

# HSE – The Year Ahead 2013/14

Rosi Edwards, HSE Regional Director, Wales, Midlands  
and South West

**R**osi began by reflecting on Fee For Intervention (FFI), which came into force at the beginning of October 2012, and reminded Members that FFI does not apply to Local Authorities and neither does it apply to all H&S legislation, but only the HASAW Act and the legislation made under it. Rosi also reminded us that we should be looking at the HSE website for information, not just about FFI, but any H&S plans and activities. [www.hse.gov.uk](http://www.hse.gov.uk)



Rosi Edwards

- **Fee For Intervention (FFI):**

The *Enforcement Management Model (EMM)* was developed by the HSE to try to secure consistency in the application of FFI. Rosi explained the appeal process and went on to point out the main points which came out of the Lofstedt Review. Lofstedt carried out important work in reviewing legislation such as that covering mines and explosives, which are complex and there is clearly a case for tidying up/simplification. The Lofstedt Review has reinforced the focus on high risk areas.

*Challenge Panels* have been developed to make sure that inspectors are being proportionate in their application of FFI. The Panel verdicts are published on the HSE website, and Rosi went on to give a couple of examples, for example, a case in which there was a suggestion that there be ‘special’ training for carrying a tray of drinks; another case where it was suggested that people need to be over 16 years of age to use a Jacuzzi or a steam room.

- **The HSE ‘Brand’:**

Rosi commented that the HSE is keen to get back ‘control’ of the H&S ‘Brand’, it has been used ‘in vain’, and it’s too important for that. The focus must be on reducing the burden of H&S. Inspections were capped by the previous Minister at 22,000, and that means that the HSE are unable (even if they wanted to), to carry out numerous visits for income generation purposes. Again, a sharp focus on higher risks/poorer performers, is paramount.

- **Stats:**

These are well known (see HSE website and Rosi’s presentation notes on the BHSEA website [www.bhsea.org.uk](http://www.bhsea.org.uk)). Rosi commented that the Labour Force Survey tells us that the recorded accident figures can, in reality, be doubled. In the West Midlands area, the figures are higher due to the prevalence of manufacturing businesses. Our attention was drawn to another high risk activity/employment area, that of fruit and vegetable pickers. This work has

already been targeted by the HSE, and attention to the group of workers will continue and extend to other areas.

- **Legionella:**

Work in this area has been prompted by large outbreaks in Scotland and the Midlands. The HSE will look at other sources such as Jacuzzis which is thought to be the source of the Stoke outbreak. HSE is looking at the management of cooling towers, evaporative condensers etc.

- **The Big Issues April '13/'14:**

The target will be high risk industries and closely considering where the problems actually are. Waste and recycling will remain an important area of work. Recycling carbon fibre has not yet been looked at and so this will be another area of interest/attention for the HSE.

Rosi finished by telling us that she will be retiring at the end of June this year, after joining the HSE in 1974. Sadly, this is Rosi's last presentation to BHSEA. Rosi has commented in the past on the good that BHSEA does, and the practical work pursued in the interests of health and safety not only in the Midlands, but also nationally. Rosi wished BHSEA the very best for the future.

**Remember to check the BHSEA website for Rosi's Power Point presentation slides [www.bhsea.org.uk](http://www.bhsea.org.uk)**

Members were unanimous in wishing Rosi well in her retirement from the HSE.

## *Members' Questions*

**Mike Wilkinson from Marsh Ltd.** asked Rosi to confirm which industries in particular are regarded as being high risk? Rosi replied that they would include foundries; steelworks; ship builders; boat builders (particularly where fibreglass is used); 'metal bashers' including activities such as surface finishing and plating where there is a high potential for accidents. As far as the food industry goes, the areas for attention are meat processors and fruit/veg pickers. Woodworking and the control of the health risks from dust is still important. Farming in general won't be a targeted area although any accidents reported will be investigated. Moreover, significant work has already been carried out in this area, including an information campaign carried out in conjunction with the farmers unions. Safety and Health Awareness Days will stay on the agenda, and the agricultural SHADs will continue to pick up this valuable work.

**One of the Members** asked about silicosis, and Rosi commented that although silicosis isn't a form of cancer, HSE construction colleagues are looking at it, particularly in the light of new research in the Netherlands which points to surface grinding as being an issue in terms of silicosis.

**Mike Morton, Dudley MBC** queried the asbestos review and whether it is being targeted? Rosi confirmed that it was and that it was concentrating on asbestos management. Important for Mike, is the management of asbestos in schools. Rosi added that there are "lots of holes" with regard to schools, and issues like

asbestos management can fall through these holes. Rosi noted that a couple of campaigns have looked at schools, and inspectors will continue with their regime of visits. The challenges coming with the changing nature of schools is important and those schools that now exist outside of Local Authority control, such as Voluntary Aided Schools, Grant Maintained Schools and so on.

**Doug Hunter from GF Tomlinson** queried the figures given on mesothelioma and lung cancers. Rosi referred Members to the HSE website for further details. Doug went on to ask about the 'Notification of Contravention', and whether the HSE will collate the figures and details of these notifications? (A Notification of Contravention (NOC) is issued when, in the opinion of the HSE Inspector, there is or has been a contravention of H&S law that requires them to issue notice in writing of that opinion to the duty holder). Rosi said that she was not able to give a definitive answer at this stage because no decision has yet been made. Rosi added that the NOC isn't a legal document in the same way as an Enforcement Notice, and therefore no precedent is set.

**Ed Friend** queried the limit of 22,000 visits and whether this figure is made up of actual visits and/or 'contact'. Rosi confirmed that it means an actual proactive inspection visit. Ed went on to ask what is the number of days devoted by Inspectors to carrying out inspections will be. Rosi said that there will be 130 days of productive works (inspections), and days training will be deducted from the 130. As far as income generation arising from FFI is concerned, reports covering this aspect have not been agreed and Rosi commented that any reports covering targets and the effectiveness of visits etc. would be welcome as far as she was concerned.

**Jim Curran from Curran Webb Ltd.** asked about the income generated from fees, and Rosi replied that the income will go back to the Treasury and in return, the Treasury will give a little bit extra back to the HSE than originally forecast.

**Mark Hoare, University of Birmingham** asked Rosi to imagine the scenario post retirement.....a small company asks her to give advice about what the company should be focussing on? Rosi responded "fit for purpose risk assessments". She explained that she meant risk assessments that are relevant to the activities being carried out and being followed through with checks to find out why employees sometimes don't do what the risk assessment asks for.

**Tim Prestage, BHSEA Vice-Chair** commented that he supported the idea of operatives doing more of their own risk assessment, with managers taking on an audit role. Rosi said that she too believed it was good practice provided that the operatives knew what they were doing.

**Ralph Weaver of Arrelle** commented that organisations should be looking at the HSE website for NOC's and learning from the mistakes others have made.

David Hitchen of Parkstone Group Ltd. asked whether the Principle Contractor should share responsibility in terms of FFI rather than sites having to be micro-managed? Rosi said that responsibilities are often not clear cut and that consequently the responsibilities of various involved parties have to be taken into account.

Dally thanked Rosi for her presentation and for the support that she had given to BHSEA over the years.