



Department
for Work &
Pensions

A progress report on implementation of health and safety reforms

November 2013

Foreword by Minister for Disabled People

In March 2011 the Government's *Good Health and Safety, Good for Everyone* statement set out our plans for reform of the health and safety system in Britain. The reforms aim to contribute to making Britain a more growth-focused, entrepreneurial nation, by easing the burden of bureaucracy on business. Of course, protecting people in the workplace and in society as a whole also remains a priority.

Key changes included reducing inspections of relatively low risk businesses who comply with the law and tackling overly complex health and safety law. The important reviews by Lord Young (2010) and Professor Löfstedt (2011) found that the framework for health and safety law is broadly right. However, businesses feel they must go beyond what the law requires, because they too often received over the top health and safety advice from consultants and feared being sued for accidents, even where they were not at fault.

Across Government there has been significant progress in tackling negative perceptions of health and safety, which do nothing to protect workers:

- The Health and Safety at Work etc Act 1974 has been amended so that in future civil claims for compensation for injuries at work will only be able to be brought in cases where the employer has been negligent. Previously an employer could be liable even where they had taken all sensible steps to prevent injury. This was not fair and simply fuelled fears of being sued.
- To help tackle the compensation culture, Ministry of Justice have implemented the primary recommendations of Lord Jackson's *Review of Civil Litigation Costs*, including:
 - a fundamental reform of no win, no fee conditional fee arrangements, and
 - a ban on referral fees in personal injury cases, so lawyers and claims management companies can no longer pay for details of potential claimants.
- To give organisations confidence that taking on work experience students should not mean lots of unnecessary paperwork, the Health and Safety Executive (HSE) issued revised guidance for businesses, the Department for Education and Ofsted published guidance for schools and the Association of British Insurers clarified that work experience students were covered by employers' existing Employers' Liability insurance policies.
- The HSE's Myth Busters Challenge Panel has tackled over 200 cases where health and safety has been used as an excuse for a bad decision, or where poor advice has resulted in disproportionate actions, such as cancelling local events.

The focus of our health and safety regulatory regime has shifted to ensure the regulators target their efforts on higher risk industries and tackling serious breaches of the rules.

- HSE has reduced the number of proactive inspections it carries out each year by a third. HSE provided Local Authorities with statutory guidance on a risk-based

approach to targeting health and safety inspections in May 2013. The number of local authority proactive inspections has reduced significantly, but there is more to do to ensure they target appropriately.

- The Better Regulation Delivery Office of the Department for Business, Innovation and Skills (BIS) have strengthened the primary authority scheme, so that it is now accessible to more small businesses, covers more regulations and has strengthened inspection plans. This will deliver reductions in burdens and increased consistency for businesses.
- HSE continues to improve the time taken from an accident or incident, involving a serious breach of health and safety law, to prosecute those who were responsible.

Since the last progress report in February 2013, HSE have made a number of changes to simplify health and safety law and make guidance more straightforward, including:

- Revoking further unnecessary or redundant regulations, so that to date 20 have been removed from the statute book.
- Clarified and simplified the accident and ill health reporting requirements for businesses, supported by new straightforward, web-based guidance.
- Removing the restriction on using only HSE-approved first aid training courses, and issued new straightforward guidance on how businesses can ensure they have adequate first aid arrangements.

Strong progress has been made, but there is still more to do. HSE is working on simplifying the structure of health and safety law in sectors, including mining, where the sheer number of Regulations can be confusing, while ensuring that essential protections are not removed.

In Europe, we are taking action to hold the line against proposals for non-risk-based EU health and safety legislation. We have had some notable successes and gained the support of other Member States. Through the Prime Minister's EU Business Task Force we will seek to introduce change, so that Member State Governments have the flexibility to decide the appropriate recording requirements for risk assessments for small, low-risk businesses.



Mike Penning

Minister for Disabled People

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Background

In June 2010, the Prime Minister asked Lord Young of Graffham to “investigate and report back on the rise of the compensation culture over the last decade coupled with the current low standing that health and safety legislation now enjoys and to suggest solutions”¹. In his report *Common Sense, Common Safety* (October 2010) Lord Young made recommendations on legislation, enforcement, the role of insurers and compensation claims procedures. The Government accepted Lord Young’s recommendations. In February 2011, the Prime Minister passed responsibility for overseeing progress of the overall health and safety reform agenda to the Department for Work and Pensions.

