

# HSE Annual Progress Report and Workplan for 2009

Presentation by Steve Flanagan, Acting Head of Operations,  
Midlands Region

**S**teve prefaced his presentation by referring to the targets set in a Strategy Statement published in the year 2000, namely to achieve, by 2010: -

- **10%** reduction in fatal injury rates
- **20%** reduction work-related ill-health incident rates
- **30%** reduction in working days lost per 100,000 workers

The later **Fit3 Campaign Targets**, Steve added, were from a baseline of 2004/05, pro-rata for a period of three years. The priorities are these: -

- MSDs
- Stress
- Respiratory disease
- Skin Disease
- Cancer
- Noise and HAV
- Slips and trips
- Falls from height
- Workplace transport
- Construction



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Where they are high incidence, low risk consequence incidents, then the quality of monitoring has to be viewed cautiously. For instance, “Stress” is as difficult to quantify as a “bad back” used to be! Additionally, both of these conditions may be caused, either, from work- or non-work related causes and this may distort any analysis. So it is fair to say, he commented, that full progress has not been achieved yet, although the following results are encouraging: -

Injuries	9% Reduction
Ill-health	15% Reduction
Days Lost	20% Reduction

He added that there has been some speculation on the fact that the statistics do not include significant groups like Fatal Road Traffic Collisions or deaths in NHS Trusts from Hospital Acquired Infections.

In the present economic climate, Steve commented, we will also have to be cautious about the effect of recession on investment in Health and Safety, as well as lack of care!

In mentioning the highlights of 2008, Steve listed the following: -

- **The Midlands Local Exhaust Ventilation campaign**

This was good experience for the HSE Inspectors to expand their expertise in a relatively short time.

- **Corporate Manslaughter and Corporate Homicide Act 2007**

This act made it easier to secure a “high profile” label for a conviction because the lack of a test for a “directing mind” in a company. The anticipated increase in demand for HSE investigative assistance from the Criminal Prosecution Service has not materialised, so far. On the debit side, it has only provided another “label” as far as conviction is concerned, as the penalty is still only an unlimited fine, which is the same as for other Health and Safety Offences.

- **INDG417 Leading Health and Safety at Work**

This was a joint publication by the HSE and IoD, in support of the Corporate Manslaughter Act, which lays out a H & S Management Strategy for preventing fatalities in the first place!

- **Health and Safety (Offences) Act 2008**

In comparison with the Manslaughter Act, this increased fines in the magistrates courts from £5,00 to £20,000, with introducing the prospect of prison for most offences. Although we cannot be sure of the effect, yet, it is possible that they may have a greater deterrent effect over a wide range of serious offences than manslaughter.

- **R v Chargot [2008] HL 73**

This case concerned the responsibility for ‘burden of proof’ in a H & S prosecution and it was decided that the HSE did NOT have to specify what the defendant should have done to have prevented an accident when they laid the charge. This was a landmark decision that was consistent with other in recent years and the full text is available at <http://www.bailii.org/uk/cases/UKHL/2008/73.html>

- **Working Well together**

This campaign is reaching its 10<sup>th</sup> Anniversary and is still strongly supported. Refurbishment accidents are still an important work area to be addressed and there will be a **High Impact Intervention (Secretary’s Note : HII is the PC version of “Blitz”)** by the HSE in March. Another significant initiative launched recently is the Shattered Lives Campaign, focussing on slips, trips and falls that still account for a large proportion of accidents. (Secretary’s Note: **BHSEA is holding a full-day workshop on this topic, at the Motor Cycle Museum in June, presented by HSE speakers. I have already received two bookings and places are strictly limited to 60, first come, first served!**)



Steve added that he had one or two, personal thoughts on the following issues, which he considered to be low points in the year: -

- **The ICL Enquiry**

This followed a massive explosion at a Scottish plant that caused 9 deaths and serious injuries to 40 other persons. The cause was a LPG leak in a buried pipe and the HSE were criticised for not acting rigorously enough. One of the early learning points was that pressure tests are not always enough to predict failures of this type.

- **Anti Health and Safety Bias in the Media**

Steve lamented the persistent sniping from numerous parts of the media, who seemed to take a perverse delight in criticising our profession's best efforts to protect life and limb. Very often the criticism was fabricated by persons using Health and Safety as an excuse to further a hidden agenda. The HSE were actively engaged in rebutting these attacks through its "Myth of the Month" campaign and individual letters from senior HSE officers, like Judith Hackitt to the relevant journalists.

- **Erosion of HSE's proactive/reactive balance.**

This occurred when defendants in prosecutions take action over alleged "abuse of process", with the effect that cases take longer to pursue. This leaves fewer resources to tackle more important issues.

Steve went on to say that the HSE naturally drew lessons from all of this and tended to use a mix of interventions to tackle the various issues. This was a risk-based approach to target sectors according to where there was the greatest need. Partnerships in the target sectors were an effective way of getting results. He cited a recent initiative with Safety and Health Awareness Days (SHADs) for the farming Industry where less than 1.5 per cent of the working population is employed in agriculture, yet the sector is responsible for between 15 per cent and 20 per cent of fatalities to workers in Great Britain each year. He also mentioned a system of "Flexible Warrenting" to give more enforcement work to the Local Authorities.

Regarding plans for 2009, Steve said that there were no significant new initiatives and it would be, rather, a time for consolidation. He added that HSE had learnt to identify their audiences and mentioned the recent launch of a consultation Exercise to develop the Strategy for more detailed plans. Locally, he went on, there would be divisional Projects in : -

- **Gas Installation** – unregistered installers, LPG in temporary accommodation (NB – links to vulnerable workers!)
- **Independent Education** – concentrating on Health and Safety Management standards.

In the future there would be a new strategic approach, a continuing challenge of long latency disease and a focus on delivering the benefits to working people. The main elements of the strategy are: -

- Leadership
- Competently managing risk

- Promoting worker involvement and consultation
- Identifying priorities for safety and for health
- Prevention of low frequency, high impact incidents
- Satisfying needs for small businesses
- Health and safety in its wider context

### *Members' Questions*

**Dalvinder Masaun, of Sandwell & West Birmingham Hospitals NHS Trust,** asked if the HSE was satisfied with the implementation of the Corporate Manslaughter and Corporate Homicide Act? Steve answered that its effect had not yet been all that significant and added that its greatest benefit was that it gives bereaved relatives a label for “closure” with a guilty verdict! At the moment, there are a few cases in progress locally and commented that the majority of the police investigations tended not to go forward to prosecution or resulted in a “not guilty” verdict.

As there were no further questions, the chairman thanked Steve for making the presentation and members also showed their appreciation for this important annual update.