

HEALTH AND SAFETY EXECUTIVE

GENERAL PURPOSE

Mission statement: 'The prevention of death, injury and ill health to those at work and those affected by work activities'¹ (DWP/HSE Framework document)

Purpose of the HSE: Set up in order to 'support the Government's strategic aims and current targets for health and safety at work. Its main aim is to secure the health, safety and welfare of people at work and protect others from risks to health and safety from work activity'² (DWP/HSE Framework Document)

The general purposes are set out in Section 1 of the Health and Safety at Work etc. Act 1974 (HSWA)

SAFETY

The general duties on employers under HSWA overlap with other legislation and can be applied to work-related driving. HSE's long-standing policy is that it should not generally seek to enforce health and safety at work legislation where public and worker safety is adequately protected by more specific and detailed law enforced by another authority.

A small number of incidents involving specified work activities on, or adjacent to, the road (e.g. waste collection, hedge trimming, road works) are reportable to HSE under the Reportable Injuries, Diseases and Dangerous Occurrences Regulations [RIDDOR]. However, HSE generally defers primacy on work-related road incidents to those regulators with more specific powers and legislation (e.g. Police, Driver and Vehicle Standards Agency (DVSA), and Traffic Commissioners).

This policy is not intended to exclude the use of health & safety legislation in respect of all road traffic accidents. Where safety cannot be adequately regulated by other more specific legislation, such as the Road Traffic Acts and the Road Vehicles (Construction and Use) regulations, there may be a need to use health and safety legislation, particularly in cases of serious management failures.

The Police lead on investigations of road incidents but HSE stands ready to become involved when the Police identify significant management failings.

¹ <http://www.hse.gov.uk/aboutus/howwework/management/dwphse.pdf>

² Ibid.

LEGAL FOUNDATION

HSE is established by Section 10 HSWA. HSE's powers and duties arise primarily from Part I of HSWA and Health and Safety Regulations made pursuant to Section 15 HSWA.

It has a general duty to do such things and make such arrangements as it considers appropriate for the general purposes of the act. (Section 11(1) HSWA).

It has specific duties to:

- Assist and encourage persons to further the general purposes of the act.
- Make such arrangements as it considers appropriate in relation to research and provision of training and information.
- Provide an information and advisory service
- Make proposals to the Secretary of State for the making of regulations as it considers appropriate.

It also has a duty under Section 18 HSWA to make adequate arrangements for the enforcement of the relevant statutory provisions.

It has powers to investigate which are set out in Section 20 HSWA. These include powers to enter premises (other than by force), to take samples of articles and substances, to require production of documents and to require persons to provide relevant information.

TRANSPORT SAFETY TARGETS / PERFORMANCE METRICS

HSE does not have specific targets for road transport. However, HSE is working within the HSE Strategy aiming to reduce the level of harm (fatalities, injuries and ill-health) caused by work activities:

HSE “The Health & Safety of Great Britain – Be part of the Solution”

<http://www.hse.gov.uk/strategy/strategy09.pdf>

HSE engages with stakeholders, including fellow regulators, across a broad-spectrum of workplace transport activities. This is reflected in HSE’s evidence- and risk-based strategy for the Logistics Sector, which targets key workplace transport issues across road transport, ports and mail/courier services.:

<http://www.hse.gov.uk/aboutus/strategiesandplans/sector-strategies/logistics.htm>

To promote improvements in health and safety performance across transport topics, including Work-Related Road Risk, HSE initiated the Logistics Strategic Forum which brings together: Trade Bodies (e.g. Road Haulage Association), other Regulators, employers and Trades Unions that deal mainly with workplace transport matters (including load safety).

HSE has also reviewed and revised key guidance for transport, including HSG 136 (“A Guide to Workplace Transport Safety”). To assist dutyholders in managing WRRS, DfT and HSE have published joint guidance on the subject “Driving at work – managing work-related road safety”:

<http://www.hse.gov.uk/pubns/indg382.pdf>

HSE and HSL are working with Trade bodies to produce new guidance and to provide technical support, across all aspects of Workplace Transport Safety, including load securing.

INVESTIGATION COSTS

HSE investigates a large number of work-related incidents, including those involving workplace transport. The investigations range in duration from a few hours to many months, or even years for some complex investigations. As a result, we do not have a meaningful figure to place on the cost of workplace transport investigations.

HSE now operates a Fee for Intervention (FFI) cost recovery scheme, which came into effect on 1 October 2012. Under The Health and Safety (Fees) Regulations 2012, those who break health and safety laws are liable for recovery of HSE’s related costs, including inspection, investigation and taking enforcement action. The Fee for Intervention hourly rate is £124.