, I may say, have an internal unit which actually challenges other proposals which come up from HSE on the basis of whether they are actually justified in terms of the burden they propose, and I think that is a very proper thing for us to do.

**Q52 Michael Jabez Foster:** I can see the point that one does not want unnecessary regulation, but one does want that which is there to be enforced and the worry is that in 2003 the figure was that you had 1651 front line inspectors, in 2004 1,604 and in 2005 1,530. What is the best number to have? Is it better to have 1,600 or 1,500?

**Mr Podger:** The honest answer to that is that nobody actually knows, and if I may say so, having worked in other enforcement areas -

**Q53 Michael Jabez Foster:** So why do we not have 300?

**Mr Podger:** Why indeed? I think what one has to do is to be entirely pragmatic about it. You have to work on the basis from which you start. You then have to be prepared to experiment and innovate, and that is what we have done. As you know, we now have health and safety administrative officers, awareness officers, who actually do an advisory role but not an enforcement role, and if you actually add those numbers back into the

numbers we have for inspectors what you actually find is that our front line delivery is essentially the same, which I think is the important point. My own view is that we have to be ready to experiment, to innovate and evaluate what the outcome is. As I say, I think it is just not possible and I have to say, having previously run the food safety area of the Foods Standards Agency, which also has enforcement forces, exactly the same problem arises. There is no agreed method of defining the number of inspectors. So I really do think that all you can do is take as your starting point where you are and then actually be prepared to innovate, if necessary, I may say, in both directions. I think it is important to make that point. If we were to find on a particular issue we need more inspectors, I personally would be very happy to recommend that.

**Q54 Michael Jabez Foster:** Do you have any European comparators for the amount of inspection which you do compared with your comparators in other European states?

**Mr Podger:** I do not. I have never seen data on that. There are returns which are made to the European Commission, I think I am right in saying, on enforcement activity, but I am bound to tell you, certainly there are in the food area but the general view is that the information is unreliable.

**Q55 Michael Jabez Foster:** Because generally our health and safety is at a higher level.

**Mr Podger:** Absolutely. Yes.

**Q56 Michael Jabez Foster:** So it may be helpful to know why. One final question: under the efficiency savings, I understand you are bound to deliver about £50 million of efficiency savings by 2007-08. Where are you up to on that? Is it going to result in lower numbers of inspectors, or are the savings coming from somewhere else?

**Mr Podger:** Yes, we are currently on target to realise these efficiency savings in the terms you have described. These efficiency savings do not come in any way from reducing the numbers of front line staff. They are much more about training to actually run our support arrangements, scientific support, procurement, management of goods and services and IT in a more cost-effective way. I would stress that we are actually very concerned about maintaining our front line delivery, which I think is obviously the point of your question, but as I say, we are equally concerned not just to take a particular mix for granted. We are concerned to experiment.

**Q57 Harry Cohen:** Has campaigning been reduced as part of that?

**Mr Podger:** No, the campaigning has not been reduced as part of the efficiency savings and I share what I think is the point of your question. One might well ask whether that would be efficient.

**Q58 Natascha Engel:** I just wanted to pick up a point which you made earlier about musculoskeletal disorders and RSI. You would agree that partly the reduction we have seen in those is largely due to the fact that we have lost a lot of our manufacturing base, would you not?

**Mr Callaghan:** I think some of these hazards actually are more prevalent in the service sector than the manufacturing sector. It is certainly true that the composition of the economy has contributed, I think, to an improvement on the safety front. Obviously we have fewer coal miners, fewer people working in heavy industry, and that explains some but not all of the improvement in health and safety. Perhaps just to go back to Mr Foster's point, we do have one of the best safety records in the world actually. I think only Sweden has a better safety record in Europe and I would say that one of the reasons why we have such a good record is that the Commission and the Executive have always applied this mix of intervention techniques. I think I see it as part of my duty and the Commission's to make sure that as the nature of the economy changes we are addressing some of the new issues. So if you go back to the Robens Report, I do not think you will find many references to stress, I have to say, or musculoskeletal disorders. You will find lots of problems with dust in coal mines or other problems around people working in heavy industry. So I think one of the key challenges for us is how do we, with HSE and with the local authorities, make sure that we are applying our resources to the changing world of work.

**Mr Podger:** Just to give an example of that in relation to Backs, the point you made, in fact one of the outcomes of last year's Backs campaign has been the work which the airlines have done in consultation with us simply to actually reduce the weight of luggage which you can take on board aeroplanes, which for those of us who do not travel light can seem something of an inconvenience, but actually if you are the man standing at the other end of the carousel it makes a very great deal of difference to your musculoskeletal condition. Airline travel is obviously an example of an industry which is actually booming, so I think we are entitled to say that we have got work going on in those areas which are expanding which give rise to other problems. We have not talked about it today, but another industry which has given rise to more health and safety problems is the environmental recycling industry because, very properly, we are trying to recycle more but that brings problems of its own. So we are very much trying to be active also in these new industries and I think where we can see improvements then we can take credit for them.

**Q59 Natascha Engel:** So back to the balance between inspection and enforcement, and I want to specifically talk about your business plan, which states that enforcement action has an important deterrent effect. The DWP Departmental Report refers to the TUC and Hazards Report and what they are specifically very worried about is the trend in all enforcement activity falling quite dramatically and they state figures of over 25% in areas such as the number of prosecutions, the number of enforcement notices, the number of inspections and the amount