The Government response to the Löfstedt Report

November 2011

DWP Department for Work and Pensions

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Foreword

Good health and safety is vital to good business. Sensible and proportionate health and safety regulation can support economic growth by maintaining a healthy and productive workforce. However, to be effective, and to provide genuine protection for workers and the public, regulation needs to be easy to understand, administer and enforce. The Government is committed to simplifying health and safety legislation to ease the burden on business and encourage growth.

In March 2011, I asked Professor Ragnar Löfstedt, Director of the King's Centre for Risk Management at King's College London, to conduct an independent review of health and safety regulations to identify opportunities to simplify the rules. I am very grateful to him for taking such a thorough, evidence-based approach and making a number of significant recommendations to improve the legislation and the way it is enforced. We will now move swiftly across Government to ensure his recommendations are implemented as quickly as possible and provide the simple, straightforward framework businesses and employees need.

Professor Löfstedt's report is an important step in the Government's ongoing efforts to put common sense back into health and safety. But changing the health and safety culture for good will take a sustained effort from all of us – central and local government, enforcement agencies, the judiciary, insurers, consultants, employers and employees. This response sets out the path ahead and how Government will work with you to make a real difference.

Rt. Hon Chris Grayling MP

Minister for Employment

Background to the report

The coalition government came into office determined to tackle the pervasive compensation culture that has deeply damaged the standing of “health and safety” in the eyes of the public. The Prime Minister summed up the feelings of many when he said that “…all too often, good health and safety legislation designed to protect people from major hazards has been extended inappropriately to cover every walk of life, no matter how low risk”.

From the outset, we recognised that legislation was only one part of the problem. We have therefore announced a series of measures that also cover how the law is enforced and the wider structures that support and incentivise the compensation culture.

Common Sense Common Safety

As a first step, in June 2010 the Prime Minister asked Lord Young of Graffham to “investigate and report back on the rise of the compensation culture over the last decade coupled with the current low standing that health and safety legislation now enjoys and to suggest solutions”[1]. Lord Young’s findings, and his recommendations for change, were published in October 2010 in his report *Common Sense, Common Safety.*

The recommendations covered a wide range of issues including legislation, enforcement, the role of insurers and compensation claims procedures. The review recommended a general consolidation of health and safety regulations, which formed part of the remit of Professor Löfstedt’s review.

The Government accepted Lord Young’s report and recommendations in full. At the Prime Minister’s request, in February 2011 the Minister for Employment took overall lead on implementation, ensuring robust plans for delivery are in place, and overseeing progress. Since March DWP has published regular updates detailing the progress that has been made in delivering Lord Young’s recommendations, and one year on from publication 16 of 35 of those recommendations have been implemented (see table 1, below), with most outstanding recommendations requiring primary legislation due in the next session.

[1] Common Sense Common Safety. Annex A: Terms of reference.

