

*‘Motes, beams and sensible safety: taking personal responsibility for professional advice’?*

It is a great honour to be giving this second Allan St John Holt lecture.

Most of my contact with Allan was through IOSH, a body that he served and led with deep commitment for over 30 years on its Council of Management and uniquely was elected President twice in non-consecutive years. When we first met, I was a consultant – one of the many incarnations that Allan himself experienced during his long and distinguished career. He was engaging, supportive and very very challenging – but always with that lop-sided grin that kept everything so warm and human. Our first discussion was in a rather insalubrious bar – the sort where one’s feet stuck to the carpet - at an IOSH conference when they were regularly held in Harrogate. We had an argument, how very unlike .... we were disagreeing about the relationship between health issues that at that time almost no-one was bothering about, and safety which was full of anecdote and experience but very little structure or system.

Allan and I had much in common – both graduates of 60s new universities, he flew planes and I ride a motorbike as small examples of a belief that life without managed risk isn’t possible or worthwhile, both of us had feet in the camps of direct employment and consultancy, both with long stints in construction. But Allan was unique, with an international reach that made such an impact in the USA, with a breadth that led to his best-seller *Principles of health and safety at work*. Above all, he was a challenging thinker and articulator of iconoclastic arguments that moved debate and understanding forward. I hope that, like him, I shall be able to speak as a member of the thoughtful but undoubtedly awkward squad.

In recent years there has been a growing level of public opprobrium – so that now “because of health and safety” is ready-made pejorative terminology describing another ridiculous decision, life-restricting prohibition or ban. Many of us are familiar with the HSE’s *Sensible Risk* campaign, regarded as so significant to our regulator and national lead body that it forms one of the key components of its new strategy, and a dominant theme in its Chair, Judith Hackett’s, public speeches. Recently an apparently rather stupid decision was made in a Morrison’s supermarket to refuse to sell two bottles of wine to a woman because she was accompanied by her 17 year

old daughter. In the public response, reference was made to a government document *Your child's health and safety* that includes alcohol consumption guidance. And amidst the furore, once again “health and safety Nazis” reared their heads, as though working to prevent accidents and ill health was on a continuum with concentration camps and the deaths of millions. However, in our health and safety professionals' world haven't we been a little too quick to blame sloppy journalism for the consistent criticism of regulation and precautions that limit personal and organisational freedom.

I am proud to be working on the construction programme for London 2012, and there is a huge health and safety challenge to be faced – major projects in recent years that have had deservedly lauded safety programmes were nevertheless responsible for people going to work in the morning and not returning to their families at the end of the day. Such workplace fatalities are not the result of people freely choosing to put themselves in harm's way, it's not mountaineers and Formula 1 drivers but ordinary workers who are put at risk by poor planning, inadequate procedures, limited training, cost-cutting maintenance and a host of other failures within organisations which were the responsibility of their directors and managers. The wholehearted embracing of behavioural programmes shouldn't blind us to the fact that most accidents can be prevented by better management of work. The danger inherent in the *bonkers conkers* debate is that ill-informed and misguided politicians may be encouraged to include health and safety laws in their proposed bonfire of regulations. But simply arguing that every story about the banning of hanging baskets, or the early committal of a coffin by forklift or the stopping of a community-minded person from turning a roundabout into an attractive horticultural display ..... is just mischief-making by journalists is an inadequate response. A little more honesty would be appropriate, and it really matters. I am suggesting that perhaps we need to check that what we are doing is appropriate before we start casting stones at others.

Firstly, the HSE has to accept that *however the risk landscape is drawn, the impact of risk actors is a complex one, involving many interactions. The most effective way of improving the outcome of a complex system is by analysing the system as a whole. The Government is the only organisation with the ability to analyse and coordinate action involving all the risk actors. Within the Government, the HSE are best placed to do this given their knowledge of H&S and their responsibility for H&S outcomes.* These are the words of the **Risk and Regulation Advisory Council**,

established to lead an offensive against the misunderstanding of risk in society. For as long as we maintain in our minds and organisations a notional separation of responsibility for public risk and workplace risk, HSE will not effectively lead in the most common area of risk aversion versus sensible risk. That is, not being the enforcement authority doesn't diminish the responsibility to guide Government Departments and to help the public understand the issues. Nor should HSE fail to put pressure on organisations that appear to be making serious mistakes in how they deal with the risks or perceived risks.

There is a real requirement for greater public understanding of the difference between:

- risks in an environment wholly under someone's control, where you are there by their invitation and there are clearly defined duties of care – that is within the workplace, and the duties of employers to their employees;
- risks in the public sphere, where in a free(ish) society people may take a wide variety of actions including those that could be considered ill-advised, where they are responsible for the behaviour of the minors in their charge.

It is true that these public spaces are also often workplaces, the tree surgeons in the local park, the maintenance workers in the town square – but there is a distinction between establishing the risk management for the working activity and the apparent mistaken desire of some to manage everyone's risk. HSE can help with two significant aspects of the approach – encouraging pragmatism rather than an absolutism that seems sometimes to creep in whereby all risk is supposedly unacceptable, what in our workplaces we know as the “reasonable practicability” test; and arguing more clearly that adults should accept a share of the responsibility for their actions rather than assume that someone else will shoulder blame and cost if it goes pear-shaped. So my first request is for HSE to become more overtly and willingly involved in this interface between workplace and public domain.

