



Department
for Work &
Pensions

A progress report on implementation of health and safety reforms

February 2013

Foreword by Minister for Employment

Since taking office as the Minister for Employment I have been struck by the impact health and safety issues can have on the lives of individuals and businesses across the UK. As a society when we get this right it can act as an enabler as demonstrated by the successful building and delivery of the London Olympics and Paralympics Games. However, we do not always get it right as evidenced by the frequent stories of a risk averse or bureaucratic approach to managing trivial or remote risks – or the way in which ‘health and safety’ is used as a catch-all justification for unpopular decisions.

There are real signs of change in the right direction. I am particularly encouraged by the positive endorsement given by Professor Löfstedt in his independent One-Year-On assessment of the Government’s progress with health and safety reform, published today on the DWP website. Achievements to date include;

- Proposals to streamline HSE's Approved Codes of Practice, which would see six simplified Codes, a further six withdrawn through consolidation and three withdrawn outright.
- Seven sets of obsolete or redundant health and safety regulations have already been revoked, with a further 13 on track for revocation in April 2013.
- A whole new package of guidance for small businesses to really make basic compliance with health and safety law as simple and straightforward as possible. This includes ‘Health and Safety Made Simple’ and in September 2012 the ‘Health and Safety Toolbox’ which together have had over 700,000 visitors since they were launched.
- The Enterprise and Regulatory Reform (ERR) Bill currently before parliament contains clauses to strengthen the Primary Authority scheme, to reduce burdens on business by ensuring greater consistency of inspection and enforcement for multi-site organisations.
- Clauses in the ERR Bill are also amending the Health and Safety at Work Act 1974 so that in future, unless the legislation provides for an exception, it will only be possible to bring a claim for compensation in respect of a breach of health and safety legislation where it can be proved the employer has been negligent. This is fairer, ensuring employers will have the opportunity to defend themselves on the basis of having taken all reasonable precautions.
- The HSE’s Myth Busters Challenge Panel is providing a mechanism for anyone – companies, organisations and individuals – to challenge claims made about

A progress report on implementation of health and safety reforms – February 2013

health and safety requirements they believe to be disproportionate or inaccurate and has considered over a 100 cases of over-zealous application of the law.

- Of Lord Young's Common Sense, Common Safety recommendations, 23 of 35 have already been met, with a further five due for completion during 2013. The rest are ongoing or require legislation.

But there is still a lot more to do. We need to implement the remaining measures in both reports as well as continue to identify areas where further reforms are needed to create a modern, simplified, risk-based framework for health and safety in Great Britain. This will enable business to concentrate on only those health and safety measures which really matter, removing uncertainty and unnecessary cost and allowing them to innovate and create employment.

Looking ahead, the forthcoming European Union (EU) Commission Review of health and safety law provides an important opportunity to take stock of the existing body of EU law and regulation so that we can both identify those measures which are proportionate, risk based and necessary but also those which are over-detailed, outdated or indeed deliver no clear benefit. The UK Government is well placed to play an important role in this process with the full involvement of its stakeholders.

This report sets out what we have achieved so far and I commend it to you.



Mark Hoban MP

Minister for Employment

Contents

Background6

Progress on implementation

 The Löfstedt Review8

 Common Sense, Common Safety.....18

Background

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 2011 DWP has published regular updates detailing the progress that has been made in delivering Lord Young’s recommendations, and to date 23 of 35 of those recommendations have been implemented, with most outstanding recommendations requiring primary legislation due in the next session.

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.

On the 28th November the Department of Work and Pensions (DWP) published a report by Professor Ragnar Lofstedt, *‘Reclaiming health and safety for all: An independent Review of health and safety legislation’*, which made recommendations for the fundamental overhaul of the UK health and safety regulatory system. The government accepted the recommendations of the report in full and as a result by 2014, 50% of health and safety legislation will have been reviewed, scrapped or improved.

¹ Common Sense Common Safety. Annex A: Terms of reference. <http://www.dwp.gov.uk/policy/health-and-safety/#common>

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

Progress with implementation of Lofstedt Recommendations

The next section of this report records progress with the implementation of recommendations in Professor Löfstedt's report.

