



The Löfstedt Report

The Department for Work & Pensions has published the long awaited Löfstedt report on Monday 28 November 2011. The review was chaired by Professor Ragnar E Löfstedt, Director of the Centre for Risk Management at King's College London.

This report aims to reduce the level of bureaucracy, restate the importance of reasonable practicability in health and safety regulation and promotes greater personal responsibility amongst individuals. It further concluded that any problem "lies less with the regulations themselves and more with the way they are interpreted and applied".

The Professor made a number of recommendations which the Government has accepted and the HSE has welcomed. In general terms, the recommendations aim to:

- Reduce regulatory requirements on business where they do not lead to improved health and safety outcomes; and remove pressures on business to go beyond what the regulations require, enabling them to reclaim ownership of the management of health and safety.

In particular, the recommendations include amongst others:

- Exempting from H&S law those self-employed people whose work activities pose no potential risk of harm to others
- An HSE review of all its Approved Codes of Practice
- A sector specific consolidation of regulations
- Strengthening the HSE's policy role as regards local authority enforcement of health and safety to drive consistency in their approach
- Re-emphasising the original intention of the pre-action protocols standard disclosure list is clarified and restated and 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.
- Engaging with the European Commission in relation to the planned review of health and safety regulation in 2013
- **Recommend the revocation** of the Notification of Tower Cranes Regulations 2010 and the Notification of Conventional Tower Cranes (Amendment) Regulations 2010 and the Construction (Head Protection) Regulations 1989
- Recommend that The H&S (First Aid) Regulations 1981 – CDM Regulations 2007 – RIDDOR Regulations 1995 – Work at Height regulations 2005 are amended, clarified or reviewed.

If the recommendations from this report are fully implemented it will mean that the number of regulations is reduced and businesses have clearer guidance on what is required for compliance. This should enable a more cost effective approach to safety management and organisations will be better protected against unjustified liability claims. It will also mean that businesses whose health and safety enforcement is by the local authority should see a more consistent enforcement policy.

The Government has set a timetable for implementation of the recommendations. This extends to 2014 for some issues but the HSE review of approved codes of practise should be completed by June 2012. The HSE has said that it will meet the timetable and that it welcomes the publication of the report. Judith Hackett, the Chair of HSE, said: "Simplifying and streamlining the stock of regulations, focusing enforcement on higher risk businesses, clarifying requirements, and rebalancing the civil litigation system – these are all practical, positive steps."

As a consequence it is important for businesses to remain focused on:

- Continuing to complete practical risk assessments particularly around key risks and hazardous activities
- Establishing proportionate risk control systems
- Deploying the risk control systems, monitoring their effectiveness and reviewing any need for change
- Maintaining sufficient records to be able to support the basis of the risk control regime

In summary we at AFI are encouraged with the overall content of this report and would recommend that all senior executives take the time to **read the report**

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