

Health and Safety Executive Board				
Meeting Date: 12 September 2018			FOI Status: Open	
HSE/18/A06			TRIM Ref: 2018/247815	
Agenda: 12 September 2018				
Location: Hilton Newcastle Gateshead, Bottle Bank, Gateshead, NE8 2AR				
		Open Session		
10:30	5	Welcome and introductions Declarations of interest Minutes of meeting 18 July 2018 Chair's update	HSE/18/M06	Chair
10:45	6	Chief Executive's Report	HSE/18/36	David Snowball
11:15	7	European Union exit communications	HSE/18/37	Dave Bench/Lester Posner
11:45	8	The future of the Adventure Activities Licensing Authority (AALA) – further information on Option 3 in the AALA Discussion Document	HSE/18/38	Philip White
12:15	9	Intelligence-led interventions	HSE/18/39 & Presentation	Philip White/ Michael Bone
12:45	10	HGBWW - Campaign Evaluation and Subsequent Activity	HSE/18/40	Lester Posner/David Harrison
13:15		MEETING ENDS		
Paper for information		Report on the Post Implementation Review (PIR) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013	HSE/18/41	
13:15		Lunch		

Health and Safety Executive Board			HSE/18/36
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Chief Executive's Report

This report highlights recent HSE activities and achievements between June and August 2018 to take forward our [Business Plan for 2018/19](#).

The [Annual Report and Accounts](#) were laid in Parliament on 19 July 2018. In addition to information about our financial, strategic and operational performance, there are many outstanding examples of the work we do in pursuit of our core purpose to reduce risks, protect people and save lives.

Lead and engage with others to improve workplace health and safety

In June, we published our [Science and Evidence Delivery Plan for 2018/19](#). It describes what science, engineering and evidence-gathering work we will do and how we are working with other organisations in our [Shared Research](#) programme to develop shared solutions to problems. The plan sets out our main priorities and projects aligned to the key strategic themes and our [Business Plan](#).

We have been conducting a significant amount of insight research to help inform our approach to delivering our [Sector Plans](#) commitments. We are starting on a programme of further activity with the Agriculture and Construction sectors to help shape intervention and communications/campaign approaches. We are also working with colleagues leading our Lungs and Musculo-skeletal Disorders Health & Work Programme to develop ideas for potential interventions, based on the insight already completed on these priority topics.

We have been active in the revision of British Standard BS7671 – *Requirements for electrical installations*. We made a number of significant contributions to this publication including improvements to the requirements affecting electric vehicles to facilitate the development of infrastructure to charge vehicles in the home and on the street. The standard comes into effect on 1 January 2019.

Provide an effective regulatory framework

The [Annual Report](#) of our contribution to the Government's Business Impact Target (BIT) report for the last Parliamentary Period was published on 4 July 2018. The BIT sets expectations for the reduction of burdens on business and voluntary and community bodies in the forthcoming Parliament. On 20 June the BIT for the next Parliament was announced via a [Written Ministerial Statement](#) to generate savings of £9bn from qualifying measures that come into force or cease to be in force during the period.

Secure effective management and control of risk

We completed around 78 prosecutions between 1 June 2018 and 31 August 2018, including [1 prosecution](#) with an individual fine over £1 million. Details of completed prosecutions can be found on HSE's [prosecutions database](#).

On 30 October 2014 a fire at SP Fireworks, a fireworks retail premises and display operator, killed two men, an employee and a customer. The Police investigation resulted in a charge of manslaughter by gross negligence against the owner of SP Fireworks. After a 4-week trial he was found guilty and given a 10-year custodial sentence. We supported the Police investigation throughout, providing expert witness evidence, including at the

trial. We also secured evidence in the immediate aftermath of the incident and provided support to Staffordshire County Council, the Local Licensing Authority that had issued the site licence. This incident reinforces what can go wrong and the consequences for all involved when good risk management is overlooked, even at small storage sites.

The swift actions of one of our construction inspectors to serve a Prohibition Notice to stop dangerous renovation work that had been identified by a Local Authority building control officer, averted potentially catastrophic consequences. The inspector evacuated the building and adjacent premises and contacted the emergency services, leaving the building unoccupied when it collapsed as a direct result of the renovation work. Footage of the building collapse can be found [here](#). This case involved a great deal of partnership working with the local authority and emergency services. It has also been identified in the industry press as an example of the kind of joined up work envisaged in the Hackitt Report. The director was successfully prosecuted and sentenced to eight months imprisonment for each offence (to run concurrently) and ordered to pay £65k costs.

In June, a [Kent-based scaffolder](#) was found guilty of offences under HSWA after having employed unsafe working practices when erecting scaffold and then leaving it in a dangerous state with no warning for subsequent users. During an intervention by an inspector, the scaffolder subjected her to unwarranted abuse and obstructed her in the exercise of her duty. We used this case to reaffirm that we will not tolerate behaviour of this type and will look to the courts to sanction anyone who abuses our staff.

In response to a [US jury ruling](#) that the pesticide Roundup containing glyphosate causes cancer, we worked with Defra to provide reassurance that our priority is the protection of people and the environment and decisions on the use of pesticides are based on a careful scientific assessment of the risks. All pesticide approvals are subject to periodic review and the approval of glyphosate has recently gone through this process. The European Chemicals Agency concluded in March 2017 that glyphosate should not be classified as a carcinogen. The approval of glyphosate was renewed on 16 December 2017 for five years. The UK government supported the continued approval because glyphosate meets our high standards for the protection of health and the environment. This approach is consistent with the conclusions of other major regulators, such as the United States Environmental Protection Agency.

We have completed the investigation of the June 2011 explosion and fire during tank cleaning work on the Amine Recovery Unit, at the Chevron (now Valero Energy) refinery in Pembroke, South Wales. This resulted in the deaths of four workers and serious injuries to another. Dyfed Powys Police led a joint investigation with us. The Crown Prosecution Service considered, but eventually decided against, corporate manslaughter charges. We have informed Valero Energy UK Ltd and B & A Contracts Limited that they are each to face charges under Sections 2(1) and 3(1) of the Health and Safety at Work etc Act 1974. The defendant companies are due to appear at Haverfordwest Magistrates' Court on 24 September 2018.

We continue to address serious criminality in the area of unsafe/unregistered gas work. A recent example involves a repeat offender and a collaborative investigation by colleagues across four HSE offices, Gas Safe Register and the Local Authority. The unregistered fitter received a 16 month immediate custodial sentence at Nottingham Crown Court in July, for 21 offences over 7 locations across England and Wales. He falsely represented himself as Gas Safe registered to carry out work on fish and chip shop frying ranges that left the installations he worked on at risk and in one case immediately dangerous. He did this in direct contravention of a Prohibition Notice and despite having been prosecuted for similar offences in 2013.

BUPA (BNH) Ltd, a national care provider and subsidiary to a billion pound multi-national company, was fined £3m (presently being appealed) following a complex investigation into the death of a resident from legionnaires disease. The fine followed a four day [Newton hearing](#) requiring the attendance of two HSE experts to address disputed parts of the prosecution case relevant to sentence. We served several enforcement notices on BUPA during the investigation to require improved national management arrangements for legionella risks.

Reduce the likelihood of low-frequency, high-impact catastrophic incidents

Our award-nominated land use planning service has been further improved to include information on safeguarding zones around licensed explosives sites. The improvements enable developers and planners to access, via a digital platform, a much broader range of information available to them which may impact on planning decisions.

Over the last two years we have developed the licensed explosives site data for the HSE Planning Advice Web App ensuring that information is available, while addressing national security considerations. As well as accessing the information through the Web App, planning authorities can also download the GIS data files to their local systems to supplement the major hazards/pipelines data. This means that neighbouring authorities, who may not have been aware of a site will now have access to data if the safeguarding zone extends into their area. Bringing all safeguarding zone information into one place ensures that we can respond to enquiries for both planning development and hazardous substances consent applications, providing a quality service to support developers and planning authorities to make informed decisions on public safety matters.