*Good Health and Safety, Good for Everyone*² introduced significant further reforms (March 2011):

- the independent Occupational Safety and Health Consultants Register (OSCHR), providing access to good quality, sensible and proportionate health and safety advice for employers.
- HSE’s ‘Health and Safety Made Simple’, easy to use guidance for small and medium sized employers in low risk businesses, making it easier for employers to do the right thing.
- major changes to the enforcement regime for health and safety, refocusing both HSE and local authority inspection activity on higher risk areas and away from lower risk businesses who manage their responsibilities effectively.

Professor Ragnar Löfstedt, Director of the King’s Centre for Risk Management at King’s College London was also asked to review health and safety regulation. Comments received through the Government’s Red Tape Challenge on health and safety regulation were fed in to his review. His recommendations *‘Reclaiming health and safety for all: An independent Review of health and safety legislation’*³ were accepted by the government and as a result, by the end of 2014, 50% of health and safety legislation will have been reviewed, scrapped or improved. The Government used the Red Tape Challenge to go further, and committed in the 2012 Budget to scrap, review or improve 84% of health and safety legislation. One year on from his review⁴, Professor Löfstedt concluded that good progress had been made and that there is evidence that the perception of health and safety was changing.

To date action has been completed on:

- 17 of the 22 areas addressed by Professor Löfstedt’s report, and
- 30 of Lord Young’s 35 recommendations.

¹ Common Sense Common Safety. www.gov.uk/government/publications/common-sense-common-safety-a-report-by-lord-young-of-graffham

² Good health and safety, good for everyone: www.gov.uk/government/publications/good-health-and-safety-good-for-everyone

³ Reclaiming Health and Safety <https://www.gov.uk/government/publications/reclaiming-health-and-safety-for-all-lofstedt-report>

⁴ Reclaiming Health and Safety: a review of progress one year on <https://www.gov.uk/government/publications/reclaiming-health-and-safety-for-all-lofstedt-report-a-review-of-progress-one-year-on>

Progress with implementation of Professor Löfstedt's Recommendations: *Reclaiming Health and Safety for all*

This section of the report sets out progress with actions taken on the recommendations in Professor Löfstedt's report. The report can be found at www.gov.uk/government/publications/reclaiming-health-and-safety-for-all-lofstedt-report. The section is arranged into six subsections that reflect Professor Löfstedt's Chapters that deal with the changes required to reform health and safety legislation in Great Britain.

For ease of reading some of the recommendations have been abridged. There is summary of progress made in each area and an indication of the intended final completion date for the work.

The scope of health and safety legislation

Recommendation	Progress	End Date
<p>1 Exempting from health and safety law those self-employed whose work activities pose no potential risk of harm to others</p>	<p>HSE consulted on options to achieve this aim in 2012. The necessary legislative change is included in the draft Deregulation Bill which was announced in the Queen's speech on 8 May 2013. The Bill is currently being considered by Parliament.</p> <p>The proposed exemption will apply to around 800,000 self-employed people whose activities pose no risk of harm to others, for example, lawyers and accountants who work from home.</p> <p>HSE will develop clear guidance for businesses on how the exemption will apply, to be published, subject to successful passage of the Bill.</p>	<p>End 2013 – entry in Bill met.</p> <p>The end date is subject to successful passage of the Bill.</p>

