



Northern Ireland Audit Office

Review of the Health and Safety Executive for Northern Ireland



REPORT BY THE COMPTROLLER AND AUDITOR GENERAL
8 September 2010



Northern Ireland Audit Office

Report by the Comptroller and Auditor General for Northern Ireland

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Review of the Health and Safety Executive for Northern Ireland

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Comptroller and Auditor General

Northern Ireland Audit Office
8 September 2010

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Abbreviations

CMS	Case Management System
DARD	Department of Agriculture and Rural Development
DETI	Department of Enterprise, Trade and Investment
HSE(GB)	Health and Safety Executive in Great Britain
HSENI	Health and Safety Executive for Northern Ireland
IDBR	Inter-Departmental Business Register
MI	Major Injury
MIT	Major Investigations Team
MSDs	Musculoskeletal Disorders
NDPB	Non-Departmental Public Body
NISRA	Northern Ireland Statistics Research Agency
Over3D	Over-3-Day Injury
PPSNI	Public Prosecution Service for Northern Ireland
PSA	Public Service Agreement
QPA	Quarry Products Association (of Northern Ireland)
RPA	Review of Public Administration
SLA	Service Level Agreement

Executive Summary



Executive Summary

Background

1. The Health and Safety Executive for Northern Ireland (HSENI) is an Executive Non-Departmental Public Body (NDPB) of the Department of Enterprise, Trade and Investment (DETI). As the regional authority for workplace health and safety, it operates under a legislative remit in providing information and advice; promoting best practice in health and safety in the workplace; enforcing compliance with statutory provisions and preparing new legislation. District councils also have responsibility for the promotion and enforcement of health and safety law in certain workplaces.
2. HSENI's activities focus on identifying and addressing the issues which lead to work-related fatalities, major injuries and other incidents. Alongside the high risk work sector priorities of construction, quarrying and agriculture, a series of well-established priority issues exist – these are:
 - falls from height;
 - transport in the workplace;
 - slips and trips;
 - manual handling and repetitive work;
 - work-related stress; and
 - exposure to asbestos fibres.
3. Under RIDDOR¹ legislation, there is a statutory requirement for certain types of workplace incident to be reported to HSENI. Depending on the specific circumstances, these are categorised² as a Fatality; Major Injury (MI); Over-3-Day Injury (Over3D) or Dangerous Occurrence.
4. In its attempts to control work-related risks, HSENI undertakes a range of activities, both proactive (including premises inspections; focused inspection initiatives and health and safety awareness seminars) and reactive (such as investigation work following notification of an incident or responding to complaints). Issues may also be identified through intelligence generated from day-to-day activities or shared by other regional health and safety authorities.
5. Our study examined HSENI's operations during the 10-year period between its formation and March 2009. We used a range of approaches to support our findings, including focus groups drawn from HSENI staff and a survey process using a sample of Northern Ireland businesses.

increased risk of injury and death in the workplace.

Consideration is also given to vulnerable groups of workers such as young people and migrant workers, who face an

Main Findings

6. This study focused on an examination of HSENI's strategic approach; a review of its proactive and reactive work; and an assessment of progress with health and safety-related targets and reducing the cost to the economy. Our key conclusions are that:

1 'RIDDOR' - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997

2 '**Fatality**' – causing death; '**Major Injury**' – includes, inter alia, certain fractures; amputation; other injuries leading to unconsciousness, requiring resuscitation or the need for hospitalisation for more than 24 hours; '**Over-3-Day Injury**' - where the injured party is off work for more than 3 days; '**Dangerous Occurrence**' - an incident which could, but does not, necessarily, result in a reportable injury

- there may be some opportunities to improve the performance management regime. Gaps in incident reporting data may be addressed by considering other information sources. A further priority is the continued oversight of all operational aspects of HSENI's Major Investigations Team. While HSENI has achieved successes in the delivery of sectoral target-driven initiatives on farm safety and construction, further scope exists to enhance the setting of targets in relation to health and safety compliance by businesses; work-related injuries; work-related ill health and the high risk sector of quarrying;
- scope exists for HSENI to consider how best to utilise research outcomes on workplace fatalities carried out by other regulators;
- there is scope to enhance the means by which the most important health and safety messages are communicated;
- scope exists for HSENI to further promote existing joint working opportunities with the district councils on health and safety-related matters;
- HSENI should document and publicise its current approach to investigating complaints; and
- HSENI's estimate of the cost to the economy arising from work-related injury, ill health and non-injury accidents needs to be reviewed and refined.

Recommendations

7. As a result of our findings, NIAO has proposed a number of recommendations to improve HSENI's effectiveness, particularly around performance management issues. Among these are:

performance monitoring

- that HSENI continues to explore and utilise as broad a range of information sources as possible, in order to generate intelligence on the occurrence of work-related injury and ill health incidents (para 2.19); and
- that the activities of the Major Investigations Team should continue to be adequately planned for, resourced and monitored (para 3.31).

targets

- that HSENI should consider setting specific targets for health and safety compliance by businesses which will be clearly understood by its stakeholders (para 3.15);
- that future target setting in relation to reducing work-related injuries needs to be both challenging and achievable (para 4.13);
- that more work needs to be done to establish targets to reduce work-related ill health (para 4.25); and
- that HSENI should continue to work with the Quarry Products Association

Executive Summary

of Northern Ireland to ensure that the impacts achieved to date through the 'Hard Targets' Initiative do not lose momentum (para 4.20).

other recommendations

- that in light of the fact that the level of workplace fatalities in Northern Ireland is relatively higher than that in Great Britain, HSENI should fully consider the outcomes of research conducted on fatal injury incident rates by other regulators, notably the Health and Safety Executive in Great Britain (HSE(GB)), and use these to inform its own deliberations in this area (para 3.35);
 - that the promotion of key health and safety messages could be enhanced through the provision of more locally-held seminars, and communications on current issues by post or e-mail (para 3.18);
 - that HSENI should continue to liaise with the district councils, as partners in health and safety, to promote joint working opportunities and to consider the establishment of a single point where employers can report all RIDDOR¹ incidents (para 3.23);
 - that HSENI adopts HSE(GB)'s approach to dealing with complaints, by documenting and publicising its own approach to complaints investigation, including the pre-determined criteria which are applied (para 3.38); and
 - that HSENI should work with DETI to update the cost to the economy of work-related injury, ill health and non-injury accidents, and keep a watching brief on the work being undertaken by HSE(GB) around the potential for identifying cost savings associated with workplace accident prevention (paras 4.6 and 4.8).
-

Part One:
Introduction



Part One: Introduction

- 1.1 The Health and Safety Executive for Northern Ireland (HSENI), the regional authority for workplace health and safety, was established in April 1999 as an Executive Non-Departmental Public Body (NDPB) of the Department of Enterprise, Trade and Investment (DETI), with Crown Status. It operates under the terms of a Management Statement and Financial Memorandum at arms length from its sponsor Department.
- 1.2 HSENI operates under a legislative remit³, with key roles in:
- providing information and advice;
 - promoting best practice in the workplace;
 - enforcing compliance with statutory provisions; and
 - preparing new legislation.
- 1.3 This remit covers a diverse range of workplace areas including manufacturing; chemical plants; construction; transport; and agriculture, alongside those in the wider public sector. In 2008-09, HSENI received grant-aid of £4.5 million from DETI, 88 per cent of which covered staff salaries, wages and running costs, and the remainder for programme spend on promotional activities, information and advisory services.
- 1.4 Under the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999, district councils also have responsibility for the promotion and

enforcement of health and safety law in certain workplaces, including shops and offices (full listing at **Appendix 1**).

Scope of the NIAO Study

- 1.5 This study considers three aspects of HSENI's operations during the 10-year period between its formation and March 2009:
- an overview of its strategic approach (**Part Two** of the Report);
 - a review of its proactive and reactive work (**Part Three**); and
 - an assessment of progress with health and safety-related targets and reducing the cost to the economy (**Part Four**).

Audit Approach

- 1.6 The main elements in our examination were:
- a review of HSENI's procedures and casework sampling;
 - focus group discussions with staff and the Senior Management Team;
 - a telephone survey of 40 farmers (**Appendix 2**);
 - a postal survey of 250 other business organisations (**Appendix 2**);
 - the use of illustrative case studies; and

³ Health and Safety at Work (Northern Ireland) Order 1978 as amended by the Health and Safety at Work (Amendment) (Northern Ireland) Order 1998

- benchmarking of HSENI's activities with other health and safety regulators, particularly the Health and Safety Executive in Great Britain.

As the survey process was intended to complement issues arising from other audit evidence, statistically significant sample sizes were not required.

Part Two:
Overview of HSENI's Strategic Approach



Part Two: Overview of HSENI's Strategic Approach

Introduction

- 2.1 This part of the report considers:
- the structure of HSENI;
 - the arrangements for the statutory notification of workplace incidents to HSENI and related statistics;
 - HSENI's strategic approach;
 - influences on HSENI's operational approach; and
 - the extent of under-reporting of work-related incidents.

