

Business plan 2021

3-year rolling business plan 2021-2023

Our mission:

Reducing risks, protecting people

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Foreword

2020 has seen the emergence of a new biosafety threat leading to the COVID-19 global pandemic. The role of the HSE in biosafety is a developing one, helping businesses work in a COVID-secure way and enforcing new rules for business to protect their workers from biohazards.

Beyond 2021, next year will mark the 35th anniversary of the Health and Safety at Work (General) (Guernsey) Ordinance, 1987. Modelled on Britain's Health and Safety at Work etc Act 1974, the health and safety regulatory system remains, fundamentally, fit for purpose. This is because of the enduring principle of health and safety law in Guernsey - that those who create risks are best placed to control them, and they should do so in a proportionate and practical way. The focus is on outcomes that need to be achieved, not rules and paperwork, to enable activities to take place, not to stop them. To facilitate this, older Ordinances and delegated legislation will need to be modernised.

HSE has been in existence in one form or another since the 1950s. We now need to refocus our efforts on modernising outdated provisions; modern businesses will require updated processes in key areas such as:

- Simplifying, consolidating and modernising the large amount of the pre-1987 legislation, where some requirements have become obsolete;
- Tackling over-interpretation of legal requirements – whether caused through misunderstanding or lack of clarity in guidance; and
- Targeting our inspections and interventions on higher risk premises and activities as well as poor performers.

This Plan outlines HSE's contribution to improving the health and safety performance of Guernsey and Alderney. Some examples of work we will be undertaking in 2021 and beyond include:

- COVID-19 inspections and supporting businesses with practical guidance to be COVID-secure;
- Focus on key health risks, including biosafety, respirable crystalline silica, asbestos and manual handling during our proactive inspections;
- Working with dutyholders to implement revised standards in major hazard industries;
- Continuing to update and refresh our approved codes of practice and guidance so that they are clear and easy to understand;
- Adapt our regulatory approach to meet the needs of the changing European political landscape post-Brexit; and
- Working in partnership with other States of Guernsey Services, and other stakeholders to see how we better respond to the changing health and safety needs of the Bailiwick.

Our clear strategic intent within HSE is to continue to be a modern, independent and effective regulator. The world in which we operate today is markedly different to the one in 1987 when the Ordinance came in to being. Looking ahead, the accelerating pace of changes in society will continue to bring fresh challenges and opportunities for HSE. Having demonstrated our ability to evolve ourselves, we are confident that we can rise to the challenges ahead, not only to continue to improve the health and safety system but to adapt and embrace new ways of working and new opportunities.

Robin Gonard, Chief Health and Safety Officer

About Us

The Health and Safety Executive (HSE) is an independent statutory regulator, accountable for its missions to the Committee *for* Employment and Social Security. It is established under the Health and Safety at Work etc. (Guernsey) Law, 1979. The Committee has political responsibility for health and safety policy in Guernsey. HSE also enforces the Health and Safety at Work (Alderney) Ordinance, 2003, on behalf of the States of Alderney.¹

Our primary function is to secure the health, safety and welfare of people at work and to protect others from risks to health and safety from work activity. We are responsible for regulating work-related health and safety in Guernsey and Alderney and work in partnership with other regulators and States Committees, particularly in relation to public safety.

HSE regulates health and safety across a range of sectors and industries including major hazard sites such as onshore gas and petroleum installations through to more conventional sites, including quarries; farms; factories; waste management; construction; services; retail; hospitality and healthcare. We do this by applying an appropriate and proportionate mix of intervention techniques including inspection, advice and support, awareness-raising activities, investigation of workplace accidents, ill-health and complaints and, where necessary, enforcement action.

HSE Structure and resources

The HSE reports to the Director of Operations – Justice and Regulation. The Committee *for* Employment and Social Security approves the organisation's long-term direction, strategy and objectives. The planning, implementation, delivery and direction, along with the day to day management of the HSE is the responsibility of the service director, Robin Gonard (Chief Health and Safety Officer). In terms of resources to deliver this plan, we have 4.75 FTE staff (Full Time Equivalent) and one vacancies.