The application of health and safety legislation

Recommendation	Progress	End Date
<p>2 To revoke unnecessary or redundant regulations to produce a simpler regulatory framework.</p>	<p>Details of revocations and planned revocations are set out in the later section of this report entitled 'Simplifying the regulatory framework'.</p>	<p>April 2013 Completed</p>
<p>3 HSE amends the Health and Safety (First Aid) Regulations 1981 to remove the requirement for HSE to approve the training and qualifications of appointed first-aid personnel</p>	<p>The Health and Safety (First Aid) Regulations 1981 have been amended to remove the requirement for HSE approval of first aid training, from the 1 October 2013. The associated HSE Approved Code of Practice text has been revoked and incorporated into new HSE guidance.</p> <p>Employers are still required to have adequate provision for first aid in the workplace. HSE's new guidance incorporates feedback from its consultations, and provides straightforward advice on how to select an appropriate first aid training provider and case studies to help smaller businesses.</p>	<p>October 2013 Completed</p>
<p>4 HSE complete the evaluation of the effectiveness of the Construction (Design & Management) Regulations 2007 & the associated Approved Code of Practice (ACOP) by April 2012 to ensure there is clearer expression of duties, reduction of bureaucracy & appropriate guidance for small projects.</p>	<p>HSE have published an independent evaluation of the Construction (Design and Management) Regulations 2007. The evidence has been considered by HSE, has informed policy development in this area and proposals for change have been discussed with industry stakeholders. HSE plan to publish a formal consultation document setting out proposals for change in the new year.</p>	<p>April 2012 Completed</p>

Recommendation	Progress	End Date
<p>5 Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 1995 (RIDDOR) & its associated guidance should be amended by the end of 2013 to provide clarity for businesses on how to comply with requirements</p>	<p>Replacement Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013 came into effect on 1 October 2013, accompanied by simplified, web-based HSE guidance.</p> <p>HSE consulted on the proposals for change in 2012. The new regulations take into account the feedback and were approved by the HSE Board. They retain key requirements to report work-related fatalities, major injuries and certain diseases. The changes clarify and simplify reporting requirements for businesses, whilst ensuring that sufficient data is collected on workplace incidents for effective regulation and statistical purposes.</p>	<p>October 2013</p> <p>Completed</p>
<p>6 HSE to clarify the requirement for portable appliance testing (including through changes to the wording of the Electricity at Work Regulations 1989 if necessary) by April 2012 to stop over-compliance and ensure messages on over compliance reach all appropriate stakeholder groups</p>	<p>HSE's discussions with stakeholders indicated that a change to the Electricity at Work Regulations 1989 was not necessary to clarify the requirements for portable appliance testing.</p> <p>HSE published new guidance on Portable Appliance Testing (April 2012) replacing two sets of guidance. The new guidance clarifies that it is a myth that all portable electrical appliances in a low-risk environment, such as an office, need to have a portable appliance test (PAT) every year. HSE estimated that UK offices were potentially wasting up to £30million a year on portable appliance testing. The new guidance has been welcomed by business and other stakeholders.</p> <p>Since publication HSE has worked with others to promote the guidance. The guidance continues to be popular with an average of more than 6,000 downloads per month and the associated FAQs webpage receives more than 10,000 visits per month. HSE is evaluating the effect of the revised guidance and associated publicity.</p>	<p>April 2012</p> <p>Completed</p>

Recommendation	Progress	End Date
<p>7 Work at Height Regulations 2005 and the associated guidance should be reviewed by April 2013 to ensure that they do not lead to people going beyond what is either proportionate or beyond what the legislation was originally intended to cover.</p>	<p>HSE sought views from a wide and diverse range of businesses and other stakeholders including trade associations and worker representatives. Their review identified examples of misinterpretation of the requirements of the Work at Height Regulations that led some businesses to go beyond what is required.</p> <p>Following the review, HSE has engaged small businesses to user test draft guidance on work at height. The guidance is designed to be simpler and clearer, to help people understand what the law requires and dispel some of the above myths about working at height.</p>	<p>April 2013 Completed</p>
<p>8 HSE should continue to help businesses understand what is reasonably practicable for specific activities where the evidence demonstrates that they need further advice to comply with the law in a proportionate way.</p>	<p>HSE has introduced straightforward, web-based guidance to help businesses identify, assess and control common risks in the workplace. 'Health and Safety Made Simple' (September 2012) provides the basics and the 'Health and Safety Toolbox' (November 2012) provides the next level of advice.</p> <p>From 5 September 2012 to 30 September 2013 there were over 464,000 separate visitors to the Toolbox. A recent survey of HSE's website (3,000 responses) found 91% of respondents were satisfied with the Health and Safety Toolbox and 96% had a positive overall opinion of the guidance.</p> <p>HSE will continue to review and improve its guidance to help small businesses understand what they need to do to comply with the law.</p> <p>(see also Lord Young recommendations 1 to 3)</p>	<p>Autumn 2012 Completed</p>

