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Neal Stone
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Educational partner

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Health & Safety North

REEBOK STADIUM, BOLTON - 5-6 OCTOBER 2011

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The changing health and safety landscape

Health & Safety North, Bolton
5 October 2011

"Raising Standards, *Saving Lives*"

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Coverage of presentation

- health and safety regulation, management and enforcement – the forces for 'change' at work
- a brief resume of the development of the 'change' agenda over the last 2 years
- a progress report on reforms emanating from Lord Young's review
- non- legislative changes – impact of deficit reduction; enforcement priorities
- Löfstedt review of health and safety legislation
- HSE cost recovery proposals
- how will 'change' impact on our health and safety performance?

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“We are where we are”

- health and safety regulation, management and enforcement – the forces for ‘change’
- a brief resume of the development of the ‘change’ agenda over the last 2 years

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Focus of Lord Young's reforms

- Effectiveness of health and safety framework
- Health and safety rules preventing lawful community, school & volunteering activities
- Health and safety rules impeding police and emergency services
- Burden on small businesses
- Expertise and competence of health and safety consultants
- Media coverage of health and safety
- Legal costs of civil litigation and compensation culture

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Views of British Safety Council members on Lord Young's reforms

Drawn from a survey of over 600 members in July 2010:

- The health and safety legal framework working effectively in preventing workplace injury and ill health
- Law reform to reduce burden on small businesses was not supported
- The cost of complying with health and safety law considered proportionate
- Misinterpretation of health and safety law impedes school and community activity
- Serious concerns about inaccurate media reporting of health and safety
- There was a need for tighter regulation of health and safety consultants
- Legal cost burden on employers in low value workplace injury claims needed to be addressed
- Lord Justice Jackson's proposal to ban claims handlers should be implemented as a matter of urgency

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Common sense, Common safety – a progress report –

see www.dwp.gov.uk/docs/cscs-progress-july-11.pdf

- HSE has developed risk assessment tools for low hazard premises
- Occupational safety and health consultants register (OSCHR) launched
- RIDDOR changes in process of being implemented
- Adventure Activities Licensing Authority to be abolished
- Introduction of a simplified procedure for civil claims under £10k
- Introduction of restrictions on the operation of referral agencies & others to advertise and offer financial inducements
- Processes for school trips and activities simplified
- Local officials who ban events on health and safety grounds required to put reasons in writing - aggrieved citizens to have redress

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RIDDOR – change and consequence

- Lord Young's recommended amount of time before a workplace accident needs to be reported be increased from three to seven days
- aim is to ease the administrative burden on employers
- British Safety Council survey produced 1,300 responses – almost 70% in favour of proposed change
- widely held view that planned change would do little to address chronic under reporting of injuries
- importance of RIDDOR data to help properly understand cause and consequence of workplace injuries and to inform our health and safety priorities
- will less RIDDOR data weaken our evidence base?

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HSE resources 2011/12 - HSE Delivery Plan actions –

see www.hse.gov.uk/aboutus/strategiesandplans/delivery-plans/plan1112.pdf

- HSE planning gross expenditure of £310m in 2011/12 and income of £111m

- Three specific actions set out in HSE Delivery Plan:
  - make more effective use of available resources by becoming more efficient – tough choices will have to be made concerning priorities
  - recover more of its costs by recognising the value it provides and charging where it has the scope to do so
  - help create a level playing field by ensuring that those non-compliant businesses that create risks, or needing high level of HSE engagement, meet more of the regulator's costs

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HSE resources : likely impact, present and future challenges – see www.hse.gov.uk/press/2011/hse-riddor.htm

- Potential impact of 35% budget reduction over 2011/15 period
- Reduction has already an impact on HSE capacity and business plan
- Significant scope for extending cost recovery across a range of activities – ‘fee for intervention’ currently being consulted on
- Does GB’s comparative performance in managing risks to health and safety effectively justify fewer resources for regulation?
- Where will look to for expertise, knowledge, science and technology

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Good health and safety, good for everyone – March 2011 –

see www.dwp.gov.uk/docs/good-health-and-safety.pdf

- Modernisation of the health and safety inspection regime with inspectors concentrating on high risk locations and irresponsible employers
- Enable HSE to impose ‘fee for fault’ for the work that it undertakes in connection with a serious material breach
- Take steps to eliminate ‘cowboy’ health and safety consultants through the operation of the occupational health and safety consultants register (OSCHR)
- Make health and safety advice and guidance for small and low risk businesses simple, accessible and bureaucracy-free
- Professor Löfstedt to lead review of health and safety law – removing burdens

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The extension of HSE's powers to recover its costs – 'fee for intervention' for material breach – see www.hse.gov.uk/pubns/books/newsletter-jul11.pdf

- HSE currently undertaking a consultation concerning plans to introduce cost recovery where duty holder in material breach
- argument that duty holder not tax payer should bear the cost of HSE's remedial work
- cost recovery intended to act as a deterrent to those "who would otherwise fail to meet their obligations
- income recovery could yield £43m per annum = 48,000 inspection days
- no decision yet on whether local authorities will charge

Professor Ragnar Lofstedt is Professor of Risk Management and the Director of King's Centre for Risk Management at King's College, London. He has been asked

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Löfstedt review of health and safety regulation –

see www.dwp.gov.uk/consultations/2011/lofstedt-review-cfe.shtml

- Professor Ragnar Lofstedt asked by government to undertake a thorough review of our health and safety regulations – 200 sets of regulations and some 55 ACoPs)

- advised by an independent panel
- asked to consider the extent to which regulations:
  - have impacted on positive health and safety outcomes and businesses;
  - have led to unreasonable outcomes, or inappropriate litigation and compensation; and
  - have unnecessarily enhanced the requirements of an EU directive.
- due to report this Autumn

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Löfstedt review of health and safety regulation – the views of British Safety Council members

- smaller businesses find the volume and complexity of regulations overwhelming
- we strongly support our current system of health and safety regulation and consider that this system has contributed significantly to improving health and safety
- support exploration of rationalising h&s regulations and specifically the creation of one set of generic management regulations together with sector specific regulations
- smaller organisations have difficulty grasping and applying concept of ‘reasonably practicable’
- essential that supporting guidance is comprehensible, proportionate and accessible to all duty holders
- current review of HSE’s ‘Successful health and safety management’ guidance is timely (HSG 65)

How will ‘change’ impact on our health and safety performance?

- both the incident rate for major injuries and over 3 day injuries have fallen over last three years – over 3 day injury rate by some 13%
- rate of reportable injury has fallen over last three years; however in 2009/10 incidence rate for North West (1,000 per 100,000 workers) higher than GB average (840 per 100,000 workers)
- 171 fatal workplace injuries in 2010/11 (0.6 per 100,000 workers) up from 147 workplace fatalities in 2009/10 (rate of 0.5)
- days lost per worker due to work related ill health and injury down from 1.76 in 2000/02 to 1.23 in 2009/10
- prosecutions brought by HSE has stayed flat over last three years – 1,026 in 2009/10 – but significantly down on 2,000 prosecutions brought by HSE in 2001/02
- enforcement notices served by HSE and local authorities increased to 15,844 in 2009/10 up from 13,768 in 2007/08

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Neal Stone
will be available for further questions on the BSC stand 80 directly after the presentation

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