Improving outcomes from health and safety: a call for evidence

IOSH response to the Better Regulation Executive's consultation and call for evidence

About IOSH

Founded in 1945, the Institution of Occupational Safety and Health (IOSH) is Europe's largest OSH professional body with over 31,000 members in almost 80 countries, including around 12,000 Chartered Safety and Health Practitioners. Incorporated by Royal Charter, a registered charity, and an ILO international NGO, IOSH is the guardian of standards of competence and provides professional development and awareness training.

The Institution regulates and steers the profession, providing impartial, authoritative, free guidance. Regularly consulted by government and other bodies, IOSH is the founding member and secretariat to UK, European and International professional body networks. The Institution also has a research and development fund, which is developing the evidence-base for OSH policy and practice.

IOSH has 27 Branches in the UK and worldwide including the Caribbean, Hong Kong, Middle East and the Republic of Ireland, 17 special interest groups covering aviation and aerospace; communications and media; construction; consultancy; education; environment; fire risk management; food, drink and hospitality; healthcare; international; major hazards; offshore; public services; railways; retail and distribution; rural industries; and safety sciences. IOSH members work at both strategic and operational levels across all employment sectors and our vision is:

A world of work which is safe, healthy and sustainable

IOSH welcomes this opportunity to contribute to the _Improving outcomes from health and safety: a call for evidence._ For further information about IOSH, its members and its work, please visit our website at www.iosh.co.uk

Please direct enquiries about this response to:
Richard Jones, IOSH Director of Technical Affairs or
Murray Clark, Technical Affairs Researcher
The Grange
Highfield Drive
Wigston
Leicestershire
LE18 1NN
Tel: 0116 257 3100

Email: richard.jones@iosh.co.uk or murray.clark@iosh.co.uk

INTRODUCTION

IOSH believes that the UK health and safety system is not overly burdensome for employers, but that it may be perceived as such by some, due to misunderstanding about the requirements, lack of appreciation of the benefits and a negative attitude taken by certain sections of the media.

In order to have a successful risk-based system, we believe the UK needs a population who understand risk and is 'risk literate' i.e. risk aware, not risk averse. The importance of including health and safety throughout the education and training system has been explained in IOSH responses to previous government consultations: *21st Century Skills: Realising our Potential* (October 2003) and our evidence to the Lords Inquiry into *Employment and Training Opportunities for Low-Skilled Young People* (January 2007); see the archive area at www.iosh.co.uk/condocs.

We also believe employers and workers could benefit from a fuller appreciation of the benefits of good health and safety management and ready access to useful guidance and competent health and safety advice.

Our recommendations to government and others include:

1. **Educate** – embed H&S in national, vocational and professional curricula.

2. **Inform** – provide easy access to understandable and relevant information on H&S requirements.

3. **Persuade** – build on a national education programme, promoting all the benefits of good H&S.

4. **Debunk** – continue to rebut the H&S myths and importantly, prevent their creation.

5. **Incentivise** – provide appropriate encouragement, support, enforcement and sanctions.

6. **Lead the way** – government should require good H&S standards from its suppliers.

7. **Help employers** – to access competent health and safety advice.

8. **Guide** – in addition to HSE guides, harness good quality H&S guidance from the wider system.

9. **Provide** – access to evidence-based interventions and research funding.

10. **Unify** – create a unified HSE and Local Authorities enforcement agency.

11. **Funding** – protect Local Authority enforcement funding from competing demands.

In the response that follows, we comment on the six different elements of the 'call for evidence' document: general issues; perceptions of health and safety; drivers for better health and safety; information and advice; health and emerging risks; and the impact of regulatory structures on outcomes. References and links are included within the text.

<u>Recommendations</u>

1. Educate – embed H&S in national, vocational and professional curricula.

We believe school children should learn about sensible attitudes to risk and that this should be the start of a learning process in which they are given proper preparation for their first workplace experience and then receive appropriate induction and ongoing training in the workplace itself.

IOSH has been active in this area and, working with teenagers and teachers, has produced an award-winning, fun website 'wiseup2work' (www.wiseup2work.co.uk). This provides an interactive online resource for teachers, youth workers, supervisors and employers to help prepare young people for work and also gives teenagers a forum to learn about and discuss work issues. The resource is supported by the Learning and Skills Council, the National Youth Agency and the British Chambers of Commerce. In addition, IOSH has developed a free Workplace Hazard Awareness Course (WHAC), in partnership with the Health and Safety Executive, which can lead to an Entry Level 3 qualification. The course and qualification aim to provide year-10 students with a basic understanding of health and safety in the workplace, to help them appreciate real hazards and how to take a sensible approach. The course has more than 20 activities including an interactive presentation with film clips, teacher guide, workbook, evidence sheets and extension work. Freely downloadable by registered teachers and trainers who offer publicly-funded training without charge, currently, more than 1,400 organisations have accessed the material and over 62,000 pupils have signed up for the qualification. Early Day Motion 254, *Protecting Young People in the Workplace*, calls on the Government to make WHAC a mandatory part of every curriculum for year-10 pupils and over 90 MPs have signed so far.