Table 1: Common Sense Common Safety recommendations – implementation

Recommendations	Action
Low hazard workplaces 1. Simplify risk assessment procedures 2. Develop periodic checklists 3. Develop voluntary organisation checklists 4. Risk assessment exemptions for low hazard homeworking 5. Risk assessment exemptions for low hazard self – employed working 6. Professionalise health and safety consultants 7. Health & safety consultants' register 8. Health & safety guidance for lower risk SMEs	HSE has published online tools to assist low hazard workplaces comply with health and safety legislation. 'Health and Safety Made Simple' was published in March to make it easier for small businesses to understand their responsibilities. In August 2011 guidance was published on the application of health and safety legislation to homeworkers. The Occupational Safety and Health Consultants Register was launched in March 2011, providing a source of qualified health and safety advice for businesses that require external support.
Accident Reporting 11. Extending the period before an injury or accident needs to be reported to seven days.	Changes to the regulations covering accident reporting are due to come into effect in April 2012.
Police and Fire Services 14. Police officers/fire fighters guidance	Guidance for police and for fire fighters has been issued making it clear that individuals who put themselves at risk as a result of a heroic act will not face prosecution under health and safety law.
Compensation culture 19. Clarify liability consequences of well-intentioned voluntary acts	Guidance was published in October 2010 clarifying the position on snow clearance. Further guidance will be issued if necessary in response to other situations.
Education 21. Simplify processes for taking schoolchildren on trips 22. Introduce single consent form for every pupil	Revised health and safety guidance for schools and the generic consent form were launched in early July 2011, along with the HSE High Level Statement on the application of health and safety law to school trips.
Food Safety 30. Combine food safety/health and safetys inspections in local authorities 32. Promote usage of Food Hygiene Rating Scheme 33. Encourage voluntary display of food hygiene ratings (but review after 12 months)	A joint Food Standards Agency (FSA)/HSE/Local Government Regulation statement on implementing combined inspection programmes from April 2011 was issued in February 2011. The FSA is working closely with local authorities to promote the rating scheme. To date, information on approximately 126,000 businesses has been published on the FSA site.

Good Health and Safety, Good for Everyone

Further significant reforms were announced by the Minister for Employment on 21 March 2011, with the publication of *Good Health and Safety, Good for Everyone*[2].

The announcement took forward some of Lord Young's recommendations, notably launching the Occupational Safety and Health Consultants Register (OSCHR), providing access to good quality, sensible and proportionate health and safety advice for employers who need external help. It also set out major changes to the enforcement regime, refocusing inspection activity on higher risk areas and away from lower risk businesses who manage their responsibilities effectively.

The Minister also announced an independent review of health and safety regulation, to identify opportunities to simplify health and safety rules. Acting on feedback from businesses and the public, the review would go further than the original recommendation for consolidation to look at whether some regulations could be revoked entirely. And it would consider the implementation of European Union Directives in the UK to ensure UK businesses were not disadvantaged in comparison to other Member States.

The Löfstedt Review

Professor Ragnar Löfstedt, Director of the King's Centre for Risk Management at King's College London, was appointed to chair the review. An advisory panel was appointed to work with the Professor and provide constructive challenge to the review:

Andrew Bridgen MP	- North West Leicestershire (Con)
Andrew Miller MP	- Ellesmere Port & Neston (Lab)
John Armitt	- Chair, Olympic Delivery Authority
Sarah Veale	- Trades Union Congress
Dr Adam Marshall	- British Chambers of Commerce

The Professor was also assisted by a small review team of Department for Work and Pensions (DWP) and Health and Safety Executive (HSE) staff.

The terms of reference for the review were finalised by the Professor and the advisory panel, and agreed by the Minister. They were to:

> "consider the opportunities for reducing the burden of health and safety legislation on UK businesses whilst maintaining the progress made in improving health and safety outcomes. In particular, the scope for combining, simplifying or reducing the – approximately 200 – statutory instruments owned

[2] Good health and safety, good for everyone: www.dwp.gov.uk/docs/good-health-and-safety.pdf

> by HSE and primarily enforced by HSE and Local Authorities, and the associated Approved Codes of Practice (ACoP) which provide advice, with special legal status, on compliance with health and safety law."

In doing so, the review sought to take into account:

- the extent to which these regulations have led to positive health and safety outcomes and the extent to which they have created significant economic costs for businesses of all sizes;
- whether the requirements of EU Directives are being unnecessarily enhanced ('gold-plated') when transposed into UK regulation; and
- any evidence or examples of where health and safety regulations have led to unreasonable outcomes, or inappropriate litigation and compensation[3].

The review included a call for evidence, which received over 250 responses, and extensive consultation with interested stakeholders including employer and employee groups, local authorities, the emergency services, academics, and health and safety professionals.

Professor Löfstedt's report Reclaiming health and safety for all: an independent review of health and safety legislation was published on 28 November. The Government would like to thank Professor Löfstedt, his advisory panel, and his review team, for their work in undertaking the review and producing the report.

