



THE ENFORCEMENT OF HEALTH AND SAFETY LAW

Many BFFF members will already have well-developed relationships with their enforcing authorities for health and safety law. However BFFF felt that it would be useful to provide our members with the link to further information on this subject and the details regarding the current pilot project for flexible warranting.

The Regulations and Determining Your Enforcing Authority

Responsibility for the enforcement of health and safety law in Great Britain is shared between Local Authorities (LA's) and the Health and Safety Executive (HSE). The exact nature of their enforcement responsibilities is determined by the Health and Safety (Enforcing Authority) Regulations 1998.

Determining the exact enforcing authority can be complicated and as such, the HSE has developed a guidance document called 'Health and Safety (Enforcing Authority) Regulations 1998: A-Z Guide to Allocation'

The document is aimed towards all HSE inspectors, however it is useful for all businesses if you would like further clarification on your enforcing authority.

If you are interested in viewing the document, it is important to first of all ensure that you have determined the main activity for your business premises (e.g. food manufacturing). Once this has been established, by looking up your main activity in the subject area of the A-Z guide, the relevant enforcing authority will be clearly indicated.

If your premises are engaged in more than one, and in some cases, several work activities, the decision of your main activity can be complicated. In this scenario it is best practice to contact your Local Authority for advice.

'Health and Safety (Enforcing Authority) Regulations 1998: A-Z Guide to allocation' is available at the following web link:

www.hse.gov.uk/foi/internalops/fod/oc/100-199/124_11.pdf

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Flexible Warranting

In 2004, the Health and Safety Commission (HSC) and Department for Work and Pensions launched a new strategy to improve future standards of workplace health and safety.

The new strategy envisaged a significant change in how the enforcing authorities – HSE and LA's - work together. The aim being to make them collectively more effective in improving health and safety – reducing the incidence of injuries and ill health in the workplaces for which they are responsible.

In July 2004, HSC, HSE and Local Authority representative bodies agreed a joint statement of intent, which sets out the high level commitments for partnership working in order to achieve the new strategy from the HSC. Since the Statement of Intent was agreed, a number of building blocks have been put in place to assist the partnership; one example of this is the 'Flexible Warrants' scheme.

'Flexible Warrants' enable inspectors to inspect premises regardless of whether they were traditionally regulated by the LA or HSE. Therefore flexible warrants will significantly change enforcement powers, and consequently the potential outcome of inspections/visits by any enforcing authority within a LA that takes part in the scheme.

A number of LA's (Hampshire and Isle of White, North Lincolnshire, North East Lincolnshire, East Riding and Hull, Sunderland and South Tyneside) piloted the scheme during 2006 and a task group has been established to complete this work to enable flexible warrants to be available for national adoption from April 2007.

However, it will not be mandatory for LA's to take up the scheme. Consequently, the national impact is yet to be determined and as such we would encourage all businesses to keep in touch with the development of flexible warrants in your region.

If you would like to discuss any of the above further then please do not hesitate to contact Joanna Hancock on joannahancock@bfff.co.uk or 01476 515300.

BFFF

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