

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH & HOUSING COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 17 NOVEMBER 2011  
title: CONSULTATION ON FUTURE HEALTH & SAFETY ENFORCEMENT  
submitted by: CHIEF EXECUTIVE  
principal author: JAMES RUSSELL - HEAD OF ENVIRONMENTAL HEALTH SERVICES

## 1 PURPOSE

- 1.1 To inform Committee of an important national consultation document inviting comment on the Government plans for the reform of the Health & Safety system in Britain with the publication in March 2011 of 'Good Health & Safety, Good for Everyone'.
- 1.2 Relevance to the Council's ambitions and priorities:
  - Council Ambitions – The following reports generally relate to the Council's ambitions to make people's lives healthier and safer.

## 2 BACKGROUND

- 2.1 Following the report by Lord Young of Graffham to the Prime Minister following a Whitehall-wide review of the operation of health and safety laws and the growth of the compensation culture, the Government considered the recommendations and has made plans how to implement change. In March 2011, the Minister of Employment announced the next steps in the Government's plans for reform with the publication of 'Good Health and Safety, Good for Everyone'.
- 2.2 Under the reforms, protecting people in the workplace and in society as a whole remains a key priority. The focus of the health and safety regime will move to a 'lighter touch' approach concentrating on higher risk industries and on tackling serious breaches of the rules.
- 2.3 In May 2011, The Local Government Group and HSE published joint guidance – 'Reducing Proactive Inspections'. This document provided guidance to Local Authorities to determine their proactive interventions with flexibility to deliver local and national health & safety priorities within the Government's overall policy framework.

## 3 THE ISSUES

- 3.1 The Health and Safety Executive (HSE)/Local Authorities Enforcement Liaison Committee (HELA) have recently issued Draft 2 of HELA Guidance Circular 67/3 under Section 18 of the Health & Safety At Work Etc Act for consultation. Due to the significant proposals and the recent consideration of the work of the Event Safety Advisory Group, it was considered appropriate to bring this matter to your attention for due consideration and response if deemed necessary.
- 3.2 The Government reforms require HSE and Local Authorities (LA's) to shift focus from inspection to intervention and to reduce the number of inspections carried out; to have greater targeting where proactive inspections continue, and to increase information provision to smaller businesses in a form that is both accessible and relevant to their needs.

- 3.3 The document builds upon the earlier joint guidance to provide LA's with guidance upon targeting their interventions. Because of the shift in focus from inspection to intervention. Key to the document is the need to target health and safety interventions on higher-risk areas and on dealing with serious breaches of health and safety regulation.
- 3.4 Work activities will have different levels of hazard and risk depending on the nature of the work undertaken. When considering targeting interventions there are a range of work activities, where the level of risk is either inherently low or the duty holders manage the residual risk so well, that the risk profile of the business does not warrant further proactive intervention by regulators.
- 3.5 LA inspectors should however be able to deal reactively with matters of evident or potential major health and safety concerns when visiting any premises for other purposes eg gas safety issues observed during a food safety inspection.
- 3.6 Where there is a significant 'risk gap' or a duty holder 'does not manage risks well' further proactive health and safety intervention may be necessary. There are thirteen interventions available for use (see Para. 3.11). These interventions are either proactive (eleven intervention types) or reactive (two intervention types). LA's are asked to choose the most appropriate health and safety intervention for the outcomes they wish to achieve, however, they should reserve the use of 'inspection and enforcement' for category-A rated premises in accordance with the joint HSE/LGG statement. Non-inspection interventions can potentially achieve better outcomes than inspections although they can be as resource intensive.
- 3.7 LA's are required to decide, plan and target their health and safety interventions having regard to the range of interventions, the risk profile of the business/sector, national information (accident statistics, national priorities, Primary/Lead Authority inspection plans) and knowledge and priorities.
- 3.8 A co-regulatory approach, which gives appropriate recognition of a businesses own efforts to comply with regulations, is one of the more challenging aspects for LA's in implementing truly risk-based enforcement of regulation.
- 3.9 The simple regulatory model proposed is to decide upon an appropriate action to move duty holders into the top right aware/committed co-regulation quartile where businesses use their own independent certification and audit to manage the risks they create without proactive intervention by regulators.
- 3.10 In summary, LA's should target their health and safety intervention plans for the premises they enforce using the most appropriate option from the full range of interventions available. LA's should reserve proactive inspection for category 'A' premises and consider the use of other non-inspection techniques for other categories of premises. In keeping with the Government's reforms of health and safety, there are no restrictions on reactive work but LA's should consider using HSE's Incident Selection Criteria and risk-based approach to complaints handling to assist with targeting their resources.
- 3.11 Interventions available to for managing health and safety risks:
- Proactive Interventions:
    - Partnership
    - Motivating senior managers
    - Supply chain
    - Design and supply

- Sector and industry wide initiatives
  - Working with those at risk
  - Education and awareness
  - Inspection ( restricted to Cat A premises only)
  - Intermediaries
  - Best practice
  - Recognising good performance
- Reactive Interventions:
    - Incident and ill health investigation
    - Dealing with issues of concern that are raised and complaints

#### 4 RISK ASSESSMENT

##### 4.1 The approval of this report may have the following implications

- Resources – None.
- Technical, Environmental and Legal – None.
- Political and Reputation – None.

#### 5 **RECOMMENDED THAT COMMITTEE**

##### 5.1 Ask Committee to consider the content of the report and direct the Head of Environmental Services to make appropriate comment as necessary

#### CHIEF EXECUTIVE

For further information please ask for James Russell on 01200 414466.

#### **BACKGROUND PAPERS**

1. 'Common Sense Common Safety' report of Lord Young to the Prime Minister
2. 'Good Health & Safety, Good for Everyone' Minister of Employment
3. 'Advice/Guidance to Local Authorities on Targeting Interventions *Draft 2 67/3*