Recommendation	Progress	End Date
<p>9 HSE should review all* its Approved Codes of Practice (ACOPs). The initial phase of the review should be completed by June 2012 so businesses have certainty about what is planned and when changes can be anticipated.</p>	<p>i) HSE completed the first phase of its review of ACOPs in summer 2012, including a consultation on the initial proposals. Feedback from the consultation was that it is more important that the ACOPs are right, than that they are changed quickly.</p> <p>ii) Work on sixteen ACOPs will be completed in 2013, four will be revised and re-published, three withdrawn completely and nine consolidated into three revised ACOPs.</p> <p>iii) A review of a further 14 ACOPs will be completed by end-2014.</p>	<p>June 2012 Completed</p> <p>End 2013</p> <p>End 2014</p>

*NB – Some remaining HSE ACOPs are associated with changes to legislation and will be reviewed in accordance with the timescale for the legislative change (see section on Simplifying the Regulatory Framework).

Engaging with the EU

Recommendation	Progress	End Date
<p>10 That the Government works more closely with the Commission and others, particularly during the planned review of health and safety Directives in 2013, to ensure that both new and existing EU health and safety legislation is risk-based and evidence-based.</p>	<p>HSE, DWP, BIS and Foreign and Commonwealth Office officials have worked with other member states (MS) for a risk-based approach to proposals for new EU legislation on occupational safety and health (OSH). Examples of where this has been successful are:</p> <p>i) on the request for a directive to implement the sectoral social dialogue agreement on the protection of OSH in the personal services (hairdressing) sector which was deemed to be disproportionate. The Commission agreed not to propose legislation to implement the agreement.</p> <p>ii) on a draft proposal for a new directive on ergonomics, working with the Small, Medium Enterprises (SME) Envoy network, officials drew the Commission's attention to a number of problems with the draft proposal, especially for small and micro-businesses. The Commission subsequently agreed not to propose legislation.</p> <p>iii) a Directive on the risks from electromagnetic fields has been adopted, with a more proportionate approach than the initial Directive, including a derogation for magnetic resonance imaging activities and a temporary derogation for other activities, where justified.</p> <p>HSE is preparing a report on the UK's practical implementation of EU OSH directives during 2007-2012. The report, due with the Commission by 31 December 2013, will feed into the Commission's comprehensive review of EU OSH legislation.</p> <p>HSE contributed to the Prime Minister's EU Business Task Force work. Its report, 'Cut EU red tape' includes a recommendation that member states be given flexibility to decide on recording risk assessment requirements for small, low-risk businesses.</p>	<p>No end date, as this work will be ongoing.</p>

Simplifying the regulatory framework

Recommendation	Progress	End Date
<p>11 To revoke unnecessary or redundant regulations to produce a simpler regulatory framework.</p>	<p>Professor Löfstedt's report contains recommendations for a number of regulations to be revoked, subject to a suitable consultation process. At an early stage, HSE identified some additional measures suitable for revocation because they were redundant, have been overtaken by more up-to-date regulation or are not delivering their expected benefits.</p> <p>To date, 20 legislative measures have been removed from the Statute Book and a further legislative measure will be revoked on 6 April 2014.</p> <p>HSE has also identified further legislation that meets the above criteria and in 2014, HSE will seek to repeal the Offices, Shops & Railway Premises Act 1963, further Sections of the Factory Act 1961 and nine further Statutory Instruments.</p>	<p>October 2012, April 2013 and April 2014</p> <p>For measures identified by Professor Löfstedt: Completed</p>
<p>12 That HSE undertakes a programme of sector-specific consolidations:</p> <p>i) Biocides</p> <p>ii) Explosives</p>	<p>The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013 came into effect on 1 September 2013. This consolidated the requirements of various European laws on biocides and hazardous chemicals on enforcement and appointment of national authorities from seven Statutory Instruments into one.</p> <p>HSE completed consultation on 24 September 2013 on:</p> <p>(i) HSE's proposal to consolidate and modernise the Acetylene legislative framework in GB and</p> <p>(ii) HSE's proposals to consolidate and modernise the explosives legislative framework in GB, which includes a proposal to withdraw the Manufacture and Storage of Explosives Regulations ACOP (L139).</p> <p>Responses to the consultations are being analysed and will be considered by the HSE Board early in 2014.</p>	<p>Completed</p> <p>End 2014</p>

