

Health and Safety
Executive



Taking Account of Risk In Regulation - the HSE experience

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The effects:



- Curtail freedoms - particularly for children
- Damage organisational efficiency and innovation
- Damage reputations
- Distract from the real health and safety issues

Regulatory regime in Britain



- Tolerability of risk in policy development
- Goal-setting regulation & 'reasonable practicability'
- The challenges produced and HSE's response

Regulatory regime in Britain

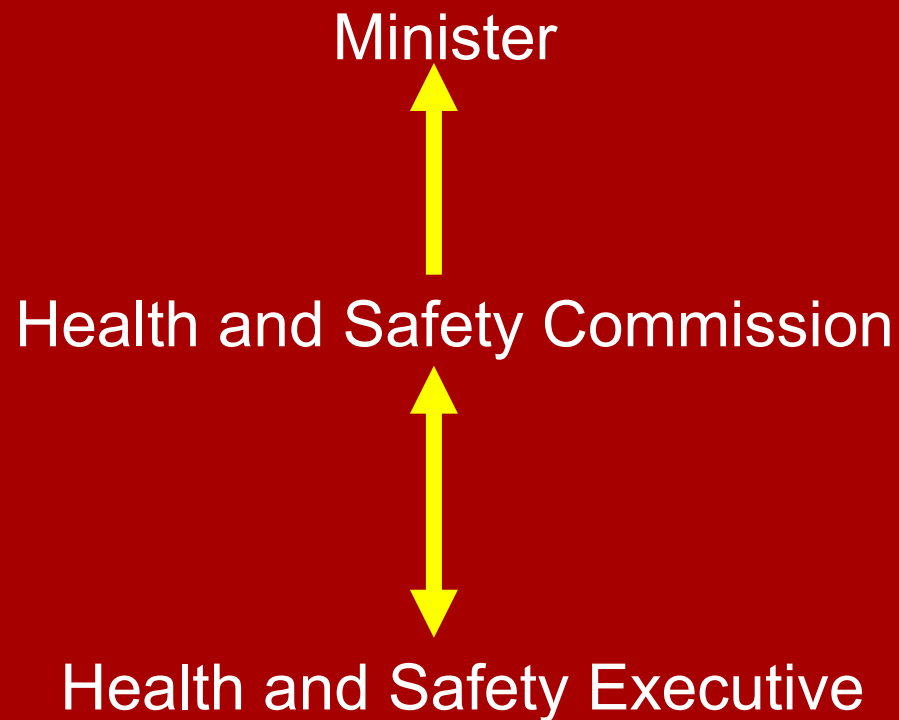


- Tolerability of risk in policy development
