

Correspondence between Rory O'Neill and HSE press office to try and establish the evidence base of HSE's policies on high risk areas where inspections are deemed to be ineffective, 3-12 September 2012.

From: Rory O'Neill [mailto:editor@hazards.org]
Sent: 03 September 2012 7:07 AM
To: HSE media; Sue.Johns@hse.gsi.gov.uk
Subject: PRESS ENQUIRY: High risk areas where inspections are deemed to be ineffective
Importance: High

Dear press office

PRESS ENQUIRY: High risk areas where inspections are deemed to be ineffective

I've looked for, but can't find, an explanation of your arguments and evidence for excluding sectors including agriculture and quarries from preventive inspections. I've checked HSE's website and board minutes and can find plenty of statements, but as yet no evidence-base to support the statements.

Can you direct me to the relevant evidence-based analyses and related documentation, and if it doesn't exist provide me the evidence-based argument on which these decisions were based?

Thanks, Rory

Rory O'Neill
Editor, Hazards magazine www.hazards.org
Professor, Occupational and Environmental Health Research Group, University of Stirling, Scotland
Health, safety and environment officer, International Federation of Journalists

From: Clare.Trenholm@hse.gsi.gov.uk [mailto:Clare.Trenholm@hse.gsi.gov.uk]
Sent: 07 September 2012 3:46 PM
To: editor@hazards.org
Subject: RE: PRESS ENQUIRY: High risk areas where inspections are deemed to be ineffective

Dear Rory,

I've been asked to pass this on as the response to your query.

HSE's strategic approach to inspection is developed as part of a wider intervention strategy. This is an iterative process based upon analysis and evidence comprising (but not limited to):

- Nature of intrinsic sector-related hazards;
- Rates of injury and ill health
- Sector-specific factors and context, e.g. numbers of people employed, structure of the sector etc

In respect of the evidence-base for our approach to Agriculture, I refer you to the relevant HSE Board papers that are all available on the HSE website: HSE/11/62 (Sept 2011), HSE/11/14 (Feb 2011), HSE/10/33 (Mar 2010), HSE/9/46 (May 2009).

Similarly HSE's programme of work for Quarries may be found at:
<http://www.hse.gov.uk/quarries/programme.htm>

No sector will be 'immune' from inspection. The relative priorities of industry sectors for proactive inspection is reviewed on a regular basis, as these are subject to change in response to evidence of poor performance, or changes in levels of sector-related risks.

Regards,

Clare

Clare Trenholm MCIPR | Senior Press Officer | Health and Safety Executive

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☐ Health and Safety Executive, 5N.3 Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS

From: Rory O'Neill [mailto:editor@hazards.org]

Sent: 08 September 2012 11:39 AM

To: Clare.Trenholm@hse.gsi.gov.uk

Cc: Sue.Johns@hse.gsi.gov.uk

Subject: RE: PRESS ENQUIRY: High risk areas where inspections are deemed to be ineffective

Importance: High

Seriously? This is pretty poor. At the end I will refer you back to the original question, "an explanation of your arguments and evidence for excluding sectors including agriculture and quarries from preventive inspections", to which you have not responded in any part.."

A referral to a sequence of unsupported statements provides neither argument nor evidence.

With regard to the off topic information you did provide, I said I'd found "plenty of statements", but not the evidence supporting them. Neither did I limit my request to particularly sectors, but your response is entirely restricted to agriculture and quarries, but provides no evidence in either case. Each source lists what HSE is doing, but does not provide evidence why it has abandoned inspection in favour of these approaches, for which it provides little evidence of success. I have incidentally got more relevant HSE and government statements in my file. These too do not include arguments or evidence.

On the particulars of the information provided, all you've done is sent a series of links confirming you've done what I said you'd done. None of it provides evidence that inspection or a combination of inspection supplemented by the new approaches would be a more efficacious option.