Staffing

Chief Health and Safety Officer / Chief Inspector:	Robin Gonard
Senior Health and Safety Inspector:	Vacant
Health and Safety Inspectors:	Matt Coggins, Steve McCord
Health and Safety Enforcement Officer:	Geoff Ingrouille (0.75)
Advisory, Complaints and Licensing Officer:	Daniel Legg

Note: All inspectors deal with the full range of industries present in the Bailiwick, with an inspector leading on areas of specialism (e.g. the licensing of chemicals, explosives and petroleum, the construction industry).

Service FTE = 4.75 (current) + vacancies 1 FTE posts (includes 1 senior regulatory)

¹ There is no health and safety legislation in Sark and HSE act purely in an advisory capacity on that island.

Annual budget

2021 - £380,000 (requested budget)

2020 - £380,000 (authorised budget), £358,000 (probable outturn)

2019 - £373,000 (actual)

2018 - £368,000 (actual)

Key risks in relation to the service

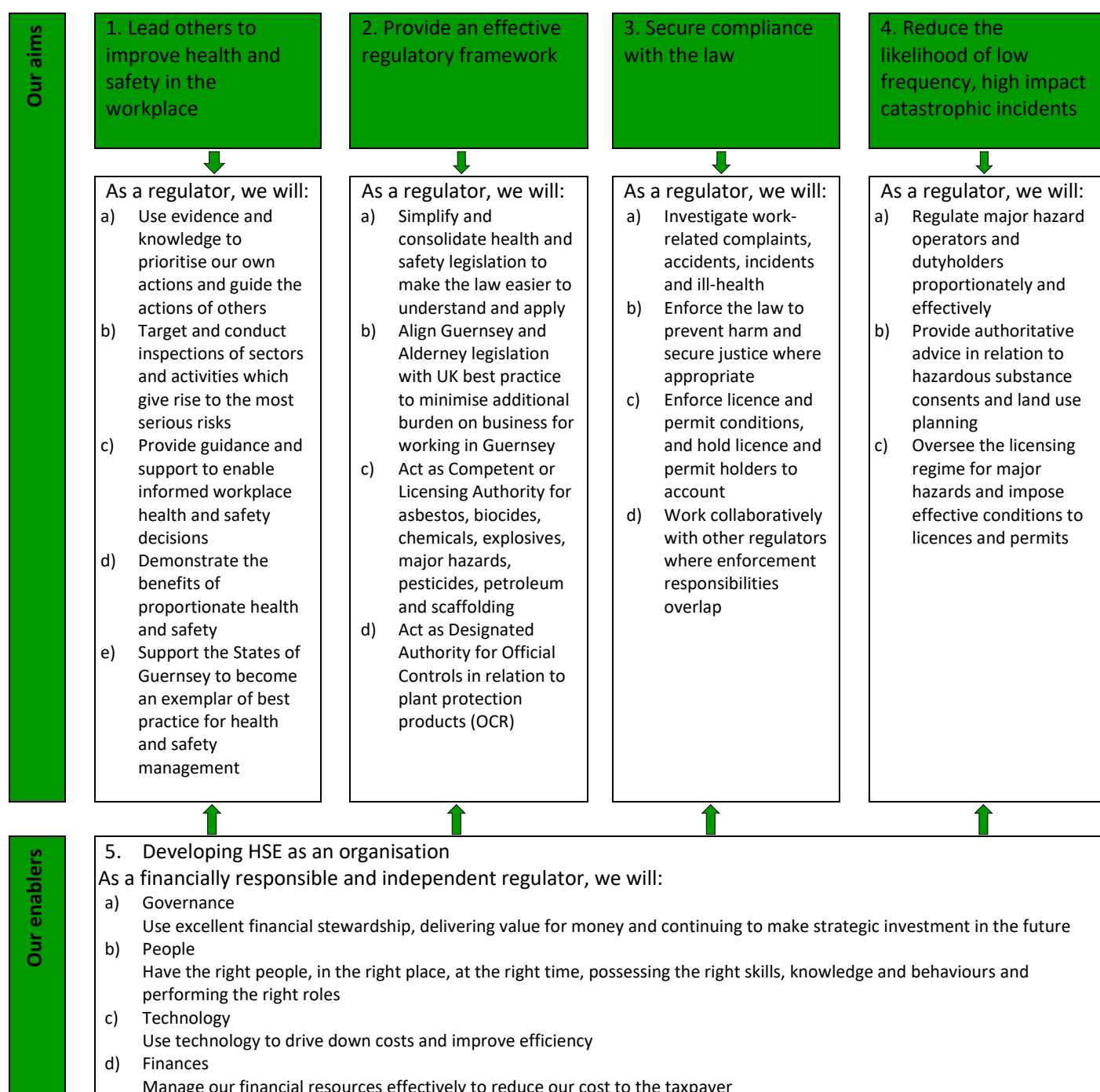
1. Post-Brexit pressures on the regulatory system
2. Wider public-sector initiatives, distracting from main mission
3. Large part of the legislation no longer fit for purpose
4. Staffing pressures, with retirements and succession planning under review
5. Financial pressures, increasingly difficult to attract and retain talent

