

CORPORATE HEALTH AND SAFETY COMMITTEE – 22ND NOVEMBER 2010

SUBJECT: LORD YOUNG REVIEW OF HEALTH AND SAFETY

REPORT BY: DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform Members, Management and Trade Union Safety Representatives of the main findings and recommendations arising from Lord Young's report of the Whitehall-wide review of health and safety laws and the growth of the compensation culture.

2. SUMMARY

- 2.1 Lord Young's report makes a total of 36 summarised recommendations covering a diverse range of different areas (from the general compensation culture to specific pieces of legislation. Two specific areas looked at are Local Authorities and Education.
- 2.2 The key recommendations relevant to the Authority made in Lord Young's report are to:
- 2.2.1 Introduce a simplified personal injury claims procedure and limit on costs (similar to that used for road traffic accident claims) and implement the recommendations of the Jackson Report regarding solicitors' fees.
- 2.2.2 Restrict the operation of compensation claim referral agencies and personal injury lawyers and control the volume and type of advertising.
- 2.2.3 Clarify (through legislation if necessary) that individuals will not be held liable for any consequences due to well-intentioned voluntary acts on their part.
- 2.2.4 Simplify the risk assessment procedure for low hazard workplaces such as offices, classrooms and shops. The HSE will create simpler interactive risk assessments for low hazard workplaces, and make them available on its website.
- 2.2.5 Exempt employers from risk assessments for employees working from home in a low hazard environment.
- 2.2.6 Consult with the insurance industry to ensure worthwhile activities are not unnecessarily curtailed on health and safety grounds. Require insurance companies to draw up a code of practice on health and safety for businesses, or introduce new legislation if such a code cannot be drawn up.
- 2.2.7 Require local government officials who ban events on health and safety grounds to put their reasons in writing, and enable citizens or event organisers to have a route of redress to challenge such decisions and refer unfair decisions to the Local Government Ombudsman. Where a decision is overturned, enable the Ombudsman to award damages if it is not possible to reinstate the event.

- 2.2.8 Simplify the process that schools and similar organisations undertake before taking children on trips.
- 2.2.9 Introduce a single consent form that covers all activities a child may undertake during their time at a school.
- 2.2.10 Introduce a simplified risk assessment for classrooms.
- 2.2.11 Shift from a system of risk assessment to a risk-benefit system and consider reviewing the Health and Safety at Work etc. Act 1974 to separate play and leisure from workplace contexts.
- 2.2.12 Amend the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) so that accidents currently reportable after 3 consecutive days only become reportable after seven days (in line with the requirement for individuals to obtain a fit note from their GP.) The requirement to report fatalities and defined major injuries, diseases and dangerous occurrences is likely to remain unchanged.
- 2.2.13 Consolidate current health and safety regulations into a single set of accessible regulations that, for low risk activities or environments, are not overly prescriptive, are proportionate and do not attempt to achieve the elimination of all risk. This would include the HSE producing clear separate guidance for lower risk activities from that for higher risk activities.
- 2.2.14 Combine local authority health and safety and food safety inspectors and inspections.
- 2.2.15 Make publicly available the findings of local authority inspections on an online database.
- 2.2.16 Open the delivery of inspections to accredited certification bodies, reducing the burden on local authorities and allowing them to target resources to high-risk businesses.
- 2.2.17 Abolish the Adventure Activities Licensing Authority and replace licensing with a code of practice.
- 2.2.18 Introduce a minimum qualification for health and safety consultants (at degree or equivalent level) plus a requirement to have at least 2 years' relevant industry experience and be engaged in continued professional development. The internet-based Occupational Safety Consultants Register (OSCR) will go live in January 2011 and provide details of consultants who have met the highest qualification standard of recognised professional bodies and who are bound by a code of conduct that requires them to give advice which is sensible and proportionate.
- 2.3 The full report '*Common Sense: Common Safety*' is available online:
www.number10.gov.uk/wp-content/uploads/402906_CommonSense_acc.pdf
- 2.4. Further reports will be provided as necessary once the implications of the report become clear.

3. RECOMMENDATION

- 3.1 That the contents of the report be noted.

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