It is arranged into six sections to reflect the areas identified by Professor Löfstedt as necessary for the reform of health and safety legislation in Great Britain.

There is summary of progress made in each area including the intended final completion date for the work. For ease of reading some of the recommendations have been abridged

Professor Ragnar Löfstedt's report containing the recommendations in full can be found at <http://www.dwp.gov.uk/docs/lofstedt-report.pdf>.

Löfstedt Progress Report – January 2013

The scope of health and safety legislation

| Recommendation | Progress | End Date |
|---|--|----------|
| Exempting from health and safety law those self-employed whose work activities pose no potential risk of harm to others? | Consultation on proposals to achieve this recommendation ran from 2 August to 28 October 2012. Over 170 responses were received and are being analysed. The findings will be considered by the HSE Board in early 2013.. | End 2013 |

The application of health and safety legislation

| Recommendation | Progress | End Date |
|--|---|---|
| To revoke unnecessary or redundant regulations to produce a simpler regulatory framework. | Details of planned revocations are set out in the later section of this report entitled 'Simplifying the regulatory framework'. | April 2013 |
| HSE amends the Health and Safety (First Aid) Regulations 1981 to remove the requirement for HSE to approve the training and qualifications of appointed first-aid personnel | <p>HSE published revised guidance on its website at the end of May 2012 to clarify for small businesses the requirements relating to first aid provision in the workplace.</p> <p>Two online surveys in 2012, one aimed at employers and the other for the self employed generated 1150 responses.</p> <p>In addition HSE held discussions with key stakeholders prior to the public consultation which commenced on 22 October. This consultation ended on 3 December and received 407 responses which will be used to inform final proposals.</p> <p>We expect proposals to be considered by the HSE Board and Minister in early 2013</p> | October 2013 (having not been included in the Enterprise and Regulatory Reform Bill HSE is now planning to deliver this change by October 2013) |

| Recommendation | Progress | End Date |
|--|---|---|
| <p>HSE complete the evaluation of the effectiveness of the Construction (Design & Management) Regulations 2007 & the associated Approved Code of Practice (ACOP) by April 2012 to ensure there is clearer expression of duties, reduction of bureaucracy & appropriate guidance for small projects.</p> | <p>An independent evaluation of the Construction (Design and Management) Regulations 2007 has been published by the HSE. The evidence provided will support policy development in this area. Industry will be fully consulted before any changes are made.</p> | <p>April 2012 Met</p> |
| <p>Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1995 & its associated guidance should be amended by the end of 2013 to provide clarity for businesses on how to comply with requirements</p> | <p>Legislative change to RIDDOR made on 6 April 2012 to extend to seven days (from three) the period an employee has been unable to carry out normal work duties before an injury or accident at work needs to be reported (a Common Sense Common Safety commitment supported by Löfstedt).</p> <p>HSE consultation on further amendments to RIDDOR ran from 2 August to 28 October 2012. The findings will be considered by the HSE Board in early 2013.</p> | <p>October 2013</p> |
| <p>HSE to clarify the requirement for portable appliance testing (including through changes to the wording of the Electricity at Work Regulations 1989 if necessary) by April 2012 to stop over-compliance and ensure messages on over compliance reach all appropriate stakeholder groups</p> | <p>Discussions with stakeholders indicated that a change to the Electricity at Work Regulations 1989 was not necessary in order to clarify the requirements for portable appliance testing but that new guidance would be welcomed.</p> <p>The new guidance on Portable Appliance Testing was published on 30 April 2012, replacing two previous sets of guidance (www.hse.gov.uk/pubns/indg236.pdf). This makes it clear that it is a myth that all portable electrical appliances in a low-risk environment, such as an office, need to have a portable appliance test (PAT) every year. HSE estimated that UK offices are potentially wasting up to £30million a year on portable appliance testing. The new guidance has been</p> | <p>April 2012 Met</p> |

