

The challenges and future for enforcing Health & Safety - Local Authorities and HSE

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Director of Regulation

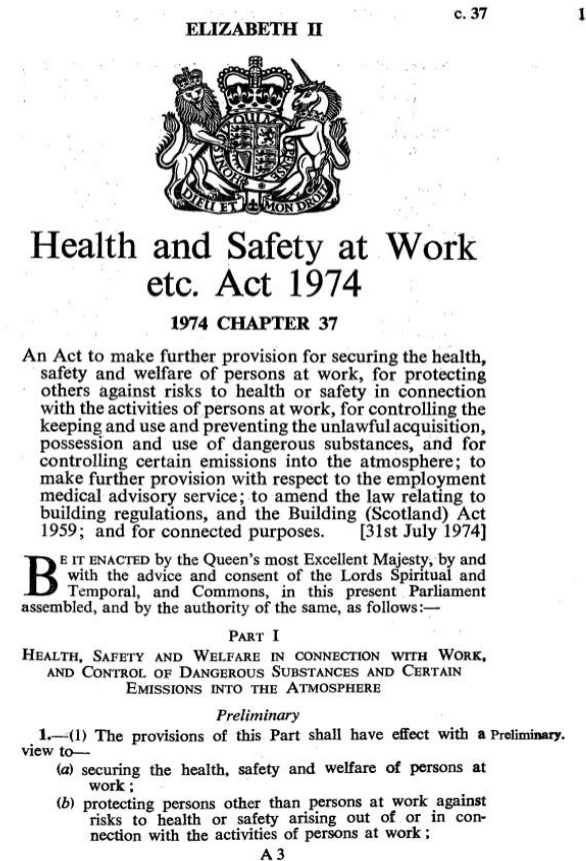
Health and Safety Executive

General Background



Health and Safety at Work etc. Act 1974 and the HSE:

- Risk based regulation
- Pragmatic/evidence based approach
- Open, professional and engaging
- Always looking to evolve and learn



The challenge

12,000 deaths per year from occupational lung disease and cancer



1.4 million workers suffering from work-related illness



144 people killed at work

71,000 employee injuries reported

30.7 million working days lost



£15.0 billion cost to Britain*

How we are tackling it

Identified serious failings at over half of **19,500 intelligence-led inspections**

91% of dutyholders took action following inspection



940 major hazard sites visited



6,000 investigations
8,940 enforcement notices
517 prosecution cases, with **95%** conviction rate secured



£72.6m in fines for health and safety offences prosecuted by HSE and, in Scotland, COPFS