Recommendation	Progress	End Date
<p>iii) Genetically Modified Organisms</p> <p>iv) Mining</p> <p>v) Petroleum</p>	<p>HSE proposes to introduce a new set of Regulations that consolidate and modernise the Genetically Modified Organisms (Contained Use) Regulations 2000 and its three amending regulations. HSE also propose to amend and update the associated guidance. HSE's consultation on their proposal commenced at the end of October 2013 and will run for 8 weeks. Responses to the consultation will be analysed in preparation for final clearance by the HSE Board in Spring 2014.</p> <p>HSE is discussing with the mining industry the development of a single set of regulations to replace the large number of pieces of existing legislation that concern mine safety (some of which is redundant or has been overtaken by more modern legislation of general application). HSE is working closely with the industry on this transition to a modern, more goal-setting regime, which will maintain the necessary protection for mineworkers. HSE expects to consult formally in Spring 2014.</p> <p>HSE is preparing for a public consultation on proposals to consolidate and modernise petroleum legislation during November 2013.</p>	<p>End 2014</p> <p>End 2014</p> <p>End 2014</p>
<p>13 That HSE should redesign the information on its website to distinguish between the regulations that impose specific duties on businesses and those that define administrative requirements or revoke/amend earlier regulations.</p>	<p>HSE has revised and updated web pages to assist businesses to find the health and safety legislation that applies to them and to watch out for changes to the law (December 2012). (www.hse.gov.uk/legislation/index.htm)</p> <p>Redesigned web pages now make it clear where regulations impose specific duties and where they define administrative requirements. (www.hse.gov.uk/legislation/statinstruments.htm)</p> <p>The web pages will be kept under review. HSE will monitor usage and seek feedback from users to make improvements.</p>	<p>December 2012</p> <p>Completed</p>

Recommendation	Progress	End Date
<p>14 That HSE commissions research to help decide if the core set of health and safety regulations could be consolidated in such a way that would provide clarity and savings for businesses.</p>	<p>HSE commissioned this research in January 2012 and published it in December 2012 (www.hse.gov.uk/legislation/consolidation-of-regulations.htm).</p> <p>In January 2013, the findings were discussed both at a stakeholder meeting and by the HSE Board. There was broad support at both meetings for the report's conclusions. The clear consensus is that continuing to improve and revise HSE's guidance brings far greater benefits to business than consolidating core health and safety law.</p>	<p>January 2012</p> <p>Completed</p>

Recommendation	Progress	End Date
<p>17 That the intention of the pre-action protocols standard disclosure list is clarified and restated</p>	<p>This proposal has been considered. The Master of the Rolls has made other changes to the way in which pre-action protocols are reviewed and transferred responsibility for this to the Civil Procedure Rule Committee (CPRC). The revised protocol is due to be submitted by the CPRC to the Master of the Rolls for his consideration and approval in due course, subject to the timetable of the Committee.</p>	<p>2014</p>
<p>18 That regulatory provisions that impose strict liability should be reviewed and either qualified with 'reasonably practicable' where strict liability is not absolutely necessary or amended to prevent civil liability from attaching to a breach of those provisions.</p>	<p>The option chosen was to remove civil liability from attaching to a breach of health and safety Regulations. An amendment to section 47 of the Health and Safety at Work etc Act 1974 (HSWA) has been made by Section 69 of the Enterprise and Regulatory Reform Act 2013, which came into force on 1 October 2013.</p> <p>The change means that in future civil claims for breaches of health and safety duties will only be able to be brought under the common law, where negligence can be proved.</p> <p>The Health and Safety at Work etc. Act 1974 (Civil Liability) (Exceptions) Regulations 2013 also came into force on this date to make an exception to this change for pregnant workers, required due to the particular wording of the relevant EU Directive.</p>	<p>Review completed by June 2013</p> <p>Completed</p>
<p>19 That the House of Lords be invited to consider discussing how to engage society on risk.</p>	<p>The House of Lords Liaison Committee considered a proposal in March 2013 for an ad hoc Select Committee to examine the issue of risk and consider how to engage society in a discussion about risk. The Committee received a large number of proposals and the risk committee was not one of those selected.</p>	<p>Completed</p>