- Goal-setting regulation & 'reasonable practicability'
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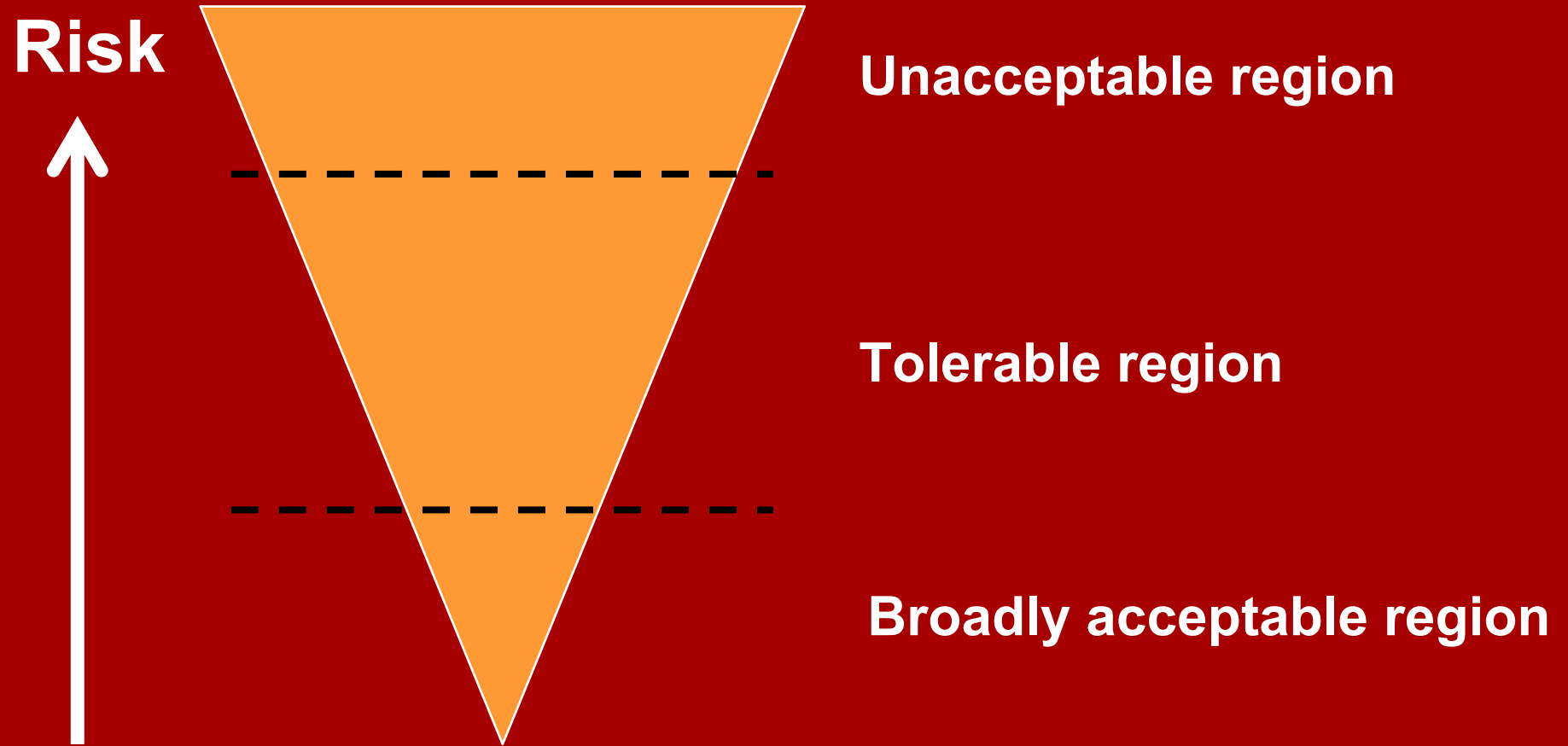


Tolerability of risk in policy development

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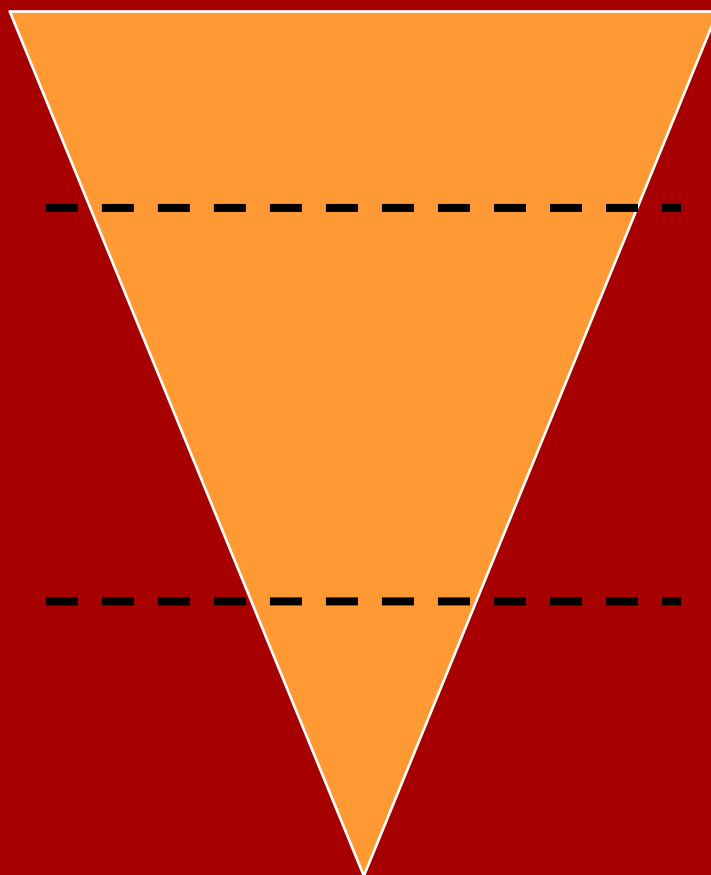
Tolerability of risk in policy development



Tolerability of risk in policy development



Risk



Unacceptable region

Suggested 1 / 1,000

Tolerable region

Suggested 1 / 1,000,000

Broadly acceptable region

Goal-setting regulation & 'reasonable practicability'

Reasonable practicability...

