

Reducing paperwork, not protection: HSE's Third Simplification Plan and Progress Report

December 2008

HSE's third Simplification Plan provides a progress report on HSE's work to reduce unnecessary administrative burdens from health and safety legislation. It also demonstrates how HSE is meeting the wider better regulation agenda.

The Government's better regulation agenda supports HSE's objectives to reduce work-related injuries and ill-health, as outlined in HSE's 2008/09 Business Plan, by:

Ensuring better, smarter regulation

Simple, clear legislation can encourage compliance and help deliver better health and safety outcomes.

Encouraging working in partnership

Working with others, in particular local authorities, is vital in raising health and safety awareness and in supporting employers and workers to improve health and safety in their organisations.

Focusing on targeted interventions

Ensuring appropriate and proportionate interventions are used to maximise impact on health and safety performance.

"Helping businesses understand their responsibilities is key to improving health and safety for everyone. The initiatives in this Plan play an important role in this, promoting a sensible, proportionate, and risk-based approach which enables organisations to conduct their activities efficiently and safely."

Judith Hackitt
Chair, Health and Safety Executive
October 2008

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EXECUTIVE SUMMARY

1. The Health and Safety Executive's (HSE) 2008 Simplification Plan is the third in a series of annual plans to outline HSE's progress in reducing the administrative burden of health and safety regulation, as well as showing how the organisation is delivering the Government's better regulation agenda.
2. Since the establishment of the Health and Safety Commission (HSC) and HSE in 1974, the health and safety legislative framework has helped to deliver significant improvements in workplace health and safety, including a reduction of fatalities at work by nearly two thirds. In 2008, HSC and HSE merged to become a single unitary body, retaining the HSE name.
3. HSE, working with local authorities, aim to reduce accidents and ill-health from work-related activities. Improving health and safety outcomes can help to improve the performance of a business. However, unnecessary paperwork and bureaucracy do not help to improve levels of health and safety in the workplace and can act as a deterrent to compliance. In 2005 a cross-government exercise measured the administrative burdens resulting from legislation across all departments (see the Administrative Burden Measurement Exercise (ABME) section, page 10).
4. In line with other government departments, HSE is committed to working towards reducing administrative burdens by 25% from a 2005 baseline level, without reducing levels of health and safety protection. The ABME calculated an indicative annual cost of £2.03 billion of administrative burdens stemming from health and safety legislation. To achieve a 25% reduction, HSE's estimated reduction target was £508 million. This has been modified, mainly as a result of machinery of government changes, to a total cost of £2.02 billion and a £505 million reduction target.
5. HSE's 2006 and 2007 Plans set out initiatives to help to achieve the target. Progress and delivery of these projects is outlined below:

Initiative title and description	Target reduction from ABME data	Delivery of initiative / timings
Sensible Risk Management – increasing compliance, and encouraging proportionate risk management – and addressing risk assessment costs in the Management of Health and Safety at Work Regulations 1989	£200 million plus reduction in risk assessment costs from requirements in other legislation	Partially completed Further evaluation to be carried out in 2009
Gas Safety (Installation and Use) Regulations – reviewing the requirement for a landlord to carry out a gas safety check	Up to £59 million	Changes to be implemented by May 2010
Lifting Operations & Lifting Equipment Regulations – new guidance to clarify examination of equipment requirements	Up to £33 million	Completed Evaluation to be carried out in 2009

Control of Asbestos Regulations 2006 – consolidating three sets of regulations and removing the requirement for a license to work with textured decorative coatings	£27.7 million	Completed
Manual Handling Operations Regulations – guidance on the labelling of loads	Up to £32.5 million	Partially completed Evaluation to be carried out in 2009
The written health and safety policy statement – an electronic template for the statement	Up to £26.5 million	Development work completed Delayed to integrate with new work on electronic risk assessment template
Forms project – amending legislation to remove 8 outdated forms, plus removal of 54% of HSE’s forms not required by law	£21.25 million	Forms not required by legislation removed Regulatory change due in April 2009
Workplace (Health, Safety and Welfare) Regulations – guidance on labelling water	Up to £17 million	Completed Evaluation underway
RIDDOR¹ project – reducing the time taken to report incidents at work	£16.6 million	Completed
Control of Substances Hazardous to Health Regulations – rationalising and improving guidance and reducing risk assessment costs	Up to £11 million	Delayed from timings in the 2007 Simplification Plan. Now due to be completed in 2009
Health and Safety Information for Employees Regulations – amending regulations on the health and safety law poster	£10.3 million	Regulatory change due in April 2009
Business online project – making HSE’s forms available in an electronic and interactive format	Up to £10 million	Partially delivered, remaining forms to be completed by May 2010
Offshore Installations (Safety Case) Regulations 2005 – revising the frequency for submitting a safety case from three years to five years	£3.8 million	Completed
Construction (Design and Management) Regulations 2007 – clarifying and simplifying requirements for the notification of construction projects	£3.6 million	Completed
ACoP² on Zoos – AcoP no longer in existence	£544,000	Completed

¹ Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

6. Since publication of the 2007 Plan, HSE has successfully delivered three of these projects: guidance on labelling the weight of loads, guidance on clarifying examinations of equipment, and guidance on labelling drinking water, and will carry out evaluation on these to determine whether the target savings have been achieved. Savings resulting from these projects add to those already achieved from initiatives delivered previously, including reducing the time taken to report injuries, and simplifying construction and asbestos regulations.
7. Several of HSE's projects were approved in October by an independent External Validation Panel, whose members include representatives from the Confederation of British Industry, Institute of Directors, British Chambers of Commerce, Federation of Small Businesses and Trades Union Congress. Approved projects were the asbestos regulations consolidation, the labelling of drinking water, reporting incidents (ie RIDDOR) and example risk assessments.
8. In the last year, HSE has identified three additional initiatives which will reduce administrative burdens on business:

Initiative title and description	Target reduction from indicative ABME figures	Delivery of initiative / timings
Good practice guidance on worker involvement – clarifying requirements on providing health and safety information to safety representatives	Up to £36.6 million	Partially completed Evaluation to be carried out in 2009
Docks form – removal of an outdated form	£3.6 million	Regulatory change due in April 2010
Electronic risk assessment template – additional initiative linked to HSE's work on Sensible Risk Management	Not yet quantified	Due to be delivered by April 2009

9. With the addition of these new initiatives, HSE's 2008 Simplification Plan outlines projects that will reduce administrative burdens by over 25% if successful. The timetables and projected administrative savings for all of HSE's simplification initiatives are outlined in the Plan.
10. HSE is committed to wider better regulation work in addition to the administrative burden reduction programme. In the past year, the following key strands of work have taken place:
 - A review of HSE's implementation of recommendations of the Hampton report. This Plan contains details of HSE's response to the review's findings.

² Approved Code of Practice

- Ensuring HSE's enforcement policy meets the requirements of the new statutory Regulators' Compliance Code, which is designed to embed risk-based, proportionate, targeted and flexible regulatory inspection.
 - Continuing to improve policy development, information and guidance for SMEs, in line with the Government's "Think Small First" policy and drawing on advice from HSE's own, influential Small Business Trade Association Forum.
 - HSE's work in Europe with a number of stakeholders, has resulted in a European Commission proposal to delay implementation of the Electromagnetic Fields Directive and to revisit the evidence for parts of the Directive, due to concerns over the adverse affect of the original Directive on industry and on the use of MRI scanners.
 - A further successful merger, with the Pesticides Safety Directorate, in line with the recommendation in the Hampton report for fewer regulators.
 - Internal seminars for staff to embed better regulation principles within the organisation, in particular ensuring impact assessments are used at the outset of the policy making process.
11. HSE has continued to work closely with its stakeholders, such as representatives from businesses, trade unions, local authorities and trade associations, in the development of simplification projects as well as wider better regulation initiatives.
12. Over the next year, HSE will continue to develop its simplification initiatives, including focusing efforts on communicating these to businesses to raise awareness amongst businesses. HSE will also carry out evaluations on a number of these projects to determine whether projected savings have been delivered as well as examining their overall impact.

INTRODUCTION

13. HSE, along with local authorities³, is responsible for the regulation of almost all the risks to health and safety arising from work activity in Britain. HSE's role is to protect people's health and safety by ensuring that risks in the changing workplace are properly managed.
14. HSE is constantly reviewing ways to improve levels of health and safety, and reduce workplace accidents and ill-health. The better regulation agenda is a key part of this.
15. Better, smarter legislation is easier to understand and can help secure a stronger commitment to compliance from business, resulting in improved health and safety outcomes. Simplification should not reduce levels of protection for workers or the public.
16. The promotion of non-legislative methods, especially in lower risk areas, can play a vital role in improving health and safety, particularly by reaching small-and medium-sized enterprises (SMEs). Guidance, campaigns and tailored advice help to build an understanding that well-managed health and safety leads to business benefits.
17. Over-arching elements in the Plan link to HSE's key objective of improving health and safety outcomes, including:
 - simplification to allow employers to focus on improving outcomes rather than bureaucratic processes;
 - targeting the advice and guidance that HSE provides, to ensure that businesses of different sizes and sectors are able to comply with the law whilst minimising the burdens placed on them.
 - effective partnership with local authorities to secure a more consistent, targeted approach to the enforcement and advice that businesses receive.
18. Following the merger with the Health and Safety Commission to create a single unitary body, HSE is currently producing a new strategy setting out the overall direction for the health and safety system as a whole. The better regulation agenda, in particular increasing compliance through clarifying requirements, will be reflected in the development of the new strategy.
19. The HSE 2008 Simplification Plan contains:
 - **A narrative section** outlining:
 - the cross-government administrative burdens measurement exercise
 - an overview and update of the key simplification initiatives
 - an overview of additional key initiatives for this Plan
 - progress made towards the reduction target
 - stakeholder simplification proposals

³ Local authorities have responsibility for enforcing health and safety law in many business premises including: shops; retail and wholesale distribution; catering establishments; and residential care homes.

- simplification for the public and voluntary / charity sectors
- the small business approach
- working in Europe to apply better regulation principles
- wider better regulation initiatives – the Hampton agenda
- consultation on the Plan
- HSE's simplification work over the next 12 months
- **Detail tables**
 - Table A: simplification initiatives delivered since 2006
 - Table B: progress on the on-going simplification initiatives
 - Table C: new simplification measures identified since the 2007 Plan
 - Table D: simplification initiatives which do not principally address administrative burdens
- **Annex 1**
 - new regulations introduced since the start of the administrative burden reduction programme in May 2005

THE ADMINISTRATIVE BURDEN MEASUREMENT EXERCISE (ABME)

20. The ABME was a cross-government exercise, carried out in 2005, and was designed to provide an indicative cost of the administrative burden placed on industry through regulations. It estimated the cost to business associated with complying with administrative tasks (form filling, record keeping etc) to calculate an estimated total annual administrative cost of all legislation in force in May 2005.
21. The ABME estimated the total annual administrative cost of health and safety legislation to be £2.032 billion⁴, which was accepted as HSE's baseline figure. Since 2005, HSE's baseline has been adjusted to £2.022 billion to take into account machinery of government changes as well as a few discrepancies in the original data (see page 23 for further information).
22. HSE is committed to working towards reducing administrative burdens by 25%, and therefore is aiming to make a reduction of £505 million from the revised 2005 baseline figure.
23. HSE has now identified projects, which, if successful, will reduce the administrative burden from health and safety legislation by over 25%, prior to the estimation of potential savings for one of HSE's new projects. Further details of HSE's progress are outlined on page 20.
24. The ABME identified ten regulations that account for 77% of HSE's total annual costs. These are:

Regulation	Top costing administrative elements
Management of Health and Safety at Work Regulations 1999	Risk management and risk assessment
Gas Safety (Installation and Use) Regulations 1998	Landlords' gas safety check
Lifting Operations and Lifting Equipment Regulations 1998	Checking and recording examinations of equipment
Control of Substances Hazardous to Health Regulations 2002	Risk assessment Employee training and maintaining records of training
Manual Handling Operations Regulations 1992	Risk assessment Information to employees
Health and Safety at Work etc Act 1974	Health and safety policy statement Health and safety information to employees
Control of Asbestos at Work Regulations 2002	Compiling information on emergency arrangements for the emergency services ⁵
Safety Representatives and Safety Committees Regulations 1977	Providing information to safety representatives to enable them to fulfil their functions

⁴ This figure takes into account the removal of "business as usual" costs – costs for activities that businesses would do anyway regardless of legislation.