We believe it is also important that vocational or professional qualifications cover health and safety as a compulsory element, including for example, those for managers, planners, designers, GPs and teachers. IOSH is working with the Inter-Institutional Group on Health and Safety (the main engineering institutions), to produce teaching materials that can be used in the under-graduate training of all engineers. We are also working with Lord McKenzie of Luton, to explore opportunities for influencing the syllabus of all MBA and MBM programmes.

IOSH is keen to help make sure tomorrow's business leaders, decision-makers and workforce all have a good understanding of how to manage risk, so that enterprise can flourish hand-in-hand with good health and safety standards.

2. Inform – provide easy access to understandable and relevant information on H&S requirements.

We suggest that small firms would feel less daunted by health and safety responsibilities if the basics were introduced as part of mainstream education and if this were supported by easy access to simple, 'how to do', guidance and competent advice, including face-to-face visits. In order to

encourage uptake and use, we recommend that all HSE information and guidance should be free to download from their website. We have also suggested exploring alternative means of communicating with 'hard to reach' groups, such as migrant workers, for example, by including relevant information in 'free newspapers', supermarkets and health, community and refugee centres.

Monitoring is needed to ascertain whether and what impact certain guidance has on awareness-raising, behaviour and compliance e.g. the effects of the new guide for directors '*Leading health and safety at work*' and the revised '*Five steps to risk assessment*'. We support piloting draft guides with target groups and suggest HSE could also invite feedback from users inside their guides.

PERCEPTIONS OF HEALTH AND SAFETY

Recommendations

3. Persuade – build on a national education programme, promoting all the benefits of good H&S.

IOSH believes that educating the population in sensible risk will help improve perceptions about health and safety over time. In addition, to address concerns that requirements are overly bureaucratic and/or expensive, we think there should be better communication of the need for a balanced and proportionate approach, focusing on practical, cost-effective solutions to real problems. This will involve explaining the potential health, safety and business benefits of taking action to improve health and safety management and also the potential losses associated with not doing so, including sickness absence, downtime, lower staff morale, business interruption and reputational damage.

4. Debunk – continue to rebut the H&S myths and importantly, prevent their creation.

As we now have the regrettable situation in which the HSE needs to issue rebuttals about the various 'health and safety myths' currently circulating, we believe an important part of influencing public perceptions would be for the government to encourage a more investigative, informed and balanced approach to media reporting of 'health and safety' stories. For example, we suggest that opinion should be sought from HSE or an appropriate professional body before such stories are considered for publication.

We are concerned that the full picture is often not presented, including who is actually making the decisions and for what reasons (which may include fear of litigation, lack of competent advice or unwillingness to meet the cost or effort of organising the activity concerned). Also, once a story is published and more information becomes available, we suggest the media should be prepared to 'put the record straight' and avoid subsequent use of the same story. Once again, we believe competent advice is key to helping organisations take sensible and proportionate decisions.

<u>Recommendations</u>

5. Incentivise – provide appropriate encouragement, support, enforcement and sanctions.

Acknowledging the moral, legal and business drivers for health and safety and that effective enforcement is key; and noting that different organisations are influenced differently by these elements [1], we suggest a combined 'reward and sanctions' approach. We recommend facilitating compliance by educating (as above) and providing simple guidance and competent advice; explaining and promoting the business case; and the provision of incentives, such as tax relief for certain employer-provided therapies and performance-related insurance premia. However, there also needs to be an adequate enforcer inspection regime and where there are failures, we advocate the appropriate use of sanctions, proportionate to the seriousness of the offence, and the use of wide-ranging remedial orders, e.g. compulsory training / retraining of managers, third party audit, use of competent health and safety assistance and adverse publicity orders.

6. Lead the way – government should require good H&S standards from its suppliers.

As part of promoting the health, safety and business case for effective risk management, we recommend that the government should act as an exemplar in procurement, requiring prospective suppliers to meet minimum health and safety standards. An example of this can be seen in Northern Ireland's construction sector, where those companies wishing to tender for public contracts need to have appropriate third party certification of their health and safety management systems, such as Safe-T-Cert, which has been developed for the industry and by the industry (www.cefni.co.uk/services/contractor_safety/).

INFORMATION AND ADVICE

<u>Recommendations</u>

7. Help employers – to access competent health and safety advice.

Health and safety professionals have a key role in helping to demystify health and safety requirements, working closely with employers and employees to identify sensible and effective solutions. IOSH is keen that the government provides a clearly defined statement on competence for health and safety advice, so that employers know what qualifications, skills and experience to look for when engaging assistance. In addition, we have urged them to recognise and promote national occupational standards and to consult on making the provision of health and safety advice a legally regulated profession, to address the current situation in which completely unqualified people can practice. We believe appropriate-level professional membership, requiring commitment to continuing professional development and compliance with a code of professional conduct,

---

[1] RR196 http://www.hse.gov.uk/research/rrpdf/rr196.pdf and RR334 http://www.hse.gov.uk/research/rrpdf/rr334.pdf

backed by a disciplinary procedure, can be important elements in helping provide assurance to employers.