| Recommendation | Progress | End Date |
|---|--|---|
| | <p>welcomed by business and other stakeholders.</p> <p>Following the launch of the guidance, the PAT news story was picked up by more than 40 national and local press organisations including an article on the BBC's website. The story continues to receive publicity and between May and December 2012, the refreshed guidance has attracted 89,567 downloads. This compares with 27,947 downloads of the original guidance during the same period in 2011.</p> <p>Since publication HSE has worked with others on getting the message across to a wide audience and ensuring that guidance is available for all environments.</p> | |
| <p>Work at Height Regulations 2005 and the associated guidance should be reviewed by April 2013 to ensure that they do not lead to people going beyond what is either proportionate or beyond what the legislation was originally intended to cover.</p> | <p>As part of this review HSE sought views from a wide and diverse range of businesses and other stakeholders including trade associations and worker representatives. This identified that problems arise from misinterpretation of the requirements of Regulations, rather than the Regulations themselves, and this is leading some to go beyond what the legislation intended.</p> <p>HSE is currently engaging businesses and stakeholders (particularly micro and small businesses) in a review of current work at height guidance, the aim being to publish revised, much simplified and clearer guidance to help people understand what the law requires & dispel some of the myths about working at height.</p> | <p>April 2013</p> |
| <p>HSE should continue to help businesses understand what is reasonably practicable for specific activities where the evidence demonstrates that they need further advice to comply with the law in a</p> | <p>The new Health and Safety Toolbox which builds on the basics laid out in Health and Safety Made Simple and provides the next level of advice to help businesses identify, assess and control common risks in the workplace was launched on the HSE web site on 5 September 2012. Judith Hackitt formally launched the Toolbox on 2 November 2012. From 5 September to 31 December 2012 there has been over 75,000 separate visitors to the</p> | <p>Autumn 2012</p> <p>Met</p> |

A progress report on implementation of health and safety reforms – February 2013

| Recommendation | Progress | End Date |
|--|--|---------------|
| proportionate way. | <p>Toolbox.</p> <p>HSE has a major programme underway to review and revise most of its guidance. This is intended to help small businesses understand what is "reasonably practicable" for specific activities. Much of this new guidance will be available by the end of the 2012/13 financial year.</p> | |
| <p>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.</p> | <p>A consultation on ACOPs was launched in June 2012 and closed in September 2012. There were 413 responses. Views were sought on proposals for the revision, consolidation or withdrawal of 15 ACOPs to be delivered by end-2013. There were also proposals for minor revisions, or no changes, to a further 15 ACOPs for delivery by 2014.</p> <p>If all proposals are agreed by end-2013 HSE will have published 6 revised ACOPs, removed 6 by consolidation and withdrawn 3 outright, one of which would be the Management Regulations ACOP.</p> <p>The outcome of the consultation was considered by the HSE Board in December 2012 and the proposed revisions and consolidations agreed. The three proposed withdrawals are to be considered at future meetings.</p> <p>There will be further consultations on revised ACOPs before they are approved and published.</p> <p>The above timetable excludes those ACOPs associated with regulations within scope of the Löfstedt recommendation for sector specific consolidation or any regulations to be otherwise amended.</p> | November 2013 |

Engaging with the EU

| Recommendation | Progress | End Date |
|--|---|----------------|
| <p>That 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.</p> | <p>HSE, DWP and FCO officials have worked with colleagues from Germany, the Netherlands and other member states (MS) to raise awareness of the implications of a sectoral social dialogue agreement on the protection of OSH in the personal services (hairdressing) sector. The agreement has been submitted to the European Commission for presentation to the Council for implementation by Council decision. Ministers from nine MS (including the UK) and Croatia have written to the Commission suggesting that a directive would be a disproportionate response and that it should be implemented as a non-binding Autonomous Agreement instead.</p> <p>HSE, BIS and FCO officials have lobbied the Commission and other MS to raise awareness of the impact, especially on small and micro-businesses, of a draft Commission proposal for a directive on ergonomics. Working in particular with the SME Envoy network, officials have drawn the Commission's attention to a number of problems with the draft proposal and the Commission is reconsidering whether a directive is an appropriate response to the risks of musculoskeletal disorders.</p> <p>HSE is in the process of preparing the report on the UK's practical implementation of EU OSH directives during 2007-2012. The report, which is due with the Commission by 31 December 2013, will feed into the Commission's forthcoming comprehensive review of EU OSH legislation.</p> | <p>Ongoing</p> |