We continue to work closely with fellow regulators and Local Authorities, to ensure there is a robust regulatory regime in place for all onshore oil and gas well sites. This includes the work with the Department for Business, Energy and Industrial Strategy (BEIS), Environment Agency (EA) and Oil and Gas Authority to establish a Shale Environment Regulator Group that will increase the level of coordination of regulatory activity and introduce a single point of contact for operators. HSE has also been working in close partnership with the EA and Lancashire County Council to regulate activity at the Preston New Road hydraulic fracturing site, after the operator, Cuadrilla, was given consent by the Secretary of State for BEIS to begin its operation and EA and OGA had agreed its plan.

Health and Safety Executive Board		HSE/18/37	
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European Union exit communications

Selvin Brown, Director of Engagement and Policy

FOR INFORMATION AND DISCUSSION

This paper updates the Board on European Union (EU) exit communications activity by the Health and Safety Executive (HSE). The Board is invited to consider and discuss the contents of the paper.

KEY INFORMATION

1. The Board has previously been updated on HSE's EU exit preparations. This paper provides more detailed information on HSE's planned communications with its stakeholders on this issue.
2. The Government's stated preference is to agree a new relationship with the EU after the UK's exit. The proposal for this new relationship was set out in the Government's White Paper published in July. Should an agreement be reached there will be an implementation period lasting from 30 March 2019 until 31 December 2020.
3. In parallel with the negotiations with the EU, the Government has confirmed that contingency ('no deal') preparations should also be stepped up. There is an imminent autumn deadline to conclude the Withdrawal Agreement and a responsible government needs to prepare for all scenarios.

Communications objectives:

4. The HSE EU Exit Communications Strategy, aims to: contribute to the Government's preparations for EU Exit, support the work of HSE's Exit Programme, and protect HSE's reputation.
5. A key objective is to support the Government effort to help businesses prepare for Day One. Our stakeholders include trade unions and trade associations as well as specific sectors and industries. Our engagement with them takes into account the two scenarios mentioned above (either the 21-month implementation period if an agreement is reached or 'no deal').
6. How the exit negotiations proceed, and the direction set by Ministers on the UK approach, will shape what we do in the future. Along with all our Government Communications Service colleagues, we are developing plans to intensify activity from the autumn, at which point the terms of our exit are anticipated to be confirmed.

Working with others:

7. A key part of our work is ensuring a joined-up approach to communications for both internal and external stakeholders. Within HSE this coordination has been achieved by the Communications Team working alongside colleagues under the EU Exit Programme.
8. We have also proactively engaged across government and developed partnerships to ensure our work is aligned. We are working closely with the communications departments of the Department for Exiting the EU (DExEU), the Department for Environment, Food and Rural Affairs (Defra), and the Department for Business, Energy and Industrial Strategy (BEIS). Setting up these lines of communication has helped us to be engaged with the process, and navigate the direction of travel.

Delivered activity:

9. HSE is one of the first bodies to have produced draft regulations that were subsequently published by DExEU. *The Health and Safety (Amendment) (EU Exit) Regulations 2018* are one of a number of exit regulations which are in preparation; all being done under the EU (Withdrawal) Act. Communications support has been provided to ensure handling plans are agreed, HSE staff are updated and there has been co-ordination across government, including with the Department for Work & Pensions. These draft Regulations cover the very few technical changes required to maintain our core health and safety at work regime. They are now within the parliamentary process and, once laid by the Minister, we shall target communications work to emphasise that these deliver continuation of health and safety protections in line with government commitments to workers' rights, set out in a recently published 'Technical Notice'.
10. HSE is one of the first bodies to have its own [web pages](#) specifically dedicated to EU Exit preparations. They were launched on 5 July and currently consist of a home page and dedicated chemicals page. The content of the web pages will evolve as preparations progress. For example, the pages will link to the Technical Notices that most directly affect HSE. Throughout the process, the core repository for information on EU exit will be central Government's GOV.UK platform. At 31 August 3,923 users have viewed HSE's main page.
11. In July, HSE officials gave affected businesses in the chemicals industry some broad updates relating to both the proposed implementation period and 'no deal'. We did this via a targeted e-bulletin. The e-bulletin reached an audience of 58,140 in the chemicals industry. As a result of this, 3,367 users have viewed the chemicals EU Exit web page as at 31 August. This reflects the significance of the impact of EU Exit on chemicals regulations.
12. On 1 August, HSE held an event with stakeholders from the chemicals industry in Liverpool as part of our support for the Government's legislative programme. We shared information with the industry and heard its perspective on the impact of EU Exit on the HSE led Chemicals regimes for Biocides, Classification Labelling and Packaging of chemicals (CLP) and Prior Informed Consent (PIC) – which deals with the import and export of chemicals, with a focus on the impact of the unlikely 'no deal' outcome. At the start of the event 53% of our 120-strong audience said they had a Moderate/Reasonably Confident level of awareness relating to the impact of chemicals regulation on EU Exit; by the end of the day this sentiment was felt by 93% of attendees. Seventy percent of the audience gained useful information to plan for 'no deal.'

13. HSE's Civil Explosives Policy team met the Civil Explosives Manufacturer and Importer Network on 6 August. This network is made up of stakeholders who represent the interests of a wide range of sectors within the civil explosives industry. The event covered HSE's Exit work and discussed industry preparedness as well as the White Paper. The opportunity for businesses working in the same field to come together was welcomed and all present were fully involved in the discussion.
14. Internal Communications has also been identified as a priority for 2018/19. We have worked hard to keep HSE staff appropriately updated. Some of the channels used to share information have included 'lines to take' for operational staff, articles published in e-express and all HSE webinars. Regular meetings have also started with the Trade Union side to keep staff representatives informed about developments as part of our coordinated approach to internal communications.
15. Since the March European Council, it has been clear that HSE's Chemicals Regulation Division (CRD) will be most affected by EU exit. As a result, a number of measures have been put in place to support CRD colleagues in the transition to EU exit.

Future plans:

16. We are now entering an increasingly demanding phase of activity that will continue up to 29 March 2019. Work will include:
 - More detailed stakeholder mapping across all workstreams of our EU exit programme.
 - Regular updates to stakeholders via HSE's EU Exit web pages, our e-bulletin circulation and social media channels as appropriate.
 - Continued, regular updates to HSE staff including the development of an intranet page to share information with colleagues.
 - More stakeholder events, particularly in chemicals and civil explosives, as well as supporting BEIS on product safety work.
 - EU Exit as a key theme of the proposed HSE Annual Conference in November, given its proximity to the October European Council.
 - Support for the Government's Business Readiness Campaign, making use of the communications budget.

FINANCIAL IMPLICATIONS AND RISKS/OPPORTUNITIES

17. The budget for EU exit communications activity in 2018/19 is £75,000. This follows a successful bid to the Cabinet Office for specific funding, protecting HSE's general communications budget.

IMPACT ON DEVOLVED GOVERNMENTS/REGIONS

18. Communications activity is generally being planned on a sectoral basis. This is to ensure that we engage with stakeholders across the sectors that are impacted by our exit preparations.
19. There is also specific engagement with the devolved administrations. This has included engagement with the Health and Safety Executive for Northern Ireland to share information about our respective EU exit preparations. This is because of the similarities between the British and Northern Irish health and safety

systems. There has also been engagement with the Scottish and Welsh devolved administrations to discuss future frameworks in areas (e.g. chemicals regulation) where HSE and Scottish and Welsh authorities have shared roles and responsibilities.

HANDLING AND COMMUNICATIONS

20. This paper has been put together with input from the Communications Team, and after consulting the different parts of the EU Exit programme.

CLEARED BY

Selvin Brown, Director of Engagement and Policy

Health and Safety Executive Board		HSE/18/38	
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The future of the Adventure Activities Licencing Authority (AALA) – further information on Option 3 in the AALA Discussion Document

Philip White – Director, Regulation

FOR DECISION

The Board is asked to:

- (a) Note the additional information on Option 3 and contextual information on the existing AALA scheme
- (b) Approve an option for the future of AALA to be taken to public consultation and implementation (See Board paper HSE/18/26)

KEY INFORMATION

Background

1. The policy objective for the AALA review is to enable a system of assurance for the adventure activities sector which is GB-wide, flexible, represents value for money, reflects the changes in the sector since the Adventure Activities Licensing Regulations (AALR) came into place in 1995 and ensures young people continue to participate safely in adventurous activities.
2. The three options proposed in the Discussion Document were:
 - i. Retain the AALR and current scheme underpinned by the Health and Safety at Work etc. Act 1974, and increase the licence fees.
 - ii. Retain the AALR and current scheme underpinned by the Health and Safety at Work etc. Act 1974, increase the licence fees and extend the activities in-scope
 - iii. Remove the AALR and move to an industry-led, non-statutory, not-for-profit scheme underpinned by the Health and Safety at Work etc. Act 1974, to provide assurance to users of outdoor activities.
3. At the June Board meeting a paper was taken presenting feedback from the Discussion Document with a recommendation for the future of AALA. The Board requested further information about Option 3, the recommended option and how this compares with the current scheme.
4. A decision about the future direction of AALA needs to be made as the status quo cannot continue, not least because the current financial and regulatory models are not sustainable in the long term.