⁵ HSE has not directly addressed the high costs of compiling information on emergency arrangements, but has reduced the costs for complying with this regulation for businesses working with textured decorative coatings, as a licence is no longer required.

Construction (Design and Management) Regulations 1994	Preparing rules for the management of health and safety. Updating the health and safety file and delivering it to the client on completion of the job
Provision and Use of Work Equipment Regulations 1998	Checking and recording examinations of equipment

25. Many of the largest administrative burdens are as a result of the requirement applying to all businesses, and the actual cost to an individual business is quite small. Other high cost administrative burdens are requirements to provide information to third parties, such as employees. Giving sufficient information to others to help them look after their own health and safety is fundamental to health and safety policy in Great Britain.
26. On the whole, health and safety regulations are goal-setting, and do not specify a required method for carrying out legal requirements, for example, how to provide information to others, or how and in what format to keep records. The interpretation of the legal requirements (by businesses, advisors, insurers, or others) can sometimes account for high administrative costs in complying, rather than the law itself. Therefore, many of HSE's initiatives to reduce administrative burdens concern clarifying requirements through guidance, rather than changes to legislation.
27. HSE is focusing efforts on making a significant difference to business to help them comply with legislation, as well as reducing administrative costs. This includes addressing business irritants, and work on this does not necessarily feed through to a reduction in the administrative burden measured by the ABME. An example of this is joint inspections with other regulators, helping to reduce the time and effort involved for a business.

OVERVIEW AND PROGRESS OF THE KEY SIMPLIFICATION INITIATIVES

28. To address the administrative burden of health and safety legislation, and to make a significant difference to business, HSE has focused efforts on:

- The highest administrative burden requirements, shown by the ABME
- Removing / reducing forms requirements
- Requirements affecting the largest numbers of businesses
- Stakeholder proposals, where appropriate
- Simplifying HSE's stock of regulation and guidance, where this can be done quickly and easily

29. The 2006 and 2007 Plans outlined key initiatives to reduce administrative burdens. Ongoing initiatives, which were not completed prior to publication of the 2007 Plan, are:

Initiative Title	Summary description
Sensible Risk Management	To develop the culture of health and safety at work – providing accessible advice and guidance and encouraging effective risk management through proportionate risk assessment
Gas Safety (Installation and Use) Regulations	A review of the landlords' gas safety check in line with risk based principles
Lifting Operations and Lifting Equipment Regulations	Producing new guidance to clarify examination of equipment requirements
Manual Handling Operations Regulations	Producing new guidance on labelling the weight of loads
The written health and safety policy statement	Producing an electronic template for the statement
Forms project	Removing legal requirements for 8 outdated forms
Workplace (Health, Safety and Welfare) Regulations	Producing new guidance on labelling water
Control of Substances Hazardous to Health Regulations	Rationalising and improving guidance, making it more accessible and reducing risk assessment costs
Health and Safety Information for Employees Regulations	Amending regulations on displaying the health and safety law poster
Business online project	Making HSE's forms available electronically and in an interactive format

30. Progress on these initiatives since the 2007 Plan is outlined below:

Sensible Risk Management (SRM)

31. Since the introduction of the Health and Safety at Work etc Act 1974, risk assessment and risk management have been underpinning principles of the health and safety legislative regime. Risk assessment and

management can be described as: assessing and then managing the risks created by a work activity so far as is reasonably practicable.

32. The significance of risk assessment and management was underlined in the ABME, which estimated that the requirement to carry out and record a risk assessment in the Management of Health and Safety at Work Regulations was HSE's highest single administrative burden: at £600 million it makes up 29% of the estimated total baseline.
33. HSE's SRM campaign was initiated in 2006 and is designed to improve compliance with risk management by showing that risk assessment does not have to be complicated and bureaucratic. Through the SRM campaign, HSE aims to reduce costs for compliance with risk assessment requirements by a third - £200 million.
34. In order to achieve this reduction, and to make a significant difference to businesses by helping them comply with risk assessment requirements, HSE has focused on its 'Embedding Sensible Risk Management' project. Under this project HSE has developed example risk assessments, aimed at helping mainly lower risk and small and medium sized enterprises (SMEs) see what a 'good enough' risk assessment for their sector looks like, and showing that risk assessment does not need to be complicated.
35. HSE has worked closely with a variety of stakeholders, including local authorities, individual businesses, trade associations, and unions, in developing the example risk assessments. 33 have now been published and are available on HSE's website. The full list is:

Shops	Motor Vehicles	Office	Other
Convenience store / newsagent	Motor vehicle repair shop	General office cleaning	Contract bricklayers
Hairdressing salon	Private hire	Estate agency	Warehouse
Cleaning large retail premises	Motor vehicle showroom	Office-based business	Cold storage and distribution
Butchers	Car parking service	Travel agent	Woodworking
Betting office	Road haulage	Call centre	Poultry farm
Dry cleaners	Motor vehicle repair body shop	Office work at a manufacturing company	Plastering company
Off licence			Village hall
Cleaning a shopping centre concourse			Chilled warehousing
Food preparation and service			Night club
Charity shop			Pub
			Factory maintenance

36. The example risk assessments have been well received by businesses of different sectors:

“Noctis believes that the HSE Example Risk Assessments are a valuable contribution to this crucially important area of operations... and appreciate HSE’s efforts to create a cost-effective and flexible [example] assessment.”

Noctis, Voice of the nighttime economy, on the nightclub example risk assessment

After introducing businesses in the cleaning sector to the risk webpages a number of the small to medium businesses have successfully completed and submitted their own adequate, fit for purpose risk assessments. They have confirmed that they would have struggled to do this [by themselves] without the use of the examples available on the HSE website.

Ian Sinclair, ICM Ltd UK

This work was also approved in October by an independent External Validation Panel (see paragraph 7).

37. HSE has developed a communications plan for dissemination of the example risk assessments to ensure that businesses are aware of them. Work in the last year has included:

- Promotion through HSE’s Small Business Trade Association Forum (SBTAF). This included the distribution of an electronic pack containing an example risk assessment and a guide to completing it, which Forum members promoted to businesses in their sector. (NB See paragraph 104 for further details on the SBTAF.)
- Contributing to articles in trade publications, including *Environmental Health News* and *Automotive Insight*.
- Promotion through local authority websites, including LACORS.
- Dissemination through LACORS’ specialist emails and newsletters.
- Creating a flyer to promote the example risk assessments, for inclusion in all requested HSE publications and for distribution at Free Business Advice seminars and Safety in Health & Awareness days.
- Advertising through HSE’s e-bulletin newsletter, which has over 38,000 subscribers, including links to the relevant webpages.

38. Work will continue in the next year to promote the example risk assessments, including through local authorities, third parties (for example, small business bank managers) and other stakeholders, using a variety of methods. This will include newsletters, delegate packs at conferences, magazines and web links.

39. HSE and the example risk assessments have received recognition through becoming one of the 10 finalists for the National Business Awards - Better Regulation Award. This award is made to organisations (private and public

sector) that best improve, amend or simplify statutory regulation or process in order to create a more effective and efficient operating environment for UK business.

40. HSE is using the 2008-09 European Campaign on risk assessment as an opportunity to promote the example risk assessments and their low-bureaucracy approach (see paragraph 115 for further detail). In partnership with EEF, HSE is holding a series of workshops as well as promoting the web-based guidance.

“EEF welcomes and actively supports HSE’s work to demystify risk assessment. The example risk assessments and workshops are particularly good at helping businesses understand what they do and don’t need to do. They focus attention on the risks that matter, whilst reducing unnecessary bureaucracy and cost, especially for smaller, lower risk businesses. That makes a difference both to businesses and to the people who work in them.”

**Gary Booton, Director of Health, Safety and Environment
EEF, the manufacturers’ organisation**

41. As well as being well received by businesses, local authority Environmental Health Officers (EHOs), who inspect many of the lower risk business sectors, have also praised the example risk assessments:

“They are a good help to guide people through the system, because a lot of people overcomplicate it.”

August 2008

“Rather than immediately think to get a consultant in, they think ‘I’ll have a go myself’ – it’s as straightforward as that.”

August 2008

42. HSE has undertaken an initial evaluation of the example risk assessments. The evaluation has taken the form of a web-based questionnaire, to find out from businesses how much time they have saved in carrying out a risk assessment having seen an example for their particular sector. Initial findings of the evaluation show that 90% of businesses think that the examples will save them time in carrying out and recording their own risk assessment – an average of 46% of the expected time. This equates to a reduction of the administrative burden by an estimated £182 million. HSE will carry out a further evaluation in early 2009 following further communications work to disseminate the example risk assessments.

43. Over the last 12 months, HSE has further developed work carried out in 2006 and 2007, and added new strands to the campaign. Key elements have included:

- Continuing HSE's 'Myth of the Month' webpages – a campaign to tackle common myths around “bureaucratic” health and safety requirements which do not really exist – and the production of a compilation calendar for 2008;
- Promoting the 'Sign up to Sensible Risk' campaign – encouraging local authorities to sign up to the principles of sensible risk;
- A package for the education sector, in the form of example risk assessment, good practice and updated guidance, designed to reduce unnecessary risk assessment paperwork in schools;
- Working with LACORS⁶ and the Chartered Institute for Environmental Health to investigate promotion of practical local authority inspections.

Gas Safety (Installation and Use) Regulations

44. As a result of a high estimated cost shown by the ABME, HSE committed to undertake a review of the requirement for an annual check of gas appliances by residential landlords. The high cost is partly due to the large number of such appliances throughout the domestic rented accommodation sector. However, this requirement is uniform across all appliances irrespective of age or type.

45. In 2006 HSE conducted research to consider whether a risk-based approach to these checks could be developed, but the results suggested a complicated picture and did not provide clear cut options for simplification.

46. Over the last 12 months, HSE has been working with a range of stakeholders, including local authorities and landlord associations to develop options for reducing the administrative cost, but without reducing levels of protection.

Lifting Operations and Lifting Equipment Regulations – new guidance

47. This project aims to reduce administrative costs for the requirement to examine and record the examinations of lifting equipment. In 2006, an investigation into stakeholders' views was undertaken looking at the complexity of having two sets of regulations (Lifting Operations & Lifting Equipment Regulations and Provision & Use of Work Equipment Regulations); and fitness for purpose.

48. In the last year, two pieces of guidance have been developed, which are designed to provide clarity in examining and recording lifting equipment:

- Web-based and hard copy guidance on thorough examination of lifting equipment to clarify legal requirements (published June 2008); and
- Web-based guidance on thorough examination of fork-lift trucks (to be published December 2009).

⁶ Local Authorities Coordinators of Regulatory Services

49. HSE will undertake an evaluation of the guidance on thorough examination of lifting equipment in early 2009, when the guidance will have been published for over 6 months. The guidance is designed to create a culture change within businesses, and time to embed the guidance and raise awareness in businesses is required prior to evaluation.

Manual Handling Operations Regulations – additional guidance on labelling the weight of loads

50. The ABME estimated an annual cost to business of providing information to employees on the weight of a load to be £130 million. To address this high cost, and to help businesses comply with the requirement, HSE initiated a project in 2007 aimed at clarifying to businesses the requirement to label the weight of a load and thereby reduce administrative costs – HSE has projected costs can be reduced by a quarter of the estimated administrative cost - £32.5 million.

51. Following consultation with industry trade associations and the SBTAF, HSE published web-based guidance on this requirement in May, offering advice on when it is appropriate to give precise information to employees on the weight of a load. Since publication, HSE has disseminated the guidance through the Small Business Trade Association Forum, stakeholders' newsletters, including LACORS and the British Frozen Food Federation, and publicised it on HSE's home webpage.

