

HSE's update for POOSH Meeting on 6 February 2012

RIDDOR

From 6 April 2012, subject to Parliamentary approval, RIDDOR's over three day injury reporting requirement will change. From then the trigger point will increase from over three days' to over seven days' incapacitation (not counting the day on which the accident happened).

Incapacitation means that the worker is absent or is unable to do work that they would reasonably be expected to do as part of their normal work.

Employers and others with responsibilities under RIDDOR must still keep a record of all over three day injuries – if the employer has to keep an accident book, then this record will be enough.

The deadline by which the over seven day injury must be reported will increase to 15 days from the day of the accident.

New guidance that explains the change will be available to download from the HSE website on 13 January 2012.

HSE Interventions.

The HSE Board considered the Fee for Intervention (FFI) proposals at the meeting on 7 December. The Board papers are publically available and the minutes of the meeting will be published on the HSE website <http://www.hse.gov.uk/aboutus/meetings/hseboard/2011index.htm>..

The HSE Board agreed the proposals as outlined in the public consultation with the following amendments:

The fee for intervention hourly rate is reduced from £133/hr to £124/hr,
The invoicing interval changed from monthly to every 2 months,
Until the implementation of the single regulatory framework Fee for Intervention will not apply to work with biological agents at all containment levels (CL1- CL4) rather than just (CL3 and CL4) as outlined in the FFI consultation,

The final stage of the invoice disputes process will now take the form of a panel with input from an independent (non- HSE) member.

As an outcome of the HSE Board discussions they will recommend to Ministers the implementation of fee for intervention. Subject to Ministerial and parliamentary approval, fee for intervention will be implemented from the 6 April, once The Health and Safety (Fees) Regulations 2012 are in place.

HSE is continuing to develop guidance that will assist duty holders in understating the circumstances when Fee For Intervention will apply and the process that inspectors undertake to decide the appropriate level of

enforcement action.

The Löfstedt review

'The Löfstedt review set up to review health and Safety legislation, was published on the 28 November 2011 together with the Government response. The Health and Safety Executive (HSE) has welcomed the publication of the Löfstedt review. The Government has accepted his recommendations and the report will go a long way to refocus health and safety in Great Britain on sensible and proportionate decisions when managing genuine workplace risks. The report focuses on simplifying and streamlining the stock of regulations, enforcement on higher risk businesses, clarifying health and safety requirements, and rebalancing the civil litigation system.

Key recommendations include:

1. Exempting from health and safety law those self-employed whose work activities pose no potential risk of harm to others.
2. Reviewing all HSE's Approved Codes of Practice (ACoPs) with the initial phase of the review completed by June 2012 so that businesses have certainty about what is planned and when changes can be anticipated.
3. Undertaking a programme of sector-specific consolidations to be completed by April 2015.
4. Changing legislation to give HSE the authority to direct all local authority health and safety inspection and enforcement activity, in order to ensure that it is consistent and targeted towards the most risky workplaces.
5. Reviewing regulatory provisions which impose strict liability by June 2013 and either qualify with 'reasonably practicable' where strict liability is not absolutely necessary or amend to prevent civil liability from attaching to a breach of those provisions.

The report sets clear deadlines that have been accepted by the Government. HSE will meet the timetable set by the Government for implementing those recommendations for which we are responsible. Another Government regulatory reform initiative, the Red Tape Challenge, will report in the New Year on further possible changes to the stock of health and safety regulations'.