[3] The Löfstedt Review - terms of reference, May 2011. http://www.dwp.gov.uk/docs/lofstedt-tor.pdf

The Red Tape Challenge

The Red Tape Challenge initiative was launched by the Prime Minister in April 2011 in order to look for opportunities to reduce the stock of over 21,000 regulations which are currently on the statute book.

The Red Tape Challenge website enables the the public and businesses to comment on which regulations – organised around themes - should be retained, simplified, merged or scrapped. Health and safety was identified as a cross-cutting theme which affects all businesses.

The Red Tape Challenge process complements Professor Löfstedt review. Comments relating to health and safety regulations made on the Red Tape Challenge website up to 28 July were considered by Professor Löfstedt alongside responses to his call for evidence. Comments made after 28 July are being considered by HSE as part of the Government's ongoing commitment to regulatory reform.

Response

The Government supports the recommendations of the review and is committed to taking swift action to implement them. Professor Löfstedt identified six key recommendations where we will take action as a priority:

Recommendation

Exempting from health and safety law those self employed whose work activities pose no potential risk of harm to others.

The Government will ask HSE to take urgent action to draw up proposals for changing the law to remove health and safety burdens from the self employed in low-risk occupations, whose activities represent no risk to other people. This will bring Britain in line with other European countries, who have taken a more proportionate approach when applying health and safety law to the self-employed and will free around one million people from red tape without impacting on health and safety outcomes.

In practice, we do not expect enforcement agencies to carry out many visits to self-employed people involved in low risk activities following the introduction of new inspection regime announced in March 2011. However, it is clear that the fear of inspection and possible prosecution for minor transgressions of the law is a cause of unnecessary concern for the self-employed and - where the individual is carrying low risk activity such as office-type work - delivers no real benefit to the wider population. Where the activities of self-employed people could pose a risk to themselves or others, for example in the building trades, the law will continue to apply.

Recommendation

HSE should review all its Approved Codes of Practice (ACoPs). The initial phase of the review should be completed by June 2012 so businesses have certainty about what is planned and when changes can be anticipated.

The Government will ask the HSE to review its 53 Approved Codes of Practice (ACoPs), to the timetable recommended by Professor Löfstedt.

Approved Codes of Practice (ACoPs) are intended to assist dutyholders understand and meet their health and safety obligations. However, as the Professor has identified, in trying to be comprehensive ACoPs have often been written in a complex and legalistic manner which confuses rather than helps dutyholders. This is particularly of concern as ACoPs have legal status and employers who fail to follow the provisions of an ACoP and who cannot prove that they have satisfactorily complied with the law in some other way will be found at fault if prosecuted. It is vital that ACoPs are reviewed to ensure they are the best way of fulfilling the purpose originally intended, making it easier for employers to understand and meet their legal obligations.

Reviewing all 53 ACoPs properly, and in consultation with stakeholders, represents a major programme of work. The proposed timetable for the review will provide certainty to employers on when they can expect changes to be made to the ACoPs that affect them. HSE will be asked to start the review with those ACoPS that impact on the largest number of businesses.

HSE will also be asked to review the other guidance flagged in the Professor's report to ensure that the requirements placed on employers are clear. In the case of the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 guidance, they will need to take account of changes already underway to deliver Lord Young's recommendation to extend the reporting period for reportable accidents from three to seven days.

Recommendation

HSE to undertake a programme of sector specific consolidations to be completed by April 2015.

Professor Löfstedt has identified a number of areas where there is the potential to consolidate health and safety regulations – many of which are quite old and may not reflect the best way of delivering the desired outcomes now given changes in industry and society. The Government agrees that this will make regulatory framework simpler and easier to understand, while maintaining the same standards of protection for those in the workplace or affected by work activities. The aim is not to remove vital protections but to ensure that regulations reflect contemporary approaches to risk management and control, focus on real risks, and make it easier for employers to understand and therefore meet their obligations. Through implementing the recommendations of the report, and ongoing HSE plans, we will reduce the number of health and safety regulations by more than 50 per cent without reducing the protection offered to employees and the public.