Simplifying the regulatory framework

| Recommendation | Progress | End Date |
|---|---|--|
| <p>To revoke unnecessary or redundant regulations to produce a simpler regulatory framework.</p> | <p>The report contains recommendations for a number of regulations to be revoked following a suitable consultation process. HSE has identified some additional measures for revocation.</p> <p>The revocation of the first set of seven statutory instruments identified as being redundant or overtaken by more up-to-date legislation came in to force on 1 October 2012.</p> <p>A second consultation on a package of 14 legislative measures proposed for revocation ran between 3 April and 4 July 2012. Responses have been analysed and presented to the HSE Board. The proposals were included in the DWP/HSE Statement of New Regulation. HSE is on track to remove thirteen of these measures in April 2013. One further Regulation is still under consideration.</p> | <p>April 2013</p> <p>October 2012 Met</p> |
| <p>That HSE undertakes a programme of sector-specific consolidations.</p> | <p>HSE is currently reviewing existing legislation (for Biocides, Petroleum, Mining, Explosives and Genetically Modified Organisms). HSE is engaging with industry stakeholders, considering options and will develop draft regulatory packages in due course.</p> <p>A consultation on Biocidal Products began on 20 December 2012.</p> | <p>2014</p> |
| <p>That HSE should redesign the information on its website to distinguish between the regulations that impose specific duties on businesses and those that define administrative requirements or revoke/amend earlier regulations.</p> | <p>The review of the health and safety legislation pages on the HSE website has been completed. Revised and updated web pages were published on the website on 31 December 2012. (http://www.hse.gov.uk/legislation/index.htm)</p> <p>Redesigned web pages now make it clear where regulations impose specific duties and where they define administrative requirements. (http://www.hse.gov.uk/legislation/statinstruments.htm)</p> <p>The web pages will be kept under review. HSE will monitor usage and seek feedback from users to make improvements.</p> | <p>December 2012 Met</p> |

| Recommendation | Progress | End Date |
|--|--|--|
| <p>That HSE commissions research to help decide if the core set of health and safety regulations could be consolidated in such a way that would provide clarity and savings for businesses.</p> | <p>Research commissioned in January 2012.</p> <p>Research published on 31st December 2012. (www.hse.gov.uk/legislation/consolidation-of-regulations.htm)</p> <p>The reports findings were discussed at a stakeholder meeting in January 2013 and will now be considered by the HSE Board.</p> | <p>January 2012</p> <p>Met</p> |

The enforcement of health and safety regulations

| Recommendation | Progress | End Date |
|--|---|-------------------|
| <p>That HSE :</p> <p>i) be given 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 workplaces.</p> <p>ii) should also be the Primary Authority for multi-site national organisations</p> | <p>i) On 21 December 2012 HSE opened a public consultation on a National Local Authority Enforcement Code, designed to ensure that LA health and safety regulators take a more consistent, targeted and proportionate approach to enforcement. We hope to launch the Code in April 2013.</p> <p>ii) Legislation to strengthen the Primary Authority (PA) scheme is being progressed by BIS and is currently under scrutiny in the House of Lords as part of the Enterprise and Regulatory Reform Bill. HSE is working with the Better Regulation Delivery Office (BRDO) to ensure the scheme delivers the reductions in burdens and increased consistency in line with national HSE policy. In particular HSE is sharing its experience of working with multi-site organisations to assist both the development of inspection plans and the PA scheme itself.</p> | <p>April 2013</p> |
| <p>That all those involved should work together with the aim of commencing health and safety prosecutions within three years of an</p> | <p>This recommendation goes wider than just HSE and it involves multiple agencies such as the police, Crown Prosecution Service, local authorities and coroners. It will primarily be taken forward through the National Liaison Committee (NLC) for the Work-related Deaths Protocol (WRDP). The NLC have recently agreed that an evidence based review of the</p> | <p>April 2013</p> |