- The September 2011 board paper has a note the board had previously "endorsed HSE's risk-based approach to inspection and its proactive approach to improving compliance." This isn't evidence.
- The February 2011 board paper makes no reference to inspection or evidence why you might deem it ineffective in agriculture.
- The March 2010 paper says "Following previous analysis, we believe that communications, rather than reliance on inspection and enforcement, is the most effective and cost effective method of intervening with the industry." This is not evidence, it is just another statement. The Annex 2 contains this: "Analysis carried out by the Sector in 2003/04 suggested that while HSE's inspection-based regulatory approach might be effective in larger enterprises and industries with clearly defined management structures, it was neither effective nor cost effective in tackling an industry such as agriculture characterised by micro-businesses, self-employment and family enterprises. This analysis has continued to underpin HSE's strategic approach to the industry." Again, that is not evidence, it is a statement referring to a decade old source. It is entirely possible the findings are no longer valid and HSE's interpretation of the research is not one I or other independent observers would share. It goes on to say: "Proactive inspection in agriculture has progressively declined in recent years following internal analysis which suggested it was not the most effective intervention approach given the structure of the industry." What internal analysis? If this is the basis of your case, why haven't you provided this evidence?
- The May 2009 again repeats HSE step back from inspections, noting: "HSE has recognised for sometime that proactive inspection does not represent a cost-effective means of intervention to

improve and sustain standards of health and safety in a large part of the industry, particularly for the self-employed family farms. Instead it has used a communications led approach.” In Annex 3 it adds: “Proactive inspection is not thought to represent a cost-effective means of intervention to improve and sustain standards of health and safety for the self-employed and family farms.” These again are unsupported statements.

- The quarries link provides no evidence of anything, just a statement of what HSE is doing.

So, I refer you back to the original question which is not limited to agriculture or quarries, but request a response on HSE's inspection priorities overall:

I've looked for, but can't find, an explanation of your arguments and evidence for excluding sectors including agriculture and quarries from preventive inspections. I've checked HSE's website and board minutes and can find plenty of statements, but as yet no evidence-base to support the statements.

Can you direct me to the relevant evidence-based analyses and related documentation, and if it doesn't exist provide me the evidence-based argument on which these decisions were based?

If you could answer the question I asked, it would be appreciated. Thanks, Rory

From: Rory O'Neill [mailto:editor@hazards.org]
Sent: 10 September 2012 10:33
To: Clare Trenholm; Sue Johns
Subject: FW: PRESS ENQUIRY: High risk areas where inspections are deemed to be ineffective
Importance: High
Morning Clare... can you confirm this is being dealt with? Thanks, Rory

From: Clare.Trenholm@hse.gsi.gov.uk [mailto:Clare.Trenholm@hse.gsi.gov.uk]
Sent: 10 September 2012 10:36 AM
To: editor@hazards.org; Sue.Johns@hse.gsi.gov.uk
Subject: RE: PRESS ENQUIRY: High risk areas where inspections are deemed to be ineffective

Hi Rory,

Your queries have been dealt with, but the people I need to discuss it with are all unavailable today so I will not be able to get back to you today. Apologies. I'll progress it as fast as I can.

Thanks,

Clare

Clare Trenholm MCIPR | Senior Press Officer | Health and Safety Executive
☐ Tel - 0151 951 4974 | VPN - 523 4974 | Out of hours (6pm - 8.30am) - 0151 922 1221 | Mob - 07507 838 053
☐ Health and Safety Executive, 5N.3 Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS

From: Sarah-Dean.Kelly@hse.gsi.gov.uk [<mailto:Sarah-Dean.Kelly@hse.gsi.gov.uk>]
Sent: 11 September 2012 6:32 PM
To: editor@hazards.org
Subject: recent correspondence

Dear Rory,

I am aware that you have made enquiries on a couple of matters with HSE Press Office recently and thought it worth bringing our responses together into one email for ease of reference.

