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HM Inspector

Reclaiming health and safety for all:

**An independent review of
health and safety legislation**

**Professor Ragnar E Löfstedt
November 2011**

Background

- **May 2010 Coalition government**
- **SR 10**
- **June 2010 Lord Young appointed**
- **Common Sense, Common Safety published October 2010**
- **Good Health and Safety, Good for Everyone**
- **Independent review established chaired by Professor Löfstedt March 2011**
- **Red tape challenge April 2011**

Common Sense, Common Safety

- Published October 2010
- HSW Act effective but public standing of health and safety low
- Part due to too much bureaucracy
- Part responsibility of EU
- Part responsibility of some consultants
- Part responsibility of insurance industry

Changes resulting from Lord Young's Report



- Improved information and simple guidance for low risk businesses
- Occupational Safety and health Consultants Register (OSHCR)
- Revised guidance for schools and generic consent form July 2011
- Police and Fire services guidance
- Change of RIDDOR to 7 day

Good Health and Safety, Good for Everyone



- Next steps in govt reform of health and safety – March 2011
- “reducing the burden on business” and “health and safety red tape”
- Less inspection, FFI
- Health and Safety Made Simple
- OSHCR
- Further review of legislation

Red Tape challenge

- Launched by PM in April 2011
- Aim to look for opportunities to reduce stock of over 21,000 regulations on statute book
- Health and safety identified as a cross cutting theme
- Complements Lofstedt (comments before 28th July considered in report – since considered by HSE)

Professor Löfstedt

- Professor of Risk Management at Kings College London
- Director of King's Centre for Risk Management
- Researches in risk communication and management
- Author / editor of 10 books and over 90 peer reviewed articles

Reclaiming health and safety for all:

- Published November 2011
- 106 pages
- 5 Key Recommendations
- “There is no case for radically altering current health and safety legislation”
- Immediate government response

Key Recommendations

Exemption from health and safety law for those self-employed whose work activities pose no potential risk of harm to others

(UK currently goes beyond EU requirements and that of some other countries)

Key Recommendations

HSE should review all its Approved Code of Practices (ACoPs). The initial phase should be completed by June 2012

(To clarify what the regulations require and improve guidance)

(some out of date and some too lengthy, technical and complex)

Key recommendations

HSE undertakes a programme of sector-specific regulatory consolidations to be completed by April 2015

“the sheer mass of regulation is a concern for many businesses”

Reduction in the number of regulations by about 35 per cent.

Key recommendations

Legislation is changed to give HSE the authority to direct all local authority health and safety inspection and enforcement activity

Health and Safety (Enforcing Authority) Regulations 1998

Key recommendations

The original intention of the of the pre-action protocol standard disclosure list is clarified and restated

Regulatory provisions which impose strict liability should be reviewed by June 2013 and either qualified with “reasonably practicable” ...or amended to prevent civil liability from attaching to a breach

Key recommendations

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

Further recommendations

Regulations recommended to be revoked:

- Notification of Tower Cranes Regulations 2010
- Notification of Conventional Tower Cranes (Amendment) Regulations 2010
- Celluloid and Cinematograph Film Act 1922 (Exemptions) Regulations 1980
- Celluloid and Cinematograph Film Act 1922 (Repeals and Modifications) Regulations 1974
- Construction (Head protection) Regulations 1989

Further recommendations

Regulations to be amended, clarified or reviewed

- Health and Safety (First Aid) Regulations 1981
- Construction (Design and Management) Regulations 2007
- Reporting of Injuries, Diseases and dangerous Occurrences Regulations 1995 (RIDDOR)
- Electricity at Work Regulations 1989
- Work at Height Regulations 2005

The Government response to the Löfstedt Report

November 2011

By the summer of 2012

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

By 2013



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

By 2014



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

Budget 2012 - 21st March

Supply-side reform of the economy

Deregulation

2.238

Health and safety – The government will scrap or improve 84 per cent of Health and Safety regulation by:

Fee For Intervention (FFI)

- Was planned for introduction April 2012
- Not before October 2012

Any Questions?