Discussion

How does the existing AALA regulatory framework work?

5. All activity providers, whether in scope of AALA or not, are required to comply with the Health and Safety at Work etc. Act 1974 (HSW). They must ensure, so far as is reasonably practicable, the safety of non-employees who may be affected by their work activity. Enforcement action taken under HSW is carried out by the HSE and Local Authorities, not the Adventure Activity Licensing Service (AALS).
6. Licensing applies to a relatively small number of activities in very specific circumstances, these are set out in the AALR. See Annex 1 for information on how the activities are covered and how the AALA scheme operates.
7. AALA's scope does not involve the inspection and licensing of all facilities used by young people. Some high-risk activities are provided without a licence, for example if the activity is provided by a voluntary organisation, such as the Scouts, to its own members or by a school for its own pupils. In practice this accounts for a relatively large number of users. There is no intention of bringing these voluntary organisations into the scope of AALR under options 1 or 2.
8. Some providers offer a mixture of licensable and non-licensable activities, for example a provider will need a licence to offer kayaking but not for their high ropes course, which is exempt.
9. The providers who offer only non-licensable activities do not have to apply for a licence and some believe this puts them at a disadvantage as the AALA badge is seen as a valuable marketing asset as well as providing assurance to users.

How will Option 3 operate?

10. Option 3 is a non-statutory assurance scheme, underpinned by the requirement to comply with HSW. Annex 2 provides a summary of the key features of Option 3. There are several similar schemes already in operation within the adventure activities sector and other areas of the leisure industry. For example, Adventuremark, an assurance scheme for providers of adventurous activities outside the scope of AALR.
11. Adventuremark is based on the current AALR licensing model with similar rigour of inspection, adapted to the needs of the activities on offer and the users e.g. young people, families or others. Providers are not compelled by law to join it, but providers see the benefit of being able to demonstrate to potential users that they conform to the necessary standards of good practice in all these situations. Other parts of the leisure industry involving children and young people operate non-statutory assurance schemes, e.g. fairground rides and playgrounds are covered by successful industry-led schemes.
12. Option 3 will use the extensive knowledge and expertise of current industry scheme leaders to create a credible, not-for-profit scheme with the benefits of AALA and the existing schemes. The proposed scheme will be accessible to more providers, will simplify the system and save time and money by reducing the need for multiple inspections by different bodies to the same organisation to deal with separate issues such as safety and quality of provision; and activities in scope or out of scope of AALR. It will build on and enhance the existing arrangements to provide assurance to users that the risks to young people taking part in adventure activities are being managed effectively.
13. HSE officials set out criteria that any non-statutory scheme would need to meet to receive HSE support and these are in Annex 3. The second column of the table explains how these criteria may be met by Option 3.

What regulatory assurances will there be?

14. The Health and Safety at Work etc Act 1974 will, as is currently the case, continue to apply as set out in paragraph 5 above.
15. The industry-led assurance scheme proposed in Option 3 will have robust governance arrangements. These will be supported by HSE, and include the features of the existing AALR scheme and other well-established schemes such as Adventuremark, including safety management documentation reviews and inspection. The detail of this is set out in Annex 2.
16. HSE and Local Authorities will accept membership of the scheme as an indicator of good performance allowing inspectors to target intervention with outdoor activity providers more accurately. A targeted programme of inspection of adventure activity providers by relevant enforcement authorities under health and safety at work legislation could be planned to focus on those providers with a poor incident history or who are not members of recognised assurance schemes. Inspections would be comprehensive and not limited to matters within scope of the existing AALR. If matters of evident concern were identified, enforcement action may be taken and Fee for Intervention charges applied where applicable.
17. Additional assurances were set out in the June Board paper:
 - Engagement with users, e.g. the Education sector via Local Authorities or schools, to explain the benefits to them of a credible assurance scheme in selecting activity providers for their pupils.
 - Communicating about the governance structure of the industry scheme and HSE's role in it. Option 3 has already received support from some large organisations e.g. teaching unions, particularly in England and Wales.
 - Communicating how the governance structure will address concerns about vested interests or commercial gain.
 - As the scheme is developed, information will be given on how the charging structure will take account of business size to reassure those, particularly small businesses, worried about lack of detail about costs in Option 3.

What are the benefits of Option 3?

18. Option 3 will:
 - provide a real opportunity for the adventure activity sector to take ownership and deliver real leadership on health and safety;
 - create a UK wide system
 - cover a much wider range of activities than under AALR.
 - be flexible in responding to changes in the industry; and
 - address other issues outwith AALR's current locus, e.g. quality of provision, under the same scheme.
19. The above meets most of the aspirations in the written feedback to the Discussion Document around flexibility and the changes in the sector since 1995 and a desire to see broader areas of quality and education standards addressed under the same scheme. Option 2 does not have the flexibility to include new activities without change to the legislation and is limited to the scope of activities in the regulations. Under Option 3 all providers will still need

to comply with duties under the HSW Act, which is enforced by HSE and Local Authorities.

20. The UK Adventure Industry Group (UKAIG) have been in talks with Sport National Governing Bodies (NGBs), many of whom have expressed an interest in achieving mutual recognition with the new scheme. This will reduce duplication of inspection for relevant activities by the assurance scheme and the NGBs and is something AALA cannot deliver.

Recommendation

21. That the HSE Board approves:
 - development of an industry-led scheme by UKAIG, with support from HSE (Option 3);
 - planning for a transition phase from the existing statutory scheme; and
 - the eventual removal of the AALR, as set out in Option 3, to make the most of the long-term benefits to the adventure activity sector of this approach.
22. HSE must be mindful of the concerns of responders about Option 3 and ensure these are addressed in developing the industry scheme. With the assurances outlined in paragraphs 14 to 17, particularly being underpinned by HSW, Option 3 is a strong way forward for the sector.

Next Steps

23. If the Board supports the development of a scheme based on Option 3 and subject to Ministerial approval, further discussions will take place with other Government Departments, Devolved Administrations and industry stakeholders. Once the proposals are developed we will come back to the HSE Board with a draft Consultation Document.

FINANCIAL IMPLICATIONS AND RISKS/OPPORTUNITIES

24. The work on the AALA Review to date has been carried out within existing resource. The implementation phase and accompanying work on the Adventure Activity Licensing Service (AALS) contract will require additional resource.
25. The abolition of AALR and associated Activity Centres (Young Persons' Safety) Act 1995 will require parliamentary time, which will be challenging during the EU Exit period. However, preparatory work can be done in the interim to plan for the transition period.
26. HSE need to re-tender the AALS contract as the future direction of AALA cannot be implemented within the current time frame of the contract with TQS. The AALA contract management team are developing plans with Procurement colleagues to minimise uncertainty for TQS employees and licence holders.
27. If Option 1 or 2 are taken forward the process of incrementally increasing the fees will have to begin when the contract with TQS ceases.
28. HSE provides financial support in the region of £400,000 to help with the costs of running the scheme. UKAIG may require seed funding and practical support.
29. HSE will support an assurance scheme that meets our criteria. This will include assurance that the scheme delivers proportionate compliance with health and safety at work legislation. Alternative schemes that meet the guidelines set out by HSE would also be supported.

IMPACT ON DEVOLVED GOVERNMENTS/REGIONS

30. The legislation giving licensing its legal basis is separate to the Health and Safety at Work etc. Act 1974 and is devolved. The Devolved Administrations (DAs) were involved throughout the consultation process and have taken a 'wait and see' approach. The results from the survey in the discussion document were collated in such a way that separate results are available for Wales and Scotland, as well as for GB, so they can decide how best to proceed. Support by the DAs for Option 3 is key if the policy objective of a cross-GB solution is to be achieved. Further engagement with Scottish and Welsh Governments and their stakeholders is on-going.