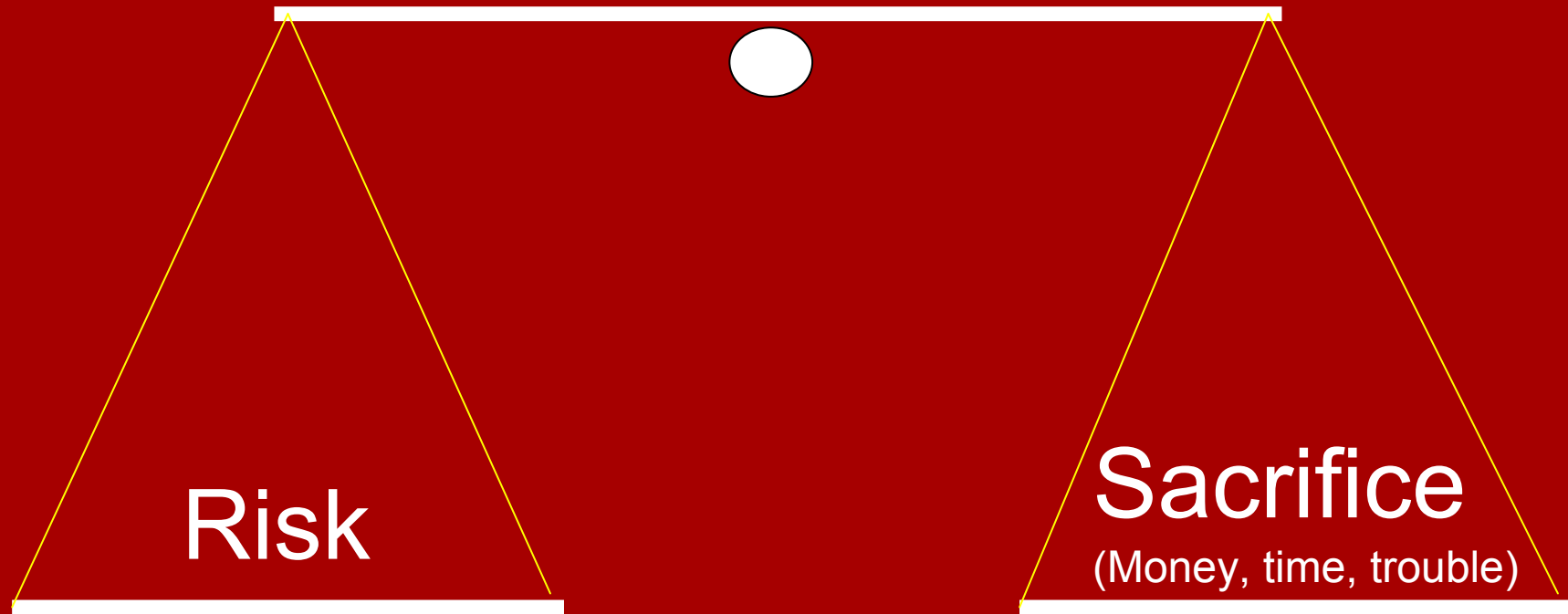


...a legal concept established in case law:

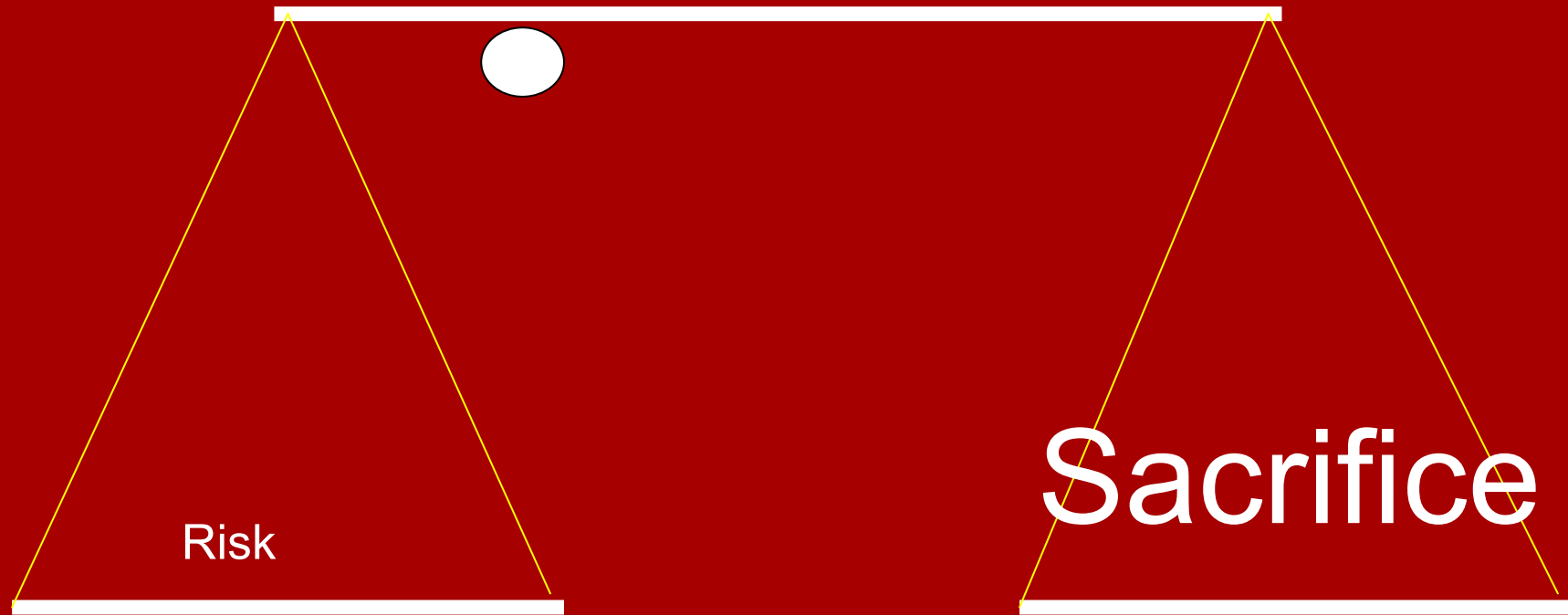
“Reasonably practicable” is a narrower term than ‘physically possible’ and implies that a computation must be made in which the quantum of risk is placed in one scale and the sacrifice, whether in money, time or trouble, involved in the measures necessary to avert the risk is placed in the other; and that, if it be shown that there is a gross disproportion between them, the risk being insignificant in relation to the sacrifice, the person upon whom the duty is laid discharges the burden of proving that compliance was not reasonably practicable.”

Edwards v National Coal Board [1949]

Reasonable Practicability:



Reasonable Practicability:





Challenges to a risk-based approach & HSE's response

Recent stories:



Goalposts are moved for night ramblers

Coffin at 'own risk'

Bath tub race cancelled over health and safety fears

Height of madness – ladder ban on firemen

2000 headstones toppled in cemetery safety blitz

Now school bans crosses

Army's bagpipers and drummers must play safe and use earplugs

Red noses banned at Fame Academy

Hands off our fete!

Blair blasts 'one at a time' swimming rule

Non-fire night party – blaze shown on big screen to avoid safety clampdown

Cosseted children likely to go off the rails – expert warns

Those who walk under tress are at risk from these terrorising inspectors

Pensioner kicked off bus ... for carrying paint!

Pole 'too dangerous' for firemen

Now PC zealots ban our Christmas lights

3 main types of stories:



Myths and blatant untruths

3 main types of stories:



Genuinely risk-averse behaviour

3 main types of stories:



Health and safety as a
convenient excuse

Views from business:



- 90% of CEOs and 72% of employers believed that health and safety requirements benefit their company as a whole;
- 74% of CEOs and 62% of employers believed that health and safety requirements save them money in the long term;

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- 90% of CEOs and 72% of employers believed that health and safety requirements benefit their company as a whole;
- 74% of CEOs and 62% of employers believed that health and safety requirements save them money in the long term;
- 55% of CEOs and 49% of employers believed that health and safety requirements are overly bureaucratic.

Our response: sensible risk



“If you are using health and safety to stop everyday activities – get a life and let others get on with theirs. But equally, if you think health and safety is a joke and that you can just ignore real risks, then try telling that to the families of the 212 workers who never went home at all last year.”

Our response: sensible risk



- Sensible risk principles
- New risk assessment guidance
- Examples of what 'good enough' paperwork looks like
- 'Myth of the month' campaign
- Work with education stakeholders
- Local authorities 'signing-up to sensible risk'



www.hse.gov.uk/risk