Recommendation	Progress	End Date
<p>20 That the Government asks the Chief Scientific Advisor to convene an expert group aimed at addressing the same challenge of engaging society in a discussion about risk.</p>	<p>On the 21st November 2012 the Government Office for Science held a workshop on <i>Policy Makers, the Public and Perceptions of Risk</i>. This brought together experts from across government, regulatory bodies, business, and academia to discuss how risk, and our responses to it, fundamentally shapes policy thinking. The findings of the workshop have fed into Government Office of Science further work on the communication of risk.</p>	<p>Completed</p>

Progress in implementing the recommendations in Lord Young's: *Common Sense, Common Safety*

This section of the report sets out progress with actions taken on the recommendations in Lord Young's report. The report can be found at: www.gov.uk/government/publications/common-sense-common-safety-a-report-by-lord-young-of-graffham. For ease of reading the recommendations have been abridged. There is summary of progress made in each area and an indication of the current status.

RECOMMENDATION	Low hazard workplaces	Status
1. Simplify risk assessment procedures	See actions on Professor Löfstedt recommendation that HSE should continue to help businesses understand what is reasonably practicable (p9).	Completed
2. Develop periodic checklists		
3. Develop voluntary organisation checklists		
4. Risk assessment exemptions for low hazard homeworking	HSE and the British Chamber of Commerce published joint guidance on the application of health and safety legislation to homeworkers (August 2011).	Completed
5. Risk assessment exemptions for low hazard self – employed working	See action on HSE in Professor Löfstedt recommendation on exempting from health and safety law those self-employed whose work activities pose no potential risk of harm to others.	Completed
6. Professionalise health and safety consultants	The independent Occupational Safety and Health Consultants Register provides a source of qualified health and safety advice for businesses that require external support (March 2011).	Completed
7. Health & safety consultants' register	Businesses can have confidence in choosing a health & safety consultant from the register. Registered consultants are bound by their professional body's code of conduct and are committed to providing sensible and proportionate health and safety advice. At 31 October 2013 there are over 2,000 registered consultants.	

<p>8. Health & safety guidance for lower risk SMEs</p>	<p>See 1-5 above.</p>	<p>Completed</p>
<p>9. Consolidate health and safety regulations</p>	<p>This recommendation led to the invitation for Professor Löfstedt to carry out his review of health and safety regulations. See actions on consolidations in section 'Simplifying the Regulatory Framework'.</p>	<p>Completed</p>
<p>10. EU health and safety: UK/Member State co-operations</p>	<p>See actions on Professor Löfstedt recommendation in section 'Engaging with the EU'.</p>	<p>Completed</p>
<p>11. Extending the period before an injury or accident needs to be reported to seven days.</p> <p>12. Review the operation of RIDDOR</p>	<p>HSE introduced the changes to implement the extended period in April 2012.</p> <p>Subsequently, further to Professor Löfstedt recommendation, changes have been made to clarify and simplify the reporting requirements for business.</p>	<p>Completed</p>
<p>13. Improving the health and safety system – multi-site businesses</p>	<p>The Better Regulation Delivery Office (within the Department for Business, Innovation and Skills) has strengthened Primary Authority through changes introduced by the Enterprise and Regulatory Reform Act 2013, and other legislation, from 1 October 2013. These changes are part of the Government's drive to make the UK the best place to start and grow a business:</p> <ul style="list-style-type: none"> - Primary Authority is now accessible to businesses that share an approach to compliance with at least one other business trading in a different local authority, usually through a trade association or franchise. - The scope of the scheme is extended to cover age restricted sale of gambling, regulation of sun-bed tanning, the Housing Health & Safety Rating system and Welsh regulations on single use carrier bag charging. - A legal obligation has been introduced for primary authority inspection plans to be followed and for feedback to be provided to primary authorities when inspection activity is carried out. 	<p>Completed</p>