HANDLING AND COMMUNICATIONS

31. The Board's decision will be made public on the HSE AALA Communities website along with information about next steps.
32. The approach is in line with the Government's Regulatory Futures approach.

CLEARED BY

33. In correspondence by the Regulation Committee on 24th August 2018.

Annex 1 What is the current Adventure Activities Licensing scheme like?

What activities do the Adventure Activities Licensing Regulations (AALR) apply to?

1. Licensing does not apply to all the activities that young people participate in at outdoor activity centres. Several high-risk activities can be provided without a licence. The activities covered by the regulations are defined in a prescriptive manner and fall under four headings:
 - Caving
 - Climbing
 - Trekking
 - Water sports
2. Licensing applies to those activities within the scope of AALR if:
 - There is an element of instruction or leadership included;
 - The activities are provided in exchange for a fee or by a local authority to an educational establishment in respect of its pupils; and
 - The activities are provided to under 18s (who are not accompanied by a parent or legal guardian).
3. Licensing is restricted to commercial organisations. Voluntary organisations providing activities to members and schools providing activities for their own pupils are exempt. This was to ensure that provision did not decline, but it leaves an anomaly in the system whereby hundreds of thousands of children are able to take part in adventure activities with unlicensed providers
4. In addition, not all hazardous activities are included within the licensing scheme, for example stand up paddle boarding is in scope of AALR, but surfing is not. Many popular activities e.g. zip wires and high and low ropes courses are not in scope. Despite this, accident rates are low across the industry, in both the licensed and non-licensed sectors.

What does a provider have to do to get a licence?

5. A provider who wishes to offer activities within the scope of the AALR must apply for and obtain a licence.
6. The provider is required to demonstrate to the Adventure Activities Licensing Scheme (AALS) inspectors that they have robust safety management systems in place to ensure that the risks of death and permanent disabling injuries are kept as low as is reasonably practicable.
7. AALS inspectors will examine paperwork (risk assessments, training records etc.), speak to relevant members of staff and, if possible observe activities taking place. The length of the inspector's visit varies depending on the size and complexity of the business. Inspection does not guarantee safety, but it gives the inspector an idea of the systems in place at the time of the inspection. The licensing process requires an element of trust in the provider that standards will be maintained between inspections, but it cannot guarantee this. Ultimately responsibility for ensuring safety lies with the provider through compliance with

the Health and Safety at Work etc Act 1974 which is enforced by either HSE or a local authority.

8. The nature of the outdoor adventure activities means that there will always be a residual risk of serious injury or even death. To prevent injury completely would mean excluding young people from taking part in beneficial, challenging activities.

How often does the inspection take place?

9. Every business is inspected before it is awarded a licence. Thereafter, it depends on the risk profile of the business, but licences can last for one, two or three years. Inspectors base their decision on licence duration on several criteria including turnover of staff, number and vulnerability of participants and the number and type of activities on offer. Inspectors can also make visits between inspections if they deem it necessary, though this is rare.

What isn't covered in the inspections?

10. While the inspectors tend to take a holistic view of the management systems, there are several areas of potential concern that are not covered by AALS inspectors, these include:

- exposure to dangerous substances, e.g. legionella from showers or asbestos in old buildings
- safety of transport provision
- food safety
- safeguarding of children (criminal records checks)

11. The inspection does not examine quality issues, such as quality of accommodation, food and learning.

What is the benefit of licensing to Providers?

12. The most obvious benefit is that it permits the business to offer licensable activities to young people under 18 years old. Other benefits include access to information and advice from AALS and the use of the AALA logo, which they can use to promote their business to users.

What is the benefit of licensing to users?

13. The licence provides assurance that a provider has been inspected within the past three years and that at the time of inspection it met standards of safety set out in HSE booklet L77 'Guidance from the Licensing Authority on the Adventure Activities Licensing Regulations 2004' for specific activities (albeit with the caveats mentioned above).

14. In the main, it allows users to discharge their duty under Section 3 of HSW to ensure the safety of the children in their care. When they see the AALA badge it provides an assurance that health and safety management has been considered for the activities in scope and they do not need to examine the provider any further in relation to these activities. They can look for alternative scheme for other activities, e.g. NGB schemes or Adventuremark.

What are the drawbacks for users?

15. Licensing only covers specific activities under specific circumstances, so if the provider wants help and advice on other matters or an assurance badge to promote other aspects of their business they need to look for other assurance.

This means additional cost and additional inspection, often carried out by the same inspector because inspectors often work freelance for AALS and other accreditation bodies.

16. Providers who only provide non-licensable activities are unable to opt in to the licensing scheme and must also seek accreditation elsewhere.
17. The AALA licence does not cover all issues that might be of concern to users, such as an assessment of the educational quality of the activity or the standard of the accommodation. Schools, for example may find it necessary to select providers who have non-statutory accreditation in addition to an AALA licence. This increases costs for providers and because not all providers can afford to do it, it may limit the choices of young people. It also gives users more to think about in terms of which badges they need to look out for to provide assurance and to discharge their duties under HSW Section 3.

How do the incident rates for adventure activities under AALA compare with other leisure activities?

18. RIDDOR data does not provide sufficient detail to tell us how incident rates in the adventure activities sector compare to other parts of the leisure industry. Notwithstanding this, the close knit, specialist nature of the industry and the fact that serious injuries to children are usually high profile would suggest that accidents rates in the licensed and unlicensed sector are no higher than in other sporting activities, nor is there any indication that activities carried out by non-licensed providers, such as the Scouts, result in more accidents.

Annex 2 What would Option 3 look like?

1. The UK Adventure Industry Group (UKAIG) carried out scoping work in preparation for publication of the AALA Discussion Document. The principal aim of the proposed industry assurance scheme is to maintain and develop a sustainable Adventure Activity Industry that promotes good practice, demonstrates safety and ongoing development across the sector.
2. The Scheme would maintain the HSE guiding principles:
 - **Proportionality** – taking action appropriate to the risks.
 - **Consistency** – taking a similar approach in similar circumstances to achieve similar ends.
 - **Targeting** – making sure priorities for inspection focus on where the hazards are least controlled and where there are the most serious risks.
 - **Transparency** – making it easy for providers to understand what is expected of them and distinguish between what is advice and what is compulsory; helping the public to identify providers with good safety management practices.
3. The scheme will draw on the framework set out in “Guidance from the Licensing Authority on the Adventure Activities Licensing Regulations 2004” (L77) which sets out the principles of AALR, National Governing Body (NGB) Guidelines and other ‘good practice’ models. It will make use of existing published guidance e.g. AALA Inspection notes, Adventuremark and Learning Outside the Classroom (LOtC) etc.
4. The scheme will also draw on the principles of existing non- statutory schemes to increase the offer and meet the criteria set out by HSE (See Annex 3).
5. The scheme will have similar components to the AALA scheme ie a governing body, awarding body and inspectorate. The principles of inspection and awarding the assurance badge are like those for AALA. Provisionally, the Scheme would consist of:
 - A **governing body** made up of representatives from the adventure activities industry, service users, the devolved Governments and HSE. The governing body would have oversight of the operation of the whole scheme, monitor its success and set its strategic goals.
 - An **awarding body** (UKAIG), made up of industry representatives would operate the scheme across the UK, define its scope, set criteria for membership of the scheme, maintain a register of providers meeting the standard, provide guidance and administer an inspection regime by competent inspectors. UKAIG would seek to work with United Kingdom Accreditation Service (UKAS) in establishing the assurance scheme. UKAS is recognised by government, to assess against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services.
 - A **‘contractor’** which would deliver the scheme as directed by a proposed Adventure Activities Industry Awarding Body, provide assurance of the competence of and maintain a register of inspectors.

6. The intention is that the Awarding body will develop the detail of the scheme with the support of wider industry NGBs etc drawing on the skills of the current inspectors from across the existing schemes. The 'model' is to maintain and enhance current standards and ensure continued development within the sector.
7. It should be noted that UKAIG members have over ten years' experience of running schemes such as Adventuremark and the LOtC quality badge. They have links too with the National Governing Bodies who have accreditation schemes which have been in place since the 1970s. UKAIG members are not themselves providers of adventure activities

What would option 3 look like in practice?

