

# Getting enforcement to work for us

Hazards conference, 28 July 2018

Chris Warburton  
Prospect, Health and safety researcher

## Enforcing authority regs

### HSE responsibilities

- factories
- farms
- building sites
- mines
- schools and colleges
- fairgrounds
- gas, electricity and water systems
- hospitals and nursing homes
- central and local government premises
- offshore installations

### Local authority responsibilities

- offices (except government offices)
- shops
- hotels
- restaurants
- leisure premises
- nurseries and playgroups
- pubs and clubs
- museums (privately owned)
- places of worship
- sheltered accommodation and care homes

## Getting enforcement to work for us

- What is the landscape with local authority and HSE inspections and enforcement?
  - How many inspections are carried out nowadays?
  - What has led us to this position?
  - What can and can't inspectors do?
- Activities:
  - If an inspector does call at our workplace, how do we get the most out of the visit?
  - If the health and safety negotiating process breaks down, what alternative routes are there to resolving our problems?

## Just a few of the health and safety reviews

- **Reducing administrative burdens – effective inspection and enforcement (Hampton report) – 2005**
- Common sense, common safety – 2010
- **Good health and safety, good for everyone – 2011**
- **Reclaiming health and safety for all (Löfstedt report) – 2011**
- Health and Safety Executive triennial review – 2014
- HSE's approach to negotiating and implementing European legislation – 2014

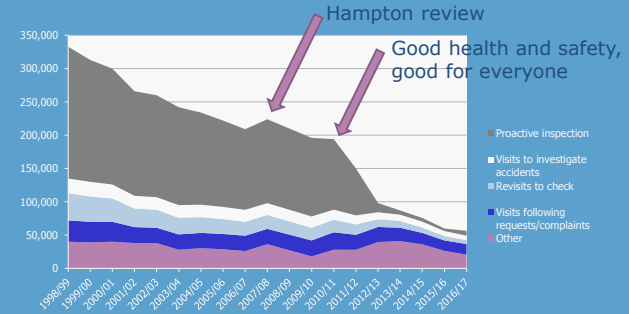


## LA code – “the list”

Hazards	High Risk Sectors	High Risk Activities
Legionella infection	Premises with cooling towers/evaporative condensers	Lack of suitable legionella control measures, including premises that have: <ul style="list-style-type: none"> <li>Not yet demonstrated the ability to manage their legionella risk in a sustained manner, includes new cooling towers/evaporative condensers, or</li> <li>Relevant enforcement action in the last 5 years and have not yet demonstrated sustained control of legionella risk.</li> </ul>
Explosion caused by leaking LPG	Communal/amenity buildings on caravan/camping parks with buried metal LPG pipework	Caravan/camping parks with poor infrastructure risk control/management of maintenance
E.coli/cryptosporidium infection esp. in children	Open farms/animal visitor attractions	Lack of suitable micro-organism control measures
Fatalities/injuries resulting from being struck by vehicles	High volume warehousing/distribution	Poorly managed workplace transport
Fatalities/injuries resulting from falls from height/amputation and crushing injuries	Industrial retail/wholesale premises	Poorly managed workplace transport/work at height/cutting machinery/lifting equipment
Industrial diseases (deafness/lung disease - silicosis)	Industrial retail/wholesale premises	Exposure to excessive noise (steel stockholders). Exposure to respirable crystalline silica (Retail outlets cutting/shaping their own stone or high silica content 'manufactured stone' e.g. gravestones or kitchen resin/stone worktops)



## Local authority H&S inspections

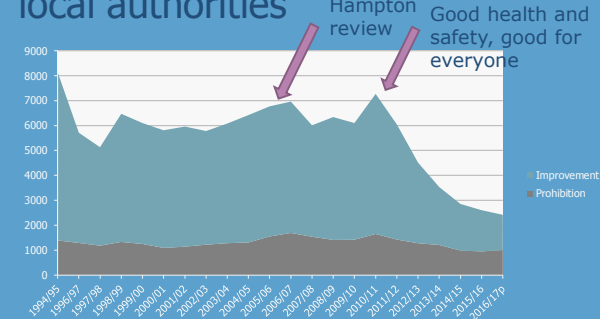


## LA code – “the list”

Hazards	High Risk Sectors	High Risk Activities
Occupational lung disease (asthma)	Bakeries where loose flour is used	Tasks where inhalation exposure to flour dust and/or associated enzymes may occur e.g. tipping ingredients into mixers, bag disposal, weighing and dispensing, mixing and dusting with flour by hand or using a sieve
Manual Handling	High volume warehousing/distribution	Lack of effective management of manual handling risks
Unstable loads	High volume warehousing/distribution, Industrial retail/wholesale premises	Vehicle loading and unloading
Crowd management & injuries/fatalities to the public	Large scale public gatherings e.g. cultural events, sports, festivals & live music	Lack of suitable planning, management and monitoring of the risks arising from crowd movement and behaviour
Carbon monoxide poisoning	Commercial catering premises using solid fuel cooking equipment	Lack of suitable ventilation and/or unsafe appliances
Violence at work	Premises with vulnerable working conditions (lone/night working/cash handling) and where intelligence indicates risks not effectively managed	Lack of suitable security measures/procedures. Operating where authorities advise local factors increase risk of violence, e.g. located in high crime area, or similar local establishments have been targeted as part of a criminal campaign
Fires and explosions caused by explosives, incl fireworks	Professional fireworks display operators	Poorly managed fusing of fireworks
Musculoskeletal disorders	Residential care	Lack of effective management of MSD risks arising from moving and handling of people