Structure of HSENI

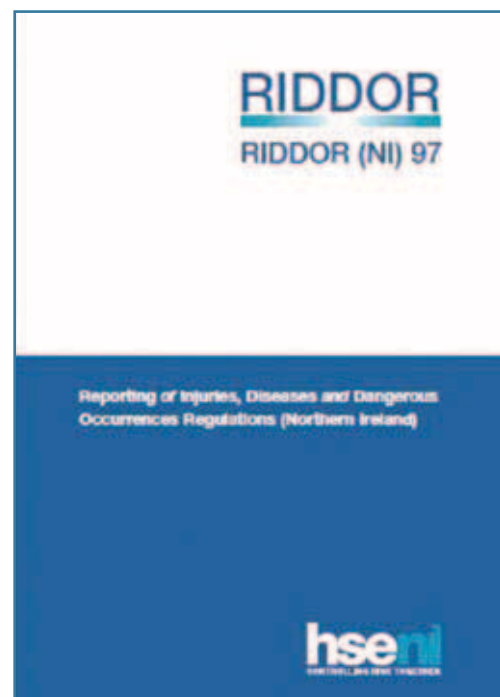
- 2.2 As shown in **Figure 1**, HSENI is structured around three Divisions – Compliance, Services and Support – each of which is managed by a Deputy Chief Executive.
- 2.3 Each Divisional work group (with responsibility for one or more specific work sectors) is headed up by a Principal Inspector managing a team of Inspectors. Training for these staff, all of whom have a background in either science or engineering, takes the form of postgraduate study and on-the-job experience. For staff in the Major Investigations Team (allocated the most serious incidents, where legal proceedings are a possibility), specialist training around investigative practices and case preparation is provided in order to meet the requirements of the criminal justice system. HSENI has also deployed a small

group of compliance officers to provide an increased presence on construction sites.

- 2.4 During the period 2005-07, HSENI identified several additional demands on its work, which led to the submission of a series of funding bids to DETI as part of a manpower planning process. In 2007-08, these bids were approved, allowing 36 additional posts to be created from April 2009. A HSENI Project Board was formed to oversee this process, and by November 2009, 28 posts had been filled.

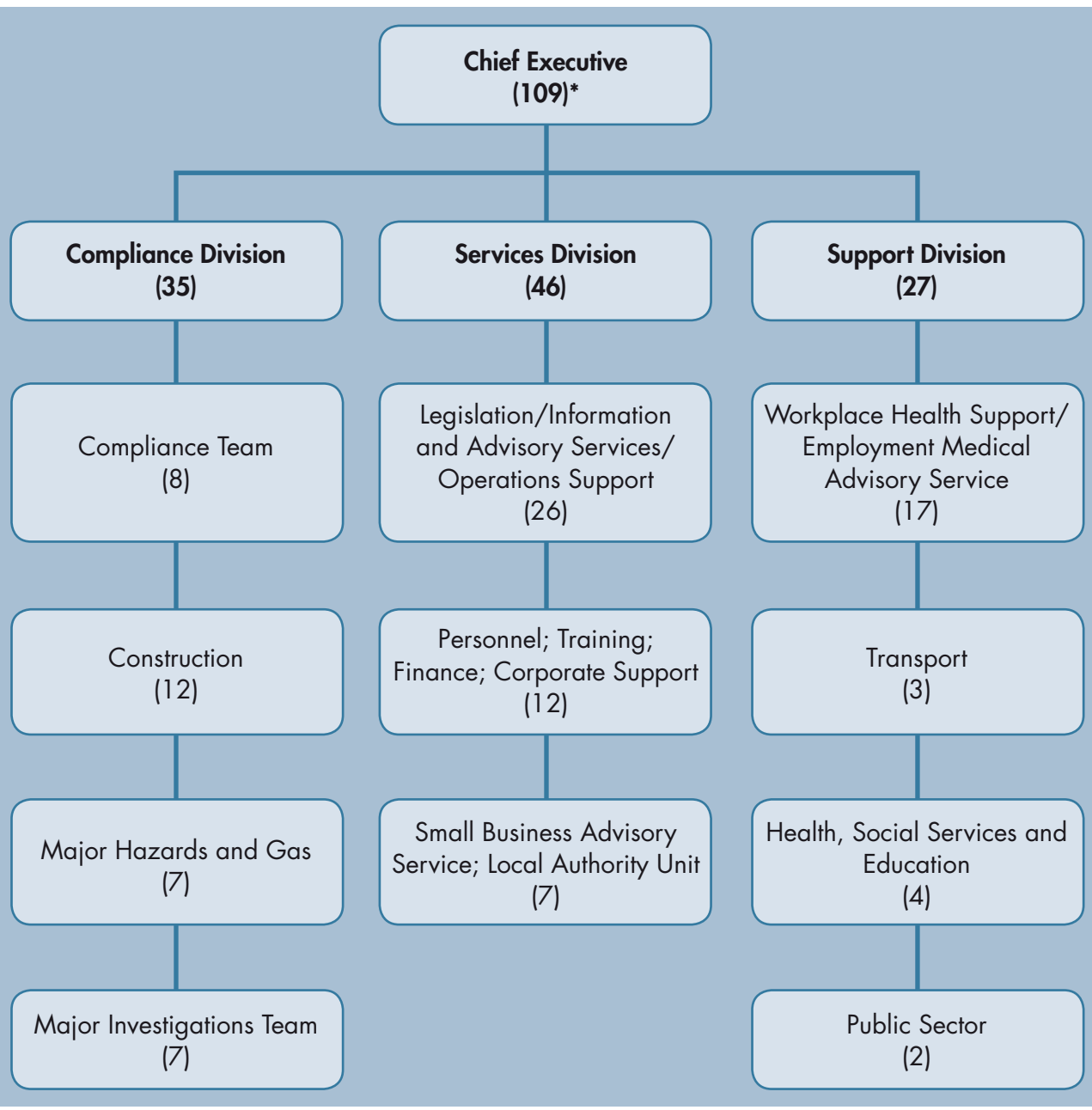
Statutory Notification of Workplace Incidents to HSENI and Related Statistics

- 2.5 Under RIDDOR⁴ legislation, there is a statutory requirement for certain types of workplace incident to be reported to HSENI. Depending on the specific



4 'RIDDOR' - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (Northern Ireland) 1997

Figure 1: HSENI Organisational Structure and Staffing Levels, March 2009



* staffing levels include 13 Trainee Inspectors who joined HSENI in March 2009
 Source: HSENI

Part Two: Overview of HSENI's Strategic Approach

Figure 2: Fatalities Reported to HSENI, 1999-00 to 2008-09



Source: HSENI

circumstances, these are categorised⁵ as a Fatality; Major Injury (MI); Over-3-Day Injury (Over3D) or Dangerous Occurrence. During our examination of HSENI, we considered the effect of its operational activities (both directly and indirectly) on reported incident levels over the 10 years since its formation - the relevant statistics are shown in **Figures 2** and **3**.

2.6 From these statistics, we note that:

- on average, there have been 17 work-related fatalities reported annually over the 10-year period;

- during this period there has been an average of 581 major injuries reported each year; and
- since 2001-02, the number of over-3-day injuries reported has been on a general downward trend.

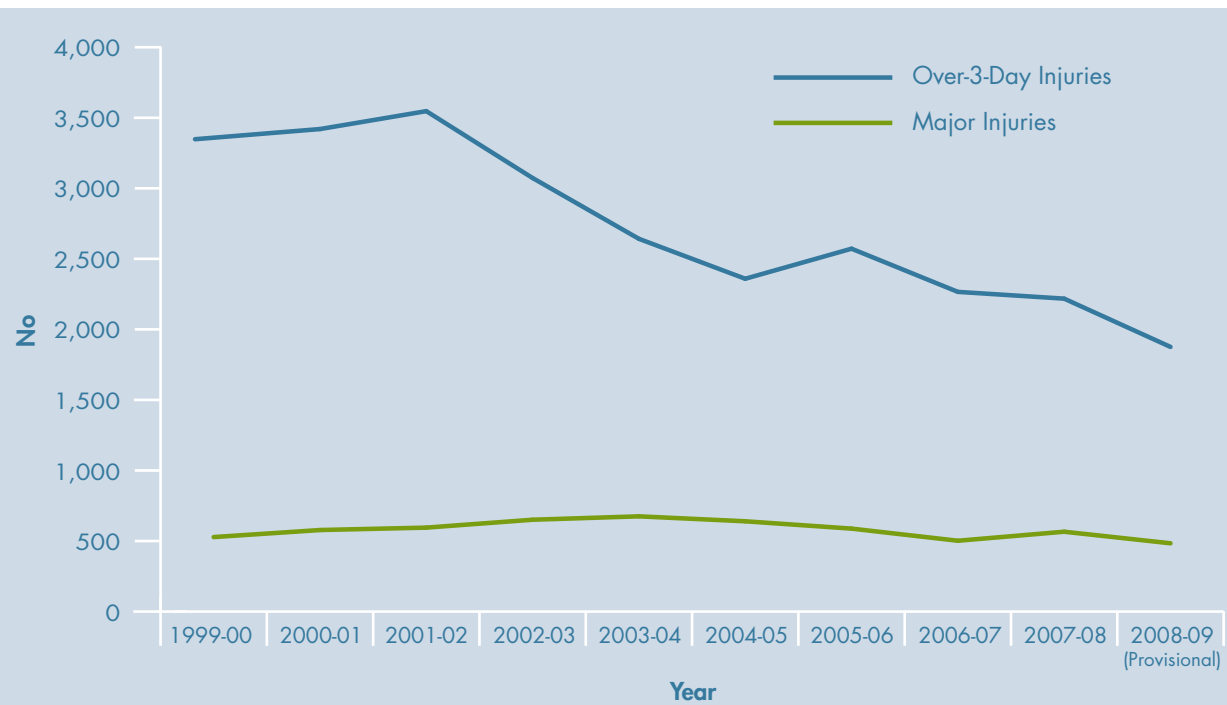
2.7 HSENI has indicated that the statutory notification of workplace incidents accounts for a significant proportion of the data handled by the organisation. During our focus group discussions, staff told us that the attitude of those with management responsibilities in the workplace is key to ensuring that incidents are reported as required.

5 'Fatality' – causing death

'Major Injury' – includes, inter alia, certain fractures; amputation; other injuries leading to unconsciousness, requiring resuscitation or the need for hospitalisation for more than 24 hours

'Over-3-Day Injury' - where the injured party is off work for more than 3 days

'Dangerous Occurrence' - an incident which could, but does not, necessarily, result in a reportable injury

Figure 3: Major and Over-3-Day Injuries Reported to HSENI, 1999-00 to 2008-09

Source: HSENI

HSENI's Strategic Approach

2.8 In its attempts to control work-related risks, HSENI undertakes a range of activities, both proactive (including premises inspections; focused inspection initiatives and health and safety awareness seminars) and reactive (such as investigation work following notification of an incident or responding to complaints). Issues may also be identified through intelligence generated from day-to-day activities or shared by other regional health and safety authorities.