	Revised Statutory Guidance has also been published which reflects the extension and strengthening of the scheme: http://www.bis.gov.uk/assets/brdo/docs/publications-2013/13-1191-primary-authority-statutory-guidance.pdf	
RECOMMENDATION	Police and Fire Services	
14. Police officers/fire fighters guidance	HSE issued a statement that they will not investigate or prosecute individual firefighters who undertake a heroic act. HSE and the Association of Chief Police Officers (ACPO) have published joint guidance that makes clear that, whilst HSE inspectors may need to investigate serious accidents, they will not collect evidence to use against individual police officers who have undertaken a heroic act. The Crown Prosecution Service (CPS) has issued guidance to their lawyers in support of this position.	Completed
RECOMMENDATION	The Adventure Activity Licensing Authority	
15. Abolition of the AALA`	The Ministers are considering the future arrangements for AALA.	In progress
RECOMMENDATION	Civil compensation claims	
16. Personal injury claims – introduce simplified procedure 17. Personal injury claims –options for extending upper claims limit to £25k	Following consultation in 2012, the Ministry of Justice has amended the Civil Procedure Rules (from 31 July 2013), so that the Road Traffic Accident Personal Injury Protocol has been extended to: - include employer’s and public liability accident claims - allow claims up to £25,000 (previously £10,000).	Completed
18. Introduce Jackson recommendations	The Ministry of Justice implemented the primary recommendations contained in Lord Justice Jackson’s Review of Civil Litigation Costs, through provisions in Part 2 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (1 April 2013). These include a fundamental reform of no win no fee conditional fee agreements	Completed

	(CFAs) and a ban on the payment and receipt of referral fees in personal injury cases (see 20 below).	
RECOMMENDATION	Compensation culture	
19. Clarify liability consequences of well-intentioned voluntary acts	The Department for Transport (assisted by the Ministry of Justice) published guidance in October 2010 clarifying the position on snow clearance. The Ministry of Justice has committed to work with relevant Government Departments to provide further advice to the public when appropriate, for example in response to extreme weather conditions.	Completed
20. Restrict operation of referral agencies/ personal injury lawyers	<p>The Ministry of Justice is responsible for the regulation of Claims Management Companies (CMCs) in England and Wales.</p> <p>A full ban on the offering of financial rewards or similar benefits as an inducement to make a claim by regulated Claims Management Companies (CMCs) was brought into force on 1 April 2013 and applies to all regulated CMCs in England and Wales. Regulated CMCs found to be breach of the ban face enforcement action which could ultimately result in the variation, suspension or cancellation of their authorisation to provide regulated claims management services.</p> <p>The Legal Aid, Sentencing and Punishment of Offenders Act 2012 also introduced a ban on referral fees in personal injury cases on 1 April 2013.</p> <p>These changes will help to tackle the perception of a compensation culture, as lawyers and claim management companies will no longer be able to pay for details of potential claimants. Taken with wider changes to the Road Traffic Accident (RTA) claims process (see 16 and 17 above), the ban will reduce the amount of money in the system which encourages claims and contributes to high costs.</p>	Completed

RECOMMENDATION	Education	
<p>21. Simplify processes for taking schoolchildren on trips</p> <p>22. Introduce single consent form for every pupil</p> <p>23. Shift from a risk assessment to risk benefit system</p>	<p>Revised Department for Education health and safety guidance for schools and the generic consent form were launched along with an HSE High Level Statement on the application of health and safety law to school trips (July 11).</p> <p>HSE and the Play Safety Forum published a joint statement on striking a balanced approach when managing risk in play (July 2012). HSE continues to engage with the Play Safety Forum and their work to advocate effective policies and good practice for play provision.</p> <p>These changes in the education sector deliver a key objective in the government's health and safety reform agenda, stressing the benefit of extracurricular activities to pupils' development, debunking myths about perceived barriers to such activities, and giving assurances to teachers over unfounded fears of prosecution in clear and simple language.</p>	<p>Completed</p> <p>Completed</p>
RECOMMENDATION	Challenging official decisions	
<p>24. Officials to give reasons for banning events on health and safety grounds.</p> <p>25. Challenging officials decisions/refusals</p> <p>26. Referring unfair decisions to the Ombudsman</p>	<p>Action on the three recommendations has been included in the Department for Communities and Local Government's published Structural Reform Plan.</p> <p>On 24 June 2013, Charlie Elphicke MP presented his Private Members' Bill, with Government support: The Local Government (Review of Decisions) Bill. This seeks to place certain obligations on local authorities in relation to decisions about health and safety at events, as well as putting it beyond doubt that the Local Government Ombudsman may 'fast track' investigations into complaints about such decisions. The Bill had its First Reading in the Commons. It was scheduled to receive its second reading on Friday 6 September, but was not reached. Second Reading may be rescheduled.</p>	<p>In progress</p>