The second area of taking responsibility rather than looking for other parties to blame for mismanaging risk lies with those of us who are health and safety practitioners . Most of the silly season stories in the sensible risk versus *bonkers conkers* debate seem to emanate not from private business nor central government, despite them being used to tarnish the excellent record of reducing workplace harm in recent

years not least as measured by the accident fatality rates. They come from the local Government area, and often sound like silly interventions that restrict other people's freedom to live life normally including living with risk – incidentally the wholly appropriate title of an excellent publication by CABI which calls for an exciting public realm.<sup>1</sup> The local authorities oversee a large part of the juxtaposition of the occupational safety world and the public domain, and this puts them willy-nilly in the firing line. With the experience of years of litigation, ambulance-chasing claims handlers, the paving stone trip - and the consequential well-founded fear of more of the same, is it any wonder that the rational evaluation of the likelihood of people getting seriously hurt has taken a back seat? It simply won't wash that the risk aversion stories all or mostly stem from bad managers while cogently presented advice from qualified practitioners is ignored. I believe that there is some evidence of risk aversion amongst practitioners within those local authorities because they are being asked to help their organisations with risk assessments in the public sphere and are not fully equipped to do so.

Of course, it is also likely that we have in our midst jobsworths who feel that their responsibility is to protect everyone from the possibility of harm, even when the risk is one engendered by their voluntary activities as members of the public rather than workers but this doesn't tell the whole story. Now in practice it is arguable that for too long the professional institutions have ignored the fact that to put it at its mildest there is some underperformance within their own memberships – everyone else, everyone I meet socially who gives me an earful when I tell them my what I do for a living, knows that there are quite a few people with the title and many with the qualifications to be health and safety officers or advisors, who spend most of their time telling people what they cannot do. Often, this stems from personal experience of restrictions labelled as “because of health and safety”. Recently IOSH has been doing some excellent work arguing in the media, and getting some positive coverage because of their innovative, witty way of doing it, that practitioners are facilitators, enablers. But this is what we want them to be, in many cases it's an aspiration barely matched by the performance. The HSE, professional bodies – IOSH and IIRSM – and other organisations forming part of the health and safety community such as RoSPA, have a responsibility here that is not being adequately addressed.

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<sup>1</sup> Living with Risk – promoting better public space design, May 2007, CABI (Commission for Architecture and the Built Environment - the Government's advisor on architecture, urban design and public space)

There is support for appropriate decision-making, for example the already cited Risk and Regulation Advisory Council has been exploring risk aversion in policing, in managing trees and other areas of publicly relevant risk management. When an independent review of policing was undertaken by Sir Ronnie Flanagan in 2008, he identified a “just in case” mentality and a “this must never happen again” public view that led to risk averse decision-making – how familiar does that sound when health and safety practitioners are trying to develop strategies for public space. When exploring the challenge of health and safety in small firms, particularly relevant the day after the IOSH-Sypol Lifetime Achievement Award went to Judith Donovan for her work in this sector, the Council pointed out that it is important to understand for many with their focus on manufacturing or selling goods or whatever they do and for whom risk management is not really on the agenda, it all seems very difficult, very complex and very threatening. Yet the guidance from the Council has not been adequately reviewed and debated through our profession, and is certainly not well known in the public sector where it should be seen as extremely helpful and timely.

So my second request is that we see evidence that we are getting to grips within the health and safety community with the lack of facilitation and enablement that we are responsible for. In the workplace a target of Zero Harm or Target Zero or Beyond Zero and other aspirational, worker-engaging, manager-demanding programmes are contributing to work on London 2012 achieving historically low accident rates whilst receiving enormous numbers of near miss reports. But while zero harm in the workplace is right, in public space it just doesn't make sense. Otherwise we'd have to plant bonsai trees in the Olympic Park in case a climbing child falls and breaks a collarbone, and heaven forefend that a toddler falls and grazes a knee.

We need to keep our public domain open to excitement, challenge and surprise in exact contrast to the workplace and its necessary controls. And that requires health and safety advisors who can understand the difference between the two. This isn't an abstract argument, it is affecting how businesses work, how designs for new environments are developed, and the argument that all the risk aversion is due to a lack of professional health and safety advice is unsustainable, often that advice is the source of the problem. So we should as a health and safety community of professionals develop some clear guidelines and methodologies on safety in the public domain and use them to upskill ourselves and our colleagues so that we are

better able to deal with them. Then our aspirations to be seen as facilitators will have firmer foundations.

To summarise, standing pat on “a world of work” as a professional, or occupational risk management as a regulator may be what was legislated, but if we don’t get to grips with the public domain and personal responsibility we shall continue to be criticised and what we hold dear will remain under threat. As Allan said many times in different ways – stuff happens. Whether in the workplace or the public domain our work is focused on managing risk, minimising the chances of harm and the severity of the outcome. But eliminating risk isn’t an option. If we can become a little more able to engage with the wider society on these issues, communicating with some of the skills Allan deployed throughout his career, we can turn the tide on the negative stories about *’elf n’ safety* and by extending it we shall protect the core of our professional practice.

Finally,

- if our Regulator takes a governmental and public lead on the differences between control in the workplace and in public space, essential if we are to defend our hard-fought-for legislative framework and standards against those who’d throw out the baby with the bathwater;
- if our public sector, particularly the local authorities, begin the properly get to grips with the levels of intervention and of freedom that are appropriate in different environments, in the context of workplace or public space;

then we shall be in a stronger position to challenge the other drivers towards both risk aversion rather than risk management, and to a perception that there are too many restrictions. Insurers and journalists have had an easy time because we have been skewing our response to challenging media stories rather than looking to see if there is a systemic problem with our system. We were pleased that our obscure work in health and safety got public notice, but now it’s the public notice that create our problems – of course the need for users of a gym to put their towels in the bins provided and not drop them on the floor is good manners not health and safety, and so with many other uses of that “because of health and safety” label. So let’s cast the beam from our own eye, and be better able to defend the proper practice of workplace health and safety and the great achievements we have contributed to in recent years which mean that so many more people are safely at home with their families this evening than would otherwise be the case.