| Recommendation | Progress | End Date |
|---|---|-------------|
| <p>incident occurring.</p> | <p>efficacy of the WRDP be undertaken and report back at its May 2013 meeting. That work is to start imminently. This review will include gathering data, where available, on organisational performance. A subgroup of the NLC organisations, sponsored by the Director of Public Prosecutions, is closely examining in detail how the main organisations involved in work-related deaths can better work together to speed up investigations and prosecution decisions. All organisations are mindful of working together to aim to achieve a 3 year target for all health and safety prosecution cases.</p> <p>For HSE, a snapshot of the last three complete work-years, 100% of non-fatal prosecutions were approved for prosecution within 3 years of the incident date (where the approval date is held on our systems). Work is currently ongoing to establish the figure for fatal accidents.</p> | |
| <p>That the intention of the pre-action protocols standard disclosure list is clarified and restated (This work is being taken forward by the Ministry of Justice)</p> | <p>The Pre-Action Protocol working party of the Civil Justice Council (an independent body established under the Civil Procedure Act 1997, which the Master of the Rolls has given responsibility for preparing and reviewing Pre-Action Protocols), has considered this recommendation as part of its revision of the Personal Injury Pre-Action Protocol. It has submitted a revised draft Protocol, which does not contain the Standard Disclosure list, to the Civil Procedure Rule Committee (the CPRC).</p> <p>The CPRC was to provide comments to the CJC working party by the end of December 2012. The draft Protocol is to be revised in the light of any comments received and then submitted to the Master of the Rolls, who is responsible for approving Pre-Action Protocols. If the Master of the Rolls is content with the revised draft of the Protocol it will come into force on 1 April 2013.</p> | <p>2014</p> |

| Recommendation | Progress | End Date |
|--|--|--------------------------------------|
| <p>That regulatory provisions that impose strict liability should be reviewed 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.</p> | <p>An amendment to the Health and Safety at Work etc Act 1974 (HSWA) has been adopted as the way to address the recommendation.</p> <p>An approach to targeting each strict liability duty would be much more complex to achieve requiring a large number of changes to many sets of regulations.</p> <p>A single change to the HSWA achieves the same overall policy objective and will be significantly easier for employers and other stakeholders to understand. It also provides a consistent approach to civil litigation across health and safety legislation. It is therefore likely to have more impact in changing perceptions of the 'compensation culture'.</p> <p>The amendment is currently under scrutiny in the House of Lords as part of the Enterprise and Regulatory Reform Bill.</p> | <p>Review completed by June 2013</p> |
| <p>That the House of Lords be invited to consider discussing how to engage society on risk.</p> | <p>Meeting have taken place with members of the House of Lords to discuss how to take this recommendation forward.</p> | <p>2014</p> |
| <p>That the Government asks the Chief Scientific Advisor to convene an expert group aimed at addressing the same challenge of engaging society in a discussion about risk.</p> | <p>This recommendation, along with the need for any further initiatives, is currently being considered by the Government Chief Scientific Adviser, who will also review the other recent, current and upcoming activity in this field.</p> | <p>2014</p> |

Additional measures -

The following additional measures were included in the report but were not formal recommendations.

