

HSE Update for POOSH – October 2012

Löfstedt Report – Update

- Good progress is being made on the delivery of the Löfstedt recommendations in line with the timetable announced by the Government. DWP has published an update on HSE's progress against the recommendations within the Löfstedt report (available at www.dwp.gov.uk/docs/progress-report-health-safety-reforms-june-12.pdf).

In summary, delivery to date includes:

- Challenge panels (further information later in this update)
- refreshed guidance on Portable Appliance Testing published on HSE website in April 2012 ;
- Construction (Design and Management) Regulations 2007, evaluation report published on HSE website in April 2012 ; and
- refreshed guidance on First Aid published on HSE website in May 2012;
- 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 is now available on the website; and
- The Health and Safety (Miscellaneous Revocations) Regulations 2012, that revoke seven statutory instruments identified as being redundant or overtaken by more up-to-date legislation, will come into force on 1 October 2012. The second package has been discussed by the Board and is on track for the spring common commencement date.

Work underway includes:

- proposals for the revision, consolidation or withdrawal of 15 ACOPs. A consultation ran from 25 June to 14 September 2012 and analysis of responses is underway.
- plans to simplify and clarify RIDDOR and to exempt some self-employed people from health and safety legislation. Consultations are ongoing and will close on 28 October 2012 – see separate not for consultation details.
- a national Code for Local Authority's H&S Inspection and Enforcement. A consultation is on track to launch shortly and launch of the Code is currently planned for April 2013.
- amending the H&S (First Aid) Regulations 1981 to remove the requirement for HSE to approve the training and qualifications of appointed first-aid personnel. HSE has 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.
- reviewing Work at Height Regulations 2005 and associated guidance. HSE is refreshing and simplifying its main work at height publications to help dutyholders, particularly SMEs, know how to comply with the law.

HSE Interventions

HSE will introduce Fee for Intervention (a cost recovery scheme) with effect from 1 October 2012. The scheme will be introduced into law by the Health and Safety (Fees) Regulations 2012.

These Regulations will put a duty on HSE to recover its costs for carrying out its regulatory functions from those found to be in material breach of health and safety law.

A material breach is, when in the opinion of the HSE inspector, there is or has been a contravention of health and safety law that is serious enough to require them to notify the person in material breach of that opinion in writing.

HSE and the government believe it is right that businesses and organisations that break health and safety laws should pay for HSE's time in putting matters right, investigating and taking enforcement action. Without FFI, this is paid for from the public purse. Those businesses who comply with the law will continue to be free from fees.

FFI will encourage businesses and organisations to comply or put matters right quickly when they don't. It may also discourage those who undercut their competitors by not complying with the law and putting people at risk.

The Fee for Intervention hourly rate for 2012/13 is £124.

RIDDOR and Self Employed

In his report Reclaiming health and safety for all Professor Lofstedt recommended that RIDDOR and associated guidance should be amended to provide clarity on how to comply with the requirements and that those self-employed whose work activities pose no potential risk of harm to others should be exempted from health and safety law.

The consultations for RIDDOR and the self-employed went live on 2 August 2012 and the end date for the consultations is 28 October 2012. Consultation details are given below. Could you please raise the profile of these consultations with your members and ask them to complete the online questionnaire.

RIDDOR Consultation:

<http://www.hse.gov.uk/consult/condocs/cd243.htm>

Telephone: **0151 951 3826**

email: RIDDOR2013@hse.gsi.gov.uk

Self Employed Consultation:

<http://www.hse.gov.uk/consult/condocs/cd242.htm>

Telephone 0151 951 5874

email: selfemployed2013@hse.gsi.gov.uk

HSE -IIG Liaison

Currently HSE is working with IIG on three projects:-

Risk communication) - Its more or less finished (Bev Bishop is main HSE contact)

Lifelong learning for health and safety (John Brazendale HSE contact) – see separate note for details. We would be interested in views from POOSH on this draft. Comments should be sent to John Brazendale at HSE by 18 October 2012.

Business case for health and safety at early stage (Ian Spencer HSE lead contact)

Myth Busters Challenge Panel

Since the panel was launched in April 2012, there have been over 80 cases put forward to the panel. The cases are considered and the panel's opinions published on the HSE website.

There has been some significant media publicity around the panel with a major article in the Sun newspaper highlighting some of the more ridiculous stories. This was also picked up by other media and has resulted in the large number of cases received and currently ongoing.

Some examples of these stories are:

1. Using Blu Tak on school windows**Issue**

A primary teacher has been advised that they cannot use blutak to display children's work on the windows in their school. Apparently the Health and Safety reason is that a chemical in the blutak may combine with a chemical in the glass to make it shatter. The school is under a PPF company, administered by another company.

Response to complainant and to be published on HSE website

Whatever the reason for banning the use of Blu Tak it is not on health and safety grounds. The manufacturer's website makes clear that the product can be used on glass. We see no reason why the childrens' creative work should not be displayed for everyone to enjoy.!

2. Serving tea at a school fete

Issue

The Parent Teachers Association of a school was advised to do a separate risk assessment for serving tea outside at the school fete.

Response to complainant and published on HSE website

Health and safety is often wrongly blamed for preventing organisations from running events and people from volunteering. A risk assessment for running a school fete will be appropriate but it is not about creating huge amounts of paperwork, but rather about identifying sensible and proportionate measures to protect helpers and young children from risks that cause real harm and suffering.

The organisers need to make a straight forward assessment of the risks. There is no need to do a separate risk assessment for serving tea

3. Irons in caravans

Issue

The Caravan Club decided to remove irons and ironing boards from its sites. The decision was reportedly taken on health and safety grounds. After members questioned the decision in their members' forum discussion pages, the Caravan Club clarified their position that the decision was taken for financial reasons because usage of irons and ironing boards was low and the money collected from the meters did not cover the cost of maintaining the equipment and carrying out Portable Appliance Testing. The Caravan Club schedule Portable Appliance testing of irons every six months.

Response to complainant and published on HSE website

It is not uncommon for people to engage in portable appliance testing which far exceeds what is required and at unnecessary cost. In many cases there may be scope for appliance testing costs to be reduced or even eliminated but the panel suspects that this instance was an economic decision because of drop off in use of the facility, conveniently hidden behind the "health and safety" excuse

4. Golf Buggies Banned on Golf Course

Issue

A group booking a golfing holiday in Scotland noted that they did not allow ride on buggies on the course. Upon speaking to the club secretary they were informed that buggies weren't allowed because they were not health and safety authorised. The golfing group found this very strange as the club would probably have to use some sort of buggy vehicle to carry out maintenance of the course. Even more strange, after playing the course all of the group agreed that it was the most buggy friendly course they had ever played. There were

numerous Tarmac/astro turf walkways around the course with nothing more dangerous than any other golf course where they had played.

Response to complainant and published on HSE website

"This seems to be a clear case where health and safety has been used incorrectly to avoid giving the real explanation for what is actually a policy decision by the club. HSE has no role in "authorising" of golf clubs or the use of buggies. Golf clubs are entitled to make their own rules and many do ban the use of buggies, but none of them should hide behind health and safety as the reason for it."

More details of other cases and how to make a challenge can be found at <http://www.hse.gov.uk/myth/index.htm>