To further help in this area, IOSH has recently produced two free guides: one for consultants, describing good practice consultancy and helping provide a standard for all health and safety consultants to work to; and another, for potential clients, giving guidance on how to obtain competent health and safety assistance, including how to select and engage a consultant. As well as outlining what to look for, it provides some key questions clients should ask in order to satisfy themselves of the suitability of the prospective consultant (see www.iosh.co.uk/techguide). Additionally, IOSH provides a public service by maintaining an on-line register of health and safety consultants, allowing potential clients to search a database of Chartered Safety and Health Practitioners who operate as consultants (www.iosh.co.uk).

8. Guide – in addition to HSE guides, harness good quality H&S guidance from the wider system.

We suggest that HSE and other government departments should consider promoting vetted sources of good quality information and guidance from the wider system, for example, IOSH provides the following free tools and guides:

A website for business start-ups and small firms called 'safestartup' (www.safestartup.org) that provides simple, easy-to-use guidance on basic health, safety and environmental information. The site, which is led by Alex, a friendly robot, covers registering a business, health and safety policies, welfare, insurance, reporting accidents and risk assessment, and also contains information on hazards and basic control measures for 60 different occupations, from builder to hairdresser and from farmer to taxi-driver.

A risk management toolkit for SMEs (www.iosh.co.uk/techguide), specifically designed to help small firms recognise and tackle risks to their businesses. The toolkit covers most major business risk areas, as well as health and safety, and uses a series of work cards, checklists, info cards and workbooks to provide a step-by-step and user-friendly approach to business risk management. It is also available, via website links, in Dutch, Finnish, French, German and Swedish.

A range of other free health, safety and environmental guides for example: behavioural safety; best practice in contractor safety; business risk management; environmental management; getting help with health and safety; health and safety management systems; learning the lessons from serious incidents; promoting a positive health and safety culture; reporting performance; safety in the global village; teleworking; young people; and others (see www.iosh.co.uk/techguide). IOSH is currently developing a 'map' of the occupational safety and health system in the UK. Please see below, information on free IOSH occupational health guides.

HEALTH AND EMERGING RISKS

Recommendations

9. Provide – access to evidence-based interventions and research funding.

In our recent evidence to Dame Carol Black on the 'health of the working-age population' we have advocated an evidence-based and multidisciplinary approach, and also called for continued government funding of occupational health services such as *NHS Plus*, *Workplace Health Connect* and *Constructing Better Health*. IOSH is active in this area and has produced a free on-line Occupational Health Toolkit (www.ohtoolkit.co.uk) for managers and non-medical practitioners to access information and guidance on musculoskeletal disorders, stress, inhalation hazards and skin disorders. We are also about to publish new free guidance on supporting rehabilitation and return-to-work and on wellbeing.

IOSH included a recommendation that more research be conducted into the possible health and safety implications of nanotechnology, in our recent submission to the European Parliament about the *Community Strategy 2007 – 2012 on health and safety at work*.

THE IMPACT OF REGULATORY STRUCTURES ON OUTCOMES

Recommendations

10. Unify – create a unified HSE and Local Authorities enforcement agency.

As contained in the IOSH response to the HSE's 2003 consultation *Strategic thinking - Work in progress, a draft strategic plan for 2004 – 2010*, we suggest that enforcement be removed from the LA sector, the funding and dedicated enforcement officers transferred to the HSE and offices established as 'local HQs' in regions co-terminus with the Regional Development Agencies (as the HSE has largely done) or other appropriate regional government structures, incorporating both HSE and LA inspectors in single teams. We believe this would allow pooling of expertise and experience, while maintaining contact in the local communities. Flexible working patterns would mean inspectors working largely from their residential bases in the field, using ICT and minimal administrative support within the HQ functions, interspersed with regular team activities within the HQ, including managerial supervision and assessment. Additionally, a unified system could help address perceived inconsistency in standards of enforcement and quality of HSE / LA inspectors, particularly of new entrants, who may benefit from mentoring and support. Consistency and quality could also be improved if all enforcement officers received the same level of training and the new system would clarify the situation for those smaller employers currently unclear as to who their enforcing authority is or where to obtain advice.

A single enforcement office could be designated as the lead office for the inspection, enforcement and advice of large national organisations, so that plans and priorities could be agreed and implemented for all an organisation's sites and not be subject to the varying demands / views of a range of local inspectors across the country. We believe that national strategy, consistent

standards, local advice and enforcement would offer greater opportunities to work at the local level with key strategic partners and professional groups such as IOSH branches / regions to develop effective interventions with employers, particularly SMEs.

11. Funding – protect Local Authority enforcement funding from competing demands.

As any such restructuring would clearly take time to organise and implement, we would strongly recommend that Local Authority funding for occupational safety and health enforcement is 'ring-fenced' to protect it from competing demands within the authority. We are aware that currently funding within Local Authorities may be used to meet other specific local demands on Councils, potentially reducing the resources available for health and safety enforcement activities and we believe that ring-fencing would prevent this.