2.9 HSENI's Corporate Plans (three-yearly) and Operating Plans (annual) include wide-ranging performance measures with

associated targets. These relate to its key objectives of service delivery; promotion; information; inspection/investigation and regulation. Similar measures are in place in HSENI's equivalent in Great Britain, the Health and Safety Executive (HSE(GB)).

2.10 HSENI told us that the organisation adopts a systematic approach to operational planning, where the heads of work groups within each Division (see **Figure 1**) discuss and agree with Senior Management what can be delivered (e.g. performance measure target levels) within the allocated resources, while also addressing HSENI priority issues through its wide-ranging work activities.

Part Two: Overview of HSENI's Strategic Approach

- 2.11 In our view, it is imperative that the management information generated can be used to facilitate decision-making processes by Senior Management on competing priorities; to address any imbalances between proactive and reactive work areas; and to allow close ongoing monitoring of operational targets, all of which should be shared with, and open to challenge by, the HSENI Board.
- 2.12 HSENI uses a Case Management System (CMS) to record its engagements with businesses through various activities, including inspections and investigations. CMS is supported by three datasets supplying a variety of business information, i.e. a commercial names and numbers database, a link to Companies Registry and a Farm Payments Database maintained by the Department of Agriculture and Rural Development (DARD). However, when we asked HSENI to provide access to business datasets for use in our survey, we were told that 'technical and licensing restrictions' meant that two of these were unavailable. Instead, we were limited to using:
- the DARD Farm Payments Database (containing details of recipients of agricultural grants, although these individuals may not farm the land);
 - a commercially-produced listing from 2000; and
 - spreadsheets of contacts compiled for use in HSENI initiatives.
- 2.13 Having identified that an Inter-Departmental Business Register (IDBR)⁶ was available with the necessary details, we used this to select our survey contacts (for all sectors except agriculture). HSE(GB) has access to the IDBR, and in light of this, and the fact that DETI (HSENI's sponsor Department) manages the Register in Northern Ireland, we asked HSENI why it was not using this data source in its work. It told us that while discussions with DETI on this area had taken place, legal advice provided by the Departmental Solicitor's Office (within the Department of Finance and Personnel) indicated that HSENI does not have the necessary legislative authority to access the IDBR. However, we note that HSENI is satisfied that, with access to alternative data sources, its ability to undertake its statutory functions is not compromised.

Influences on HSENI's Operational Approach

- 2.14 HSENI's activities focus on identifying and addressing the issues which lead to work-related fatalities, major injuries and other incidents. Alongside the high risk work sector priorities of construction, quarrying and agriculture, a series of well-established priority issues exist – these are:
- falls from height;
 - transport in the workplace;
 - slips and trips;
 - manual handling and repetitive work;

⁶ The IDBR's details are derived from a statutory survey conducted under the Statistics of Trade and Employment (Northern Ireland) Order 1988

- work-related stress; and
- exposure to asbestos fibres.

Consideration is also given to vulnerable groups of workers such as young people and migrant workers, who face an increased risk of injury and death in the workplace.

2.15 While HSENI undertakes a range of proactive and reactive work, we focused our examination on inspections, promotional activities and partnership working arrangements (proactive); and investigations and complaints (reactive). Resource allocation requires a balance to be struck between activities such as preventative inspections and the detection of issues through investigatory work following an incident. The balancing of resources has been a prominent feature in recent reviews of health and safety practice carried out by Hampton⁷ and Macrory⁸. Hampton focuses on the necessity for effective inspection and enforcement across all bodies with a regulatory function, noting

that any penalty system should provide effective deterrence. This approach is complimented by Macrory's work, which recommends the use of effective sanctions.

Under-Reporting of Work-Related Incidents

2.16 Across the United Kingdom, it is recognised that a high proportion of non-fatal injury incidents go unreported. Through the application of Labour Force Survey data, HSE(GB) estimated that the level of reporting by employers in Great Britain was 58 per cent in 2008-09 (corresponding to a 42 per cent level of under-reporting)⁹. In respect of Northern Ireland, HSENI Annual Reports since 2002-03 have recorded that, while the organisation *"has confidence in the number of fatal injuries recorded, it is generally recognised that there is a significant degree of under-reporting of incidents in other categories"*.

2.17 We note that the HSE(GB) website has been configured to accept online RIDDOR notifications, and that a similar facility is



7 Hampton Review – 'Reducing administrative burdens: effective inspection and enforcement', HM Treasury, March 2005
 8 Macrory Review – 'Regulatory Justice: Making Sanctions Effective', Better Regulation Executive, Cabinet Office London, November 2006
 9 Health and Safety Statistics 2008-09, Health and Safety Executive, September 2009

Part Two: Overview of HSENI's Strategic Approach

now available on the HSENI website, following its re-launch in May 2010 after a major overhaul.

2.18 A number of factors exist which could impact on the current level of reporting, and we considered three in particular:

- where a prosecution is being taken against an organisation for a serious breach of law, and failure to report an incident is included as a related offence, the Courts can impose a penalty. Since January 2009¹⁰, there has been a significant increase in the level of penalties available to the Courts and HSENI should continue to utilise these provisions where businesses have failed in their legal obligation regarding reportable incidents;
- in 2007, HSE(GB) commissioned research¹¹ on levels of admissions to a hospital Accident and Emergency Department matched against RIDDOR reporting. Two of the main conclusions arising from this were that self-employed worker reporting was low, and the greatest number of reportable accidents was from construction-related occupations (employing large numbers of casual workers). While we understand that HSENI has considered undertaking a similar exercise, it has concluded that the usefulness of any outcomes would be outweighed by the input of resources required in undertaking the work. In our view, HSENI should carefully examine this and other similar pieces of research and consider their applicability to

Northern Ireland. This would align with HSENI's stated position since 2005, that it "...does require much better intelligence in relation to the actual incidences of work-related injury and ill health..."; and

- the Northern Ireland Social Security Agency holds information on claimants injured at work who are in receipt of Industrial Injuries Disablement Benefit. HSENI confirmed that it does not use this data as an intelligence source, mainly due to the ineligibility of certain worker categories for the benefit (e.g. the self-employed).

2.19 Under-reporting of workplace health and safety incidents is an ongoing problem. NIAO recommends that HSENI continues to explore and utilise as broad a range of information sources as possible, in order to generate intelligence on the occurrence of work-related injury and ill health incidents and take appropriate follow-up action.

¹⁰ Health and Safety (Offences) Act 2008

¹¹ 'An Investigation of Reporting of Workplace Accidents under RIDDOR using the Merseyside Accident Information Model' – University of Liverpool for the Health and Safety Executive, 2007 (RR528 Research Report)

Part Three:
Review of HSENI's Proactive and Reactive Work



Part Three: Review of HSENI's Proactive and Reactive Work

Introduction

- 3.1 This part of the report considers:
- proactive work carried out by HSENI, particularly on inspections, promotional activities and partnership working with district councils;
 - reactive work in the areas of investigation (including the Major Investigations Team) and complaints handling; and
 - HSENI's corporate governance arrangements.

Proactive and Reactive Work Undertaken by HSENI

- 3.2 To enhance our understanding of the methods which HSENI uses to control work-related risks, we considered some of its proactive and reactive work activities in detail.

Proactive Work - Inspections

- 3.3 The aim of an inspection is to achieve "... an effective intervention producing some beneficial change...". Selecting premises for inspection is based on:

- targeting those with higher risks and poorer standards;
- HSENI's priorities at a given time;
- sector and workplace intelligence; and
- an Inspector's judgement.

3.4 **Case Study 1** illustrates the format and outcomes of inspection activity at business premises.

3.5 As a result of accompanying HSENI Inspectors during site visits and from our focus group discussions, we are aware that the planning of some inspections can be fluid, for example, selecting similar workplaces which are visible and in close proximity to one another. While confirming that the nature of its business may, at times, result in short-term work planning which combines proactive and reactive visits, HSENI has assured us that its determination of where and when to inspect is based on a risk assessment, with premises selected in accordance with the guidance set out in the organisation's 'Compliance Handbook'. In light of this stated approach, we (1) considered some analysis from our survey on the extent of company contact with HSENI, and (2) examined the records held by HSENI on the health and safety performance of a Northern Ireland company and interactions with Inspectors over the 10-year period to 2009.

CASE STUDY 1

An Inspection leading to Compliance Issues

An announced inspection of transport workshops was made by the Inspector in February 2008 – comprehensive risk assessments were found to be in place, and monthly safety committee meetings held to consider new hazards.

Five issues were identified, including forklift trucks left overnight with keys in the ignition; congestion in the outside yard creating hazards regarding the movement of people in relation to loading/unloading operations (risk assessment required); and ladders of “*dubious vintage and suitability*” being used. These points were set out in a letter issued by the Inspector to the Workshops Manager, together with a related checklist for use and the signposting of relevant documents on the Health and Safety Executive website. A response on remedial action was due by late April 2008.

HSENI received correspondence from the business during April, which set out the actions taken, including controls to safeguard employee movements in the yard area and encouraging good housekeeping practices. The Inspector was also thanked for his visit and for the advice provided.

Outcome:

Compliance was achieved.

Source: Extracts from CMS records

3.6 Our survey analysis showed that 71 per cent of respondents confirmed that contact between their business and HSENI had occurred at some level. Correspondingly, 29 per cent of respondents reported

never having had any contact with HSENI – this related to 19 businesses, 10 of which were from the high risk work sector priorities of construction, agriculture and quarrying, including 5 farm businesses.

Part Three: Review of HSENI's Proactive and Reactive Work

3.7 **Case Study 2** illustrates the results from the examination of a randomly selected company's health and safety record.