52. An evaluation of the guidance will take place in early 2009 to determine whether HSE has achieved the estimated projected savings. This is likely to be in the form of a web-based questionnaire, asking businesses how much time they have saved following reading the guidance on when they do and do not need to label loads.

Written Health and Safety Policy Statement

53. The Health and Safety at Work etc Act 1974 requires employers of five or more employees to have a health and safety policy document in the workplace. This pre-dates a duty under the Management of Health and Safety at Work Regulations 1989 to have a written record of health and safety arrangements.

54. According to indicative figures from the ABME, the annual administrative cost to businesses for having a written policy statement is £53 million. In 2007 HSE initiated a project designed to reduce administrative costs by up to £26.5 million (half of the estimated cost). HSE decided to tackle what appeared to be unnecessary duplication or confusion about the requirements by producing a more accessible, web-based guidance and simple template. However, this work will now be taken forward as part of

"The HSE's web clarification for manufacturers and suppliers on good practice within Manual Handling Operations Regulations.... is welcomed by the PCSA.

Provision of simplified web based definitions and directions such as these clearly help all businesses to easily access, understand and facilitate possible reasonably practical improvements, particularly in the area of manual handling which is one of the most common exposure risks to all employees."

Stuart Rainbow - Chairman - Parcel Carriers Safety Association - July 2008

HSE's new project to introduce an electronic template for recording risk assessments. HSE is planning to combine the need to have a written policy statement with keeping a record of the risk assessment in one template (see paragraph 74).

Forms project

55. This project implements one of the recommendations of the Hampton report (see page 36 for further information): to remove unnecessary, outdated forms. HSE carried out a forms review and consequently 54% of existing forms were removed without the need to amend legislation, saving businesses £250,000 annually.
56. A further 9 forms were identified for removal through amending or repealing legislation. In the last year, HSE has been working to remove 8 of these forms through amending the Factories Act 1961 and the Offices, Shops and Railway Premises Act 1963. These Acts include requirements on business to fill out a form to notify HSE or their local authority before employing staff in their premises – HSE considers these requirements to have little current relevance as there are other means of obtaining this information. In autumn 2008, HSE's public consultation showed strong support to remove the requirements. Amending legislation is likely to come into effect in April 2009, reducing the administrative burden on businesses by £21 million annually.

Workplace (Health, Safety and Welfare) Regulations – guidance on labelling water

57. HSE has completed an initiative to reduce the high cost, according to ABME figures, of labelling water under a requirement in the Workplace (Health, Safety and Welfare) Regulations 1992.
58. HSE has published revised guidance, outlining that only water not fit for drinking needs to be labelled, and highlighted the misunderstanding as the 'myth of the month' for December 2007. HSE has commenced evaluation work to determine whether the guidance has successfully reduced administrative costs – estimated to be £33.7 million annually by the ABME.

Control of Substances Hazardous to Health (COSHH) Regulations

59. In order to address the high cost of risk assessment, as estimated by the ABME, and to help employers understand their duties under COSHH, HSE has focused its efforts on making guidance more accessible and easier to understand. The work has slipped from the timetables outlined in the 2007 Simplification Plan due to resource issues; however it is now in line to be delivered by mid 2009. There are different strands to this work:
- Reducing the stock of COSHH guidance from 130 items to 30, completed in April 2007. A further 5 items are to be considered for removal by December 2008.
 - Revising HSE's COSHH webpages to make them more accessible and easier to use, focusing on key 'how to' information for employers undertaking risk assessments of substances at their workplaces. In the last year, HSE has consulted with stakeholders on draft webpages, and is reflecting comments to create webpages targeted for the right

audience and achieve a balance between basic information for employers and more detailed information, for example, for health professionals. Work is currently underway to revise the webpages and is due for completion by early 2009.

- Redesigning the COSHH Essentials website, an interactive tool which helps users do an in-depth risk assessment, to bring it up-to-date, integrate it within the COSHH webpages, and make it more user-friendly. Options for taking this forward will be considered in late 2008. Once a way ahead has been agreed, the aim is to have the selected option in place by mid 2009.
- Rewriting the leaflet “COSHH: A brief guide to the Regulations”, which helps employers meet their specific duties under COSHH, to present the information in a clearer, more user-friendly format. Three cross-industry focus groups considered a draft in November - the guidance will be amended to take account of comments. The final version will be published by the end of March 2009.

Health and Safety Information for Employees Regulations

60. Following a stakeholder proposal, HSE has reviewed the requirements in the Health and Safety Information for Employees Regulations for employers to purchase and display the HSE-approved law poster and / or distribute the HSE-approved leaflet.
61. HSE has consulted on proposals to amend the regulations to remove the requirement for businesses to write the name and address of their enforcing authority, and the address of the local Employment Medical Advisory Service (EMAS) directly onto the poster, or provide employees this information in writing along with the leaflet.
62. Additionally, the period of grace for businesses to purchase a new poster or distribute a new leaflet, following any revisions being made to these documents, would be increased from nine months to five years.
63. HSE would also re-design the poster, to make it more visually appealing and useful to employees in knowing their health and safety rights, particularly ‘vulnerable’ workers whose level of reading English is poor, and thereby may improve health and safety outcomes.
64. The consultation exercise showed broad support for HSE’s proposed changes. HSE is now aiming to implement amending legislation in April 2009. Using ABME estimates, amending these requirements outlined above will save businesses £10.3 million annually through removing the requirement to complete the details as outlined above.

Business online project

65. As part of HSE’s implementation of recommendations of the Hampton report (see page 36 for further details), HSE is making forms required from businesses available in an electronic and interactive format. This is designed to save businesses time in completing and submitting these forms to HSE or their local authority.

66. In order to maximise benefits to business, HSE has prioritised work on the forms used most by businesses. In June 2008, the first form to be made available in this format, a construction notification form used over 150,000 times by businesses annually, was launched. This form has been generally well-received by businesses:

"I have just used the F10 interactive electronic form to notify a project and found it very easy and quick to use. The address prompts are useful and submission with one press of a button is very convenient."

"I too have used the on line version and found it quick and easy... What I also like about this version is that you are given a reference number and when you have additional information, such as name of appointed Principal Contractor, you enter this reference number and up comes the initial F10. You can then add the additional information without having to enter the other information that hasn't changed..... I like it - well done HSE."

Feedback received from businesses via HSE's webpages

67. HSE is now focusing on delivering an asbestos notification form (over 30,000 completed annually), and is in the process of agreeing solutions and a timetable with stakeholders.

OVERVIEW OF NEW INITIATIVES FOR THIS PLAN

68. HSE has identified three new initiatives for inclusion in this Plan. Two of the initiatives aim to improve health and safety outcomes as well as reducing administrative burdens. The third initiative will remove an outdated, unnecessary form, and complements HSE's existing forms project. With the addition of these projects, HSE has identified initiatives that will reduce administrative burdens by just over 25% if successful.

Good practice guidance on worker involvement

69. HSE has produced new combined good practice guidance on the Safety Representatives and Safety Committees Regulations and the Health and Safety (Consultation with Employees) Regulations. The objective is to facilitate better dialogue and co-operation between employers and employees on health and safety matters, and thereby improving health and safety standards at work.

70. The guidance also aims to clarify employer requirements on the provision of information to their health and safety representatives: employers only have to provide health and safety information that they already have as part of their health and safety management system, and do not need to provide it in a different format or provide further information.

71. Clarifying this requirement aims to save businesses an estimated £36.6 million annually, according to the ABME figures. Following publication of the guidance and a high profile launch in October, the guidance will be promoted by HSE prior to an assessment of business take up of the guidance and whether the projected savings have been delivered.

Docks form

72. In addition to the 8 forms HSE has been working to remove as part of its forms project, HSE's review of forms (see paragraph 55), also recommended that a further form, required by the Docks Regulations 1988 to certify a dock transport vessel, should be removed.

73. Preliminary discussions suggest that the docks industry is content to remove this form, which will save businesses in this sector £3.4 million annually. HSE is working with the industry to produce comprehensive new industry guidance, and will then seek to remove the Docks Approved Code of Practice. HSE also plans to remove the legislative requirement for the docks form at the same time – prior to April 2010.

Electronic risk assessment template

74. HSE is planning to introduce an electronic template for recording a risk assessment, which will complement the example risk assessment work under HSE's Sensible Risk Management campaign. The template would also cover the need to have a written health and safety policy statement and a record of arrangements (see paragraph 53). The aim of the template is to save businesses further time in recording their risk assessment, encouraging compliance with the requirement.

75. The template will be available on HSE's website from April 2009, for businesses to download and complete drawing on HSE website materials,

such as the example risk assessments and other industry specific guidance. HSE is currently looking at estimating how much the template will save businesses in administrative burdens per year.

PROGRESS MADE TOWARDS THE REDUCTION TARGET

76. Since the ABME in 2005, HSE's baseline has been adjusted to take into account discrepancies in the data and the transfer of responsibility for health and safety regulations concerning railways to the Office of Rail Regulation⁷. In addition, following a merger with the Adventure Activities Licensing Authority, administrative costs stemming from legislation in this area have also been added to HSE's baseline⁸.
77. HSE's revised baseline has been reduced from £2.032 billion to £2.022 billion. HSE's target reduction of 25% now equates to £505 million from the revised baseline figure.
78. However, when meeting its reduction target, HSE is taking into account any new administrative costs imposed by new or amending legislation coming into force since May 2005. Any costs from these regulations are to be added to HSE's reduction target, ensuring that HSE achieves a reduction that is net of new administrative burdens⁹. A list of these regulations is found at Annex 1 (page 61).
79. The table below provides an update on estimated savings delivered by May and November 2008. All estimated savings are based on the ABME figures and have been rounded up or down. These figures may change following evaluation of some projects in the next year. The evaluations will aim to establish from business the level of reduction of unnecessary administrative burdens as a result of the initiatives.

Simplification initiative	Estimated savings to May 2008	Estimated savings to November 2008	Target reduction by May 2010
Ongoing initiatives			
Sensible Risk Management	£182 million	£182 million	£200 million
Other risk assessment requirements ¹⁰	£18.4 million	£18.4 million	£18.4 million
Good practice guidance on worker involvement	£0	£36.6 million	£36.6 million
Lifting Operations & Lifting Equipment Regulations	£0	£33 million	£33 million
Forms project	£250,000	£250,000	£21.25 million
Business on-line project	£0	£637,000	£10 million

⁷ £13.1 million of administrative burdens measured by the ABME for the ACoP on Confined Spaces have been removed due to duplication of costs.
£1.6 million of administrative burdens have been transferred to ORR following the transfer of responsibility for health and safety concerning railways.

⁸ £5.2 million of administrative burdens have been added to HSE's baseline following the merger with the Adventure Activities Licensing Authority.

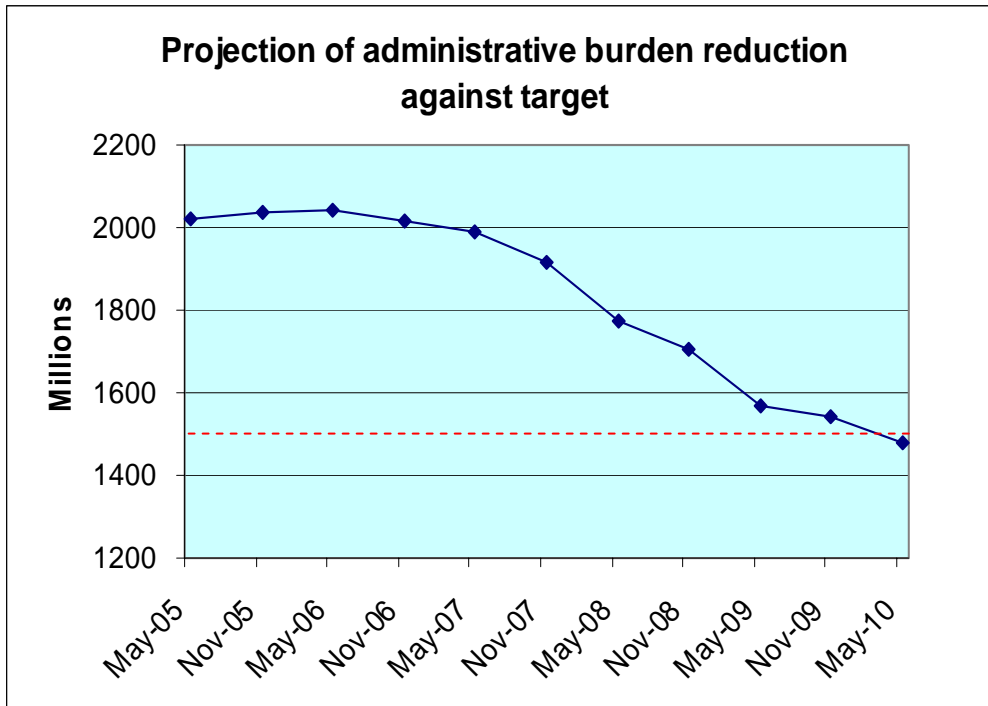
⁹ By May 2008, approximately £21.5 million of administrative burdens has been added from new legislation.