1) 'High risk areas where inspection is deemed to be ineffective' 08 September

You have already been given this response but here it is again. HSE's strategic approach to inspection is developed as part of a wider intervention strategy. This is an iterative process based upon analysis and evidence comprising (but not limited to):

- Nature of intrinsic sector-related hazards;
- Rates of injury and ill health
- Sector-specific factors and context, e.g. numbers of people employed, structure of the sector etc

In respect of the evidence-base for our approach to Agriculture, I refer you to the relevant HSE Board papers that are all available on the HSE website: HSE/11/62 (Sept 2011), HSE/11/14 (Feb 2011), HSE/10/33 (Mar 2010), HSE/9/46 (May 2009). Similarly HSE's programme of work for Quarries may be found at: <http://www.hse.gov.uk/quarries/programme.htm>

No sector will be 'immune' from inspection. The relative priorities of industry sectors for proactive inspection is reviewed on a regular basis, as these are subject to change in response to evidence of poor performance, or changes in levels of sector-related risks.

From: Rory O'Neill [<mailto:editor@hazards.org>]
Sent: 11 September 2012 20:21
To: Sarah-Dean Kelly; Sue Johns; Kevin Myers; Geoffrey Podger
Cc: Clare Trenholm; Jill Inglis
Subject: RE: recent correspondence
Importance: High

Sue Have you seen this? We both know what Sarah means, and it has little to do with an honest response to responsible inquiries. It can't be that difficult to answer simple questions, simply put, on matters underpinning HSE's enforcement approach – so once more I am asking that HSE answer them, and here's why.

Answer 1 reiterates a nonsensical none response to a genuine press enquiry in the public interest. I did not ask for or want an unsubstantiated statement, I asked – twice – for the evidence to support it.

If HSE cannot provide this evidence, I would like it to say so. In earlier correspondence I took the trouble to spell out why the statements provided (twice) did not provide evidence. The closest the HSE board papers get to evidence is one reference to an internal 2004 source on one sector, which could easily be wholly irrelevant today. And you didn't provide that source material either.

I have information from within HSE that answer 2 does not reflect the discussions within HSE on this issue (and can substantiate this), so either it is Sarah's unfounded and unresearched opinion or a bad faith response. I don't care which, but I do want an honest answer to the question.

Thank you, Rory

From: Sarah-Dean.Kelly@hse.gsi.gov.uk [mailto:Sarah-Dean.Kelly@hse.gsi.gov.uk]
Sent: 12 September 2012 1:31 PM
To: editor@hazards.org
Subject: RE: recent correspondence

Rory,

You have your answers below.

Best wishes,

Sarah Dean Kelly MCIPR | Head of Corporate Communications | Health and Safety Executive

I am available on my mobile when out of the office.

☎ Tel 0151 951 4147 | Mobile 07773 767063 | Fax 0151 951 4884 | www.hse.gov.uk

✉ Health and Safety Executive, 5N.3 Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS

From: Rory O'Neill [mailto:editor@hazards.org]
Sent: 12 September 2012 1:58 PM
To: Sarah-Dean.Kelly@hse.gsi.gov.uk; Sue.Johns@hse.gsi.gov.uk; Geoffrey.Podger@hse.gsi.gov.uk; kevin.myers@hse.gov.uk
Subject: RE: recent correspondence

Thank you Sarah. I don't in fact have my answers, I just have your response. But I think I get it.

HSE is pursuing a deregulatory policy including exempting the great majority of workplaces from preventive proactive inspections without any apparent supporting evidence – certainly none it will produce - purely on the instruction of government ministers and in direct contravention of its legally prescribed functions. Further HSE is claiming the approach is supported by evidence it refuses to produce, so is either lying or withholding documentation corroborating its claims.

I'd also like you, Sue, copied in, to look at the behaviour of your communications department. HSE is a publicly funded and supposedly publicly accountable body, and that includes respecting the entirely proper public interest requests of journalists.

News management and dishonest damage limitation might be acceptable coming from Burson Marsteller, but is pretty shoddy paid for by the public purse.

Consider the original query and my subsequent resubmissions of the questions to be an FOI request. It is 12 September and the clock is running.

Yours, Rory