1,650 pesticide applications processed

Over **23 million visits** to hse.gov.uk and **85%** visitor satisfaction



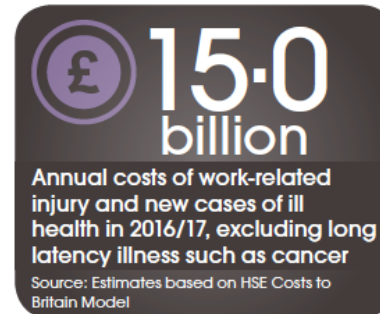
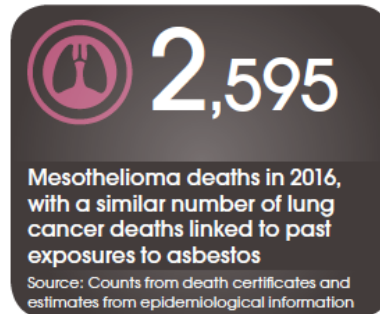
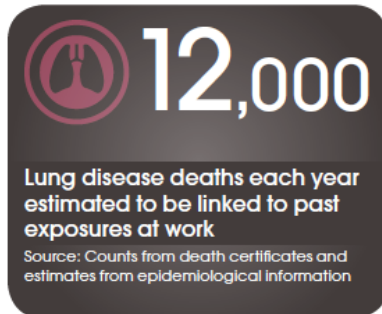
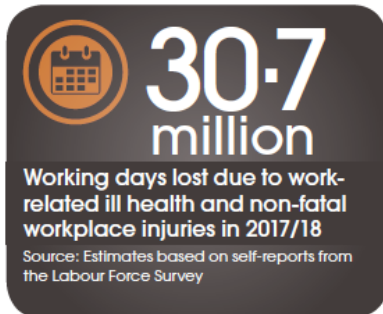
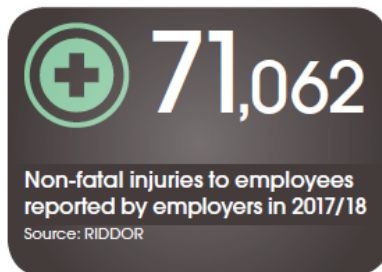
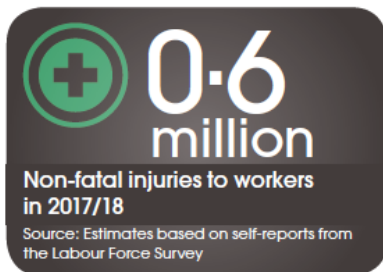
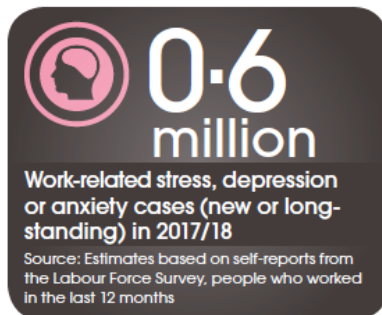
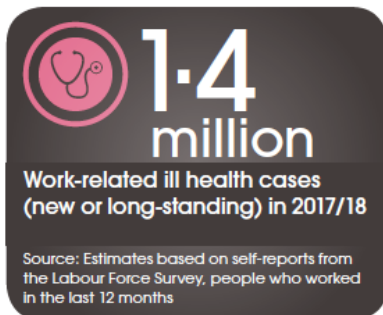
770,000 visitors to our stress microsite



20,000 concerns about workplaces and activities within our remit



Key facts



Helping Great Britain to Work Well



Strategic themes

- acting together
- tackling ill health
- managing risk well
- supporting small employers
- keeping pace with change
- sharing success



HSE and Local Authorities as co-regulatory partners



- Why the split between HSE and LAs?
- Who does what?
- Is there a difference between HSE and LA enforcement powers?



Löfstedt (November 2011)



Recommendation - “Legislation is changed to give HSE the authority to direct all local authority health & safety inspection and enforcement activity, in order to ensure that it is consistent and targeted towards the most risky workplaces”

Government response - HSE work with local government and business to develop a shared national code that is binding & enforceable



The National Code

Scope

1. Clarifies roles & responsibilities
2. Outlines risk based regulatory approach
3. Sets out training & competence needs
4. Explains monitoring arrangements



Pressures on LA resources

- Financial pressures
- Increasing demands on resource
- Competence and confidence



LAs – Numbers 2010/11 v 2017/18



- Inspector resources
 - 1020 FTE
 - 500 FTE
- Enforcement Notices
 - 6,780
 - 2,590
- Proactive Inspection
 - 100,300
 - 8,400
- Prosecutions
 - 294
 - 110