In the decades following the enactment of the Health and Safety at Work Act 1974, a plethora of legislation has grown up, compounded by the introduction of European Union (EU) legislation from 1992 onwards. Despite efforts to reduce the amount of red tape, there are now 17 Acts and over 200 regulations owned by HSE and enforced by HSE/Local Authorities on the statute book. Professor Löfstedt notes that even those who are not involved in high-risk activities have to comply with a minimum of 13 different sets of general regulations. Add to that sector and topic specific regulations and it is little wonder that businesses can find health and safety law burdensome and confusing.

There are a number of regulations that apply to specific sectors only which would benefit from consolidation. The body of regulation related to these areas has built up over the years, resulting in an often fragmented and complex set of requirements. The Professor specifically mentions explosives, mining, genetically modified organisms, petroleum, and biocides but acknowledges that there may be further areas which could be considered.

The Professor also recommends changes to a number of specific regulations where there is no evidence that they improve health and safety outcomes, or where there is duplication with other legislation. These include the Celluloid and Cinematograph Film Act (Repeals and Modifications) Regulations 1974, the Celluloid and

Cinematograph Film Act 1922 (Exemptions) Regulations 1980, the Health and Safety (First Aid) Regulations 1981, the Construction (Head protection) Regulations 1989, the Working at Height Regulations 2005, the Notification of Tower Cranes Regulations 2010, and the Notification of Conventional Tower Cranes (Amendment) Regulations 2010.

There is a requirement in the Health and Safety at Work Act 1974 for HSE to consult on changes to its regulations. The Government will ask HSE to draw up a detailed timetable for work on consolidating or amending the regulations identified by the Professor, in consultation with stakeholders. In relation to mining regulations, work will take account of any relevant findings from the investigation into the causes of the recent fatal incidents at the Gleision mine in Wales, and at the Kellingley colliery in North Yorkshire.

Work will not stop there. The HSE will be asked to keep health and safety regulation under continuous review, to look for further opportunities for consolidation, simplification or revocation.

Where legislation has originated in the EU, there may be limited scope for making changes, particularly in the short term. When reviewing such regulation HSE will, however, be asked to ensure that no unnecessary over-implementation has occurred during transposition, and that the UK law is as simple and straightforward as possible whilst still meeting EU requirements. In the longer term, the planned review of EU health and safety legislation in 2013 will provide an important opportunity for us to press for a more proportionate approach to regulation in this area.

Recommendation

Legislation is changed to give HSE the authority to direct all local authority health and safety inspection and enforcement activity, in order to ensure that it is consistent and targeted towards the most risky businesses.

The Government fully supports the overall objectives of the recommendation, which provides a clear case for change and reducing the burdens on business. At the same time, in our effort to address deficiencies in the system we must not create an even more centralised approach that is further removed from local businesses and communities. There remains an important role for local inspectors to use their knowledge and experience to engage with businesses across a range of regulatory issues.

We will work with local government to improve the quality of training and dispel myths and the fear of litigation, which is why many councils can be over-cautious with their inspections. This will happen at pace and to a published timetable so that business can see real and immediate improvements.

There is a need for local government to take a more consistent and proportionate approach to enforcement. HSE will work with local government and business to develop a shared national code that is binding and enforceable.

The Primary Authority scheme, introduced in 2009, goes some way towards developing a framework for addressing the problem of inconsistency across local

authority boundaries. It allows multi-site businesses to elect to deal with a single local authority to co-ordinate regulatory activities for that company across GB with a view to a more strategic approach to inspection and a consistent approach to standards. However, in *Common Sense Common Safety*, Lord Young noted that some large multi-site food retailers felt the scheme could be improved, for example by strengthening the Inspection Plan element of Primary Authority. The Government has recently consulted on plans to address these issues and further announcements will be made soon.

