

Appendix 4 Changes to Health & Safety legislation, approved codes of practice and guidance

Background:

In 2010, the government pledged to reduce the burden of health and safety bureaucracy and red tape. It commissioned two independent reviews of the operation of the UK's health and safety legal framework. The outcome of those two reviews (by Lord Young in 2010 and Professor Ragnar Lofstedt in 2011) was a set of recommendations for improving the perception of health and safety, and consolidating, simplifying and reducing health and safety laws and guidance.

This appendix is to advise of recent legislative changes and planned changes to Approved Codes of Practice (ACOPs) and Guidance. The following is a summary of those changes and proposed changes to date, which impact on MFRS. Health and Safety at Work Act 1974 – Removal of Strict Liability

On 1st October 2013, Section 69 of the Enterprise and Regulatory Reform Act 2013 amended Section 47 of the Health and Safety at Work etc. Act 1974, and removed the right for employees to bring a claim for damages against their employer for breaches of statutory duties. This means that in pursuing damages for injury or ill-health, employees will have to prove that their employer was negligent. Employees, who are pregnant, have recently given birth or are breast-feeding, are exempt from this change.

Regulations

Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)

RIDDOR 2013 came into effect on 1st October 2013, replacing RIDDOR 1995. The main changes are:

- The existing schedule of 47 types of industrial disease has been replaced with Eight categories of reportable work-related illness.
- The classification of “major injuries” has been replaced with a shorter list of “specified injuries”
- Fewer types of “dangerous occurrence” require reporting.

The outcome for MFRS is likely to be a reduction in the number of RIDDOR reportable injuries and dangerous occurrences.

Health and Safety (First Aid) Regulations 1981

These Regulations have been amended to remove the requirement for HSE to approve first aid training and qualifications. The outcome for MFRS is that we are no longer required to use an “HSE approved centre” for the delivery and awarding of first aid qualifications.

Approved Codes of Practice

The purpose of ACOPs is to help employers understand and comply with their duties under health and safety law. ACOPs have a special legal status, meaning that if the employer follows the ACOP in the relevant circumstances, they can be confident that they are complying with the law.

In 2012, HSE consulted on proposals to revise, consolidate or withdraw 15 ACOPs by the end of 2013, and make minor revisions or no changes to 15 others by the end of 2014.

Progress on ACOPs to Date

Following consultation, HSE are going forward with their proposed changes. It was decided however that the length of ACOPs should be decided on a case by case basis rather than limit to 32 pages as originally planned. According to HSE, the changes, which include simplifying the language and removing out of date requirements, are designed to make it easier for employers to understand and meet their legal obligations (note that the Regulations themselves have not changed).

The following ACOPs are being significantly revised and updated

- Work with asbestos materials
- Control of substances hazardous to health (COSHH)
- Workplace (health safety and welfare)
- Control of Legionnaires' disease
- Dangerous substances and explosive atmospheres
- Installation and use of gas systems and appliances

The following ACOPs are being subject to minor revisions (by end of 2014)

- Safe use of work equipment
- Safe use of lifting equipment
- Work in confined spaces
- Safety of pressure systems

The following ACOP has been withdrawn (July 2013)

- Management of Health and Safety at Work

This ACOP has been replaced by a new suite of guidance, available on HSE's website.

The outcome of these ACOP revisions for MFRS is that all of the associated policies and procedures will need to be reviewed.

Guidance

One significant change is to HSE's guidance 'Successful Health and Safety Management', widely known as HSG 65. A revised on-line version of this document was published on 1st August. 2013. This revised guide moves away from the previous model known as POPIMAR (policy, organising, planning, measuring performance, auditing and review) to a 'plan, do, check act' approach. Health and Safety Department policies are based on the POPIMAR model. The outcome of this revision is that the Health and Safety Department will review its policies against the new model when they are due for routine review. At the same time as this change in HSE guidance, the Department for Communities and Local Government (DCLG) also published a guidance document for Fire and Rescue Authorities, called 'Health, Safety and Welfare Framework for the Operational Environment'. This DCLG guidance is based on the POPIMAR model. The following four guidance documents have been superseded by 'the framework' and are now withdrawn:

1. Volume 1 A guide for Senior Officers
2. Volume 2 A guide for Managers Modules 1-17
3. Volume 2 A guide for Managers Module 18 Health and Safety Audit
4. Dynamic management of risk at operational incidents – a fire service guide.