Business plan on a page

HSE Guernsey, the workplace health and safety regulator in Guernsey

Our vision: Effective health and safety management is recognised as a business enabler in Guernsey

Our mission: Reducing risks, protecting people



Our Core Aims

1. Lead others to improve health and safety in the workplace

Where improvements in health and safety are necessary and where HSE can make a distinctive contribution, we will work closely with individual companies, industry bodies, stakeholder groups and others to assist in driving forward sector-led improvements to raise awareness of, create behavioural change and ultimately improve health and safety in the workplace.

a) Use evidence and knowledge to prioritise our own actions and guide the actions of others

1	Maintain a fit-for-purpose and robust evidence base on workplace injuries, work-related ill health, and the causes and consequences of health and safety failings, publishing a suite of health and safety statistics	Q2 2021
2	Develop and publish HSE's 5 year strategy for work-related ill health which will integrate HSE's activities on occupational cancer, respiratory disease, moving and handling, work-related stress and other ill health conditions	Q4 2021

b) Target and conduct inspections of those sectors and activities which give rise to the most serious risks or where risks are least well controlled

Undertake proactive inspections where robust evidence and intelligence indicate health and safety concern and where inspection is the most effective intervention to secure compliance.

1	Undertaking 20 annual inspections / reactive visits of scaffolding companies to provide assurance of the safety of the scaffolds and competence of those participating in the erection of scaffolding.	Q4 2021
2	Undertaking 20 annual inspections / reactive visits of demolition and refurbishment activities to assess the health and safety management of contractors and provide assurance of the competence of those participating in those activities.	Q4 2021
3	Undertaking 20 annual inspections of asbestos contractors and removal operators to provide assurance of the competence of those participating in those activities	Q4 2021
4	Undertaking 10 annual inspections of care home operators to assess the health and safety management of care providers, with a focus on moving and handling competence.	Q4 2021
5	Undertaking 20 annual inspections of micro and small businesses (under 5 employees) to assess their health and safety management systems, with a focus on basic compliance (ELCI, thorough examination, training).	Q4 2021
6	For 2021-23 inspections will be focussed on key health risks including: <ul style="list-style-type: none"> Biosafety (including COVID-19 risks) - a co-ordinated programme of education, awareness-raising, advice, inspections and engagement with businesses, public health and other regulators Respirable crystalline silica (RCS) – focussing on dust suppression, PPE and RPE Asbestos - focussing on notifiable asbestos removal work, management of clearance activities on site and waste disposal arrangements Musculo-skeletal disorders (MSD) - focussing on effective controls and training in health, care, hospitality and retail sectors 	Review Q4 2021 Review Q4 2021 Review Q4 2021 Review Q4 2021

c) Provide guidance and support to enable informed workplace health and safety decisions

1	Identify and publicise relevant UK straightforward and up-to-date guidance, ensuring it is proportionate and fit for purpose. Where possible, provide expertise to enable others to develop, produce and disseminate their own guidance.	ongoing
2	Update the HSE microsite on gov.gg to make access to UK HSE and other industry publications easier, focussing on the HSE Guernsey website as a signpost to best practice and relevant standards.	Q3 2021

d) Demonstrate the benefits of proportionate health and safety

1	Work with the Guernsey Occupational Safety and Health Association to promote sensible health and safety.	ongoing
2	Use appropriate channels to focus on the core aims of health and safety, rebutting and correcting trivial or ill-informed criticism by responding with clear factual information.	ongoing

e) Support the States of Guernsey to become an exemplar of best practice for health and safety management

1	Support the effective management of contractors through improved procurement processes, including Safe Schemes in Procurement, and provide assurance to the Senior Leadership Team of the effectiveness of the process through regulatory interventions.	ongoing
2	Maintain and enhance internal HSE processes as part of the States of Guernsey Health and Safety Management System as examples of best practice for other service areas.	ongoing

2. Provide an effective regulatory framework

Over the past three years HSE has commenced a review of health and safety legislation and has identified areas which require simplification and streamlining. A new regulatory framework is needed, making legislation easier to understand with the consequence that compliance levels should increase.