¹⁰ Risk assessment requirements for manual handling, display screen equipment and noise were also measured by the ABME. The example risk assessments, as part of SRM, also tackle the costs of these requirements.

Simplification initiative	Estimated savings to May 2008	Estimated savings to November 2008	Target reduction by May 2010
Completed initiatives			
Control of Asbestos Regulations 2006	£27.7 million	£27.7 million	£27.7 million
Workplace (Health, Safety & Welfare) Regulations	£17 million ¹¹	£17 million	£17 million
RIDDOR project	£16.6 million	£16.6 million	£16.6 million
Off-shore Installations (Safety Case) Regulations 2005	£3.8 million	£3.8 million	£3.8 million
Construction (Design and Management) Regulations 2007	£3.6 million	£3.6 million	£3.6 million
Removal of ACoP for Zoos	£544,000	£544,000	£544,000
Totals	£270 million	£341 million	

80. Up to and including May, HSE reduced administrative burdens by an estimated £270 million, equating to 53.4% of the reduction target, and by November has achieved an estimated £341 million reduction, 67.5% of the target.
81. Many of HSE's initiatives involve embedding a culture change within businesses, rather than regulatory changes, for example the Sensible Risk Management campaign and the guidance on labelling the weight of loads. Businesses may not notice the impact of these initiatives immediately, and HSE will continue to work on disseminating and communicating the sensible, proportionate messages on complying with health and safety requirements that these initiatives contain.
82. HSE will carry out evaluations of many of these initiatives over the next year, following a period of at least 6 months after their launch to ensure businesses have time to become aware and embed the change. The evaluations will follow a similar approach to the original ABME exercise, and will ask businesses, including small and medium sized businesses, how much time or money they think they have saved as a result of the initiatives. The results of the evaluations will be used to determine whether HSE has delivered the projected savings.
83. The graph below shows a trajectory of HSE's projected savings, with increases at the beginning of the timeline due to new administrative burdens imposed by new or amending legislation introduced at that time. In the last year HSE has not introduced any legislation that has added administrative burdens on businesses, and it is not anticipated at this stage that significant burdens will be introduced during the lifetime of the administrative burden reduction programme.

¹¹ Subject to evaluation – see paragraph 58



84. The red line in the graph shows the target figure following HSE's 25% reduction in administrative burdens. At this stage, HSE is on course to reach this target. Savings may increase or decrease in light of the evaluations outlined above.

STAKEHOLDER SIMPLIFICATION PROPOSALS

85. HSE welcomes simplification proposals from stakeholders, and although it may not be possible to accept all proposals, they are given serious consideration. Stakeholders have the opportunity to submit proposals through various tools, for example, using *HSE Infoline*, contact and stakeholder groups, directly to HSE officials, or via BRE's simplification proposal website.¹²

86. Since publishing the 2007 Plan, HSE has received four simplification proposals:

- One proposal concerned how hospitals report RIDDOR incidents to HSE and Local Authorities. The RIDDOR Regulations were reviewed in 2005 / 2006, and included exploring work in this area, but there was no consensus for radical changes to reporting. The proposal was not adopted, but any future reviews of RIDDOR may reconsider the issue raised.
- One was a suggestion to revisit the issue of linking radon with employer's liability insurance, making it a condition of insurance that a radon assessment had been carried out. HSE has previously examined this area, but it was found that there was no clear incentive for insurers to take an interest. HSE has advised that the proposal will not be taken forward.
- After consideration, HSE did not take forward a proposal to have one single, statutory health and safety qualification. HSE sets out the core criteria required and is fully behind initiatives for greater mutual recognition between schemes but recognises that an across the board scheme could act as a barrier to SMEs.
- One was a misunderstanding of the law, and was not taken forward.

87. In addition, HSE also fed into three proposals received by other government departments.

88. Of the proposals outlined in the 2006 and 2007 Plans which were accepted, seven have now been completed – core-criteria for electrical contractors endorsed by HSE; a list of health and safety regulations published; consideration of the certification of gas installers; a review of accident reporting; and three on helping SMEs understand health and safety information.

89. One proposal required working in Europe to propose a simpler process for applying for exemptions under the Genetically Modified Organism (Contained Use) Regulation. HSE's efforts towards simplification of this have involved several strands of work and is on-going:

- the exemption of safe organisms has been discussed at several meetings of Scientific Advisory Committee for Genetic Modification and will be included as a specified workstream for the Committee in 2008/09;

¹² <http://www.betterregulation.gov.uk/>

- discussions with the European Commission on the most up to date guidelines for the exemption process; and
 - multilateral discussions with other Member States to ascertain their views and approach to the subject – preliminary discussions have indicated a similar approach.
90. Three other proposals concerned projects already underway as part of HSE's simplification work – a review of the health and safety law poster; review of the form to register a business; and clarification of the requirements of LOLER and PUWER.

SIMPLIFICATION FOR THE PUBLIC AND VOLUNTARY / CHARITY SECTORS

91. Health and safety legislation is applicable to all businesses, regardless of the nature of the business or type of business. Therefore public sector employers, voluntary organisations and charities all have the same health and safety duties as any private sector employer in the same circumstances.
92. Correspondingly, HSE's simplification initiatives will also benefit these employers as well as private sector enterprises. However, HSE is also undertaking some initiatives specifically aimed at helping the public, voluntary and charity sectors.

Public Sector

93. As part of Sensible Risk Management campaign, HSE is working with the Department for Children, Schools and Families and the Implementation Review Unit on a package for schools which will help them to focus on the real health and safety risks, and not on unnecessary paperwork. The package will include example risk assessments, good practice examples, and updated web-based guidance and will be launched in November.
94. In 2005 HSE and Her Majesty's Inspectorate of Constabulary (HMIC) recognised a need for closer working between the two Inspectorates and their interventions with the police services in England, Wales and Northern Ireland. Since then, HSE and HMIC have sought to gain a better understanding of how the other organisation functions in order to inform any closer working.
95. Currently, HSE and senior police managers are seeking to improve clarity and understanding around what the Health and Safety at Work etc Act does and does not require of the police and fire and rescue services. This aims to prevent excessive risk aversion and bureaucratic approaches to risk assessment – in line with HSE's sensible risk approach.
96. In November 2007, HSE and the Independent Police Complaints Commission agreed arrangements for liaison in investigations where both bodies have an interest. The published agreement will assist with the coordination of enquiries and the effective dispensation of justice.

Voluntary / Charity Sector

97. In the 2007 Plan, HSE committed to considering the value of revising its specific publication for charities and voluntary workers. In the last year, HSE has edited the guidance and agreed to transfer the content to the Charities Safety Group (CSG), so that they can make it freely available on their website to those within the sector.
98. In addition, HSE has provided CSG with a master copy of the HSE video 'Health and Safety for Charities and Voluntary Organisations', so that it can also be made freely available.

THE SMALL BUSINESS APPROACH

99. Small and medium sized enterprises (SMEs) make up the majority of businesses in the UK. Helping these businesses comply with the legislation is vital in improving health and safety outcomes as well as reducing unnecessary burdens placed on them. However, health and safety hazards in small businesses are not necessarily low risk hazards, and risks must still be managed whatever the size of the enterprise.

HSE's initiatives

100. HSE is committed to the Government's "Think Small First" policy, ensuring that all guidance is written with small businesses in mind. HSE has targeted some publications specifically at SMEs to help them to comply with legislative requirements. For example:

- HSE has published a short guide on warehousing and storage, additional to the main guide to the regulations, aimed at small businesses. The guide provides simple and clear advice on managing the main risks when working in warehouses and storage.
- In October 2007 HSE produced a leaflet "*Getting specialist help with health and safety*" aimed at small companies which helps them to decide how and where to look for expert advice and guidance. This aims to help businesses avoid the potential trap of being advised by others that more work is needed than is actually the case for health and safety.
- In June, HSE published a revised version of "*The absolutely essential health and safety toolkit for the smaller construction contractor*", providing a good practice checklist to help construction contractors decide whether their site is a safe and healthy place to work.

101. HSE has also produced sector specific short publications, designed to help employers working in these sectors manage specific health and safety risks. Examples of publications produced in the last year include:

- A series of "*Time to clear the air*" publications, for employers and workers at risk of respiratory problems. The series includes a leaflet on working with cut off saws; a simple guide to buying and using local exhaust ventilation; and a workers' pocket guide to local exhaust ventilation.
- A simple "*Health and Safety Guide for Gamekeepers*", giving basic and practical advice on complying with the law.

102. HSE's 'Easier Access to Services' (EASe) Programme looks at how different audiences come into contact with HSE, such as via HSE's Infoline or the Incident Contact Centre for notification of RIDDOR incidents. It is focused around the recognition that government services should be designed around customer needs – including SMEs where needs can be different. EASe will look at improving the services themselves as well as the access and signposting to the relevant services. The project aims to re-design services to deliver the objectives from approximately mid 2009.

103. Many of HSE's simplification initiatives will particularly benefit SMEs. For example, many of the example risk assessments have been created with small businesses in mind and in partnership with industry representatives. Additionally, initiatives which aim to clarify requirements, for example on the labelling of weights of loads and non-drinking water, will benefit those who do not have in-house health and safety expertise, through simple, easy to understand guidance.
104. In order to ensure the correct approach for SMEs, HSE is committed to engaging with small businesses on a range of initiatives, including simplification projects. HSE has a Small Business Trade Association Forum (SBTAF), which represents the interests of 52 different trade associations, and HSE engages with this forum through e-consultation and meetings in the development of its simplification initiatives to ensure that they will make a difference to small businesses.
105. In addition, HSE disseminates completed simplification projects, such as example risk assessments and guidance, to the SBTAF members for them to pass on to their trade association members. This provides a communication channel to appropriate industries, helping to raise awareness and increase its impact.

Wider Government initiatives

106. In March 2008 the Government published its Enterprise Strategy *Unlocking the UK's talent*, which sets out proposals designed to minimise the impact of regulations on small firms¹³. These proposals are:
- **Exemptions for small businesses for new regulations** – the Government has committed to examining whether small firms can be exempted from new regulatory requirements or be subject to simplification of enforcement.
107. Where this is not possible either for legal or policy reasons, HSE will seek to work with small firms to design specific approaches for them.
- **Exemptions for small businesses for existing legislation** – the Government has committed to reviewing existing legislation, ensuring that principles from the Hampton report (see page 36) are embedded, introducing new, or amended, exemptions for small businesses and wherever possible simplifying inspection and enforcement regimes.
108. The scope to formally exempt small businesses from health and safety regulation may be limited. However, HSE will look at regulations that are due to be reviewed in the next few years, for example the Construction (Design and Management) Regulations, with a view to considering exemptions. Where this is not possible, HSE is fully committed to minimising the impact on small businesses by designing approaches that will clarify requirements and so make complying easier.
109. In August 2008, BRE published a report on *Improving Outcomes in health and safety*, which looked at the health and safety regulatory regime,

¹³ For the purposes of exemptions, small firms are defined as being those with fewer than 20 full time equivalent staff.

particularly for lower risk small businesses. The report made six recommendations which are designed to: improve health and safety outcomes; save businesses in scope unnecessary administrative and consultancy costs; increase public confidence in health and safety; and target overall inspection resource at workplaces.