A progress report on implementation of health and safety reforms – February 2013

| Recommendation | Progress | End Date |
|---|---|--|
| <p>Challenge panels- that the Government looks at introducing a challenge mechanism that allows for cases of incorrect, over-application of health and safety legislation to be addressed.</p> | <p>Two independent challenge panels have been established: The Independent Regulatory Challenge Panel looks at complaints from businesses about decisions made by HSE or local authority inspectors. To date, only one case has been submitted to the panel. The summary of this case is available on the HSE website. www.hse.gov.uk/contact/challenge-panel-findings.htm. Cases are expected to go through the usual complaints procedures before they are referred to this panel.</p> <p>The Myth Busters Challenge Panel looks at complaints regarding advice from non-regulators such as insurance companies, health and safety consultants, employers and general advice where the term ‘health and safety’ has been used. To date over 100 cases have been considered and their responses published on the HSE website at: www.hse.gov.uk/myth/myth-busting/index.htm</p> <p>The panels are helping to tackle misreporting of health and safety matters and there is evidence of a decline in the number of negative stories appearing in the press.</p> | <p>January 2012 for the Independent Regulatory Challenge Panel.</p> <p>Met</p> <p>April 2012 for the Myth Busters Challenge Panel</p> <p>Met</p> |
| <p>Increased awareness of INDG420 ‘Getting specialist help with health and safety.</p> | <p>Revised guidance was published on the HSE web site in January 2012.</p> | <p>January 2012</p> <p>Met</p> |

Progress in implementing the recommendations in Common Sense, Common Safety

The ‘Common Sense Common Safety’ recommendations are progressing rapidly with contributing departments supplying clear timescales for completion. The report made a total of 35 recommendations of which 23 have already been fully implemented (12 of these directly impacted on small businesses).

| RECOMMENDATION | Low hazard workplaces |
|--|---|
| <p>1. Simplify risk assessment procedures</p> <p>2. Develop periodic checklists</p> <p>3. Develop voluntary organisation checklists</p> <p>4. Risk assessment exemptions for low hazard homeworking</p> <p>5. Risk assessment exemptions for low hazard self – employed working</p> <p>6. Professionalise health and safety consultants</p> <p>7. Health & safety consultants’ register</p> <p>8. Health & safety guidance for lower risk SMEs</p> | <p>HSE has published a number of web based tools to assist low hazard workplaces to check their compliance with health and safety legislation. In March 2011 ‘Health and Safety Made Simple’ was published, to make it easier for small businesses to understand their responsibilities. There been over 646,000 visitors to the Health and Safety Made Simple website. At the end of August 2011 guidance was published on the application of health and safety legislation to homeworkers which was produced jointly with the British Chamber of Commerce.</p> <p>The Occupational Safety and Health Consultants Register was launched on 21 March 2011, providing a source of qualified health and safety advice for businesses that require external support. At 31 December 2012 it has over 2,200 registered consultants.</p> |
| <p>9. Consolidate health and safety regulations</p> | <p>In March 2011, Professor Ragnar Löfstedt, Director of the King’s Centre for Risk Management at King’s College London, conducted an independent review of health and safety regulations to identify opportunities to simplify the rules. His report was published in November 2011 and the Government accepted all of his recommendations.</p> |

| | |
|---|---|
| <p>10. EU health and safety: UK/Member State co-operations (HSE)</p> | <p>In addition to the activities reported against the Löfstedt report's recommendation on the European Union, the following actions have been progressed.</p> <p>The European Commission (EC) is analysing a recommendation from its High Level Group of Independent Stakeholders on Administrative Burdens that low risk small firms be exempted from certain risk assessment requirements. The costs and benefits of the recommendation have been considered by a contractor, which has submitted a report to the Commission.</p> <p>Negotiations in Council and in the European Parliament on a proposal for a directive on the risks from electromagnetic fields have progressed during 2012. United Kingdom officials continue to argue for a proportionate approach</p> |
| <p>11. Extending the period before an injury or accident needs to be reported to seven days.</p> | <p>Following consultation the HSE Board recommended to the Minister that the changes be made to the regulations (RIDDOR) and the Minister has accepted this. Changes came into effect in April 2012.</p> |
| <p>12. Review the operation of RIDDOR</p> | <p>HSE will take forward the second proposal to re-examine the operation of RIDDOR as a whole via a public consultation on proposals to simplify and clarify the reporting requirements.</p> |
| <p>13. Improving the health and safety system – multi-site businesses (BIS)</p> | <p>Legislation to strengthen and extend the Primary Authority (PA) scheme is being progressed by BIS and is currently under scrutiny in the House of Lords as part of the Enterprise and Regulatory Reform Bill. HSE is currently working with BRDO and Local Authorities to improve the efficacy of Primary Authority partnerships in delivering their objectives and to develop a sector intervention strategy for health and safety to inform inspection plans developed as part of this proposal.</p> |
| <p>RECOMMENDATION</p> | <p>Police and Fire Services</p> |
| <p>14. Police officers/fire fighters guidance</p> | <p>Building on the statement issued by HSE that they will not investigate or prosecute individual firefighters who undertake a heroic act, new guidance jointly produced by HSE and the Association of Chief Police Officers (ACPO) has also been published. The guidance makes it clear that, whilst HSE inspectors may need to investigate serious accidents, they will not collect evidence to use against individual police officers who have undertaken a heroic act. The Crown Prosecution Service (CPS) has already issued its own guidance to their lawyers in support of this position.</p> |