We also asked HSENI how it reconciles the application of a risk-based approach to inspection with the requirement to meet premises inspection targets (which are stratified down to Divisional work group level in addressing high risk sectors and priority issues). HSENI indicated that, while it recognises these competing pressures,

overall it remains content that its *"current approach is satisfactory"*.

3.8 We also asked HSENI if there was any analysis of inspection and reported incident data at work sector level available for examination. While the organisation extracted the raw data for our use, it indicated that it does not regard this form of analysis as particularly useful, due to the known degree of under-reporting and the skewing of data from the over-3-day

CASE STUDY 2 Company Interactions with HSENI

We examined the records held by HSENI relating to a manufacturing company which operates on two sites. This included details of incidents reported with HSENI's assessment of these, as well as other interactions which took place in the period April 1999 to March 2009:

	Site A	Site B
Reported Incident:		
Over-3-Day Injury	10 Not Investigated	2 Not Investigated
		1 Investigated in 1999
Major Injury	1 Not Investigated	1 Not Investigated
		1 Investigated in 2005
Dangerous Occurrence	1 Not Investigated	None
Fatality	None	None
Inspection	2006*	1999; 2005**
Improvement Notice¹²	None	1 (workplace transport risk assessment required)
Prohibition Notice¹³	None	None

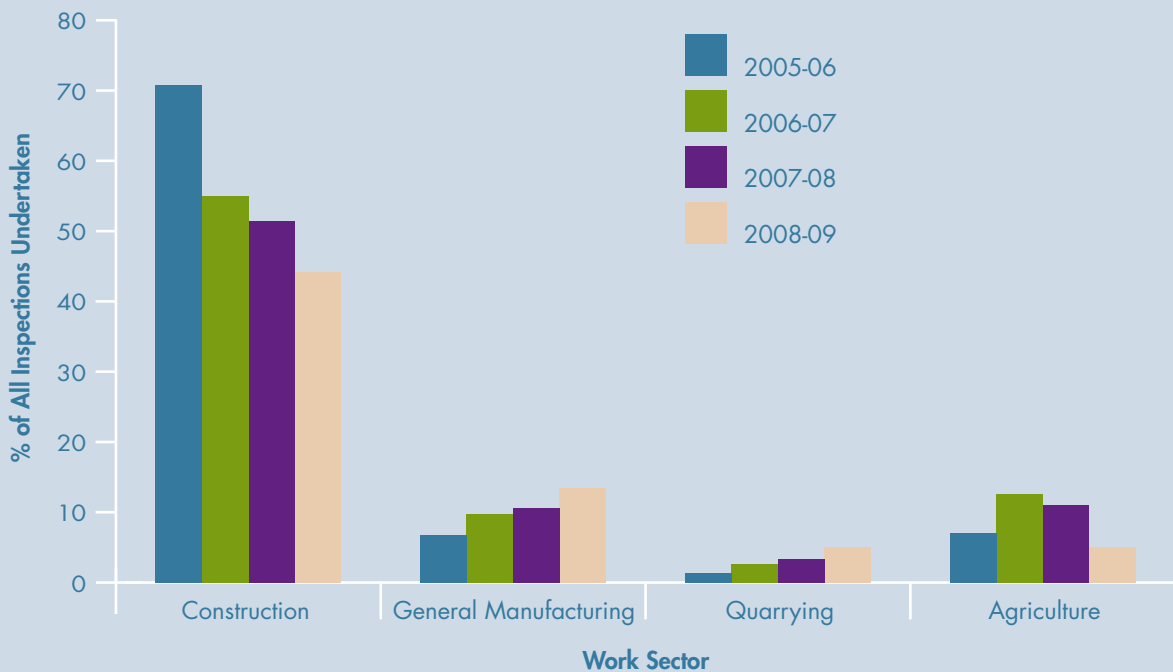
* targeted inspection related to a Manual Handling Initiative

** two related inspections linked to a single investigation

Source: Extracts from HSENI records

12 Improvement Notice – issued where a breach of a legal requirement exists, e.g. where the preparation of a risk assessment is required for a particular work activity

13 Prohibition Notice – applicable where a risk of serious or imminent danger has been identified, requiring work activity to cease, e.g. work at height where there is no edge protection in place

Figure 4: Analysis of HSENI Inspections in Selected Work Sectors, 2005-06 to 2008-09

Source: NIAO Analysis of HSENI Data

injury category – HSENI prefers instead to carry out other types of analysis using CMS. **Figure 4** and **Appendix 3** sets out the results for the three established high risk work sectors and general manufacturing covering the period 2005-06 to 2008-09, which we examined in order to identify if there were any emerging trends. HSENI told us that any outcomes during this time should be considered, both in the light of reducing numbers of Inspectors and compliance officers (through retirements and resignations) and developments in each of the sectors – these included the ‘Buildsafe-NI’ Initiative in construction (see paragraph 4.16); a pesticides initiative in the agriculture sector, and focused

inspection initiatives in quarrying and general manufacturing.

- 3.9 With these factors in mind, **Figure 4** illustrates that while inspections were focused in the construction sector, these decreased steadily over the four-year period, from 71 per cent of all visits in 2005-06 to 44 per cent by 2008-09. While inspections within general manufacturing and quarrying premises increased steadily, reaching 13 per cent and 5 per cent of all visits respectively by 2008-09, this increase did not account for the reduced coverage within the construction sector, this difference being attributable to work in other sectors (major

Part Three: Review of HSENI's Proactive and Reactive Work

hazards, health, education, etc). Levels of agriculture sector inspections were fluctuating over the same period, at 13 per cent in 2006-07 and 5 per cent for 2008-09.

3.10 Our sectoral analysis exercise considered reported incident levels under two categories - major injuries and over-3-day injuries (*MI; Over3D*), and the *MI* and *Over3D* levels along with fatalities (*All Types*), comparing these statistics against the equivalent HSENI inspection levels. We made the following observations on the results (see **Appendix 3**):

- over the four years between 2005-06 and 2008-09, inspection levels across construction, general manufacturing, quarrying and agriculture decreased by 39 per cent overall (from 5,260 to 3,191);
- in the construction sector, the levels of all types of reported incidents (fatalities; major and over-3-day injuries) increased over the years 2005-06 to 2008-09 (between 9.5 per cent and 12.3 per cent of all reported incidents). Over the same period, construction sector inspections steadily decreased (from 71 per cent to 44 per cent of all inspections undertaken); and
- although the general manufacturing sector is not classified as a 'high risk sector', between 2006-07 and 2008-09, the level of all reported incidents attributable to this sector (averaging 28.5 per cent) was over twice that in the construction sector (averaging 11.4 per cent). Over the same period, the level of inspection in general manufacturing

averaged 13.3 per cent of all visits conducted.

- 3.11 HSENI has two inspection-related compliance targets in place, which the organisation views as "*proxies for impact measurement*". The first measure relates to a target percentage set for circumstances in which a lack of health and safety compliance has been detected from inspections of business premises, although satisfactory levels of improvement have subsequently been demonstrated during re-inspections. Against a target of 75 per cent (which has been in place since 2005-06), the recorded outturn was 79 per cent in 2005-06 and 81 per cent in 2006-07. Due to problems with CMS, no outturn figure was calculated for 2007-08, while a sample-based approach was used in 2008-09, with a recorded outcome of 92 per cent.
- 3.12 The second compliance target is applicable in circumstances where, having undergone re-inspection, satisfactory levels of improvement in business premises have not been demonstrated, resulting in HSENI considering enforcement action in line with its Enforcement Guidelines¹⁴. HSENI has told us that the "*vast majority*" of the Improvement Notices¹² issued (and a minority of Prohibition Notices¹³) can be directly linked to this compliance target. We also note that CMS cannot currently be used to distinguish between immediate and deferred enforcement action.
- 3.13 **Figure 5** sets out all enforcement action recorded by HSENI since 2005-06:

14 Under Article 20 of the Health and Safety at Work (Northern Ireland) Order 1978, HSENI's 'Enforcement Guidelines for Health and Safety at Work in Northern Ireland' have the status of mandatory guidance and must therefore be followed by the other enforcing authorities in Northern Ireland with responsibilities for the enforcement of health and safety legislation (mainly the district councils)

Figure 5: Enforcement Action Outcomes, 2005-06 to 2008-09

YEAR	PROSECUTIONS COMPLETED	PROHIBITION NOTICES SERVED	IMPROVEMENT NOTICES SERVED
2005-06	5	199	55
2006-07	5	207	39
2007-08	16	203	45
2008-09	18	106	12

Source: HSENI

The need for enforcement action (on which the target is based) is therefore dependent on the circumstances encountered during re-inspections, although with the application of formal guidance, the potential for inherent bias is reduced.

- 3.14 HSENI told us that it has been difficult to set suitable targets for this aspect of its activities. It recognises that these proxy measures are not ideal, and that targets based on absolute numbers may be more appropriate. It has also stated that there will be an opportunity to revisit this area when compiling its 2011-14 Corporate Plan.

- 3.15 We recommend that HSENI considers setting specific targets based on absolute numbers for health and safety compliance by businesses, which will be clearly understood by its stakeholders.

of industry-based seminars and health and safety awareness sessions - we explored the benefits of these through our survey. We noted that 62 per cent of survey respondents who attended an HSENI-run event during the previous year rated this as "Very Useful". 55 per cent of all our survey respondents were able to name a past or present HSENI initiative. While this is an encouraging response, we would suggest that there is scope for further promotion to increase awareness of the key messages. We also noted that one in three farm business owners surveyed had attended an event(s) promoted by or involving HSENI during the previous 12 months.

Proactive Work - Promotional Activities

- 3.16 HSENI's proactive work also includes promotional activities, such as the provision



Part Three: Review of HSENI's Proactive and Reactive Work

3.17 During our survey we asked for suggestions of any other forms of assistance which HSENI might provide - the results, representing 26 per cent of respondents, are set out in **Figure 6**. Since our survey was carried out, further developments have taken place and HSENI has told us that its website has undergone a major overhaul.