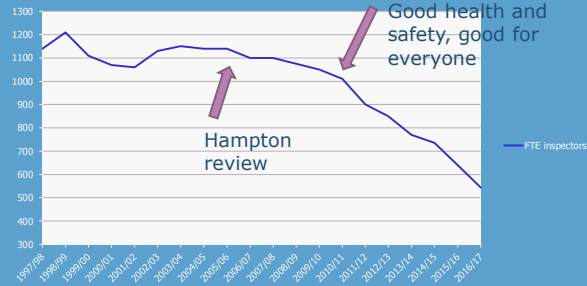


## Enforcement notices issued by local authorities

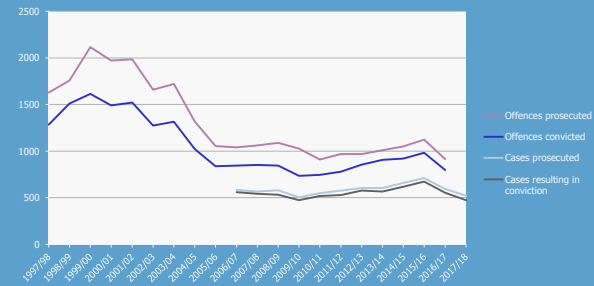




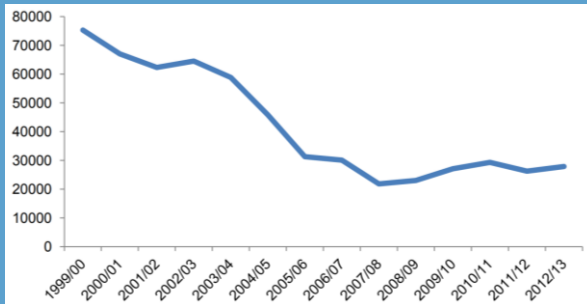
## Local authority EHOs working on health and safety enforcement



## HSE prosecutions



## HSE FOD inspections



Source: IER submission, Triennial Review of the Health and Safety Executive, David Whyte and Steve Tombs



## HSE inspector numbers

Principal inspector grade	2015	2016	2017	Main inspector grade	2015	2016	2017	Total 2015	Total 2016	Total 2017
Agriculture	13	11	11	Agriculture	17	15	14	30	26	25
Factories	102	100	89	Factories	490	473	441	592	573	530
Front line EC&I	3	4	4	Front line EC&I	8	8	9	11	12	13
Med insp MFOM	3	2	1					3	2	1
Mines	11	11	11					11	11	11
Nursing	2	3	3	Nursing	15	13	13	17	16	16
Offshore (higher)	12	13	15	Offshore (higher)	57	69	64	69	82	79
Offshore (intermediate)		1	2	Offshore (intermediate)	12	10	10	12	11	12
				Offshore human factors	2	2	2	2	2	2
Offshore occ health	1	1	1	Offshore occ health	3	3	3	4	4	4
Offshore wells	2	2	1	Offshore wells	7	9	8	9	11	9
				Onshore diver	3	5	5	3	5	5
Pipelines	1	2	1	Pipelines	11	12	12	12	14	13
Quarries	2	2	2	Quarries	6	5	4	8	7	6
Spec const/civil engineer	5	5	5	Spec const/civil engineer	12	10	11	17	15	16
Spec control systems	2	2	2	Spec control systems	1			3	2	2
Spec electrical engineer	1	2	2	Spec electrical engineer	11	12	11	12	14	13
Spec explosives	5	5	5	Spec explosives	9	9	7	14	14	12
Spec human factors	2	2	2	Spec human factors	8	8	7	10	10	9
Spec mechanical engineer	8	9	7	Spec mechanical engineer	28	29	27	36	38	34
Spec microbiologist	5	5	5	Spec microbiologist	8	7	5	13	12	10
Spec noise/vibration	2	2	2	Spec noise/vibration	5	5	4	7	7	6
Spec occ hygienist	9	9	7	Spec occ hygienist	17	16	17	26	25	24
Spec process safety	8	6	5	Spec process safety	19	17	19	27	23	24
Spec radiation	3	2	1	Spec radiation	2	5	6	5	7	7
Spec risk assessor	5	6	5	Spec risk assessor	11	14	14	16	20	19
<b>Principal inspector totals</b>	<b>207</b>	<b>207</b>	<b>189</b>	<b>Main inspector totals</b>	<b>762</b>	<b>756</b>	<b>713</b>	<b>969</b>	<b>963</b>	<b>902</b>

## Making a complaint

- Make it to the right enforcing authority – the HSE or the local authority. Or perhaps the ORR, ONR, MCA, fire service?
- For complaining to the HSE, safety reps can use a special concerns and advice form, accessed here: [www.hse.gov.uk/involvement/hsrepresentatives.htm](http://www.hse.gov.uk/involvement/hsrepresentatives.htm)

## Activities in groups

1. How do we get the most out an inspection visit?
2. If negotiation isn't working, what alternative routes are there to resolve our problems?