| | |
|---|--|
| RECOMMENDATION | |
| 15. Abolition of the AALA` | The Minister is reconsidering the future arrangements for AALA. |
| RECOMMENDATION | Civil compensation claims |
| 16. Personal injury claims – introduce simplified procedure | In its response to the consultation Solving disputes in the county courts (published on 9 February 2012), the Government announced that the Road Traffic Accident Personal Injury Protocol would be extended to include cases up to £25,000 (currently £10,000) and also employer’s and public liability accident claims up to £25,000. The Ministry of Justice is now considering the timing for implementation of the extended scheme. |
| 17. Personal injury claims –options for extending upper claims limit to £25k | |
| 18. Introduce Jackson recommendations | The Government is implementing the primary recommendations contained in Lord Justice Jackson’s Review of Civil Litigation Costs. These include a fundamental reform of no win no fee conditional fee agreements (CFAs) and a ban on the payment and receipt of referral fees in personal injury cases. Implementation will be in April 2013 through provisions in part two of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 |
| RECOMMENDATION | Compensation culture |
| 19. Clarify liability consequences of well-intentioned voluntary acts | The Department for Transport (assisted by the Ministry of Justice) published guidance in October 2010 clarifying the position on snow clearance. The Ministry of Justice has committed to work with relevant Government Departments to provide further advice to the public when appropriate, for example in response to extreme weather conditions |
| 20. Restrict operation of referral agencies/ personal injury lawyers | The MoJ is responsible for the regulation of Claims Management Companies (CMCs) in England and Wales. A full ban on the offering of financial rewards or similar benefits as an inducement to make a claim by regulated Claims Management Companies (CMCs) will be brought into force in April 2013. The ban will apply to all regulated CMCs and any found to be breach of the rules face formal enforcement action. This could result in the variation, suspension or cancellation of authorisation to provide regulated claims management services. |

| | |
|--|---|
| | <p>The Legal Aid, Sentencing and Punishment of Offenders Act 2012 also bans referral fees in personal injury cases, which will help to tackle the perception of a compensation culture, as lawyers and claim management companies will no longer be able to pay for details of potential claimants. Taken with wider changes to the Road Traffic Accident (RTA) claims process, the ban will reduce the amount of money in the system which encourages claims and contributes to high costs.</p> <p>The date for implementation of this ban is April 2013.</p> |
| RECOMMENDATION | Education |
| <p>21. Simplify processes for taking schoolchildren on trips</p> <p>22. Introduce single consent form for every pupil</p> <p>23. Shift from a risk assessment to risk benefit system (HSE)</p> | <p>In the education sector, the revised health and safety guidance for schools and the generic consent form were launched in early July 11, along with the HSE High Level Statement on the application of health and safety law to school trips. This package of measures delivers a key objective in the government’s health and safety reform agenda, stressing the benefit of extracurricular activities to pupils’ development, debunking myths about perceived barriers to such activities, and giving assurances to teachers over unfounded fears of prosecution in clear and simple language.</p> <p>HSE has agreed with stakeholders (the Play Safety Forum) a joint statement on striking a balanced approach when managing risk in play . This has now been published http://www.hse.gov.uk/entertainment/childrens-play-july-2012.pdf</p> |
| RECOMMENDATIONS | Challenging official decisions |
| <p>24. Officials to give reasons for banning events on health and safety grounds</p> <p>25. Challenging officials decisions/refusals</p> <p>26. Referring unfair decisions to the Ombudsman</p> | <p>Action on the three recommendations has been included in Part 2 – “Reinvigorating local accountability, democracy and participation” - of DCLG’s published Structural Reform Plan.</p> <p>A legislative vehicle is being identified to take this work forward.</p> |