110. HSE has considered carefully this report and recommendations, which recognise the impact that other players in the health and safety system, as well as HSE and its local authority partners, can have in realising improved health and safety outcomes for smaller and low risk businesses. Of the recommendations specifically addressed to HSE, some are already being addressed. Others will be considered through the development and subsequent implementation of HSE's new strategy.

WORKING IN EUROPE – HSE AND BETTER REGULATION

111. A large proportion of the UK's health and safety legislation, and therefore correspondingly the administrative burdens from this legislation, is derived from European legislation. As a result, HSE is limited in achieving simplification through regulatory changes.
112. However, HSE continues to work to influence the drive for better regulation within the EU, both as an individual organisation and as part of a central government drive, led by BRE. HSE ensures that the better regulation agenda is an integral part of its dealings with the EU, and in the last year has had some notable successes working in this area.
113. In the 2007 Plan, HSE reported on concerns, raised by stakeholders, about the impact of the Physical Agents (Electromagnetic Fields) Directive on Magnetic Resonance Imaging (MRI) in healthcare and industrial activities such as welding and power generation. HSE joined with stakeholders in persuading the European Commission (EC) to carry out research on this. The EC has now completed its research, which confirms the findings in the HSE-funded research, published in June 2007.
114. As a result of this, a Directive amending the implementation deadline date from April 2008 to April 2012 has been agreed and adopted. The delay will allow the EC enough time to carry out a full assessment of the Directive's impact on both medical procedures and industrial activities such as welding and power generation. The review report should be available in the second half of 2009 and will help inform amendments to address the impact of the original Directive. HSE will continue to work with the EC and other stakeholders to resolve these issues in a way that ensures the directive is based on scientific evidence and the right balance is struck between protection of workers and benefit to society, particularly patients.
115. HSE successfully influenced the direction of a European campaign, Euroweek 2008, on risk assessment, led by the European Agency for Safety and Health at Work. In line with HSE's Sensible Risk Management campaign, HSE proposed to the Agency that Euroweek 2008 should emphasise that good risk assessment is not about completing paperwork for its own sake but is about identifying and taking practical actions that manage hazards and risks so that workers are protected. The Agency agreed to this approach, and this was reflected in their materials produced for the campaign.
116. HSE was an active and influential participant in the project led by Germany, and also involving Finland, Denmark, the Czech Republic and the Netherlands, to evaluate the Display Screen Equipment (DSE) Directive as a way of developing a methodology for evaluating European occupational safety and health (OSH) directives more widely. The report will now contribute to the deliberations of the EU Advisory Committee on Safety and Health working party on the evaluation of OSH Directives.
117. HSE has continued to have regular "checkpoint" meetings involving the policy team responsible for the negotiation of an EU directive, the International Unit and the Better Regulation Team. These meetings

provide support for the negotiating team whilst at the same time provide a challenge function and ensure that better regulation principles are built into the negotiating strategy where possible.

118. HSE has also worked with BRE on developing an overall UK strategy for influencing the EC on the better regulation agenda. HSE fed into BRE's report "*25 ideas for simplifying EU law*". The report presents practical ideas to realise the European Commission's target to reduce EU administrative burdens by 25 per cent by 2012, and includes HSE's example risk assessment work as an example of good practice.

WIDER BETTER REGULATION INITIATIVES – THE HAMPTON AGENDA

119. In addition to the work on reducing administrative burdens, HSE is also committed to the wider better regulation agenda, for example, implementing the recommendations of the Hampton report¹⁴. Working to the Hampton agenda impacts positively on HSE's relationship with those it regulates and helps HSE to achieve its regulatory outcomes in a way that minimises burdens on businesses.

Hampton Implementation Review

120. In 2007, HSE was reviewed on its implementation of the recommendations in the Hampton report. HSE's Hampton Implementation Review (HIR) was carried out by officials from BRE, the National Audit Office, the Office of Fair Trading and LACORS. HSE's HIR report, published in March 2008, commented positively on many aspects of HSE's performance as a regulator, recognising that HSE is transparent and accountable and that it aims to minimise the burden of regulation on business whilst maintaining health and safety standards.

121. The report also identified a few key issues for HSE to address, including:

- improving the use of intelligence;
- improving the focus on businesses less likely to comply with health and safety regulations;
- understanding and improving the 'reach' and influence of advice and guidance; and
- improving guidance to fully address the needs of the audience.

122. HSE had already identified many of the areas highlighted for improvement and is continuing to address these issues as outlined below.

Improving the use of intelligence

123. In 2006, HSE initiated a Fine Tuning Review, which was designed to improve the targeting of interventions and to introduce more discretion at local level. Recommendations of the review included improving targeting and intelligence through a regional intelligence officer role (currently being piloted across the country), and making better use of information from sources including complaints from the public and intelligence from local authorities.

124. By the end of 2008, HSE will have taken steps to improve the quality and range of available intelligence and developed a variety of approaches to make better use of it to target dutyholders. HSE is also examining ways to improve targeting and intelligence at a local level, as well as looking at how targeting and intelligence informs HSE's plans.

125. HSE has also devised a segmentation framework to aid decision making in determining where and how to target resources and what interventions to

¹⁴ Reducing administrative burdens: effective inspection and enforcement, Philip Hampton, March 2005

use to maximise impact. The framework has three stages: segmenting the audience; targeting the audience; and positioning the intervention to meet the needs of the audience. In February 2008, HSE used this methodology with an asbestos campaign, and also trialled various media routes to help develop a better understanding of how to reach this audience most effectively. HSE has subsequently agreed the development of an action plan to implement the process more widely to inform the planning of its conventional proactive work at strategic, cross-HSE and local levels.

Improving the focus on businesses less likely to comply

126. In December 2007, HSE endorsed a proposed position statement on “rogue” businesses. HSE is increasingly sharing intelligence and working with other regulators, to tackle those who might undermine health and safety messages. HSE’s Enforcement Policy Statement, Enforcement Management Model and the Code for Crown Prosecutors provide an effective framework for enforcing consistently against the full range of employers, including those who persistently flout the law.
127. HSE is considering a pilot exercise to ascertain the health and safety benefits of tackling rogue businesses; this will be considered following the publication of HSE’s new strategy. In addition, part of the role of the regional intelligence officer (mentioned in paragraph 123) is to help identify and target poor performers.

Improving the “reach” and influence of advice and guidance and improving guidance

128. HSE’s current approach to improving the influence of advice and guidance is set out in its existing strategy¹⁵. This approach has been backed up by a number of key initiatives, including the Sensible Risk Management campaign, the Fit3 Strategic Delivery Programme (see paragraph 149), embedding the “think small first” approach when drafting guidance, as well as the work on segmentation outlined above.
129. HSE has used an “insight” approach to gain a better understanding of the health agenda. The “insight” approach is a structured method to develop an understanding of the audience and what motivates the behaviour identified for change. The strategic conclusions of the “insight” approach to health will feed into the development of HSE’s future strategy on the health at work agenda. The approach is also being applied to the agriculture sector, a sector which HSE has only had limited success in influencing.
130. As part of its work to improve understanding of the “reach” of guidance, HSE is carrying out research on warehouse guidance published in 2007.
131. HSE’s work in response to the Enterprise Strategy on assisting small firms, as well as HSE’s review of its own strategy, are likely to feed into work in this area in the next year.

¹⁵ HSE Strategy for workplace health and safety in Great Britain to 2010 and beyond

Ongoing Hampton initiatives


132. In addition to addressing the key issues for improvement, HSE has continued to work on initiatives that support the recommendations of the Hampton report. The recommendations cover six areas looking at regulation and enforcement. HSE's work in these areas is outlined below.

Design of regulations

133. HSE has developed a range of internal and external tools to embed better regulation principles when developing policies and legislation. These include:

- Setting up a Challenge Panel to examine policy proposals, consider the best approach, ie regulatory or non-regulatory, to an intervention, and to comment on Impact Assessments.
- Engaging with HSE's Small Business Trade Association Forum (SBTAF) on the development of new policies and tools. The SBTAF now has members from 51 trade associations, and provides a small business perspective on HSE's interventions.
- Running internal "Better Policy Making" seminars to guide officials to consider the impact of their proposals at an early stage, and to embed central government Impact Assessment guidance throughout the organisation.

134. HSE's Hampton Implementation Review report noted that HSE has good internal challenges in place and that the organisation demonstrates high levels of consultation with stakeholders. It commented that:



"Overall, the review team found that the HSE generates robust, well researched Impact Assessments, which set out and quantify the implications of new regulations and policies."

HSE's Hampton Implementation Review report,
March 2008

Advice and guidance

135. HSE's HIR noted that HSE puts a lot of emphasis on providing advice and guidance through a variety of methods. Some of the key methods and projects are outlined below:

- HSE is committed to the Government's "Think Small First" policy, which aims to ensure that all guidance is written with small businesses in mind.
- In the last year, HSE's pilot "Workplace Health Connect" (WHC) project, run by an independent organisation, has been completed. WHC was designed as an alternative to regulation to provide free, tailored, practical advice, through an advice line and individual visits, for SMEs on

workplace health and safety. The two-year pilot had an impact on nearly 125,000 workers, exceeding its target of 95,000 workers. 95% of those using the service declared themselves satisfied or very satisfied with it. HSE has commissioned an independent evaluation team to evaluate Workplace Health Connect in terms of how it was marketed and delivered, its impact and any quantifiable benefits that arise. The final evaluation report is expected in early 2009.

- HSE and Milton Keynes Council have set up a pilot project to provide a free service giving confidential, practical advice to small businesses. It aims to help establish whether HSE, in partnership with local authorities, can deliver a cost-effective Workplace Health Connect type service. The pilot runs until the end of 2008.
- HSE has a long-established public enquiry contact centre, *HSE Infoline*, operated on HSE's behalf by a specialist contractor, which gives access to workplace health and safety information and guidance through a variety of channels. HSE Infoline is also currently able to connect enquirers with HSE staff where advice is being sought. As a result of HSE's EASe Programme, there is an aim to offer straightforward advice in low risk/low complexity areas direct from *HSE Infoline* when the revised services are launched in 2009.
- HSE provides an advice line for workplace transport, for businesses to ring at only the cost of a local call if they need advice in this area. It is run by the Freight Transport Association, which provide highly experienced and fully trained staff to give advice. The advice line receives a number of repeat callers, demonstrating that callers value the advice they receive.