8. For those who sign up, the scheme will have the look and feel of the current system. There will be an inspection, followed by awarding of an assurance badge/logo, if appropriate, and there will be access to advice and support from inspectors. Many of the inspectors will be existing trusted AALS inspectors.
9. The system is partly modelled on L77 "Guidance from the Licensing Authority on the Adventure Activities Licensing Regulations 2004", particularly regarding the approach to inspection and the awarding of accreditation.

What will be different?

10. The scheme will be open to anyone providing adventure activities, meaning that many businesses currently excluded from licensing can opt in. There will be no need to define or list in-scope activities. As well as support from some large teaching unions there was corporate support for Option 3 in the discussion document feedback from several large organisations.
11. The scheme will be able to cover additional matters that users are concerned about, such as safeguarding, transport safety and quality of learning.
12. The pricing structure will enable providers to 'buy into' the areas they are interested in. For example, some businesses may wish to be accredited for safety, but will be focussed on fun and have no need or desire to provide an 'educational' experience.

Why would people choose to sign up when they are not compelled to do so?

13. Accreditation has many benefits, and requests from non-eligible businesses to join AALA demonstrate that if it were not compulsory many providers would still choose to sign up. Indeed, responses to the discussion document indicated that, without any additional encouragement, ¾ of current providers would opt to use a non-statutory scheme. This is because providers recognise the benefits both in terms of the access it gives them to expertise and in the marketing advantage of being a member of a credible and recognised assurance scheme.
14. Demand from users, particularly in the education sector, would most likely drive providers to opt in, because users want the assurance of badge and the peace of mind that they have discharged their own duties under Section 3 of HSW.
15. Notwithstanding this, it should not be assumed that failure to sign up means that a business is not taking health and safety seriously, or that standards would decline. Many organisations, such as the Scouts Association currently deliver

adventure activities to young people without holding a licence because they are exempt.

What legislation would apply to providers if AALA was removed?

16. The key legislation with respect to Health and Safety continues to be the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. Abolition of licensing does not remove any duties (other than the duty to hold a licence). All providers, whether licensed or not are required to comply with this legislation and this will continue. As with the licence, signing up to the industry led assurance scheme will allow providers to demonstrate compliance.

Why should we have confidence in the scheme?

17. HSE has set out a list of nine criteria that Option 3 must meet to be acceptable. Annex 3 lists the criteria and explains how each will be met.

Annex 3 Criteria set out by HSE for a non-statutory scheme that it will be willing to support and how Option 3 meets these criteria.

1. Be underpinned by the requirements of the Health and Safety Work etc. Act 1974	HSW is the key legislation and regardless of the existence of licensing or not, it exists to ensure businesses operate safely. Providers are required to comply with HSW and “Guidance from the Licensing Authority on the Adventure Activities Licensing Regulations 2004” (L77) currently describes the way in which AALS inspectors satisfy themselves that businesses are compliant. The new scheme is modelled on L77 and will be no different with respect to the underpinning of HSW.
2. Meet the aspirations of stakeholders and have broad industry support	<p>Stakeholders aspirations outlined in the 2017 survey were as follows</p> <ul style="list-style-type: none"> • That it has the support of HSE and is not run for profit • That the age criteria remain the same • That fees structure should be fair • That more activities should be covered • That more types of business should be included e.g. schools, voluntary organisations • That the fees should not be increased • That the maximum licence duration of 3 years should remain • That the scheme should include Northern Ireland • That inspections should be broader, e.g. covering quality of education and safeguarding <p>We believe that option 3 meets more of these criteria than the other options. 8 out of 9 are met and the question of fees not being increased has been addressed. Options 1 and 2 require it. Option 3 prices will depend on market forces. Current prices on accreditation schemes indicate that the price would be unlikely to be higher but may be lower than projected prices for Options 1 and 2.</p>
3. Maintain current standards	We believe that with support from HSE a scheme can be developed that will not only maintain current standards, but because of the broader scope and wider reach, could also improve them.
4. Provide sufficient levels of reassurance to parents and teachers	There is no reason why parents and teachers should not trust providers who are accredited to the scheme in the same way that they trust AALA because it will maintain the same standards. Schools choosing to opt for providers who are not accredited will have to be able to justify this decision in their risk assessments.
5. Reduce the administrative burden on business	Combining licensed and non-licensed activities into a single accreditation scheme will, for those who currently opt into non-statutory schemes, reduce administrative burdens and costs.
6. Provide better value for money for the public purse	In the short term there will continue to be a cost to the tax payer, however this will be temporary because the scheme aims to be self-financing.
7. Allow mutual recognition across comparable existing national governing body schemes	UKAIG have been in talks with other accreditation bodies and the NGBs and the majority have already expressed a desire to be involved.
8. Be recognised and branded as the industry standard	This will only become apparent with time, but if all the major players in the accreditation sector, and most providers and users get on-board, as we believe they will, this will be the natural result.
9. Reach across UK borders, to include Northern Ireland	This is only possible with option 3

Health and Safety Executive Board		HSE/18/39	
Meeting Date:	12 September 2018	Meeting type:	Open
Type of Paper:	For Discussion	FOI Exemptions (if applicable):	
TRIM Reference:	2018/287908		

Intelligence-led interventions: update

Michael Bone, Head of Operations FOD YNE

FOR DISCUSSION

The Board is invited to note and discuss the work that has been done since it was last updated and the planned activity for this year.

KEY INFORMATION

Context

- 1 Field Operation Division's intervention approach can be summarised as:
 - Go to the right places
 - Do the right things
 - Finish what we start
- 2 Our efforts to improve targeting and intelligence (T&I) are important in making effective use of scarce resource in pursuit of wider impact on risk reduction, not least by directing our interventions to those dutyholders where we need to intervene to deal with high(er) risks and/or poor(er) performance. It also helps us in analysing whether inspectors are doing the right things by examining the outcomes of our interventions and the actions taken by dutyholders, contributing to wider work to demonstrate our outcomes.

2016/17 activity

- 3 The last update on this topic was in October 2017 when we explained our work on benchmarking visits.
- 4 We need to understand what our activity profile for proactive inspection would look like without a structured T&I process. Benchmarking visits were randomly selected from the manufacturing sector and the outcomes were compared with visits selected using the T&I process.
- 5 Benchmarking visits can also help in building our understanding of emerging risks and existing prioritisation in selecting appropriate sector groups.
- 6 The sample size was small but the results showed that the material breach (MB) rate, as a proxy for removing risk, for benchmarking visits was consistently lower than for targeted visits. The statistical analysis estimated the MB rate for benchmarking visits was 5% lower, but that this was likely to be an under-estimate of the positive effect of targeting.
- 7 Other advantages identified included:
 - Bringing together different datasets and using FIND IT to aggregate the strengths of the individual datasets

- An improved ability to geographically target Priority Local Inspections (PLI) with a higher likelihood and confidence of finding sites with poor health and safety management where intervention is needed to remove risk
- The potential scale of efficiency gains in reducing time spent on T&I work when the FIND IT tool is fully available.

2017/18 activity

- 8 FOD completed further benchmarking visits and the outcomes were compared them to the previous year, to explore further what they tell us about the effectiveness of the T&I process. Inspections selected by the T&I process were also examined.

Discussion

- 9 The numbers are small (527 benchmarking visits out of a total of ~16,000 for all FOD inspections) but indicate a direction of travel. The headlines are:
 - Our T&I process is effective in identifying sites where there is a greater likelihood of serious risks not being managed
 - The worst examples arise where there is poor performance in a higher risk sector (HRS) and our higher risk sectors have, in general, been chosen appropriately
 - Inspectors are most likely to take action during interventions in risk areas involving hazardous substances and machinery
 - PLIs are well targeted but there are opportunities to improve this further
 - It is important to continue to re-visit sites to ensure sustained compliance and to address serious risks effectively and firmly at the first point of contact with a dutyholder
 - It is important to continue to monitor sectors outside existing HRS groups
 - Dutyholders are generally satisfied with the way we conduct our proactive inspections.