<p>27. Insurance companies to stop requiring low hazard companies to employ h & s consultants</p> <p>28. Only qualified consultants to be employed</p> <p>29. Insurance companies to draw up a h&s code of practice</p>	<p>The Association of British Insurers (ABI) published guidance <i>'Health & Safety for Business and the Voluntary Sector'</i> (April 2013). This sets out the key principles that insurers look for when evaluating the management of health and safety. This makes clear that businesses operating in low hazard environments do not need to employ external consultants. However, where a business chooses to do so, only qualified consultants should be used. The guidance can be found at on the ABI website along with their other guidance on health and safety.</p>	<p>Completed</p>
<p>RECOMMENDATION</p>	<p>Food Safety</p>	
<p>30. Combine food safety and health & safety inspections in local authorities</p> <p>31. Mandatory local authority participation in the Food Hygiene Rating Scheme (FHRS)</p> <p>32. Promote usage of the FHRS by consumers.</p>	<p>A joint Food Standards Agency (FSA) / HSE / Local Government Regulation statement on implementing combined inspection programmes from 1 April 2011 was issued to local authorities in England (February 2011). The statement is published on the FSA website at: http://www.food.gov.uk/archived/enforcementarchive/enf/e/11</p> <p>The Food Standards Agency's (FSA) Food Hygiene Rating Scheme is now operating in 98% (321 of 326) of local authorities in England (there is national coverage in Wales and Northern Ireland). Four of the remaining five authorities are due to launch by spring 2014 with Rutland County Council the only authority not yet committed to the scheme.</p> <p>The FSA ran its first national campaign 'Where are you really eating out' in spring 2013. A variety of media were used and evaluation of the activities undertaken provided evidence that paid-for communication increased recognition and use of the scheme.</p> <p>Further activity is planned for pre-Christmas, for pre-Valentine's Day 2014 and for next summer's holiday season – this is based on the theme 'a recipe for a great meal out'.</p>	<p>Completed</p> <p>In progress</p> <p>Completed</p>

<p>33. Encourage voluntary display of ratings, but review after 12 months and, if necessary, make display compulsory</p>	<p>FSA published research in July indicated that voluntary display of ratings in England had increased significantly from 43% to 52% between 2012 and 2013 (mostly as a result of businesses with ratings of 4s or 5s displaying these).</p> <p>The FSA's focus is on increasing this further and a 'toolkit' was issued to businesses in September to highlight the advantages of display and to provide ideas on making the most of their ratings in advertising.</p> <p>Display of ratings at food business premises in Wales will be compulsory from 28 November 2013 when the Food Hygiene Rating (Wales) Act 2013 comes into force.</p> <p>The impact of putting the scheme on a statutory footing in Wales will be kept under close review.</p>	<p>In progress</p>
<p>34. Published ratings online in an open and standardised way</p>	<p>FHRS data has now been published at food.gov.uk/ratings on over 410,000 food businesses in England, Wales and Northern Ireland, an estimated 81% of those that fall within the scheme's scope.</p>	<p>Completed</p>
<p>35. Open the delivery of inspections to accredited certification bodies</p>	<p>FHRS adoption by all local authorities in England is needed before opening up inspections to accredited certification bodies within the catering and retail sectors. This is now close to being achieved and the issue will be considered as part of a strategy for the future for FHRS which the FSA is currently developing.</p>	<p>In progress</p>