Inspections

136. Alongside local authorities, HSE is responsible for enforcing health and safety legislation in Great Britain. HSE continues to work to the regulatory principles set out in its Enforcement Policy Statement (EPS), which states that enforcement decisions must be targeted, transparent, proportionate, consistent and accountable. HSE is updating the EPS to reflect factual changes, for example the merger between HSC and HSE.
137. From April 2008, HSE must also have regard to the provisions of the Regulators' Compliance Code. The Code applies when regulators determine their general policies or principles about how they exercise their regulatory functions, and when they set standards or give general guidance. HSE was already acting in accordance with the Code prior to its introduction and has published a statement on its website outlining how it complies with the Code.
138. HSE has continued to develop its joint working with other regulators as part of its commitment to being a modern regulator. Working with other regulators can be highly beneficial for businesses, through saving time from duplication of efforts for inspections and experiencing a consistent, joined-up approach. Examples of joint initiatives in the last year include:

- In south west England, HSE has worked with the police, local authorities, the Gangmasters Licensing Authority, as well as the fire service, on dealing with migrant workers, mainly in agriculture and the holiday industry. This group has carried out targeted inspections on farms, and has led to sharing information and a standard approach to regulation.
 - HSE undertook a joint initiative with Bexley Council following a number of serious fires at an industrial estate, culminating in a major blaze involving exploding gas cylinders. Bexley Council initiated a multi-pronged reconnaissance exercise involving staff from a range of agencies, including HSE, the Fire Brigade, Police, Revenues and Customs, the Environment Agency, Vehicle and Operator Services Agency, Trading Standards and the Department for Work and Pensions, to find out what businesses were operating on the estate. Additionally, dutyholders were informed of a safety event focusing mainly on fire safety. The joint working led to the discovery of illegal immigrants, illegal weapons, benefit fraud, motoring offences and various environmental and health and safety breaches, plus the safe disposal of over 300 gas cylinders.
 - To help local authorities investigate work-related deaths, HSE is part of a group involving the police, local authorities, and the Crown Prosecution Service to produce a package for Environmental Health Officers (EHOs). Through sharing experience, the package, which consists of paperwork templates, such as guides on establishing procedures and policies, will provide EHOs with the competence and support they need to investigate work-related deaths. It is being piloted in south west England with a view to being rolled out nationally if it is well received.
139. HSE's partnership project with local authorities has continued to provide a more co-ordinated, consistent and effective enforcement service. This project plays a key role in improving health and safety outcomes, through local authorities delivering activities such as providing advice and guidance. The project set a target of 80% of local authorities working towards HSE's Public Service Agreement (PSA) targets in April 2008. This figure was exceeded, with approximately 95% of local authorities working towards the targets.
140. HSE's Large Organisation Partnership Pilot (LOPP) project aims to ensure that firms' priorities are taken properly into account by regulators, and regulatory interventions better tailored to the firms' needs, avoiding interventions that are irrelevant or redundant. This, in turn, will lead to more effective and efficient use of regulators' resources. External consultants have been engaged to undertake a 'lessons learnt' study of the pilot and make recommendations for future regulatory engagement with large organisations. The report on this research is planned for publication in December 2008.

Data requests

141. HSE is committed to reducing and simplifying the data it requires from business. This includes work such as HSE's forms project, which has already removed 54% of forms with work being taken forward to remove a further 9 forms.

142. HSE's Business On-line project aims to make HSE's external forms electronic and interactive, savings businesses time in completing and submitting these forms. In June, a construction notification form (the F10) was the first form to be transferred into this format. HSE is planning to make further forms electronic and interactive over the next 18 months, starting with an asbestos notification form – the second highest used form by business after the F10.
143. HSE's HIR report noted that HSE's forms team performs a challenge role for the introduction of new forms, and that in practice HSE has introduced few new forms in recent years. It commented that:

"The forms we reviewed appeared simple and easy to complete and had clear guidance notes".

HSE's Hampton Implementation Review report, March 2008

Sanctions

144. HSE's HIR report noted that HSE has developed tools and policies that encourage a consistent approach to enforcement, as outlined above on the Enforcement Policy Statement. The report noted, however, that in terms of an effective sanctioning regime for health and safety, levels of fines for offences are low.
145. However, the Health and Safety (Offences) Act 2008¹⁶, which comes into force on 16 January 2009, should lead to an increase in levels of fines in the courts. The new Act raises the maximum penalties for health and safety offences in the lower courts and broadens the range of offences for which an individual can be imprisoned in both the lower and higher courts. This should lead to a more effective sanctioning regime for health and safety, with tougher, more commensurate punishment of health and safety offences; more effective deterrents against regulatory non-compliance; and greater efficiency in the dispensation of justice contributing to the wider Government criminal justice agenda.
146. The Macrory review¹⁷ examined ways to improve compliance among businesses. One recommendation, which has been taken forward in the Regulatory Enforcement and Sanctions Act 2008, was to introduce a system of new penalties, such as fixed monetary penalties. Following the introduction of the Act, HSE and local authorities are continuing to explore the potential for using alternative penalties to deal with health and safety offences.
147. HSE's Enforcement Programme concluded in December 2007. Its primary aim had been to develop proposals to enable HSE and local authorities to

¹⁶ Health and Safety (Offences) Act 2008 c.20 (see http://www.opsi.gov.uk/acts/acts2008/pdf/ukpga_20080020_en.pdf)

¹⁷ Improving Compliance among Businesses, Richard Macrory, November 2006

make best use of formal enforcement in the delivery of health and safety priorities alongside the enabling of justice. During the course of its work the programme examined HSE's and local authorities' formal enforcement activities and made recommendations or took action under four principal work streams:

- **Communications:** Recommendations / action included the successful inclusion of enforcement in external messaging, campaigns and media activities; a re-designed enforcement website that clearly presents HSE's approach to enforcement and includes a wide variety of enforcement case studies.
- **Efficiency and effectiveness:** Recommendations / action included improved performance management of enforcement activities; and greater emphasis on consistency with the Enforcement Policy Statement and application of the Enforcement Management Model.
- **Fit3¹⁸:** Recommendations / action included stronger messaging on the role of preventive enforcement in delivery of Fit3.
- **Rogue businesses:** Recommendations / action included greater clarity of HSE's position on tackling rogue business; and the establishment of a regulators working group to consider the potential for joint working and information sharing to tackle rogue businesses more effectively.

Focus on outcomes

148. HSE is currently reviewing its existing strategy, which is aimed at helping achieve targets, and brings a clearer focus on the overall direction and gives priorities for the health and safety system as a whole. Following this review, HSE will produce a new strategy to take forward the health and safety system for the next few years.
149. In the last year, HSE has continued with delivery of its Fit3 Programme (Fit for Work, Fit for Life, Fit for Tomorrow). The programme was specifically designed to deliver HSE's Public Service Agreements to reduce the number of workplace fatal and major injuries, cases of ill health, and the number of working days lost as a result.
150. Fit3 is focused on achieving outcomes – in this case, achieving a real and sustained change in the behaviour of employers and employees with regard to how health and safety is managed in their places of work.
151. Fit3 concentrates its activities on those areas that create the highest number of injuries or cases of ill health. The programme works in partnership with HSE's field inspectors, key stakeholders, and health and safety inspectors from every local authority in Britain, and uses a range of interventions to achieve its desired outcomes, such as media and PR activity, stakeholder engagement, and investigation and enforcement.
152. The Fit3 programme will end in 2009. Work is currently underway to plan how the changes that have already been successfully achieved can be further embedded, and this will be a key component in making a success of HSE's new strategy.

¹⁸ Fit3 – Fit for Work, Fit for Life, Fit for Tomorrow – see paragraph 149

Mergers with other regulators

153. The Hampton report also recommended mergers between regulators to reduce the number of small regulators. Since its publication, HSE has taken over responsibility for the health and safety functions of the Engineering Inspectorate and the Adventure Activities Licensing Authority. In April 2008, the Pesticides Safety Directorate became an agency of HSE; responsibility for the related policy has remained with Defra.
154. Following the outbreak of foot and mouth disease in August 2007 the Government requested several reviews on biosecurity and biosafety. One of these reviews was led by Sir Bill Callaghan. Several recommendations were made, all of which were accepted by Government. One recommendation is to produce a single regulatory framework for deliberate work with human and animal pathogens. The new regulations, which are likely to come into effect in April 2010, will ensure a more effective and efficient delivery of biological agent regulations such that the system provides an assurance that the risk of accidental release is close to zero.

Working with others, including other government departments

155. As well as working to the Hampton agenda, HSE is also working with other government departments to simplify requirements and produce a joined-up approach. Work in this area is outlined below.
156. HSE is working with the Department for Communities and Local Government (CLG) on identifying opportunities to minimise any detrimental impact of risk assessment on SMEs in relation to health and safety issues, including fire. CLG is responsible for the legislative requirement for a fire risk assessment to be carried out in all non-domestic premises. HSE and CLG will work together to investigate the scope of further supporting SMEs in complying with the relevant legislation and to streamline and, wherever possible, integrate the risk assessment process. HSE and CLG will also seek to involve LACORS for areas where LAs enforce health and safety legislation. The aim is to facilitate compliance and improve regulatory outcomes for SMEs.
157. HSE is also working with CLG on a long term aim of examining possibilities for better integration between the Construction (Design and Management) (CDM) regime and the Planning and Building Control regime. The intention is to reduce burdens on businesses, in particular SMEs or one-off / occasional construction clients, through a joined-up approach. Initially HSE and CLG are planning to provide clearer signposting through links between HSE's CDM webpages and CLG Planning Portal website. It is anticipated that links will be established between the Building Control pages on the Portal and the HSE website before the end of 2008. The medium term goal will examine possibilities to simplify the notification procedures for construction work through the providing of links to the Planning Portal.
158. HSE has developed the Local Authority Construction Engagement (LACE) project, which aims to support the involvement of Local Authorities (LAs) in promoting construction health and safety. LAs are encouraged to provide health and safety information to dutyholders, particularly small or

occasional construction clients, through different methods – for example, through web site links or by distributing leaflets. LAs are also encouraged to act as “eyes and ears” for HSE, where serious construction health and safety issues are identified, particularly where public risk is concerned. The project is also looking at how Environmental Health (Health and Safety) Inspectors can best be involved in the promotion and enforcement of CDM, for example, where they are the Enforcing Authority for the ultimate user of a new-build workplace.

159. HSE is also supporting and encouraging work in developing a standard process for assessing health and safety competence in the construction industry. The Safety Schemes in Procurement – Competence Forum (SSIP-C Forum), formed of a group of businesses involved in third party accreditation and supported by HSE, has established a "Forum Management Group".
160. This Group is progressing work on establishing the “Safety in Procurement Ltd” company, to provide the means for formally managing the aim of the Forum to "facilitate mutual recognition between health and safety prequalification schemes wherever it is practicable to do so". A staged launch is planned from April 2009. The overall aim is to simplify the pre-qualification process for SMEs through reducing paperwork and duplication of efforts.

CONSULTATION ON THE SIMPLIFICATION PLAN

161. HSE engaged with stakeholders in the development of both its 2006 and 2007 Simplification Plans. In developing this Plan, HSE held a stakeholder meeting to invite comments on the progress of ongoing simplification initiatives, and to inform stakeholders of the new initiatives identified for this Plan.
162. These stakeholders subsequently received a draft version of this Plan and HSE has reflected comments received. In addition, HSE sent the Plan to members of its Small Business Trade Association Forum for comments.
163. Stakeholders were invited to present any suggestions for reducing administrative burdens, or other simplification initiatives, as long as levels of health and safety protection would not be reduced as a result. At HSE's stakeholder meeting, two suggestions were offered: one on pre-qualification schemes in the construction industry (further details are found in paragraph 159); and another on trying to influence health and safety consultants to get them to sign up to the sensible risk approach. HSE is considering these suggestions and will advise stakeholders of possible outcomes at a later date.
164. In addition to consulting stakeholders on the overall Plan, HSE engages with a variety of stakeholders in the development of its simplification projects. This ensures that HSE's simplification work is subject to regular and detailed scrutiny by bodies with the relevant industry sector expertise and experience.

HSE'S SIMPLIFICATION WORK OVER THE NEXT 12 MONTHS

165. Over the next year, HSE will continue to progress work on its administrative burden reduction projects. This will involve a number of elements, for example:
- Implementing any legislative changes following consultation
 - Revising webpages to provide more accessible, simple guidance
 - Communicating initiatives to businesses to raise awareness and lead to culture changing behaviour
 - Evaluating the impact of the simplification initiatives
166. HSE will also seek to influence the better regulation agenda in Europe, through its negotiating strategies on individual dossiers and as part of the central government drive. HSE will also maintain its work on the Hampton agenda, including implementing the recommendations of its Hampton Implementation Review.
167. To help SMEs comply, HSE will continue to ensure that guidance is written with small businesses in mind. HSE will also look at whether it is possible to exempt small businesses from new or existing regulatory requirements in line with the Government's Enterprise Strategy, and if this is not possible, seek to minimise the impact on SMEs.
168. HSE will continue to welcome suggestions from stakeholders for simplifications, which do not reduce levels of health and safety protection. These can be submitted to BRE's simplification website¹⁹ or to *HSE Infoline*²⁰.
169. HSE's better regulation work will continued to be overseen internally by a high level monitoring group – the Better Regulation Oversight Group (BROG). BROG maintains the focus on better regulation across the organisation as a whole and scrutinises all significant simplification initiatives, evidence of HSE's commitment to this agenda.
170. HSE's Better Regulation Team has split into two separate teams, allowing the formation of a Policy Capability Team. In the next year, this new team will focus on working internally with colleagues across HSE to embed the principles of better regulation into how the organisation works.
171. HSE's 2009 Simplification Plan will provide a progress report on all of these areas, and will include any new initiatives or proposals from stakeholders.