3.18 We recommend that HSENI considers acting on the suggestions made by surveyed businesses on possible methods to highlight key health and safety messages and increase public awareness. These include more locally-held seminars and communications on current issues by post or e-mail.

Proactive Work - Promoting Partnership Working with District Councils

3.19 Following the Review of Public Administration (RPA)¹⁵ in Northern Ireland, which recommended the re-organisation

of the existing 26 district councils and the creation of [11¹⁶] 'super councils', HSENI's role remained unaffected. It regards its work with councils on health and safety issues as "...a co-enforcement partnership that will allow for new and more efficient ways of working together"¹⁷.

3.20 We are aware that a lack of clarity exists amongst employers on the roles and responsibilities of HSENI and the district councils in relation to reporting requirements under RIDDOR. We examined this further during our survey and the subsequent analysis showed that while 91 per cent of respondents were aware of the types of health and safety incident which should be formally reported, less than half of this group were clear when HSENI, rather than the local council, should be informed. HSENI and the councils have proposed that a single point for reporting RIDDOR incidents is established. From here, the incidents could be analysed and

Figure 6: Survey Suggestions for Types of HSENI Assistance

BUSINESS SIZE (Employee Numbers)	SUGGESTIONS
Large (250+)	more events/local seminars use of e-mails and mail shots on topical issues
Medium (50-249)	more local seminars e-mail subscription service/regular updates on relevant issues action examples HSENI website expansion
Small (0-49)	regular topic updates more regular contact by e-mail and with literature

Source: NIAO

15 The 'Review of Public Administration' (RPA), launched in 2002, aimed to review the existing arrangements for the accountability, administration and delivery of public services in Northern Ireland, and bring forward options for reform

16 'Foster announces functions for new councils' - Northern Ireland Executive News Release, 31 March 2008

17 HSENI 2005-06 Annual Report

allocated to the appropriate organisation – HSENI or a local council. More generally, the need for greater co-operation between HSENI and the councils was also highlighted by our focus group participants.

- 3.21 We note that HSENI Annual Reports include workplace incident level statistics, supplemented with equivalent figures provided by district councils. We queried the robustness of this data with HSENI. It told us that in the past, there have been some difficulties with the completeness, accuracy and timeliness of council-provided data because of IT problems although, more recently, this has improved.
- 3.22 A positive step to improve this ongoing co-operation was the launch, in June 2009, of a 'Joint Statement of Intent and a Strategic Framework for Partnership Working with the District Councils', formalising 18 months' work in this area.

- 3.23 We recommend that HSENI, through its Local Authority Unit, continues to liaise with the district councils in line with the 2009 publication, 'Joint Statement of Intent and a Strategic Framework for Partnership Working with the District Councils', in order to:
- promote joint working opportunities; and
 - consider the establishment of a single point where employers can report all RIDDOR incidents.

We also recommend that a comprehensive verification process

for district council workplace incident statistics is implemented and includes a specific role for Chief Environmental Health Officers in ensuring that the necessary data is provided to HSENI when required.

Reactive Work – General Investigations

- 3.24 HSENI applies its Enforcement Guidelines to determine which reported incidents are investigated. Selection is based on the principles of:
- proportionality in applying the law and securing compliance;
 - consistency of approach;
 - targeting enforcement action;
 - transparency about how HSENI as an enforcing authority operates and what those businesses under HSENI's remit may expect; and
 - accountability by HSENI for its actions.
- 3.25 In its 2008-11 Corporate Plan, HSENI refers to its Enforcement Guidelines as being "*consistent with Hampton principles... [warranted inspection activity based on comprehensive risk assessments]and Macrory characteristics*" [flexibility and proportionality using tools such as Statutory Notices] to achieve better regulatory outcomes. There is also a stated intention "*to make more use of Notices*".
- 3.26 We considered the elapsed time for investigations, and noted that it had, at

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times, been taking up to 24 months from the beginning of an investigation process to Crown Court proceedings in Northern Ireland (similar to Great Britain), and that the Public Prosecution Service for Northern Ireland (PPSNI) had raised concerns. An

illustration of these circumstances is set out in **Case Study 3**, where the timeline on a prosecution case ended in January 2008, which was over three years after the incident (which resulted in a major injury) had occurred.

CASE STUDY 3

Major Injury Incident leading to an Investigation and Court Prosecution

A construction worker sustained serious injuries as a result of a fall while at work. HSENI was notified by telephone on 17 December 2004 and an Accident Report Form was submitted on 22 December. On 21 December, HSENI Inspectors visited the site of the incident to take witness statements and photographs.

Jan/Feb 2005 – Witness interviews and a further visit to the construction site.

Apr 2005 – Completion of the Initial Investigation Report.

May 2005 – Witness statement from the Injured Party's employer (subcontractor) and an interview with the Injured Party.

July 2005 – Further aspects of accident investigation completed.

Aug 2005 – Witness statements provided by HSENI staff involved in the investigation process.

Aug/Sept 2005 – Reports prepared and submitted to the Deputy Chief Executive including legal considerations, with a recommendation to prosecute [these reports were unsigned and undated].

Mar 2006 – Reports passed to a second Deputy Chief Executive, with a recommendation to prosecute.

May 2006 – Second Deputy Chief Executive concurs with the earlier recommendation and the Chief Executive's final approval is sought and received, recommending prosecution.

Feb 2007 – Documentation for PPSNI finalised, with a recommendation to prosecute submitted.

May 2007 – Direction to prosecute received from PPSNI and date for Preliminary Inquiry at the Magistrates' Court (including updated medical reports) set for 20 June; then adjourned on two occasions to 24 October. Defendants arraigned to the Crown Court on 27 November.

14 Dec 2007 – Defence Team in contact with PPSNI regarding a guilty plea on one count (and a second count to be left on the books).

18 Jan 2008 – Crown Court sentencing.

Jan 2008 – HSENI Press Release issued.

Outcome:

The company was fined £40,000 after pleading guilty to a breach of health and safety legislation (failing to protect the Injured Party from falling and adopting a clearly unsafe system of work) – the fine reflected the fact that *"the degree of negligence was high and the injuries sustained...were very severe and permanent and the penalty imposed had to reflect this"*.

Source: CMS records and document files prepared for PPSNI

Reactive Work – Major Investigations Team

3.27 In our view, where substantial time delays (such as in **Case Study 3**) have occurred, these have contributed to reductions in the impact of important health and safety messages arising from successful prosecutions, and in the deterrent effect of any penalties imposed. We therefore welcomed HSENI's response to changes in the criminal justice system which led to the

formation of its Major Investigations Team (MIT) during 2007-08 – this has resulted in a change of focus by the organisation in its approach to investigatory work (through separation of the roles of the investigator (MIT) and prosecutor (PPSNI)).

3.28 The MIT currently works to provisional targets for the submission of investigation files to the PPSNI, eight months for Crown Court proceedings and four months for

CASE STUDY 4

Fatal Injury Incident leading to an Investigation and Court Prosecution

A maintenance fitter sustained serious crush injuries on 9 October 2008 when carrying out work on an overhead travelling crane in a factory – after his condition deteriorated in hospital, he died on 13 October, the same day that HSENI was informed of the accident.

Nov/Dec 2008 – Witness statements taken by the HSENI Inspector.

Jan/Mar 2009 – Several visits were made to the factory premises during the investigation process, to research the history of crane maintenance and to collect other evidence from the scene of the incident.

Apr/Aug 2009 – A series of formal interviews conducted with key factory personnel.

24 Aug 2009 – Reports and related documentation passed to the Deputy Chief Executive for consideration as regards prosecution.

26 Aug 2009 – Decision taken to recommend prosecution and papers returned to the Inspector for preparation of a prosecution file for PPSNI.

25 Sept 2009 – File passed to PPSNI, with a recommendation to prosecute.

18 Feb 2010 – Direction to prosecute received from PPSNI.

5 Mar 2010 – Preliminary Inquiry held at the Magistrates' Court.

13 Apr 2010 – Arraignment held in Crown Court. Defendant company entered a guilty plea on two counts.

21 Apr 2010 – Case heard in Crown Court.

26 Apr 2010 – Crown Court sentencing.

Apr 2010 – HSENI Press Release issued.

Outcome:

The company was fined £60,000 for breaching the provision and maintenance of plant and a safe system of work, and a further £30,000 for the lack of a suitable and sufficient risk assessment in relation to the work activity being carried out.

