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Dear Mr McNeil

**HEALTH AND SAFETY IN SCOTLAND: ONE-OFF EVIDENCE SESSION WITH THE HEALTH AND SAFETY EXECUTIVE (HSE)**

Thank you for inviting HSE to give evidence to the Committee on 4<sup>th</sup> February.

We said we would provide further information on a couple of points.

Bob Doris MSP asked a question about recent changes to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations to require reporting of injuries after seven instead of three days off work. In my reply I referred to this research commissioned by HSE into the effect of that amendment [www.hse.gov.uk/research/rrhtm/rr984.htm](http://www.hse.gov.uk/research/rrhtm/rr984.htm).

In a question about the number of HSE inspectors based in Scotland, Mr Doris quoted a figure of 162 from our evidence to the Committee last year. There were then some follow up questions about how many inspections had been done. It would be more appropriate to compare the figure for proactive inspections in Scotland against the number of inspectors engaged in that effort to enable a more meaningful comparison about relative workloads year on year.

In 2011/12 there was an average of 81 (rounded) full time equivalent frontline inspectors in our Field Operations Directorate (including Construction Division) and 2,236 inspections were undertaken. In 2012/13 the figures were 77 and 2,787 respectively. This gives a more accurate picture of how FOD staff were deployed to this important area of work.

The remainder of the figure for frontline inspectors comprises predominantly those engaged in the regulation of major hazard sites both on and offshore; and a smaller number who work in what is now our Operational Strategy Division.

HSE is currently recruiting specialists to work in regulating major hazard industries. Some of the posts will be based in Scotland and we already employ specialist inspectors who work across national boundaries.

Mr Doris asked what intelligence HSE uses to inform its risk-based approach to intervention. In addition to separate work in on-shore and off-shore major hazard industries, priority sectors for intervention are informed by detailed analysis of the prevalence and causes of injury and ill health across GB. This is based on RIDDOR-reporting, the Labour Force Survey, occupational disease-reporting systems and factors such as the size of population exposed.

Current priorities are:

- particular activities in construction (such as licensed asbestos removal, fragile roof work);
- specific manufacturing processes;
- certain aspects of food processing;
- the waste and recycling industry;
- agriculture – which is addressed mainly by our programme of Safety and Health Awareness Days (SHADs) to provide scenario-based training; and,
- Legionella at premises with cooling towers.

In addition to these higher risk sectors HSE may conduct an inspection visit when:

- a duty holder's level of compliance has been recently rated as falling significantly below expected standards (we call these category A premises).
- a data search identifies premises with inspection values in the tier just below category A, for competence and attitude of management.
- intelligence from RIDDOR notifications (where the nature of the injury alone may not trigger a mandatory investigation) indicates concern about the duty holder's ability to manage health and safety or there is a trend emerging from a number of RIDDORs
- matters of concern are passed on to HSE by other regulators
- we receive a complaint from an employee or member of the public
- we are notified of an Adverse Inspection Reports for significant and higher risk defects of machinery, or again, where trends/patterns over a period emerge
- we are notified of a waiver to conduct licensed asbestos work
- local knowledge of premises meets the proactive inspection parameters, for example, inspections by occupational health inspectors have resulted in a low rating for health and the premises have not been inspected in the last 3 years.
- follow up is required after an investigation.


Single or limited strands of intelligence are supplemented by any other available and relevant information about the duty-holder and past performance to provide as rounded an intelligence base as possible. The information is assessed in terms of how likely it is that the control and management of significant risks is deficient, and therefore indicates a cause for concern and likely material breach of the law. Sources of information and factors to take into account include:

- previous reports and correspondence;
- whether the business operates higher risk processes or activities;
- the numbers employed and whether, or not, the public are at risk; and
- the length of time since the last visit.

Inspectors also spend a significant proportion of their time – but which varies widely from inspector to inspector - on investigations that are mandatory under our published selection criteria or in making initial enquiries into incidents brought to our attention by COPFS.

I hope this is helpful. If you need anything more, please get in touch.

Yours sincerely



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