What next

- 10 This year we will:
 - Continue proactive inspection
 - Carry out further benchmarking visits
 - Introduce impact evaluation visits in manufacturing and waste/recycling,
 - Develop and use an exposure control indicator tool for welding
 - Embed FIND IT as a routine part of the T&I process
 - Explore if FIND IT can add value to the existing T&I processes in CD and CEMHD
 - Further analyse benchmarking, material breach rates and areas of intervention
 - Contribute to the work to determine how our visits impact on how well businesses manage health and safety in the long-term
 - Contribute to the work to determine that our inspection focus has shifted sufficiently towards health issues, in line with our strategic planning
 - Develop the use of predictive analytic methodology to prioritise interventions.

Health and Safety Executive Board			HSE/18/40
Meeting Date:	12 September 2018	Meeting type:	Open
Type of Paper:	Above/Below the Line	FOI Exemptions (if applicable):	
TRIM Reference:	2018/284758		

HGBWW Campaign Evaluation and Subsequent Activity

David Harrison, Head of Media and Campaigns

FOR DECISION

The paper evaluates progress against Helping Great Britain Work Well (HGBWW) and highlights planned future activity. The Board is invited to:

- note the progress and impact to date; and
- comment on the recommended future campaign activity.

KEY INFORMATION

1. Through HGBWW activity and wider communications we are extending and enhancing our regulatory core purpose, aligned with our priorities in HSE's Business Plan 18/19:

- amplifying HSE's core regulatory inspection activity;
- building stakeholder engagement and partnerships;
- delivering effective, targeted behaviour change campaigns.

Amplifying regulatory inspections

2. Promoting our targeted inspections in construction, waste and recycling and metal fabrication, we have supported our core enforcement programmes to reach wider and new audiences. Our communications have:
 - informed sectors about the inspection programme in advance, to widen awareness; and
 - used case studies from current visits to make sectors aware of the outcomes of inspections in the on-going programme, to sustain impact.
3. The results show that we have increased awareness of inspection programmes in our target audiences by up to 20%. For example, to support the construction initiative a special e-bulletin was sent out on 5 October 2017 to 99,705 users, 49,990 people opened this ebulletin, with significant increase in Safer Sites reach at 9,844.

Building stakeholder engagement and partnerships

4. To further support the delivery of our regulatory business we are continually building stakeholder engagement (69% of stakeholders attending HSE conference, lectures, regional events and open board stakeholder sessions are positive about HSE) and partnerships. We have delivered stakeholder conferences, lectures and smaller events that have promoted high level and Ministerial engagement, gained support for HGBWW and enhanced the impact of our communications.

5. As part of this work we have obtained over 150 commitments to improve health and safety in the workplace, 66 of which have been updated with progress. We are creating long-term advocates of health and safety, supportive voices and true partners who are pushing our messages and quickly mitigating concerns and criticisms.

Targeted behaviour change campaigns

6. Working with sector colleagues and stakeholder partners we have supported priority sector interventions. For example, the agriculture team and key industry stakeholders effectively influenced the farming sector. We have delivered three campaigns together and have four in the pipeline targeting specific behaviours.
7. As part of HGBWW **supporting small businesses** we are delivering a campaign targeted at SMEs that is engaging them with health and safety messages and guidance. To date we have reached over 1.5 million employers in this audience and in a pilot of paid-for activity in a two-week period reached 395,288 SMEs through our messaging on LinkedIn. A Help GB Work Well newsletter, linking to the top 10 tasks for SMEs was sent to 565 of those reached through LinkedIn. After four newsletters 262 top 10 guidance documents had been downloaded.
8. To further improve our on-going relationship with SMEs we piloted activity that recruits businesses to sign up to regular HSE communications, improve their understanding and encourage better risk management, and share this throughout the health and safety system. The pilot generated over 1200 e-bulletin sign-ups (in just six weeks of activity over two bursts of low-level, paid-for activity).
9. We have a significant body of work underway to redevelop the HSE website. This work will include new 'top-task' focused content and customer journeys for small businesses (as part of the SME plan) created around the needs of users, starting primarily with lower risk businesses with limited health and safety issues to manage.
10. Occupational **ill health at work** is a major priority, resulting in 27 million working days lost each year. Since its launch in September 2017 the Go Home Healthy campaign (GHH) has reached over 2.7 million businesses and their workers with our campaign messages. We focussed their attention on the main causes of musculoskeletal disorders (MSDs), stress and lung disease. To date 150,000 users have visited our microsite, many downloading our guidance and viewing videos and fact sheets.
11. We piloted reaching new, non-engaged audiences through our digital channels, including Facebook. We successfully reached an online audience of 1.6 million and tripled our followers on these channels.
12. In another pilot (end of January to 31 August) to improve our commercial revenue we contributed £73,580 in Science Division training course revenue through driving traffic to the Health and Safety Laboratory (HSL) website from all our email bulletins, to their [training webpage](#). This resulted in 101 purchases of training products and equates to 9% of all HSL website revenue in the same period. In addition, we drove 16,903 visitors to the site, of which 13,094 were new visitors to HSL training site.

Recommendations for Future activity

13. Our stakeholder engagement activity will continue to be driven through a combination of lectures, events and conferences. We have in the pipeline the HSE conference in November 2018. This includes a stream specifically aimed at SMEs in support of the Help GB Work Well campaign strand, a lecture in May 2019 and a series of smaller engagement events around key issues such as EU Exit, Parliamentary engagement, transport, agriculture and waste and recycling.
14. We will continue to work closely with colleagues to amplify our core inspection and enforcement activity. Looking forward we have the 'health in construction' campaign in October 2018 and further activity in food manufacturing and waste.
15. Working closely with our Insight team, we have a timetable of intervention campaigns on lung disease, MSDs and stress and the sector-specific area of agriculture. This dovetails with GHH where we will target stress in education and MSDs in transport, supported by relevant products and guidance to help manage work related health risk.
16. HGBWW will continue to support businesses through a new microsite, relationship marketing and toolkits to encourage action and further commitments. We will carry on rolling out registration/sign-ups and on-going communications with those registered. We will increasingly focus on marketing partnerships to tackle key areas of harm, support SMEs and our sector priorities, including agriculture and manufacturing
17. We will pilot extending our campaign activity, using horizon-scanning to identify market opportunities to maximise PR engagement and position good health and safety in a wider context. We are currently identifying opportunities around protecting the environment, men's health and small business week.
18. The proposed timeline of activity is:
 - September & October 2018: Launch new HGBWW website and GHH ebuletin and continued campaign activity on campaign channels.
 - October 2018: Agriculture communications activity
 - October 2018 – February: Paid-for marketing to drive sign ups and provide tailored content
 - October & November 2018: Communications to Head/Assistant Head Teachers
 - November 2018: UK Parliament Week, Scottish Health Summit
 - November 2018 – January 2019: Communications to transport & storage (logistics)
 - January & February 2019: Second burst of HGBWW and GHH targeted activity.
 - March 2019 – HSE/CIA Joint conference
19. An update on the HSE Conference and supporting campaign activity will be provided at the meeting.

HANDLING AND COMMUNICATIONS

20. We have set up an internal working group to help us deliver this wide-ranging activity, and will continue to work with sector and programme leads to ensure we are meeting business needs. The internal working group will be instrumental in setting up the terms of reference for a strategic communications partnership and will assist in determining who should be members of the group.
21. We will take account of the outcomes of the Board's November strategic discussion. The activity to date has the flexibility to adapt.

FINANCIAL IMPLICATIONS AND RISKS/OPPORTUNITIES

22. Our campaign activity is both reaching a wide audience of employers as well as providing evidence we can target and influence specific audiences beyond those currently engaged with HSE and H & S guidance
23. The recommendations proposed are to be run within existing resource, corporate priorities and enhanced by external low-paid for marketing costs of £430,000, subject to central Government approval.
24. Delivery of the website changes will help SMEs navigate through the website quicker to relevant content, for example the Top 10 Tasks. In the meantime, the HGBWW and GHH microsites will support our campaign delivery to SMEs.

IMPACT ON DEVOLVED GOVERNMENTS/REGIONS

25. Throughout the campaign, we had direct engagement with HSE/HSA colleagues in Wales, Scotland and Northern Ireland, advising on our stakeholder engagement and on-going campaign activity.