Source: CMS records and document files prepared for PPSNI

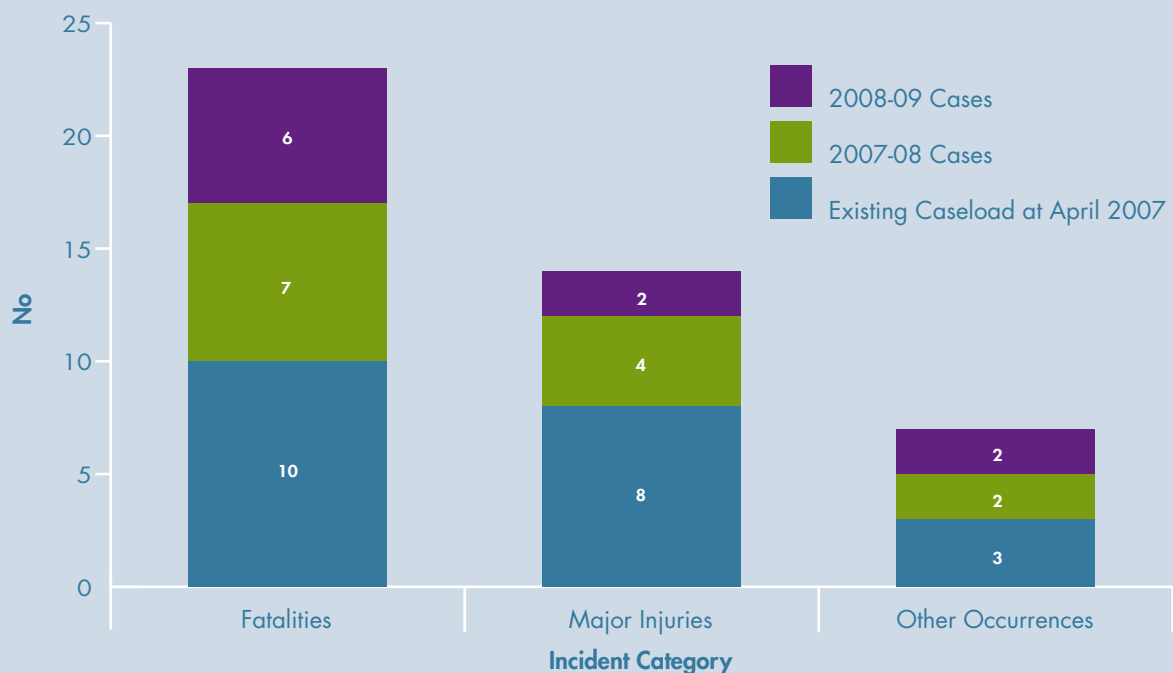
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the Magistrates' Court. HSENI's 2008-09 Annual Report records that "...these targets have been achieved except where delays have been outside HSENI's direct control...".

- 3.29 **Case Study 4** provides an example of a recent investigation process carried out by the MIT, with a more condensed timeline.
- 3.30 **Figure 7** provides a breakdown of the 44 cases allocated to the MIT between April 2007 and March 2009, the majority involving fatalities. During this period, 11 case prosecutions were completed, while no prosecution was pursued in a

further 14 cases. At April 2009, 9 cases were under investigation, with a further 10 progressing through the legal system. With additional cases being allocated over time, it is important that staffing levels are appropriate to the volume and complexity of investigation work. HSENI has assured us that it is alert to the need to monitor the MIT's workload and processing times. In relation to the longer-term position, we are aware that some consideration has been given to succession planning, such as other operational staff being able to take the lead on less complex investigations while being mentored by MIT staff.

Figure 7: Major Investigations Team Caseload, April 2007 to March 2009



Source: NIAO Analysis of HSENI Data

3.31 To maximise the Major Investigations Team's contribution to HSENI's objectives through opportunities for successful and timely prosecutions and the associated publicity of outcomes, we recommend that:

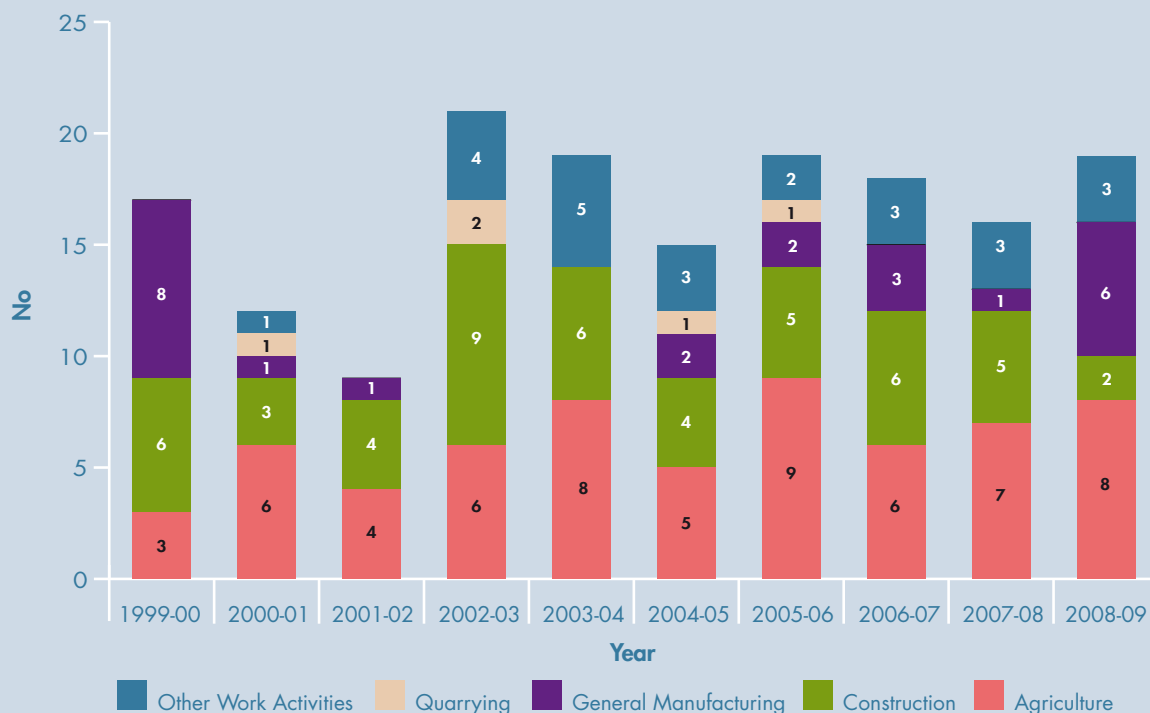
- HSENI continues to monitor MIT case volumes and investigation processing times actively and maintains a caseload response plan which can be activated if required; and
- a strategy for succession planning is formalised as soon as possible in respect of MIT involvement by other operational staff in HSENI for defined periods.

3.32 We also understand that there have been ongoing discussions between HSENI and PPSNI since 2007 on prosecution case working methods and relationships, with a view to formalising these arrangements in a Service Level Agreement (SLA). HSENI now expects the SLA to become effective by the end of 2010.

Reactive Work - Investigation of Work-Related Fatalities

3.33 In conjunction with HSENI's procedure for selecting RIDDOR-related incidents for investigation (see paragraph 3.24), another key performance measure is that 'all fatal injuries will be investigated'. The

Figure 8: Fatalities Reported to HSENI by Work Sector, 1999-00 to 2008-09



Source: HSENI

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Figure 9: Employee Fatal Injury Incident Rate Comparisons, 1999-00 to 2008-09

Incidence Rate of Fatalities per 100,000 Employees	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
Northern Ireland	1.95	0.94	0.93	1.36	0.9	1.03	1.31	1.42	0.8	1.24
Great Britain	0.7	0.9	0.8	0.7	0.7	0.7	0.6	0.7	0.7	0.5

Source: HSENI Annual Reports; Health and Safety Statistics 2008-09

circumstances surrounding the fatalities which have occurred since 1999-00 (165 in total) are recorded in HSENI's Annual Reports, and an analysis of these by work sector is at **Figure 8**.

- 3.34 **Figure 9** provides a comparison of the fatal injury incident rate per 100,000 employees reported in Northern Ireland and in Great Britain, over the last decade. We are aware that HSENI had intended to commission comparative research during 2007-08 into fatal injury incident rates in Northern Ireland and Great Britain and we asked for an update on this work. HSENI told us that while discussions with the Northern Ireland Statistics Research Agency (NISRA) did identify some relevant factors (e.g. compared to Great Britain, Northern Ireland has higher proportions of workers involved as tradespeople, rather than undertaking management roles), despite "considerable effort" on HSENI's part, further progress has not been possible. However, in light of the persistent rate

differential between Northern Ireland and Great Britain, we take the view that this remains a significant issue.

- 3.35 In light of the persistent fatality level arising from workplace incidents in Northern Ireland over the last decade and the higher proportion of fatalities compared to Great Britain, NIAO recommends that HSENI fully considers the research outcomes in relation to fatal injury incident rates conducted by other regulators, notably HSE(GB), in order to inform its own deliberations in this area.

Reactive Work - Complaints

- 3.36 HSENI encourages the receipt of complaints from employees and members of the public in relation to perceived poor health and safety practices, and **Case Study 5** sets out HSENI's response following a logged telephone call.

CASE STUDY 5**A Complaint made to HSENI leading to an Investigation**

In November 2008, a complainant (tenant) contacted HSENI with a concern about the safety of a gas boiler in rented premises. It had been installed by the landlord and checked by a registered fitter, but was subsequently being maintained by the landlord (who was not believed to be appropriately qualified). The complaint was passed to a Principal Inspector for scrutiny and an investigation commenced.

Later that month, a visit was arranged with the tenant, who was not present when the Inspector called – photographs were taken of the boiler and its location.

In December 2008, the Inspector wrote to the landlord and provided information on safety issues with gas boilers. The landlord was required to confirm either that he had no involvement with property rentals involving gas appliances or provide access to the relevant records for all such properties with gas appliances or flues. A meeting took place with the landlord who agreed to arrange a safety check/service by mid-January 2009.

The landlord was reminded of the need to forward the required Gas Safety Certificate to HSENI and the tenant, confirming that the gas appliance was safe to use.

Outcome:

Compliance was achieved and the complaint was upheld.

Source: Extracts from CMS records

3.37 Complaints-related activity links into a key HSENI performance measure, that *'all complaints about workplace health and safety standards will be investigated'*. By comparison, we note that HSE(GB)

publicises its risk-based approach to complaints investigation, using pre-determined criteria to select cases.

HSENI provided the data in **Figure 10** on complaint levels and outcomes:

Figure 10: Complaint Levels and Related Outcomes, 2005-06 to 2008-09

YEAR	COMPLAINTS RECEIVED AND INVESTIGATED	COMPLAINTS UPHELD OR PARTIALLY UPHELD
2005-06	750	not available
2006-07	933	503 (54%)
2007-08	895	506 (57%)
2008-09	835	510 (61%)
TOTAL	3,413	

Source: HSENI

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This data shows that in the three-year period for which analysis was available (2006-07 to 2008-09), 57 per cent of complaints were, on average, fully or partially upheld. In response, HSENI told us that, while the application of pre-determined criteria do, in fact, shape its approach to complaints investigation, it has not previously publicised this, in order to avoid deterring the receipt of valid complaints. However, we take the view that, in order to best utilise its resources, HSENI should publicise its approach to dealing with complaints.

