

## **CORPORATE HEALTH AND SAFETY COMMITTEE – 15TH AUGUST 2011**

**SUBJECT: RECENT HSE UPDATES**

**REPORT BY: DEPUTY CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to inform Members, Management and Trade Union Safety Representatives of recent updates in Health and Safety information, advice and guidance.

### **2. SUMMARY**

- 2.1 No new health and safety legislation is due to come into force on the 'common commencement date' of 1<sup>st</sup> October 2011.

- 2.2 Up to 500,000 fridge freezers could be posing serious fire risks in homes and businesses across the country, London Fire Brigade (LFB) has warned. Beko has been alerted to the problem which the LFB says has caused 20 fires and one death in London since 2008.

The LFB's investigation team has been working to establish a link between a faulty defroster timer switch on the appliances and a number of house fires. The problem occurs when water gets into the defrost timer switch, which can lead to an electrical malfunction resulting in plastic components and other highly flammable insulation inside the appliance catching on fire.

Details of affected fridge freezers are available on the Beko website: [www.beko.co.uk](http://www.beko.co.uk) which also provides details to arrange for a modification to be made to rectify the fault.

A Health and Safety Alert bulletin has been produced by the Health and Safety Division and been sent out to Heads of Service for dissemination. This bulletin has also been added to the intranet advising staff on how to identify an appliance that poses a risk and of how to arrange for it to be modified.

- 2.3 The HSE have reduced the level of proactive health and safety inspections by approximately one third (11,000 fewer inspections a year), and now target inspections towards higher risk industries and duty holders where there is information indicating that they may be operating in material breach of health and safety law or that there are higher risks arising from the work being carried out. The HSE has worked in consultation with the Government to identify three categories of industry to help ensure that only higher risk premises are proactively inspected:-
- Comparatively high risk areas – Construction activities, waste and recycling and high risk manufacturing (e.g. molten metal working, wood working). For this category proactive health and safety inspection will continue.
  - Areas of concern but where proactive inspection is unlikely to be effective and is not proposed – for example agriculture, quarries, health and social care. HSE will continue to intervene proactively with these sectors but through means other than inspection (e.g. joint initiatives with industry).

- Lower risk areas – low risk manufacturing (textiles, light engineering), transport sector (road haulage, docks), Local Authority educational provision and postal/courier services. Proactive health and safety inspection by HSE will no longer take place in these sectors.

2.4 The HSE have published a consultation document outlining its proposals to introduce a ‘fee for intervention’ to recover costs where duty holders are found to be in breach of health and safety law.

The fee would apply where, in the opinion of the inspector, there has been a breach of health and safety law which requires them to make a formal intervention to ensure compliance by the dutyholder. This action can range from verbal advice, to a written requirement (e.g. an email or letter), serving an improvement notice or a prohibition notice, through to prosecution in the courts.

Compliant duty holders would pay nothing, nor would duty holders in technical (non-material) breach of the law - i.e. when, in the opinion of the inspector, there has been a breach of health and safety law but it does not require them to make a formal intervention (eg. verbal advice for improvement is given).

Under the proposal, duty holders would pay for each intervention that relates to the identification of a material breach and all subsequent regulatory work up to the point where regulatory intervention in relation to the breach has been concluded. Costs would also be recovered for associated relevant office based work in gathering relevant information/evidence, and writing relevant documents such as emails, letters, reports, and visit records. The potential averaged costs for intervention activity are estimated in the table below. The actual intervention costs will depend upon the particular circumstances. These costs will be dependent on the complexity of the investigation that is required to follow all reasonable lines of enquiry.

Intervention	Estimated Averaged Costs Recovered
Inspection with no action taken	No costs will be recovered
Inspection which results in a letter	Approximately £750
Inspection which results in an Enforcement Notice	Approximately £1500
Investigations	Ranging from approximately £750 through to several thousands of pounds to, in extreme cases, tens of thousands of pounds

The proposal is that fee for intervention would only apply to the activity undertaken by HSE and would not apply to the activity undertaken by Local Authority officers that enforce health and safety law. However, this proposal is not finalised and the HSE is seeking the views of Local Authorities on whether to extend the fee to interventions made by local authority health and safety officers.

To recover costs incurred by fee for intervention, the HSE propose invoicing duty holders and expect them to pay within thirty days. To assist with duty holder’s cash flow and accounting arrangements, it is expected that invoices will be issued on a monthly basis as costs are incurred rather than collating all costs into one invoice issued when all work has been completed. If duty holders do not pay, normal credit control action will then be taken, i.e. a series of reminders will be sent followed by a final reminder and HSE would then apply to the courts to recover the funds.

Subject to the necessary legislation, the cost recovery arrangements proposed in this consultation document could come into operation from as early as 6 April 2012.

The consultation began on **22 July 2011** and will end on **14 October 2011**. Further information and the complete consultation document can be viewed on the internet at: [www.hse.gov.uk/consult/condocs/cd235.htm](http://www.hse.gov.uk/consult/condocs/cd235.htm)

- 2.5 From 12 September 2011 the requirement to report all reportable work-related injuries and incidents under RIDDOR (the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) to the HSE's centralised Incident Contact Centre (ICC) will end.

The ICC will still take reports of all fatal and major incidents by telephone, but organisations reporting all other incidents under RIDDOR will be required to submit an online form, available on the HSE's website [www.hse.gov.uk/riddor](http://www.hse.gov.uk/riddor)

Organisations will no longer be able to report incidents by email, post or fax as at present.

With exception to the reporting of fatal and major incidents and injuries the reporting method will move to a predominantly online system, with a suite of seven revised forms available on the HSE's website. The seven online RIDDOR reporting forms are:

- F2508 - Report of an injury
- F2508 - Report of a Dangerous Occurrence
- F2508A - Report of a Case of Disease
- OIR9B - Report of an Injury Offshore
- OIR9B - Report of a Dangerous Occurrence Offshore
- F2508G1 - Report of a Flammable Gas Incident
- F2508G2 - Report of a Dangerous Gas Fitting

### **3. RECOMMENDATION**

- 3.1 That the contents of the report be noted.

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