We believe that strengthening HSE's policy role for all aspects of health and safety enforcement will deliver better targeted inspections and deliver greater consistency for business. It will also help to address the 'twin peak' issue and provide the platform for a single regulatory approach to health and safety across Britain. We welcome the HSE working closely with the Local Better Regulation Office, who operate the Primary Authority Scheme, to ensure that Primary Authority can help deliver reductions in burdens, and increased consistency of approach, in line with HSE policy.

Local inspectors will still be able to use their local knowledge and experience to engage with local firms across a range of regulatory issues. We will also ensure that there are common standards for businesses across Britain and that they can rely on consistent application of health and safety law wherever they are located.

Recommendation

The original intention of the pre-action standard disclosure (Woolf) lists is clarified and restated and that regulatory provisions that impose strict liability should be reviewed by June 2013 and either qualified with 'reasonably practicable' where strict liability is not absolutely necessary or amended to prevent civil liability from attaching to a breach of those provisions.

The Government agrees with this recommendation. The Civil Procedure Rule Committee, which is responsible for the pre action protocol for personal injury claims, is asked to consider how the original intention of the pre-action standard disclosure lists can be clarified and restated. The Government will also review all regulatory provisions that impose strict liability and look for ways to address what could be a significant driver of over-compliance with health and safety law.

As Lord Young reported in *Common Sense Common Safety*, there is a perception in that Britain is now far more litigious than it was 10 or 20 years ago. This is fuelled by a number of factors, not least by the way the way no win no fee conditional fee arrangements now operate; and the growth of claims management companies. Respondents to Lord Young made clear that the fear of litigation is a significant driver of over-zealous implementation of health and safety requirements, and Professor Löfstedt noted that many employers do not make a distinction between health and safety regulation, which is criminal law, and civil law, which covers personal injury claims.

The Government response to the Löfstedt Report

Lord Justice Jackson in his 2010 report[4], made recommendations for reforming the civil litigation funding and costs system in England and Wales in order to promote access to justice at a proportionate cost. The Ministry of Justice is now implementing Lord Jackson's recommendations on the reform of no win no fee agreements. The Legal Aid, Sentencing and Punishment of Offenders Bill which is currently before Parliament contains provisions on the reform of no win, no fee arrangements, the revision of civil procedure rules to encourage early and fair settlement of negligence claims and the banning of referral fees. Under the Government's changes, meritorious claims will be resolved at more proportionate cost, while unnecessary or avoidable claims will be deterred from progressing to court. It will help businesses and other defendants who have to spend too much time and money dealing with avoidable litigation, actual or threatened. It is intended that the reforms will be implemented in 2012.

However, Professor Löfstedt voices concern that these reforms, and wider work to simplify the health and safety system, will be ineffective if businesses continue to over-comply with health and safety regulation due to fear of civil litigation.

Lord Woolf's *Access to Justice* report of July 1996 aimed to produce a common set of court procedures in order to ensure consistency in how civil claims were deal with in the court and encourage speedier resolution. The pre-action standard disclosure lists, now commonly known as the "Woolf lists", were intended as a specimen list of documents that might be material in resolving personal injury claims. It was never the intention that the lists – which include 11 documents for disclosure relating to general workplace health and safety requirements, and 64 documents for disclosure where specific health and safety regulations apply – should be treated as an absolute requirement. However, as the Professor has found, often employers are encouraged to settle compensation claims if all the paperwork is not in place, regardless of their overall compliance record.

It is worth noting that the Practice Direction on Pre-Action Protocols makes it clear that a technical approach should not be taken and that minor non-compliance should not be viewed too strictly. However, the Civil Justice Council is now conducting a full review of Pre-Action Protocols and will take account of the recommendations in the Löfstedt Report in taking forward this work.