| | |
|--|--|
| <p>27. Insurance companies to stop requiring low hazard companies to employ h & s consultants</p> <p>28. Only qualified consultants to be employed</p> <p>29. Insurance companies to draw up h&s code of practice</p> | <p>The Association of British Insurers (ABI) published guidance ‘<i>Health & Safety for Business and the Voluntary Sector</i>’ which deals with concerns that businesses operating in low hazard environments can be required by insurers to employ consultants to carry out full health and safety risk assessment and will help ensure that only qualified consultants are used. The guidance can be found at on the ABI website at http://www.abi.org.uk/.</p> |
| <p>RECOMMENDATION</p> | <p>Food Safety</p> |
| <p>30. Combine food safety and health & safety inspections in local authorities</p> | <p>A joint Food Standards Agency (FSA)/HSE/Local Government Regulation statement on implementing combined inspection programmes from 1 April 2011 has been agreed and was issued to local authorities in England on 4 February 2011.</p> <p>The statement is published on the FSA website at: http://www.food.gov.uk/archived/enforcementarchive/enf/e/11</p> |
| <p>31. Mandatory local authority participation in the Food Hygiene Rating Scheme (FHRS)</p> | <p>FHRS is now operating in 93% of local authorities in England (302 of 326) and this figure is set to rise to 99% by early summer (there is national coverage in Wales and there will be also in Northern Ireland very shortly).</p> <p>Only three authorities have yet to commit to the scheme – the Royal Borough of Greenwich, Rutland County Council and Tendring District Council.</p> |
| <p>32. Promote usage of the FHRS by consumers.</p> | <p>The FSA is implementing a national programme of consumer communication activity to promote use of the FHRS. A campaign, using a variety of media, will go live in time for Valentine’s Day.</p> <p>The Agency will also be engaging with relevant partners to promote the ratings information and will be making a range of assets available to them and to local authorities to enable them to participate in the campaign and beyond.</p> |
| <p>33. Encourage voluntary display of ratings, but review after 12 months and, if necessary, make display compulsory</p> | <p>Work to assess the impact of compulsory display of rating in England is still at a preliminary stage.</p> <p>In Wales, the National Assembly will debate the Food Hygiene Rating (Wales) Bill on 22 January. If the Bill becomes law, the requirement to display ratings at premises is likely to come into effect at the end of 2013.</p> <p>As nation-wide local authority uptake in Northern Ireland will be completed shortly, the FSA has completed a preliminary</p> |

A progress report on implementation of health and safety reforms – February 2013

| | |
|--|--|
| | assessment of the impact of introducing parallel legislation there. Views and comments will be sought through a public consultation that is due to run from February to April. |
| 34. Published ratings online in an open and standardised way | FHRS data has now been published at www.food.gov.uk/ratings on nearly 370,000 food businesses in England, Wales and Northern Ireland, an estimated 73% of those that fall within the scheme's scope. |
| 35. Open the delivery of inspections to accredited certification bodies | <p>This forms part of the FSA's work to implement Business Earned Recognition approaches that will enable accredited third party inspections to be taken into account within the food and feed control system. Earned Recognition is most advanced within the milk holding and primary production sectors, where independent third party accreditation schemes that incorporate the legislative requirements are well established operationally.</p> <p>Adoption by all local authorities in England of the FHRS is needed to precede any attempts to open up inspections to accredited certification bodies within the catering and retail sectors. As this is now close to being achieved, the work is being scoped out.</p> |