3.38 We recommend that HSENI adopts the Health and Safety Executive in Great Britain's (HSE(GB)) approach to dealing with complaints, by documenting and publicising its own approach to complaints investigation, including the pre-determined criteria which are applied.

Outcomes from Proactive and Reactive Work

3.39 There are a number of potential outcomes from proactive and reactive work undertaken by HSENI where non-compliance has been detected. These range from providing guidance on the remedial action required (e.g. verbally or by letter) to formal enforcement action, with the serving of legally binding Improvement¹² or Prohibition¹³ Notices. We note that details of individuals served with Notices along with prosecutions taken on HSENI's behalf by the PPSNI, have been posted on the HSENI website since 2007-08, increasing the visibility of

HSENI's work and the offenders' actions, and creating a potential deterrent.

Review of HSENI's Corporate Governance Arrangements

3.40 As part of our study, we undertook a review of HSENI's corporate governance arrangements, focusing on the standards expected in a public sector organisation. Consideration was given to the arrangements in place for appointing Board Members and the roles performed; terms of appointment; timing of induction and update training; circulation of Board minutes and liaison arrangements with DETI; as well as the processes for performance appraisal and for raising and addressing issues around risk, hospitality and conflicts of interest.

3.41 Based on the findings from our corporate governance review, the arrangements appear strong, with relevant policies and procedures in place and operating as expected. As indicated throughout the report, there are opportunities for HSENI to further improve the quality of information to the Board through performance management improvements, including target refinements and better performance monitoring.

Part Four:
Assessment of Progress with Health and Safety-Related
Targets and Reducing the Cost to the Economy



Part Four: Assessment of Progress with Health and Safety-Related Targets and Reducing the Cost to the Economy

Introduction

- 4.1 This part of the report considers:
- the cost to the economy arising from work-related injury, ill health and non-injury accidents; and
 - progress with regional and sectoral health and safety targets.

Cost to the Economy Arising from Work-Related Injury, Ill Health and Non-Injury Accidents

Northern Ireland and Great Britain Cost Estimates

- 4.2 The HSENI 2005-08 Corporate Plan included the results of externally-commissioned research from 2002, which estimated that the annual cost of work-related injury, ill health and non-injury accidents to the Northern Ireland economy was a maximum of £500 million per year (with a range from £211-£494 million). The basis for this estimate was an equivalent exercise carried out for Great Britain¹⁸ in 1999, which had produced an estimated cost of £9.9-£14.1 billion, using 1995-96 data.
- 4.3 The cost estimate for Great Britain was updated in 2004 (now £13.1-£22.2 billion, based on 2001-02 data) and, in 2006, HSENI approached DETI Economics and Statistics Branches to carry out an update for Northern Ireland. We note that during this exercise, the Branches raised some concerns around

the methodology which had been used to produce the original estimate.

- 4.4 A revised cost to the Northern Ireland economy, based on 2004-05 data was produced, estimating a range of £189-£237 million. HSENI's 2008-11 Corporate Plan refers to this cost estimate in broad terms, as £250 million. We note that DETI recommended caution in the use of this revised cost estimate for the following reasons:
- there were problems with the availability of data and the application of the methodology from the original exercise, making any inferences regarding trends difficult; and
 - the results should be regarded as stand-alone and *"the best approximation of the true figures"*.
- 4.5 HSENI's current Corporate Plan emphasises the importance of monitoring these costs *"to establish if current and future policy on health and safety at work is effective in reducing costs and hence the underlying incidence of work-related injury and ill health"*. We understand that HSENI intends to engage DETI to carry out further update work in this area, although this will require the resolution of the data and methodology issues already identified.
- 4.6 NIAO acknowledges that HSENI has plans in place to update the cost to the economy estimate in due course. However, we also note that there are unresolved issues with regard to data and methodology. We recommend that HSENI

18 'The costs to Britain of workplace accidents and work-related ill health in 1995/96', Health and Safety Executive, 1999

works with DETI to facilitate the resolution of these issues to assist in producing results which go beyond the present “best approximation of the true figures”.

- 4.7 HSE(GB) has taken the costing approach a stage further, and carried out preliminary work to attribute a financial benefit to the economy as a result of those accidents and incidents which have been *prevented* through its activities. HSENI has told us that it recognises the direct link between this aspect and cost savings to the economy, and that this work “*is of interest and will be kept under review*”. We would encourage HSENI to monitor developments in this area in Great Britain.

- 4.8 We recommend that HSENI keeps a watching brief on the work being undertaken by HSE(GB) around the potential for cost savings associated with workplace accident prevention, and translates the outcomes of this work to Northern Ireland in due course.

Progress with Regional and Sectoral Health and Safety Targets

- 4.9 The 2005-08 Programme for Government included two Public Service Agreement (PSA) regional targets for HSENI, with progress monitored quarterly by DETI. The recorded outcomes against each target are set out in **Figure 11**.
- 4.10 HSENI’s Corporate Plan for 2008-11 includes a number of new and revised regional and sectoral health and safety targets, which we have considered in broad terms.

Regional Health and Safety Targets

Reportable Work-Related Injuries

- 4.11 HSENI’s current target in relation to work-related injuries is ‘*to reduce the number of reportable work-related injuries by 5% by March 2011, compared with 2007-08*’. HSENI statistics indicate that there has

Figure 11: Reported Progress against HSENI’s Public Service Agreement Regional Targets

TARGET	OUTCOME
PSA Target 1	
To reduce the number of fatal and major injury accidents reported by 5% by March 2007 compared with 2002-03	ACHIEVED - a reduction of 14.2% [865 (2002-03) to 742 (2006-07)]
PSA Target 2	
To reduce child fatal accidents over the three years from April 2004 to March 2007 to zero under the ‘Be Aware Kids’ Initiative	ACHIEVED - no fatalities recorded in the period

Source: HSENI

Part Four:

Assessment of Progress with Health and Safety-Related Targets and Reducing the Cost to the Economy

been an average reduction of 5.6 per cent in reportable work-related injuries each year since 2002-03 (i.e. fatalities, major and over-3-day injuries).

- 4.12 We benchmarked HSENI's target against the closest HSE(GB) (10-year) target set out in its 'Revitalising Health and Safety Strategy', which is 'to reduce the incidence rate of fatal and major injury accidents by 10% by 2010'. Recent reports indicate that this target is on track for achievement.

- 4.13 NIAO recognises the reduction in the number of reportable work-related injuries notified over recent years. Given that the original target was over-achieved, NIAO recommends that HSENI ensures, when setting future targets, that these are both challenging and achievable.

Sectoral Health and Safety Targets

'Be Aware Kids' Initiative

- 4.14 Since 2004-05, the 'Be Aware Kids' Initiative has been targeting child safety



in rural areas, 'to maintain the level of agriculture-related child fatalities at zero, through the production and distribution of relevant materials to schools and a poster competition aimed at rural school children'. Compared with 18 deaths over a 10-year period since 1994, agricultural work-related child fatalities remained at zero from June 2004 until February 2009, when a fatal accident occurred. We commend HSENI for its endeavours in this area over an extended period.

Older Farmers' Awareness Campaign

- 4.15 Following developmental work in this area since 2006-07, a target was established in 2008-09 'to deliver an awareness campaign in partnership with the Ulster Farmers' Union to eliminate work-related fatalities involving older farmers'. During the first phase, a FarmSafe exhibit (on child and older farmer safety) was displayed at the 2008 Balmoral Agricultural Show and an 'Older, Wiser, Safer?' DVD was promoted. We commend HSENI for its continuing efforts in this area.



'Buildsafe-NI' Initiative

- 4.16 Two sectoral targets linked to construction and quarry safety, the 'Buildsafe-NI' and 'Hard Targets' Initiatives (see **Appendix 4**), have contributed to the headline PSA target on fatal and major injury accident reduction set out earlier in **Figure 11**.
- 4.17 Under the 'Buildsafe-NI' Initiative, a target was set 'to reduce the number of major accidents to construction workers by 50% of the 2002 level by 2008'. HSENI told us that during this period there had been a 20 per cent increase in construction employment. By January 2007, a 37 per cent reduction was recorded in respect of public sector contracts [27 to 17], although progress in private sector contract work was slower. While this target was



not achieved, a related impact was the widespread provision of accredited health and safety training to construction workers.

- 4.18 Following changes in the general direction of 'Buildsafe-NI', HSENI has continued to promote the health and safety message to the construction industry in partnership with the Construction Industry Training Board and others - however, no further targets have been developed. Overall, we commend the efforts made to date in reducing rates of fatal and major injury accidents in the construction sector.

'Hard Targets' Initiative

- 4.19 Under the 'Hard Targets' Initiative, HSENI has been working with the Quarry Products Association of Northern Ireland (QPA) 'to reduce the number of incidents in the quarries and quarry products industry by 50% over a five-year period from 2005-06'. In its 2007-08 Annual Report, HSENI reported that "...this reduction has already



Part Four:

Assessment of Progress with Health and Safety-Related Targets and Reducing the Cost to the Economy

been achieved well ahead of the target date...". We also note that, although joint working with QPA continues, "new targets to further reduce incident rates" envisaged in HSENI's 2008-11 Corporate Plan have not yet been progressed.

4.20 We recommend that HSENI continues to work with the Quarry Products Association of Northern Ireland to ensure that the impacts achieved to date through the 'Hard Targets' Initiative do not lose momentum.

Progress with Regional and Sectoral Targets to Reduce Work-Related Ill Health

4.21 Data on the incidence of work-related ill health is captured through Labour Force Survey work, although this does not provide any details on the industry groups involved. With the size of the Northern Ireland population base (and following guidance from NISRA), statistics are generated on the basis of three-year averages.