The Health and Safety at Work etc Act 1974 is underpinned by the principle of 'reasonable practicability', which weighs a risk against the trouble, time and money needed to control it. This allows employers and other dutyholders to exercise judgement on the actions that they should take to meet their responsibilities. The ACoPs support these judgements by providing guidance on the types of action that would be considered reasonable.

In some health and safety regulations, including those arising from EU law, the duty imposed on the employer is a strict one and no defence of having done all that is reasonably practicable is available. This does not give rise to problems in enforcing criminal liability under the regulations because HSE's enforcement policy allows discretion as to whether to prosecute in individual cases. However, in the civil sphere it does have the potential to impact unfairly. Civil liability follows as a result of the

[4] Review of Civil Litigation Costs; Final Report. http://www.judiciary.gov.uk/NR/rdonlyres/8EB9F3F3-9C4A-4139-8A93-56F09672EB6A/0/jacksonfinalreport140110.pdf

breach of duties in health and safety regulations and strict liability duties impose a higher standard than the employer's common law duty of care.

The Government recognises the unfairness which results where an employer is found liable to pay damages to an injured employee despite having taken all reasonable steps to protect their employees from harm. The Government will look at ways to redress the balance, in particular preventing civil liability from attaching to a breach of such provisions.

Working with the EU

Recommendation

The Government works more closely with the Commission and others, particularly during the planned review in 2013, to ensure that both new and existing EU health and safety legislation is risk-based and evidence-based.

As much as half of all legislation affecting UK businesses originates in Brussels. While the UK Government has done much to tackle the cost of regulations within the UK we need to do more to reduce the burden of EU regulations. That is why we introduced our Guiding Principles for EU Legislation, aimed at maximising the UK's influence on EU policy-making through early engagement, and ending gold-plating of EU legislation in the UK. We are also working with an ever-increasing group of likeminded member states to hold the European institutions to account on their commitments to better EU regulation.

It is, of course, right there should be common standards of health and safety across Europe, both to provide consistent protection for those at work and those affected by work activities, and a level playing field for businesses which are increasingly operating across international boundaries. At the same time, the need to reconcile the needs of a diverse range of member states can result in the introduction of blanket laws that are disproportionately risk-averse.

The Government welcomes the Professor's call for a new approach, based on hard evidence. Britain has an exemplary health and safety record, with latest figures showing that we have lowest rate of fatal injury of all the Eurostat countries[5]. We therefore have an important role to play in the development of European health and safety legislation. The Government will continue its efforts to work closely with other EU member states and the EU Commission to deliver a more proportionate, risk-based approach to health and safety, for example through the proposed 2013 review, that better meets the needs of employers, employees and the public across Europe.

[5] http://www.hse.gov.uk/statistics/european/european-comparisons.pdf

Other EU recommendations

Recommendations

All proposed directives and regulations (and amendments to them) that have a perceived cost to society of more than 100 million Euros should go through an automatic regulatory impact assessment; and

The UK Government works with the Commission to introduce greater clarity and raise awareness around social partner agreements, and to ensure that Impact Assessments are produced for agreements before they are adopted as a Directive

Currently the European Commission does carry out impact assessments on proposals with the most far-reaching effects. All legislative proposals with clearly identifiable economic impacts and all legislative proposals in the Commission Forward Work Programme must have impact assessments. In practice this is likely to include all high-cost proposals, although having an absolute cost baseline for impact assessments, as Professor Löfstedt suggests, would be helpful.

In 2010 impact assessments were also carried out on proposals with costs of less than €100m[6], indicating that an actual baseline could be set lower than this figure, though due to the limited quantification of costs in Commission impact assessments an appropriate level for this may be difficult to formulate.

The Government agrees that impact assessments should be produced for all proposals imposing costs on business (although these should of course be proportionate), and two areas where impact assessments are not routinely carried out are comitology items and Social Partner Agreements (as Professor Lofstedt points out). These items should also be subject to automatic regulatory impact assessments.