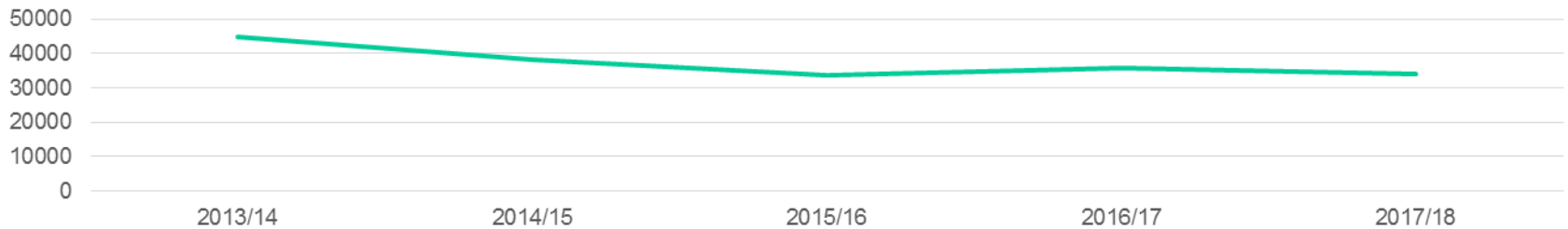
LA Activity



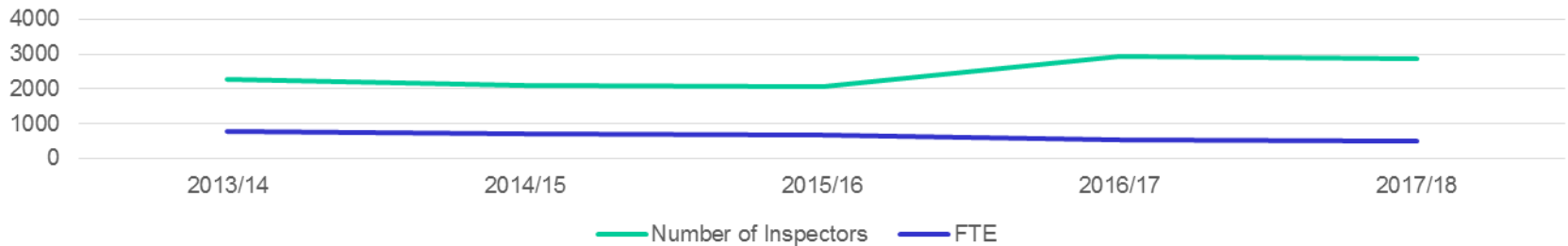
Total Notices Issued



Inspection, revisits and FU

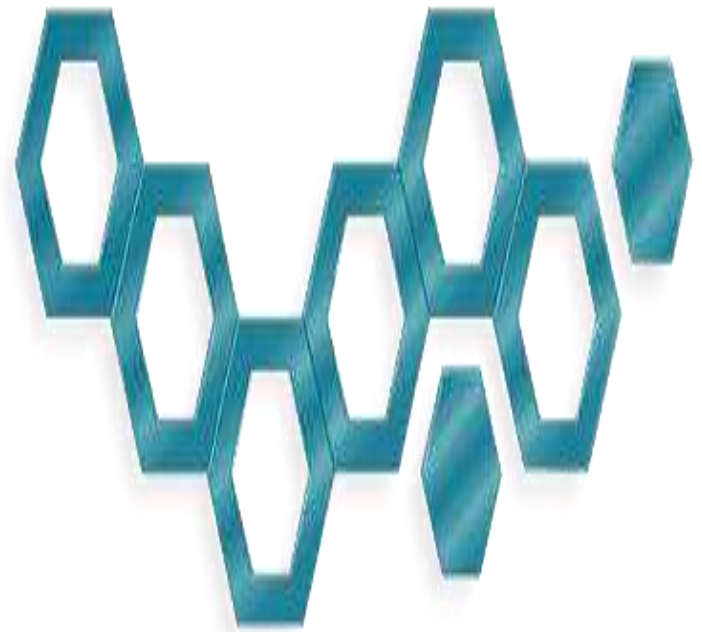


LA H&S resources



HSE support to LAs

- Regulatory policy and strategy
- Guidance and advice
- Technical/forensic support
- Supporting material to ensure LA regulatory consistency



Targeted Intervention - Local Authority Priorities 2019/20



- **Investigating Incidents and Complaints** – changes coming to the selection criteria to help identify potential organisational failures to manage stress
- **Local Priorities** - local evidence lead, targeted and specific.
- **National Priorities** – identified from the national level: construction related issues (asbestos, falls, respirable silica dust), recreational animal contact, inflatables, beverage gas cylinders, commercial gas safety, delivery drivers welfare provision, commercial waste bins, promoting worker involvement.
- **Proactive Inspection** – the ‘List’: *legionella*, LPG, Animal visitor attractions, Warehousing issues (vehicles, MSD, falls, unstable loads), Occupational lung disease, MSD, crowd management, solid fuel cooking, violence at work, professional fireworks.

Statement of Commitment



Raising senior level commitment to :

- Sustainable arrangements for the enforcement of work related health and safety
- Established joint working arrangements resulting in effective engagement, consultation and communication, and
- Consistency of high quality regulation across HSE and LA enforced businesses.