4.22 These figures were applied in the development of the 'Long-Term Workplace Health Strategy for Northern Ireland' launched in March 2003, aimed at promoting workplace health and addressing known issues. While earlier survey work had concluded that work-related ill health affects some 70,000 people in Northern Ireland, with a prevalence of musculoskeletal disorders¹⁹ and stress, the Strategy document indicated that there was a lack of robust intelligence available and

its implementation would be heavily dependent on stakeholder involvement. A related 'Working for Health Action Plan 2004-07' was also produced – this included the establishment of long-term targets for the reduction of work-related ill health, both for Northern Ireland as a whole and in certain work sectors. We have noted that, while there has been an aspiration to produce data to facilitate trend analysis, there have been difficulties in obtaining accurate workplace statistics.

4.23 More broadly, HSENI has stated its intention to contribute to the United Kingdom Government's Welfare Modernisation Reform Programme. While a key aspect of the Programme is to help those economically inactive (as a result of disability or other health problems) to return to work with appropriate management of their circumstances, HSENI takes the view that there is a role for effective workplace health and safety in preventing work-related injury or illness in the first instance.

Benchmarking with Progress in Great Britain

4.24 We benchmarked HSENI's actions in this area against progress by HSE(GB), considering the equivalent (10-year) targets in its 'Revitalising Health and Safety Strategy' and their current reported status – these are:

- 'to reduce the number of working days lost per worker due to work-related injury and ill health by 30% by 2010' (appears to be on track for achievement); and

¹⁹ 'Musculoskeletal disorders' (MSDs) are problems affecting the muscles, tendons, ligaments, nerves and other soft tissues and joints, with the back, neck and upper limbs being particularly at risk

- *'to reduce the incidence rate of cases of work-related ill health by 20% by 2010'* (does not appear to be on track for achievement).

4.25 Having noted the targets set by HSE(GB) to reduce work-related injury and ill health, NIAO recommends that HSENI advances its aspirations to set ill health reduction targets and to achieve measurable progress during the 2011-14 Corporate Planning period.

HSENI has told us that the development of structures for shared target setting is being taken forward on a cross-departmental basis.

APPENDICES

Appendix One (paragraph 1.4)

Main Activities Determining an Enforcing Authority for Health and Safety-Related Issues

HSENI

Factories
Building sites
Farms
Motor vehicle repair premises
Quarries
Chemical plants
Schools and universities
Leisure and entertainment facilities (publicly owned)
Fairgrounds
Hospitals
Private nursing homes
Fire
Police
Government departments
District councils
Any other workplace not listed under district councils

DISTRICT COUNCILS

Offices
Retail and wholesale shops
Tyre and exhaust fitters
Restaurants, take away food shops
Mobile snack bars and catering services
Hotels and guest houses
Residential homes
Wholesale and retail warehouses
Leisure and entertainment facilities (privately owned)
Exhibitions
Religious activities
Undertakers
Therapeutic and beauty services
Animal care

Appendix Two (paragraph 1.6)

NIAO Survey Process

NIAO used a survey process to obtain data on the experiences of businesses in relation to the activities of HSENI, as a means of supplementing other audit evidence. As a result, statistically significant sample sizes were not required.

A survey questionnaire was developed to address the topics of incident reporting, inspections and investigations, as well as HSENI's role in raising health and safety awareness. The survey was conducted by telephone and post, following endorsement of the related documentation by HSENI.

A representative sample of participants was selected from the businesses in Northern Ireland which could potentially interact with HSENI. This included coverage of the established high risk work sector priorities of agriculture, construction and quarrying.

Telephone Survey

A sample of 40 farm businesses was surveyed by telephone. This approach was adopted on the advice of NISRA, as a means of increasing the rate of response from this particular sector. All those in the sample received a letter in advance of the survey requesting their co-operation. Twenty five responses were obtained in total, representing a 62.5 per cent response rate.

Postal Survey

A representative sample of business organisations from sectors other than agriculture was selected at random, relative to company size and sector (according to the Standard Industrial Classification), to receive a questionnaire with a covering letter. Each of the 250 organisations selected was surveyed by post, with 40 providing a response. This represented a 16 per cent response rate.

Overall, a response rate of 22.4 per cent was achieved (with 65 responses out of a total sample size of 290).

Appendix Three (paragraphs 3.8 - 3.10)

Comparison of HSENI Inspections in Selected Work Sectors against Categories of Notifiable Incident, 2005-06 to 2008-09

2005-06	Inspection Visits		Reported Incidents (MI; Over3D)		All Types of Reported Incidents (MI; Over3D; Fatalities)	
	No	% of Total	No	% of Total	No	% of Total
Construction	4,332	70.8	298	9.4	303	9.5
Gen Manufacturing	412	6.7	893	28.3	896	28.2
Quarrying	87	1.4	in Gen Manufacturing figure		in Gen Manufacturing figure	
Agriculture	429	7.0	not available	-	not available	-
Total (in these Sectors)	5,260					

2006-07	Inspection Visits		Reported Incidents (MI; Over3D)		All Types of Reported Incidents (MI; Over3D; Fatalities)	
	No	% of Total	No	% of Total	No	% of Total
Construction	2,759	55.0	270	9.8	276	9.9
Gen Manufacturing	493	9.8	787	28.4	790	28.4
Quarrying	136	2.7	18	0.7	18	0.7
Agriculture	632	12.6	24	0.9	30	1.1
Total (in these Sectors)	4,020					

2007-08	Inspection Visits		Reported Incidents (MI; Over3D)		All Types of Reported Incidents (MI; Over3D; Fatalities)	
	No	% of Total	No	% of Total	No	% of Total
Construction	2,578	51.4	327	12.2	332	12.3
Gen Manufacturing	532	10.6	779	29.0	780	28.9
Quarrying	169	3.4	28	1.0	28	1.0
Agriculture	554	11.0	12	0.5	19	0.7
Total (in these Sectors)	3,833					

2008-09	Inspection Visits		Reported Incidents (MI; Over3D)		All Types of Reported Incidents (MI; Over3D; Fatalities)	
	No	% of Total	No	% of Total	No	% of Total
Construction	2,082	44.2	300	12.1	302	12.0
Gen Manufacturing	631	13.4	701	28.2	707	28.2
Quarrying	236	5.0	22	0.9	22	0.9
Agriculture	242	5.1	13	0.5	21	0.8
Total (in these Sectors)	3,191					

Source: NIAO Analysis of HSENI Data

Appendix Four (paragraphs 4.16 - 4.20)

'Buildsafe-NI' Initiative and 'Hard Targets' Initiative

The purpose of *'Buildsafe-NI'* was to improve health and safety standards across the construction industry. As a major construction client, the United Kingdom Government was bringing pressure to bear through the public procurement route regarding the demonstration of higher standards of health and safety from contractors tendering for contract work.

'Buildsafe-NI' was launched in April 2003 and taken forward by a Steering Committee including HSENI representation. HSENI was also involved in establishing and supporting regional committees to progress the most relevant aspects of *'Buildsafe-NI'* in different parts of Northern Ireland.

As a result of a change of focus in this initiative, HSENI has formed a partnership with the Construction Industry Training Board (CITB) and others to develop and deliver a *'Buildsafely'* Initiative. This promotes the health and safety message using a mobile training unit to visit construction sites, with talks delivered by HSENI and CITB staff. It is financially supported by the CITB.

'BuildHealth' is a further joint venture between HSENI and the construction industry, aimed at improving the health of construction workers by preventing work-related ill health; supporting and rehabilitating those suffering from work-related illness and using the workplace as a setting in which to improve health, based on a sharing of knowledge and best practice.

'Hard Targets' was a joint initiative established in 2005-06 between HSENI and the Quarry Products Association of Northern Ireland (QPA), with the aim of reducing the number of incidents in the quarries and quarry products industry. One of the main elements was the formation of County-based Hard Targets Clubs, involving representatives from companies within each County and HSENI Inspectors sharing health and safety information and best practice, as a means of improving the overall standard of health and safety management. This work has been supplemented by seminars and conferences on topics of relevance across the quarries and quarry products sector. QPA surveys its members annually to generate data on incident levels across its various types of work activity, with the results passed on to HSENI.

NIAO Reports 2009-2010

Title	HC/NIA No.	Date Published
Absenteeism in Northern Ireland Councils 2007-08	–	9 January 2009
Obesity and Type 2 Diabetes in Northern Ireland	NIA 73/08-09	14 January 2009
Public Service Agreements – Measuring Performance	NIA 79/08-09	11 February 2009
Review of Assistance to Valence Technology: A Case Study on Inward Investment	NIA 86/08-09	25 February 2009
The Control of Bovine Tuberculosis in Northern Ireland	NIA 92/08-09	18 March 2009
Review of Financial Management in the Further Education Sector in Northern Ireland from 1998 to 2007/ Governance Examination of Fermanagh College of Further and Higher Education	NIA 98/08-09	25 March 2009
The Investigation of Suspected Contractor Fraud	NIA103/08-09	29 April 2009
The Management of Social Housing Rent Collection and Arrears	NIA 104/08-09	6 May 2009
Review of New Deal 25+	NIA111/08-09	13 May 2009
Financial Auditing and Reporting 2007-08	NIA 115/08-09	20 May 2009
General Report on the Health and Social Care Sector in Northern Ireland 2008	NIA 132/08-09	10 June 2009
The Administration and Management of the Disability Living Allowance Reconsideration and Appeals Process	NIA 116/08-09	17 June 2009
The Pre-School Education Expansion Programme	NIA 133/08-09	19 June 2009
Bringing the SS Nomadic to Belfast – The Acquisition and Restoration of the SS Nomadic	NIA 165/08-09	24 June 2009
The Exercise by Local Government Auditors of their Functions	–	30 June 2009
A Review of the Gateway Process/The Management of Personal Injury Claims	NIA 175/08-09	8 July 2009
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