¹⁹ <http://www.betterregulation.gov.uk/>

²⁰ *HSE Infoline*: 0845 345 0055

Table A: Simplification initiatives completed to date, including projects that do not reduce administrative burdens

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated savings / other quantification	Delivery
<p>Sensible Risk Management – A campaign tackling excessive reactions to risk assessment requirements.</p>	<p>Policy</p>	<p>Publication and wide promotion of a set of principles of sensible risk management particularly with Local Authorities.</p> <p>To emphasise what does not need to be done as well as what does.</p>	<p>A culture change, whereby dutyholders will feel risk assessment and management is proportionate and manageable.</p>	<p>N/A</p>	<p>July 2006: Revised ‘5 steps to risk assessment’ launched, emphasising a fit for purpose approach.</p> <p>April 2007: Event organised with the former Department of Constitutional Affairs and local government employers for stakeholders on risk and redress.</p> <p>May 2007: Guardian newspaper included a supplement on risk management.</p> <p>Autumn 2007: Statement to health and safety advisors on competence / fitness for purpose published.</p>

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated savings / other quantification	Delivery
Forms Project	Administrative	Removal of all forms that are no longer necessary, approximately 54% of HSE forms	Although most of these forms were rarely used and so not costly to business, their removal provides clarity and reduces the risk of error.	According to ABME estimates, removing these forms has saved businesses £250,000 annually	April 2007: all identified forms discontinued and/or deleted.
Offshore Installations (Safety Case) Regulations 2005	Administrative	The new regulations changed the frequency of resubmitting offshore safety cases from three years to five years	Administrative costs reduced, and more efficient and less time-consuming reviews.	Estimated administrative cost savings, calculated in the RIA, are £3.8 million	April 2006: regulations in force.
ACoP on Zoos – Safety, Health and Welfare for Employers and Persons at Work 1985	Administrative	The ACoP has been withdrawn and new guidance has been published	Updated guidance to reflect current developments in the zoo industry, such as lay out of premises.	The ABME estimated the ACoP requirements cost businesses £544,000 in administrative burdens – these costs have now been removed.	December 2006: ACoP withdrawn and replacement guidance introduced.
Construction (Design and Management) Regulations 2007	Administrative, policy and quantity of legislation	One key set of consolidated regulations restructuring, simplifying and clarifying the Regulations, including	To change attitudes and raise health and safety standards in the construction industry. The	Annual cost savings (from simplified competence checking) are calculated in the RIA	April 2007: regulations in force. Q4 of 2008 / 09: phase 1 of the evaluation of

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated savings / other quantification	Delivery
		simplifying the project notification threshold, requirements for formal appointments and plans, and the process for checking dutyholder competence	changes streamline regulatory requirements, eliminate unnecessary ones and simplify paperwork. This aims to significantly reduce bureaucracy to construction sector, particularly SMEs.	to be between £106 million and £226 million. Estimated savings, according to the ABME data, is £3.6 million per year from clarifying and simplifying requirements relating to notification of construction projects.	regulations. Q3 of 2009 /10: full evaluation starts.
Control of Asbestos Regulations 2006	Administrative	Consolidation of three regulations and reduction of guidance relating to asbestos. The new regulations have removed the requirement for companies working with textured decorative coatings - common in domestic premises - to have an asbestos licence, and to notify HSE/ their LA.	Making it easier to find what requirements apply to a business and so make compliance easier. Removing the licensing requirement from work with textured decorative coatings significantly reduces the cost of doing this work for the contractor and so for the building-owning clients.	According to the ABME estimates, the revised regulations will reduce administrative burdens on businesses by £27.7million per year	November 2006: introduction of new regulations.

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated savings / other quantification	Delivery
RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations)	Administrative requirement to report and keep records of certain work-related harm to employees and the public.	Streamlining the communication of the RIDDOR reporting process to raise awareness, and influence attitudes to reporting, with the message that compliance need not be complex and burdensome. Promoting the ease of reporting through the Incident Contact Centre (ICC) telephone/web reporting service.	Businesses easily understand the 'ring and report' message to comply with RIDDOR and save time in reporting.	The ABME estimated the recording and reporting requirements to take over 2.5hrs and cost £21 million. Reporting via the call centre takes an average of 30 minutes. Thus, the estimated annual cost to business will be £4.4 million, a reduction of £16.5million	Mar 07: Launch of new user-friendly HSE RIDDOR website July 07: Introduction of a single page flyer with the 'ring and report' message.
'Core criteria' for electrical contractors Proposed by Electrical Contractors Association (ECA) to address the problem of a proliferation of contractor health and safety pre-qualification schemes that currently work to	Policy	With HSE support, ECA and Heating and Ventilating Contractors' Association (HVCA) launched health and safety core-criteria to their members. Health and safety core-criteria, developed for inclusion in the proposed new Construction (Design and Management) Approved Code of	This will reduce the variation in standards required of contractors and so help them comply with legislation, and improve the cost effectiveness of assessing and delivering a good health and safety performance.	The estimated saving, from RIA calculations, is £40,000 to £300,000 over first six months after launch, although these are not administrative savings. Further savings will continue to be achieved across the electrical contracting	September 2006: ECA/HVCA leaflet launched February 2007: Publication of CDM ACoP

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated savings / other quantification	Delivery
different standards.		Practice, create a common standard and aid recognition between various pre-qualification schemes.		industry following publication of the ACoP.	
<p>List of all Health and Safety Regulations published on the internet</p> <p>Suggested by Federation of Small Businesses to allow businesses to find easily what health and safety regulations are in force.</p>	Wider better regulation initiative	A full list of HSE-owned regulations has been created on the HSE website, linked where possible to electronic copies of the regulations themselves and relevant guidance.	<p>A quick, simple route to locating health and safety regulations and requirements for businesses.</p> <p>Benefits to all sectors, especially SMEs.</p>	<p>In its first month the legislation webpages received nearly 24,000 hits.</p> <p>Since then the pages have had an average of 22,200 hits per month.</p>	Oct 06: Legislation webpages went live.
<p>Workplace (Health, Safety and Welfare) Regulations - guidance on labelling of drinking water</p>	Administrative	Amending and promoting guidance to make it clear that businesses only need to label water when it should not be drunk.	Substantial reduction in labelling water supplies, saving businesses time and money.	HSE hopes to reduce administrative burdens by up to nearly £17 million of savings from the ABME estimate of £33 million for this requirement.	<p>Sept 2007: leaflet published.</p> <p>Dec 2007: other guidance corrected and myth of the month produced.</p> <p>August 2008: evaluation carried out.</p>

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated savings / other quantification	Delivery
Lifting Operations & Lifting Equipment Regulations (LOLER) and Provision & Use of Work Equipment Regulations (PUWER)	Policy and administrative	<p>Stage 1: Preliminary investigation into stakeholder views on having two sets of regulations, complexity, fitness for purpose.</p> <p>Stage 2: Web-based guidance on examination of fork lift trucks.</p> <p>Stage 3: New guidance on thorough examination of lifting equipment.</p> <p>Stage 4: Review of position following guidance</p>	To clarify requirements on how often and how to carry out examinations of lifting equipment.	<p>The overall target reduction from work to clarify requirements from these pieces of legislation has been set by HSE at £33 million, bringing costs for complying with LOLER down from £144 million to £111 million.</p> <p>Savings will be quantified following evaluation in 2009.</p>	<p>Stage 1: Completed Sept 2006</p> <p>Stage 2: Guidance to be published Dec 2008</p> <p>Stage 3: Guidance published June 2008</p> <p>Stage 4: Evaluation will be undertaken in early 2009 to establish the effect of the guidance.</p>

Table B: Ongoing simplification initiatives – progress and timescales

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated Savings	Progress and timescales
Sensible Risk Management – example risk assessments (ExRAs)	Policy and administrative	<p>Providing sector-specific example risk assessment to show businesses what a ‘good enough’ record looks like.</p> <p>These are mainly aimed at low risk, small and medium sized businesses.</p>	To reduce the time businesses spend on carrying out and recording a risk assessment.	<p>HSE has set a target reduction of £200 million from the £600 million costs on risk assessment estimated by the ABME</p> <p>An initial evaluation has shown an average saving of 46% of time taken to carry out a risk assessment for sectors covered by the 29 examples – reducing costs by an estimated £182 million.</p> <p>A further estimated £18.4 million has also been saved through addressing risk assessment requirements for noise, display screen equipment and manual handling,</p>	<p>By April 2008, HSE had published 29 ExRAs.</p> <p>A further 4 were published in November 2008.</p> <p>Summer 2008 – start of the initial evaluation</p> <p>Autumn 2008 – increased activity to promote the ExRAs.</p> <p>Early 2009 – further evaluation following the communications push.</p>

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated Savings	Progress and timescales
				which were measured separately in the ABME.	
Gas Safety (Installation and Use) Regulations	Policy and administrative	A project to review the requirement on landlords to arrange an annual safety check of gas appliances and relevant flues by a competent gas installer.	To reduce burdens on landlords whilst not compromising on consumer gas safety.	The ABME estimated the landlords' gas safety check to cost £236 million. A target reduction of up to £59 million has been set – a quarter of the estimated cost.	This project has been delayed from dates in the 2007 Plan. A revised timetable is set out below: Summer/Autumn 2008: HSE examined impact of options. Early 2009: stakeholder engagement on way forward. Spring 2009: HSE Board endorsement. By May 2010: changes in place.
Manual Handling Operations Regulations – guidance on labelling the weight of loads	Policy and administrative	HSE has produced additional web-based guidance clarifying the requirement to provide information on the weight of a load to employees, in particular when it is and is not appropriate to give	To reduce the cost of labelling where appropriate and increase compliance through a clearer understanding of the requirement.	A £32.5 million reduction target has been set by HSE, a quarter of the estimated ABME cost for this requirement. Savings will be	May 2008: Guidance published. Early 2009: Evaluation on the effectiveness of the guidance.