[6] Impact assessments on proposals in 2010 comprised 6 costing <€100m; 7 costing >€100m and 16 which were either uncosted or only partially costed. Costs are gross and relate to **either** recurrent or one-off costs

Recommendations

Those who are responsible for developing the IAs should be different from those who have drafted the directives or regulations; and

A stronger peer review is introduced through a stronger, more independent EU Impact Assessment Board, or that a separate independent powerful regulatory oversight body is established, modelled on the US Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB). This body should sit within the Secretariat General and would need to be properly resourced.

There are advantages and disadvantages to having impact assessments carried out by those who drafted the regulation. The expert policy leads are the only ones with the in-depth knowledge of the issues to be able to properly assess the full range of implications. Carrying out the impact assessment should also act as a useful discipline in policy-making, helping to embed the sort of culture change where policy makers properly consider the evidence and the impacts of the regulatory change they propose.

However, the Government agrees that it is of course essential that there is some independent check on the quality of and possible bias in impact assessments. In the UK the Regulatory Policy Committee fulfils this role. In the Commission the Impact Assessment Board goes some way to providing this function but its members are drawn from within the Commission. The Commission's system would undoubtedly benefit from a stronger and more independent Board and this is something we have lobbied for in the past. We continue to support moves in this direction.

Recommendation

A European Parliamentary Committee is established to look at risk based policy making that could assist EU regulators and policymakers to regulate on the basis of risk and scientific evidence.

The Government agrees that there is a need for support for evidence-based policymaking in the European Parliament (EP). It has welcomed the announcement made in the summer that the EP, after sustained lobbying from the UK, will create its own impact assessment unit. The unit will be responsible for the Parliament's own impact assessments on substantive amendments among other things. We understand that existing parliamentary committees will all be able to call upon this new unit for support in evidence-based policymaking. The Government is committed to working with Members of the European Parliament (MEPs) to make sure this new unit fulfils this important role.

Next Steps

The Government is committed to delivering the recommendations to the timetable suggested in the report, or earlier where possible. DWP will develop an implementation plan with HSE and other Government departments and agree milestones for action. We intend to publish regular progress updates on the DWP website, as we already do for the programme of work to deliver the *Common Sense, Common Safety* recommendations.

As a result of the implementation of the recommendations and other Government action already under way, we expect the experience of businesses to change significantly over the coming months and years:

By the summer of 2012

- Health and safety guidance for small businesses will be much simpler.
- Businesses will get simple and consistent guidance from HSE, professional bodies and insurers on whether and when they need to bring in expert health and safety advice.
- Low risk businesses that manage their responsibilities properly will no longer be visited by inspectors.
- Legislation will be brought forward to abolish the Adventure Activities Licensing Authority.

By 2013

- Self-employed people whose work poses no threat to others will be exempt from health and safety law.
- Approved Codes of Practice will give businesses clear practical examples of how to comply with the law.
- Unnecessary regulations will be revoked.

By 2014

- A simpler accident reporting regime will be in place.
- If we are successful in influencing the planned review, EU health and safety legislation will in future be risk- and evidence based.
- The nuclear industry will have its own dedicated independent regulator.
- HSE’s enhanced powers will help drive consistent enforcement for all businesses.
- Regulations will be consolidated by industry sector, making it clear which provisions businesses need to comply with.
- The total number of regulations businesses have to comply with will be reduced by 50 per cent.

Conclusion

Professor Lofstedt's report is a significant step in our continuing effort to keep our workplaces safe, free businesses from red tape, and reclaim the reputation of health and safety that has been so damaged by the excesses of the compensation culture. We are committed to taking his recommendations forward vigorously.

But our efforts will not stop with the actions outlined in the Professor's report. We will continue, through the Red Tape Challenge and other mechanisms, to look for opportunities to further simplify the health and safety system and improve the experience of employers and employees across the UK.

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