We will also continue to apply evidence-based principles of sensible health and safety requirements, minimising burdens on business whilst maintaining necessary protection for workers and the public.

a) Simplify and consolidate health and safety legislation to make the law easier to understand and apply [PROJECT]

1	Amend, clarify and where appropriate revoke unnecessary existing health and safety legislation and consolidate the 1950s suite of ordinances into one comprehensive health and safety framework.	ongoing Q4 2022
2	Reviewing all Health and Safety explosives legislation to report and develop proposals for an integrated suite of updated legislation and underpinning guidance.	Q4 2022
3	Review all petroleum legislation to report and develop proposals for an integrated suite of updated legislation and underpinning guidance.	Q4 2022

b) Align Guernsey and Alderney legislation with UK best practice to minimise additional burden on businesses working in Guernsey [PROJECT]

1	Within the civil contingencies and emergency planning arrangements, report on a framework for the risk management of major hazards and develop proposals for COMAH-type arrangements for major hazard sites, and implement through an appropriate legal instrument (ordinance).	Q4 2023
2	Update the list of reportable ill-health conditions and dangerous substances through appropriate legal instruments (regulations in development).	Q3 2021

c) Act as Competent or Licensing Authority for asbestos, biocides, chemicals, explosives, major hazards, pesticides, petroleum and scaffolding

1	Evaluate, approve, authorise, review and issue licences for the import, storage or use of new or existing substances, chemicals, pesticides and biocides in line with Guernsey's international obligations post-Brexit.	Ongoing
2	Evaluate, approve, and issue licences for new and existing explosives storage. Issue licences for explosives imports.	Ongoing
3	Evaluate, approve, and issue licences for new and existing petroleum storage. Oversee the discharge of petroleum from fuel boats.	Ongoing
4	Assess applications and issue permits for the erection of scaffolding, hoardings or banners on the highway, and al-fresco licences.	Ongoing
5	Advise the Development and Planning Authority as to the suitability of developments in proximity of major hazards sites in Guernsey and Alderney.	Ongoing

d) Act as Designated Authority for Official Controls in relation to plant protection products (OCR)

1	Maintain operational arrangements to conduct Official Controls for the import of substances, chemicals, pesticides and biocides in line with Guernsey's international obligations post-Brexit.	Ongoing
2	Report, jointly with other agencies, on the effectiveness of Official Control activities within the Bailiwick.	Q4 2021
3	Develop the HSE capability for Official Controls through training, recruitment and sharing of resources with other regulators.	Q4 2021
4	Develop and maintain joint working arrangements with other Designated Authorities and Designated Officers for Official Control Regulation, including Guernsey Border Agency, the Office for Environmental Health and Pollution Regulation, the Official Veterinarians, Plant Health Inspectors.	Q4 2021

3. Secure compliance with the law

Investigating health and safety concerns and incidents is an important lever for improving health and safety standards. It enables HSE to determine causes, share lessons and ensure that necessary measures are in place to prevent recurrence.

Investigation also provides the basis of enforcement action to secure justice for people seriously harmed by those who behave in a reckless way or where there has been a serious breach of duty.