Statement of commitment between: Local Authority and HSE Regulatory Services

This joint statement of commitment (SoC), agreed by local authority (LA) representative bodies and the Health and Safety Executive (HSE) in March 2019, sets out our shared vision for an ongoing LA/HSE co-regulatory partnership. Ensuring LAs and HSE work together as effective, modern and professional regulators - delivering the positive benefits of efficient, world leading workplace health and safety, to achieve:

- Sustainable arrangements for the enforcement of work related health and safety.
- Established joint working arrangements resulting in effective engagement, consultation and communication.
- Consistency of high quality regulation across HSE and LA enforced businesses.

This shared SoC is aimed at Councillors, LA Chief Executives and their Heads of Regulatory Services. It outlines how LA senior managers and HSE will work together, to achieve sustainable future delivery of effective workplace health and safety enforcement in Great Britain (GB).

Current position

LAs are a key part of the health and safety system in GB. They have a statutory duty under Section 19 of the Health and Safety at Work etc. Act 1974 to "make adequate provision" for health and safety enforcement in their area, as set out in the 'National LA Enforcement Code' (the Code) (www.hse.gov.uk/lau/la-enforcement-code.htm).

LAs enforce workplace health and safety in two thirds of all business premises, around half of the total GB workforce. LAs predominantly cover the retail, consumer services, entertainment and warehousing/ supply chain sectors.

Currently failures in the management of health and safety in LA enforced business sectors result in around 10 deaths, 5000 major injuries and over 100,000 new cases of ill health a year. Many of those harmed are members of the public/children, or vulnerable workers not provided with reasonable workplace protection.

HSE provides national direction via the Code and its supporting documentation e.g. annually updated targeted advice (www.hse.gov.uk/lau/laces/67-2.htm) supports LAs to develop locally responsive sustainable delivery plans, using the most current intelligence and regulatory practice.

Effective management of health and safety brings direct benefits to the local community, by:

- Reducing work related death, injuries and ill health.
 - Reducing the need for local public health and support for those recovering from injury and ill health.
 - Reducing the rate of business failure due to business outages caused by incidents and harm to staff, or the loss of reputation.
- This SoC was developed as part of the on-going work of the strategic group overseeing the HSE/LA co-regulatory partnership (HEL) and the supporting Practitioner's Forum. It also has the endorsement of the Local Government Association (www.local.gov.uk/), Welsh Local Government Association (www.wlga.gov.uk/) and Society of Chief Officers of Environmental Health in Scotland (www.scoehs.com/) and recognises that:
- LAs must target and prioritise regulatory resources to meet their legal duty to enforce health and safety;
 - Continued delivery of effective co-regulation will require ongoing evolution in both the LA and HSE approaches to regulatory delivery, and
 - The HSE and LA co-regulatory partnership plays a vital role in delivering the 'Help GB Work Well' strategy. (campaigns.hse.gov.uk/hgbww/)

This SoC does not relate to an LA's own responsibilities as a health and safety dutyholder. Information to support LAs as employers, service providers and procurers/commissioners of goods and services can be found on the HSE website (www.hse.gov.uk/services/localgovernment/index.htm).

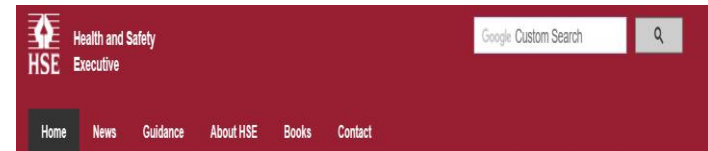
Contact: lau.enquiries@hse.gov.uk

What's next?



HSE developing its internal strategy for the next 5-10 years

- In a changing world of work we must all evolve to remain relevant and effective
- Maintain oversight of LA regulatory activity
- Addressing the challenge of measuring not what we do, but how much impact we have and improvement we drive
- Better web offer/exploiting multichannel communication



Information and services

Guidance

Help and information to keep people safe and healthy at work

Manage risk

Practical steps to protect people. Know the risks and plan to avoid or control them

Chemicals, fumes and dust

Using and controlling substances hazardous to

Construction

Site safety, working at height, scaffolding and

Events



Any Questions ?