CLEARED BY

26. Lester Posner, Head of Communications

Help GB Work Well campaign evaluation and subsequent activity

Lester Posner

David Harrison



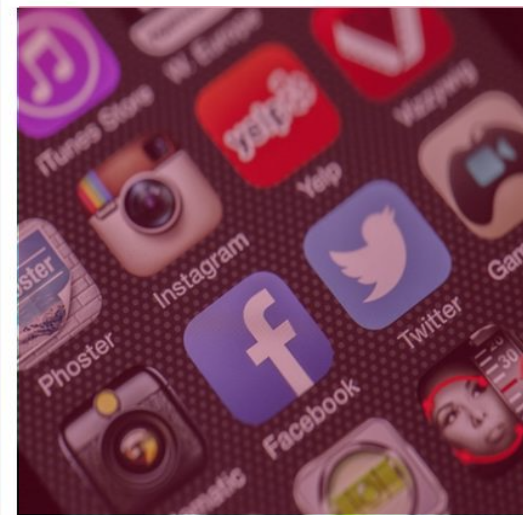
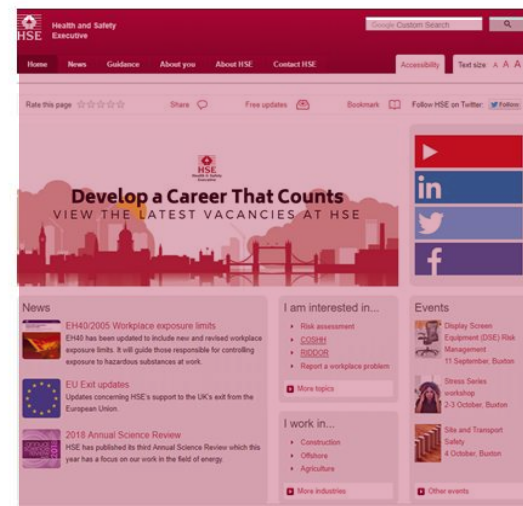
Corporate communications



Helping
Great Britain
work well

**GO
HOME
HEALTHY**

#WORKRIGHT

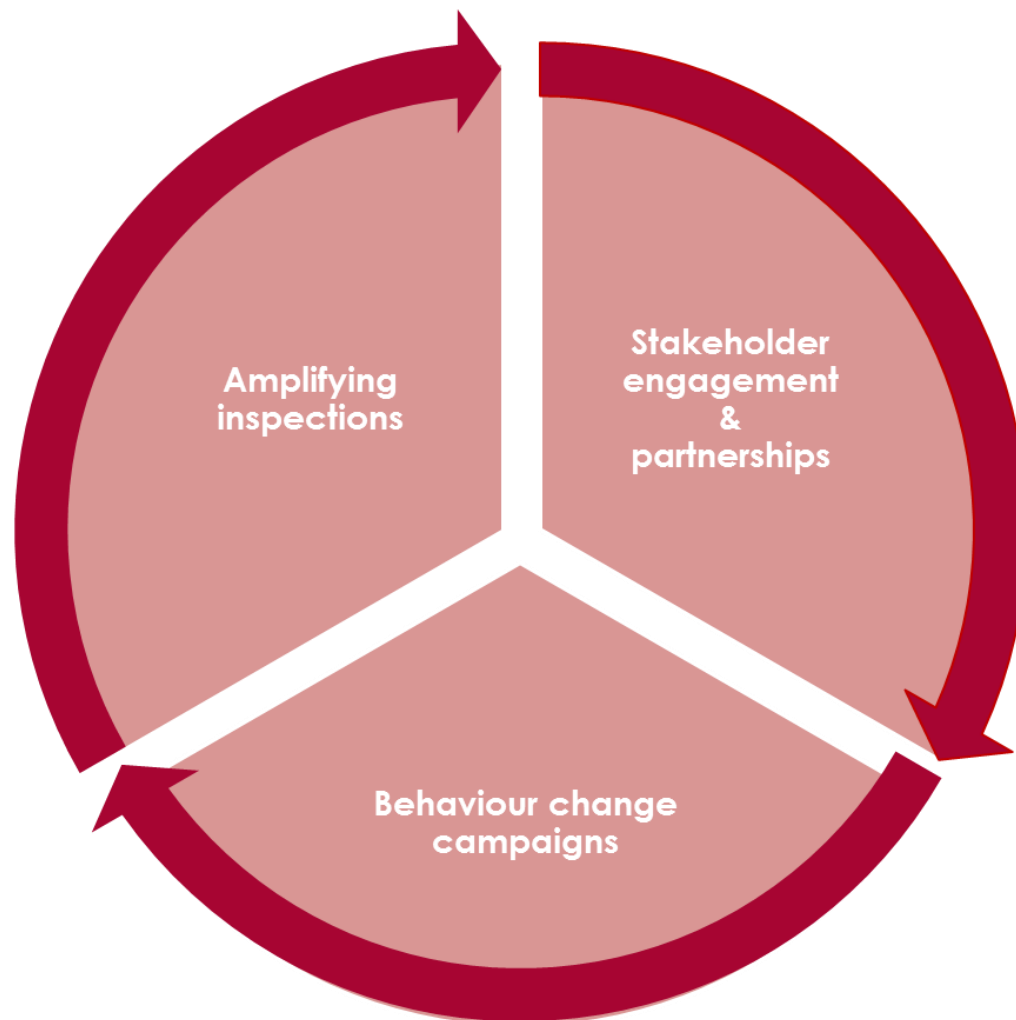




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Great Britain
work well

GO
HOME
HEALTHY

#WORKRIGHT



Supporting core inspection programmes

HSE ARE NOW IN YOUR AREA



ARE YOU COMPLIANT?

Find out more information: www.hse.gov.uk/construction

Join the conversation at: SaferSites



Health and Safety
Executive

- Inform, amplify inspection activity
- Driven by on-site produced content



Recent campaigns

- Construction
- Metal Fabrication
- Waste & Recycling (2017)



Campaigning SMEs and Health

Changing the way employers and workers think about health & safety



3 million
employers reached



1300
New SMEs provide data



150,000
New microsite users



10,000
Downloads of e-book

Stakeholder engagement



Make a Commitment



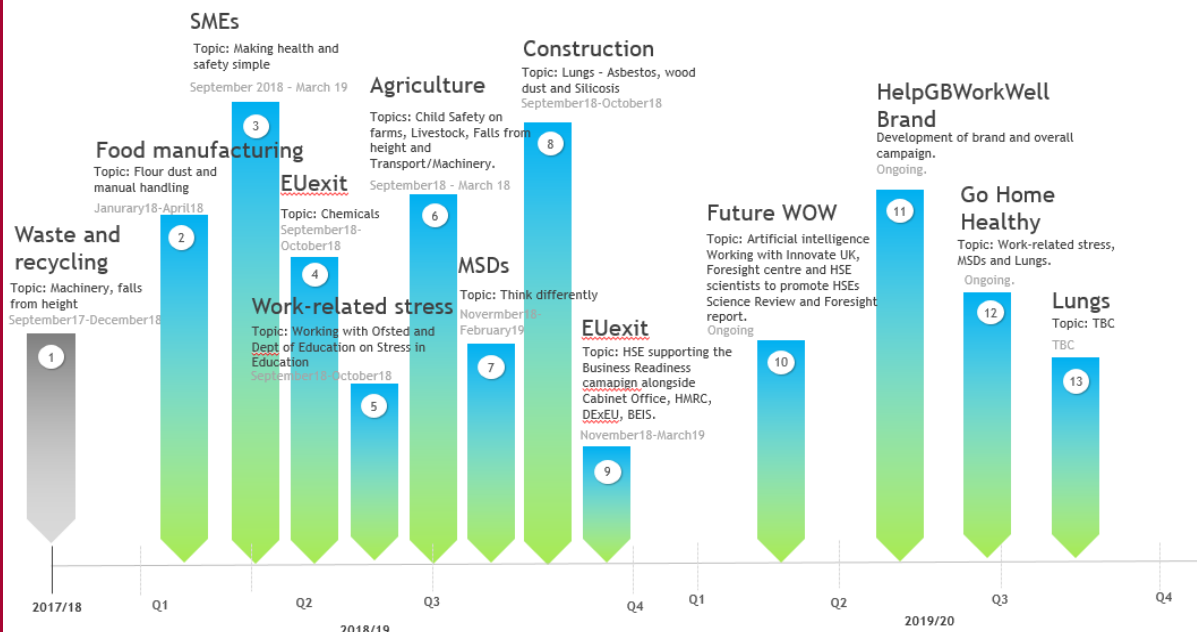
Helping
Great Britain
work well

- Engaging new stakeholders
- Improving trust and reputation
- Delivering value for money