a) Investigate work related complaints, accidents, incidents and ill health

1	Provide an appropriate response to health and safety concerns in line with HSE's risk based criteria within agreed timescales: <ul style="list-style-type: none">• Serious complaints (threat to life) – 90% same working day• Complaints – 90% 5 working days	Ongoing
2	Commence investigation of incidents which meet HSE's incident selection criteria within agreed timescales: <ul style="list-style-type: none">• Fatalities – 100% same day as reported (including weekend)• Specified major injuries - 90% 5 working days• Other injuries – 90% 10 working days• Ill-health and dangerous occurrences – 90% 15 working days	Ongoing
3	Review progress of investigation of incidents within 15 working days of commencing	Ongoing
4	Complete or curtail 90% of investigations within 3 months of commencing	Ongoing

b) Enforce the law to prevent harm and secure justice where appropriate

1	Where appropriate, take enforcement action in line with HSE's Enforcement Policy Statement and Enforcement Management Model	Ongoing
2	Where appropriate, recommend prosecution where there has been a serious breach of the law	Ongoing
3	Prepare evidence file for the Law Officers of the Crown within 6 months of the offence being identified	Ongoing

c) Enforce licence and permit conditions, and hold licence and permit holders to account

1	Where appropriate, consider varying or revoking the licence or permit or take other enforcement action in line with HSE's Enforcement Policy Statement and Enforcement Management Model	Ongoing
2	Recommend prosecution where there has been a serious breach of the licence conditions or permit conditions	Ongoing

d) Work collaboratively with other regulators where enforcement responsibilities overlap

1	Develop and maintain Memoranda of Understanding with other Regulators and Law Enforcement Authorities in Guernsey, Jersey and the United Kingdom to anticipate and formalise arrangements for joint investigations.	Ongoing
2	Liaise with other Regulators and Law Enforcement Authorities to develop joint working, joint guidance and sharing of resources where appropriate.	Ongoing

4. Reduce the likelihood of low-frequency, high-impact catastrophic incidents

Guernsey and Alderney have a small number of sites which provide essential products and services and are strategically important to the Islands' economy and social infrastructure, but which can potentially cause serious harm to their workers, the environment and the public if not properly managed.

A relatively small failure of their health and safety regimes could have catastrophic consequences (hence these industries are often referred to as major hazard industries). HSE's programme of work will seek to secure the systematic management of hazardous activities and provide public assurance that health and safety risks within those industries are effectively managed to reduce the likelihood of low frequency, high impact incidents.

HSE Guernsey advise the Civil Contingencies Authority on effective prevention of major accident hazards and response to major industrial incidents. HSE Guernsey are supported by colleagues from the Great Britain's HSE (Regulation Directorate – Chemicals, Explosives and Microbiological Hazards Division, as the COMAH competent authority) when dealing with major hazard sites.

a) Regulate major hazard operators and dutyholders effectively and proportionately

1	With the assistance from the HSE GB inspectors, assess dutyholder submissions (safety cases and safety reports) against agreed standards to ensure the new or continued safe operation of major hazard installations.	Ongoing
2	Grant and authorise applications, derogations, licenses, approvals, classifications and notifications for explosives and petroleum in accordance with statutory requirements and deadlines.	Ongoing
3	Ensure the planned inspection and reporting programmed are delivered by HSE GB COMAH inspectors.	Q4 2021
4	Inspect sub-COMAH sites which present a significant risk because of the quantity of dangerous substances that they handle.	Q4 2021

b) Provide authoritative advice in relation to hazardous substance consents and land use planning

1	Provide the Guernsey / Alderney planning authorities with authoritative advice in relation to land use planning in proximity of major hazard sites within 10 working days.	Ongoing
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c) Oversee the licensing regime for major hazards and impose effective conditions to licences and permits

1	With the assistance from the HSE GB CEMHD inspectors, grant licences and permits with standard or specific conditions to meet the safety standards of COMAH.	Ongoing
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5. Developing HSE as an organisation

We are putting in place plans that will sustain HSE's position as a high performing first class regulator, that will continue to enable improvements in health and safety outcomes, and that will allow us to adapt to the rapidly changing world in which we operate.

Our plans can be described in terms of the following themes:

Governance: Sustaining regulatory excellence

Our aim is to maintain confidence in HSE as the catalyst that both leads, motivates and supports the health and safety system as a whole to further improve Guernsey's health and safety performance and also holds people to account where appropriate.

We want to demonstrate value for all those providing funding. In part, that will be achieved by using our toolkit of regulatory methods effectively to reduce the toll of workplace injury and ill health and proactively support economic growth, through effective risk control and management, which benefits everyone. Interventions will be targeted where they have the most impact for the resources invested.