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated Savings	Progress and timescales
		precise information.		quantified following evaluation in 2009.	
The written health and safety policy statement - an electronic template to help complete the statement, combined with an electronic risk assessment template	Policy and administrative	HSE was planning on publishing web-based guidance to clarify requirements on completing a policy statement. However, HSE is now looking at a possibility to combine the need to have a written policy statement and the need to record a risk assessment by producing one electronic template.	To reduce duplication of efforts with the written record of health and safety arrangements.	Reducing duplicated paperwork could achieve an estimated £26.5 million saving according to the ABME data.	This work has been delayed in order to tie it in with the electronic risk assessment template. The template is due to be delivered by April 2009 .
Removal of 8 forms required by Factories Act and Offices, Shops and Railway Premises Act (OSR Act)	Administrative	HSE is proposing to remove the 8 notification and record keeping forms required by the Factories Act and the OSR Act through repealing the legal requirement for these forms.	If the forms are removed, employers will no longer be required to notify new premises to HSE or local authorities, nor keep certain redundant records at factory premises.	Removal of 8 forms will achieve a £21 million reduction using ABME figures	Summer 2008 – consultation on proposed changes April 2009 – any amending regulations in force.
Control of Substances Hazardous to	Policy and administrative	This initiative has various components:	To reduce the number of pieces of guidance to avoid	The initiatives aim to reduce risk assessment costs	Work on the website initiatives has been delayed from the 2007

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated Savings	Progress and timescales
<p>Health (COSHH) Regulations - rationalising and improving guidance and reducing risk assessment costs.</p>		<p>1) Rationalising the stock of guidance</p> <p>=====</p> <p>2) Revising HSE's COSHH webpages to make them more accessible and easier to use.</p> <p>=====</p> <p>3) Redesigning the E-COSHH Essentials website, an interactive tool which helps users to do an in-depth risk assessment.</p> <p>=====</p> <p>4) Rewriting the leaflet "COSHH: A brief guide to the Regulations",</p>	<p>confusion.</p> <p>To help employers understand their duties under COSHH by making guidance more accessible and easier to understand and reduce the cost for undertaking a risk assessment.</p>	<p>from COSHH by £11.1 million – a third of the ABME estimated cost.</p>	<p>Plan timetables.</p> <p>1) April 2007: Guidance reduced from 130 items to 30.</p> <p>Dec 2008: A further 5 pieces of guidance will be reviewed to see if they are still required.</p> <p>=====</p> <p>2) By March 2009: the revised COSHH website will be completed.</p> <p>=====</p> <p>3) By Dec 2008: review of E-COSHH carried out.</p> <p>Mid 2009 Launch of revised E-COSHH. Evaluation of site to be completed 6 months after launch.</p> <p>=====</p> <p>4) By Mar 2009: Publication of the revised guidance.</p>

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated Savings	Progress and timescales
Health and Safety Information for Employees Regulations – the HSE law poster / approved leaflet	Administrative	HSE is proposing to amend requirements so that businesses no longer need to update the poster and / or leaflet following changes to these documents. HSE will also redesign the poster to make it more visually appealing.	To reduce the costs on businesses in updating their poster / distributing leaflets to employees. To make the poster more visually appealing and useful to employees, eg vulnerable workers.	The Impact Assessment shows administrative savings of £10.3 million for the proposed option, using data from the ABME.	May – August 2008 – consultation period. April 2009 – amending regulations in force, alongside the new poster.
Business on-line project – transferring HSE forms to electronic and interactive format	Administrative	To make all of HSE’s forms available in an electronic and interactive format, including pre-populating forms where possible. The forms with the highest usage will be completed first – beginning with a construction notification form (F10), followed by an asbestos notification form.	To save businesses time in completing and submitting forms to HSE.	£10 million – 25% of the ABME estimated costs of completing all forms in this project.	The project has suffered some slippage. June 2008: Successful launch of the F10 form. Remaining forms to be delivered by May 2010 .

Table C: New simplification initiatives – timescales

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated savings	Progress and timescales
Good practice guidance on worker involvement – new combined good practice guidance on the Safety Representatives and Safety Committees Regulations and the Health and Safety (Consultation with Employees) Regulations.	Policy and administrative	The good practice guidance aims to clarify employer requirements on the provision of information to safety representatives.	The overall objective of the guidance is to facilitate better dialogue and co-operation between employers and employees. Clarifying the provision of information requirement aims to reduce costs of buying in external services to fulfil the requirement.	Using the ABME figures, the guidance could save businesses up to £36.6 million.	October 2008 – publication of guidance Autumn 2009 – evaluation to examine whether estimated savings have been delivered.
Removal of docks form required by Docks Regulations	Administrative	Removal of a form to certify a dock transport vessel required by the Docks Regulations.	If the form is removed, businesses will save time and money.	The form was estimated in the ABME to cost businesses £3.4 million.	The form will be removed in parallel to remove the ACoP on Docks. This work is due to be carried out by April 2010.
Electronic risk assessment template – possibly a combination with a policy statement	Policy and administrative	An electronic template for recording a risk assessment, possibly a combined template for completing a written health and safety policy	To save businesses time in recording their risk assessment and thereby encouraging compliance with the	To be quantified	The electronic template is due to be developed in line with the written policy statement, for delivery by April

Initiative	Nature of burden	Description of measure	Desired outcome	Estimated savings	Progress and timescales
template		statement, complementing the example risk assessments.	requirement.		2009.

Table D: Simplification initiatives that do not principally address administrative burdens

Initiative	Nature of burden	Description of measure	Desired outcome	Quantification where appropriate	Progress and timescales
Sensible Risk Management – myth of the month	Policy and administrative	A web-based campaign, using cartoons, to tackle common myths surrounding “bureaucratic” requirements that do not actually exist. One of the first myths was “risk assessments are long and complex”.	To contribute to the culture changing aim of the overall sensible risk management campaign and to demystify some requirements.	Over 1.1 million visitors have visited the myth of the month webpages since they were launched, and interest has remained fairly constant, with a slight increase in last few months.	April 2007 – myth of the month launched December 2007 – 2008 calendar distributed to stakeholders and made available for purchase December 2008 – final myth published and 2009 calendar to be distributed to stakeholders and made available for purchase
Sensible Risk Management – “sign up to sensible risk”	Policy	Local Authority Chief Executives and senior representatives encouraged to sign up to the principles of sensible risk management.	For local authorities to provide commitment to sensible risk approach, both as dutyholders and as regulators.	56 local authorities have signed up.	July 2007 – “sign up to sensible risk” launched. Summer 2008 – campaign ends.
Sensible Risk Management – health and safety in the education sector	Policy	HSE is working with the Department for Children, Schools and Families and other stakeholders,	To reduce unnecessary risk assessment paperwork in	N/A	May 2007 – Article in Governors’ Agenda magazine, putting straight

Initiative	Nature of burden	Description of measure	Desired outcome	Quantification where appropriate	Progress and timescales
		<p>including the schools Implementation Review Unit to promote sensible risk management in schools. The emphasis is on reducing unnecessary risk assessment paperwork.</p> <p>A package will be launched in the form of example risk assessments, sharing good practice and revised and updated web-based guidance.</p>	schools.		<p>misconceptions about health and safety requirements for school trips.</p> <p>January 2009 – launch of package of tools.</p>
Construction – aligning between the CDM, planning and building control regimes	N/A	HSE is working with CLG to examine ways of reducing burdens on construction clients. HSE is initially looking to introduce clearer signposting about CDM through links on CLG's Planning Portal	To make information about CDM easier to find through the use of existing electronic channels, and therefore reduce time for construction clients in finding out what they are required to do under CDM.	N/A	December 2008 – links to be established between the building control pages on CLG's Portal and the HSE website.
Pre-qualification schemes in	N/A	HSE is supporting and encouraging work led by	The aim is to simplify the pre-qualification	N/A	The work will continue into 2009.

Initiative	Nature of burden	Description of measure	Desired outcome	Quantification where appropriate	Progress and timescales
construction		the Safety Schemes in Procurement Competence Forum (SSIP) in developing a standard process for assessing health and safety competence	process for SMEs through reducing paperwork and duplication of efforts.		
Easier Access to Services programme (EASe)	Administrative	The EASe Programme is designed to ensure that all of HSE's public contact arrangements (other than enforcement of permissioning) are better tuned to customer needs, available via a range of channels.	Better access to information, guidance and advice by building on success of existing services ensuring all channels are mutually supportive and consistent.	The Programme has yet to develop the full business case of benefits.	July 2008 – programme approved by HSE Board. Existing contact centre contracts due to expire and will be let as a single integrated contract to commence in 3rd quarter of 2009

Regulations introduced since May 2005

The ABME measured the cost of all health and safety legislation in force up to May 2005. The table below provides details of all new or amending legislation introduced since this date, including the estimated administrative cost that has been added or removed from HSE's baseline. These costs have been refined from earlier estimates in the 2006 and 2007 Plans.

New / amending regulations and date in force	Source of legislation	Summary	Estimated administrative burden increase / decrease
Control of Major Accident Hazards (Amendment) Regulations In force: June 2005	European Implementation of a new EU Directive on the control of major accident hazards involving dangerous substances	Amendments to change the lists of named dangerous substances or generic categories of substances that are used to determine whether the regulations apply and to what extent. Amended regulations also broaden the application of COMAH at mines, quarries, boreholes and waste landfill sites, and clarify some requirements in the original regulations.	Increase of £1.79 million per year.
Control of Vibration at Work Regulations In force: July 2005	European Implementing the Physical Agents (Vibration) Directive	Regulations impose duties on employers to protect employees who may be exposed to vibration at work, and other persons who might be affected by the work, whether they are at work or not.	Increase of £11.75 million per year.
Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations In force: October 2005	European Implementing the changes set out in the 29 th Adaptation to Technical Progress to the Dangerous Substances Directive.	Regulations bring into UK law all the new entries, revisions, deletions and amendments to the classification and labelling requirements of hazardous substances.	No administrative cost change.
Offshore Installations (Safety Case) Regulations ²¹ In force April 2006	Domestic	Regulations to simplify and reduce the information required for submission to HSE from every three years to every five years.	Decrease – an estimated £3.8 million of annual savings.

²¹ See Table A, page 46

Nuclear Reactors Decommissioning (Amendment) Regulations In force: April 2006	European Implementing changes made by Directive 2003/35/EC to the Environmental Impact Assessment for Decommissioning parent Directive.	Amendments will take a more proportionate and flexible approach to the approval of changes to decommissioning projects.	No administrative cost change.
Management of Health and Safety at Work (Amendment) Regulations In force: April 2006	Domestic	Amendment to extend third party liability protection to employees that already applies to employers	No administrative cost change.
Control of Noise Regulations In force: April 2006, and April 2008 for the music and entertainment industry	European Implementing the Physical Agents (Noise) Directive	Regulations tightening the legal requirement in relation to noise by lowering the exposure action levels.	Increase of £7.9 million per year.
Silica Occupational Exposure Limit In force: October 2006	Domestic	Proposal to lower the exposure limit for crystalline Silica. The change would be implemented through an amendment to the COSHH Regulations.	Increase of £160,000 per year
Control of Asbestos Regulations ²² In force: November 2006	European Implementing into UK law the requirements from the Protection of Workers from Asbestos, and with respect to asbestos, the Chemical Agents Directive, the Carcinogens Directive and the Marketing and Use of Dangerous Substances Directive	Regulations replace and modify three previous sets of regulations on asbestos. The new regulations now include, <i>inter alia</i> , the introduction of a new control limit for all types of asbestos.	Decrease – estimated savings of £27.7 million

²² See Table A, page 47

Work at Height (Amendment) Regulations In force: April 2007	European Implementing the Work Equipment Directive	This amendment broadens the scope of the regulations to work concerning the provision of instruction or leadership to one or more person regarding caving or climbing by way of sport, recreation, team building or similar activities.	No administrative change.
Construction (Design and Management) Regulations ²³ In force: April 2007	European Implementing the Temporary or Mobile Construction Sites (TMCS) Directive	Regulations replace and modify previous regulations on construction, which implemented the TMCS Directive. The new regulations have been revised following industry concerns that they were over-complex and bureaucratic.	Decrease of £3.6 million per year. Decrease in non administrative costs of between £106 and £226 million per year.
Biocidal Products (Amendment) Regulations In force: April 2007	European Implementing parts of the Biocidal Products Directive making adjustments to the parent regulations as requested by three EC review regulations.	Regulations designate Rapporteur Member States for the 3rd and 4th lists of active substances to be reviewed; and implement Article 26 (Advertising) of the Biocidal Products Directive.	No administrative cost change.
Coal Mines (Inhalable Dust) Regulations In force: October 2007	Domestic Also takes into account the Chemical Agents Directive and maintains implementation of the Extractive Industries (Mines and Quarries) Directive	Regulations to control the level of respirable dust in coal mines. They replace previous regulations on respirable dust in coal mines.	All the changes are currently required by the Control of Substances Hazardous to Health Regulations (COSHH), so there is no new burden.
Workplace Exposure Limits In force: October 2007	European Implementation of 2 nd Indicative Occupational Exposure Limit Values Directive into UK legislation.	Establishment of workplace exposure limits for 33 substances.	No administrative cost change.
Chemicals (Hazard Information and Packaging for Supply) (Amendment) Regulations In force: October 2008	European Implementing the 2 nd Adaptation to Technical Progress to the Dangerous Preparations Directive	The amending regulations will, <i>inter alia</i> , adjust the rules and procedures for classifying and labelling a chemical preparation containing certain substances.	No administrative cost change.

²³ See Table A, page 46