Ongoing Campaigns

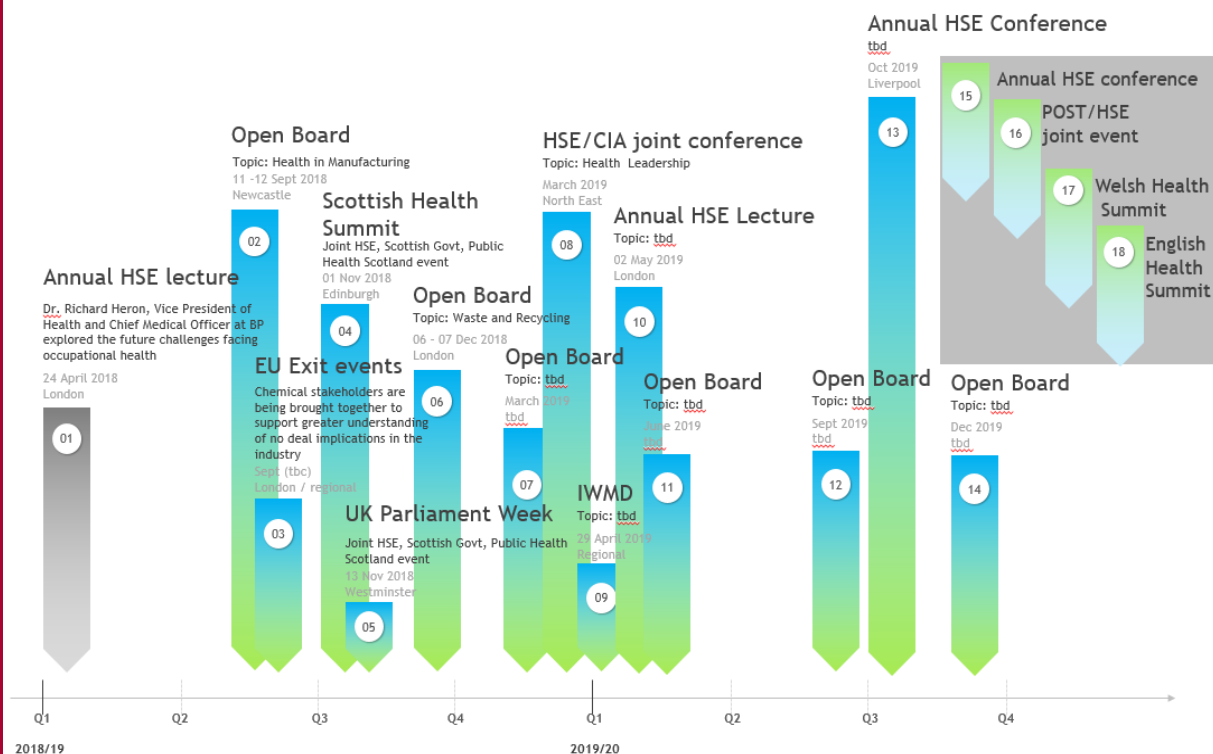


Strategic campaigns, digital and media schedule



Always on activity for Helping Great Britain Work Well and Go Home Healthy

Digital marketing support for both campaigns



Ongoing media and
reputation management
including proactive PR



Helping
Great Britain
work well

GO
HOME
HEALTHY

#WORKRIGHT

Horizon scanning
Event led and issues
campaigning



Health and Safety Executive Board		HSE/18/41	
Meeting Date:	12 September 2018	Meeting type:	Partially open
Type of Paper:	For Information	FOI Exemptions (if applicable):	Annex A - FOI section 22 and 22a
TRIM Reference:	2018/283887		

Report on the Post Implementation Review (PIR) of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 2013

Philip White

FOR INFORMATION

The HSE Board note:

- The key findings of the review which recommends two legislative changes and a review of HSE's web based guidance.
- The Minister will be informed that the post implementation reviews report will be published on the .GOV.UK website by 1 October.

KEY INFORMATION

Background

1. Regulation 20 of RIDDOR 2013 (the Regulations) imposes a statutory duty to carry out a review of the Regulations and publish a report within 5 years of the Regulations coming into force (by October 2018) and every 5 years thereafter. A Post Implementation Review (PIR) is an examination of the effectiveness of the regulations and does not seek to examine the Government's policy objectives.
2. In line with Government guidance in the 'Better Regulation Framework Manual' and the 'Guide for conducting PIRs', the PIR was carried out on a medium level of evidence.. Whilst PIRs do not require formal consultation, both qualitative and quantitative evidence was gathered for this review by direct engagement with relevant dutyholders through interviews, focus groups, workshops and an Omnibus survey.
3. Annex A to the paper comprises the RIDDOR PIR Report which summarises and provides a narrative on its Appendices. The appendices include the cost benefit analysis, stakeholder evidence review and analysis of implementation in other Member States, from all of the aforementioned; the PIR draws its conclusions and makes recommendations.
4. Two legislative changes are proposed together with general drafting updates to the current RIDDOR guidance.

Key arguments on all options

5. The first proposed legislative change is intended to provide greater clarity to the reporting requirements of certain injury types to non-workers. The rationale for this is discussed in detail within the PIR Report.

6. The review provided evidence of substantial over-reporting in certain sectors particularly health, education and leisure. Any amendment would be subject to consultation, clearly setting out the rationale.
7. This recommendation would:
 - clarify the reporting requirements
 - reduce unnecessary over-reporting
 - reduce HSE's resource requirement to process RIDDOR reports that are not reportable; and
 - complement and support HSE's wider work around 'blue tape'.
8. The second proposed legislative change concerns categories of work related diseases and is intended to capture specific work-related diseases that currently do not require reporting under RIDDOR.
9. RIDDOR 2013 significantly reduced the number of occupational diseases required to be reported and in doing so, excluded a small number of work-related diseases (for example pneumoconiosis (e.g. silicosis), extrinsic allergic alveolitis, decompression illness, pulmonary barotrauma and poisoning due to certain chemical exposures) that are of specific interest to HSE from a regulatory and scientific perspective.
10. With the long term focus on work-related ill health, the exclusion of these diseases reduces the scope for research and the evidence base to improve worker health. Without investigation and enforcement where appropriate, workers could be left at risk of potentially life-threatening illnesses due to workplace exposures.

Next steps

11. Following the Board meeting the Minister will be informed that the PIR will be published on the .GOV.UK website by 1st October 2018.

FINANCIAL IMPLICATIONS AND BUSINESS RISKS/OPPORTUNITIES

12. Implementation of the recommendations, including consultation on the proposals, will be undertaken by HSE's Regulatory Policy Unit, Director of Regulation office, as policy lead for RIDDOR.
13. Exploration of the case for the legislative changes will take account of a robust scientific evidence base, a detailed cost benefit analysis/impact assessment and would be subject to consultation.
14. Recent end-user research identified RIDDOR as one of the top tasks for SMEs. The PIR review supports the need to review, revise and update RIDDOR guidance to help businesses to comply with health and safety law and simplify and add clarity around the reporting requirements. A review presents the opportunity to support both the recommendation of the PIR and the wider communications strategy.

HANDLING AND COMMUNICATIONS

15. Proactive communications are not planned but dutyholders involved as part of the evidence gathering exercise will be informed of the report's publication. Handling lines will be prepared in advance of publication and a link to the published report will be sent to Board Members for information. Work to

implement the PIR recommendations is outside the scope of the review project.

Annex A

- PIR Report and Annex 1 PIR Template
- Appendix 1 – Summary of cost benefit analysis
- Appendix 2 – Stakeholder evidence review
- Appendix 3 – Summary of implementation in other Member States