People: Investing in people and capability

A structured programme for investing in people and capability will be delivered over the next 3 – 5 years to bring a strong focus on engaging, developing and maintaining a highly capable and flexible workforce. This includes a specific focus on leadership development across HSE, as well as sustaining the strong regulatory, policy and scientific capabilities that in combination, have been at the core of HSE's success over the last 34 years.

Technology: Driving operational effectiveness and efficiencies

We will continue to drive operational efficiency improvements across HSE, be more business-like in the way we work and enhance professional experience across corporate functions such as IT. By doing this, and so creating headroom in our budgets, we intend to secure business critical investments in our people.

Finances: Funding

We expect funding pressures across Guernsey and Alderney to continue. Using cost recovery mechanisms through licences and permits and creating further efficiencies are crucial parts of our response.

6. List of legislation enforced by HSE

1. Loi relative aux Explosifs, 1905 (Amended 1905, 1913, 1914 & 1951)
2. Loi relative aux Substances Explosives, 1939 (Amended 1976)
3. Loi relative aux Huiles ou Essences Minérales, ou autres substances de la même nature, 1925 (Amended 1927 & 1994)
4. Ordonance relative aux Huiles ou Essences Minérales, ou autres substances de la même nature, 1932 (Amended 1934, 1948, 1993 & 1994)
5. Health, Safety and Welfare of Employees Law, 1950
6. Steam Boilers (Insurance) Ordinance, 1952
7. Safety of Employees (Miscellaneous Provisions) Ordinance, 1952
8. Quarries (Safety) Ordinance, 1954
9. Safety of Employees (Growing Properties) Ordinance, 1954
10. Safety of Employees (First Aid and Welfare) Ordinance, 1954
11. Safety of Employees (Electricity) Ordinance, 1956
12. Safety of Employees (Ionising Radiations) Ordinance, 1957
13. Public Highways Ordinance, 1967 (Amended 1993)
14. Safety of Pits Ordinance, 1973
15. Health and Safety at Work etc (Guernsey) Law, 1979
16. Health and Safety at Work (General) (Guernsey) Ordinance, 1987
17. Health and Safety at Work (Prescribed Diseases) (Guernsey) Regulations, 1987
18. Health and Safety at Work (Dangerous Substances) (Guernsey) Regulations, 1987
19. Health and Safety at Work (Highly Flammable Liquids) (Guernsey) Regulations, 1988
20. The Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989
21. The Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 1991
22. Health and Safety at Work (Freight Containers Safety Convention) Ordinance, 1992
23. Health and Safety at Work (Fees) Law, 1993
24. Employer's Liability (Compulsory Insurance) (Guernsey) Law, 1993
25. Employer's Liability (Compulsory Insurance) (Commencement) Ordinance, 1994
26. Employer's Liability (Compulsory Insurance) (General Provisions) Ordinance, 1994
27. Poisonous Substances (Guernsey) Law, 1994
28. Health and Safety at Work (Dangerous Substances) (Guernsey) Regulations, 1995
29. Managing Health and Safety in Construction, Approved Code of Practice 1995
30. Employer's Liability (Compulsory Insurance) (Subsidiary Companies) Ordinance, 1997
31. The Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 1998
32. Public Highways (Temporary Closure) Ordinance, 1999
33. Employer's Liability (Compulsory Insurance) (Exemptions) Ordinance, 2009
34. Transfrontier Shipment of Waste Ordinance, 2002
35. The Health and Safety (Gas) (Guernsey) Ordinance, 2006 and approved Code of Practice
36. The Uniform Scale of Fines (Bailiwick of Guernsey) (Amendment) Ordinance, 2006
37. Control of Asbestos, Approved Code of Practice 2013
38. Control of Poisonous Substances (Guernsey) Regulations, 2014 (as amended 2016, 17, 18 and 20)
39. Health and Safety (Fees) Order, 2019
40. Control of Poisonous Substances (Guernsey) (Fees) Regulations, 2019
41. Health and Safety at Work (General) (Guernsey) (Amendment) Ordinance, 2020

Health and Safety Executive: Business Plan 2021

The Health and Safety Executive is the regulator for Workplace Health and Safety in Guernsey and provide advice and guidance on how to improve workplace health and safety performance.

Advice and ordering publications: 01481 220010

Or visit our website <http://www.gov.gg/hse>

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