

Analysis of responses received to consultation on proposals to review HSE's Approved Codes of Practice (ACOPs)

Introduction

This is a summary report of the outcome of HSE's consultation on proposals to review its ACOPs which included statutory consultation under section 16 of the Health and Safety at Work etc Act 1974 on proposals to withdraw three ACOPs.

Consultation document CD 241 invited responses to proposals to revise, consolidate or withdraw 15 ACOPs which are to be delivered by end-2013 as well as on proposals to make minor revisions or no changes to a further 15 ACOPs which are to be delivered by end-2014. The consultation also sought views on a proposal to limit all ACOP documents to a maximum length of 32 pages, other than in exceptional circumstances.

This report presents separate summaries of the responses to each of the specific proposals in the consultation together with summaries of all written comments. The structure of the report follows the structure of the consultation questionnaire as follows:

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The consultation was published on the HSE website on 25 June 2012 and lasted 12 weeks. Respondents were asked to complete a questionnaire on-line or download the questionnaire for return by e-mail or post. E-mailed responses and letters giving comments on the proposals were also received.

The consultation received a total of 413 responses.

347 responses represented the views of individuals or individual organisations and 66 were responses from representative organisations of the following types:

- Charities (3 responses)
- Employers' organisations (2 responses)
- Pressure groups (3 responses)
- Professional bodies (13 responses)
- Trade associations (36 responses)
- Trades unions (9 responses)

349 of the responses were made using the questionnaire.

The questionnaire asked respondents to indicate the type of organisation they were from and the capacity in which they were responding. A summary of respondent backgrounds is provided below. Respondents came from a wide range of backgrounds although the majority were health and safety professionals.

a) Type of organisation	Count	%
Academic	9	2.6%
Charity	6	1.7%
Consultancy	57	16.3%
Industry	118	33.8%
Local government	37	10.6%
Member of the public	3	0.9%
National government	11	3.2%
Non-departmental public body	4	1.1%
Non-governmental organisation	15	4.3%
Pressure group	0	0.0%
Trade association	21	6.0%
Trade union	6	1.7%
No answer	62	17.8%
Total	349	100.0%

b) Capacity of respondent	Count	%
An employer	49	14.0%
An employee	64	18.3%
Health and safety professional	176	50.4%
Trade union official	6	1.7%
Training provider	10	2.9%
No answer	44	12.6%
Total	349	100.0%

Section 1 – Proposals to revise, consolidate or withdraw ACOPs – to be delivered by end-2013

Section 1.1 - Dangerous Substances and Explosive Atmosphere Regulations 2002 (DSEAR)

L134 – Design of plant, equipment and workplaces

L135 – Storage of dangerous substances

L136 – Control and mitigation measures

L137 – Safe maintenance, repair and cleaning procedures

L138 – Dangerous substances and explosives atmospheres

Consultation proposal: To consolidate these five ACOPs (L134-138) into a single revised ACOP (L138) to be published by end-2013.

Summary of responses

Question 1.1.1. Do you agree with the proposal to consolidate these five ACOPs (L134-138) into a single revised ACOP (L138)?		
Option	Number of respondents	Percentage of total (%)
Yes	123	90
No	14	10
Total	137	

A further three responses were received which provided no clear view on the proposal.

There were 140 responses to this proposal in total. Of these 112 represented the views of individuals or individual organisations and 28 were responses from representative organisations.

Of the 28 representative organisations that responded to the proposal:

- 26 supported the proposal (2 charities, 7 professional bodies, 10 trade associations, 7 trades unions)
- 1 did not support the proposal (an employers' organisation)
- 1 provided a response but did not provide a clear view on the proposal (a trade association).

Objections to proposal identified (Question 1.1.2)
Those respondents not in favour of consolidation raised concerns about the potential loss of critical core detail, and the clarity and quality of a consolidated document suggesting this might be 'dumbed-down' and lose focus. A further concern expressed was potential navigation problems for the reader in a bigger document to identify which parts are relevant to their particular interests (e.g. some sites only store, others store and use). There were different minority views on whether the current ACOPs should be merged into 2 or more ACOPs rather than a single document.

Negative impacts of proposal identified (Question 1.1.3)
Of the 64 respondents who specifically responded to this question, 11 considered that there would be no negative impact of the proposal. Of the other respondents who replied the main potential negative impact that emerged as a consistent theme was the potential loss of detail and focus of a revised document through the consolidation process particularly if there was a 32 page limit for the consolidated DSEAR ACOP. This loss of focus and detail was seen as being potentially substantial and could result in confusion and poorer interpretation of the requirements. Concerns were also raised about possible problems if the new guidance was not user friendly and did not include suitable navigation aids.

Positive impacts of proposal identified (Question 1.1.4)
<p>The following were mentioned in response:</p> <ul style="list-style-type: none"> • a single source of advice, • possibly less costly than buying individual ACOPs, • less cross referencing, and less duplication /repetition • simplification and potentially quicker access to information as opposed to moving between documents • an opportunity to update and clarify existing guidance • potential for updatable web version with hyperlinks to guidance. • potential opportunity to use illustrations more

Is there any important advice that is not currently provided by these ACOPs that should be provided in the revised ACOP? (Question 1.1.5)
<p>A few respondents proposed including or expanding specific issues (for example reflecting the changes in the fire safety regulatory framework, information on static discharges and updating the use of fire resistant containers) but there was no single common theme on any technical issues.</p>

Other comments on how proposal should be taken forward (Questions 1.1.6 and 1.1.7)
<p>The only consistent theme in the comments received in response to this question was that if the subject is technically complex it may need more space to deal with it.</p> <p>Other suggestions were:</p> <ul style="list-style-type: none"> • use visuals to show good/bad practice • be clear what is ACOP and what is guidance material • clarify the status and function of the ACOP text and the guidance text throughout the whole document • separate out the ACOP text entirely • the ACOP should just signpost guidance on the website. • guard against loss of detail, but edit material down • use plain English as far as possible • case studies to be included as practical examples of compliance. <p>A small number of respondents thought that design or storage issues might merit a separate publication.</p>

Consideration of responses

Conclusion from analysis of consultation responses
<p>The overall conclusion is to proceed with the consolidation of the five DSEAR ACOPs into a single document as proposed.</p> <p>This proposal was supported by 90% of respondents.</p> <p>The main concern of those who opposed the proposal was the potential loss of focus and information in such a consolidation exercise. This will be addressed as part of the consolidation process to ensure that no critical information and guidance is lost.</p> <p>The proposed new document will be in similar format to the current publications providing Regulation, ACOP and guidance text but the material will be edited and reordered where appropriate, ensuring no loss of critical material. The text will be revised to clarify, expand or condense where needed in light of experience and changes in technology.</p>

Section 1.2 – Legionella

L8 – Legionnaires' disease

Consultation proposal: To revise Part 1 of this ACOP and remove Part 2 and make it separately available as revised technical guidance with both to be published by end-2013.

Summary of responses

Question 1.2.1. Do you agree with the proposal to revise Part 1 of this ACOP (L8) and remove Part 2 and make it separately available as revised technical guidance?		
Option	Number of respondents	Percentage of total (%)
Yes	135	71%
No	56	29%
Total	191	
<p>A further nine responses were received which provided no clear view on the proposal.</p> <p>There were 200 responses to this proposal in total. Of these 170 represented the views of individuals or individual organisations and 30 were responses from representative organisations.</p> <p>Of the 30 representative organisations that responded to the proposal:</p> <ul style="list-style-type: none">• 21 supported the proposal (1 charity, 6 professional bodies, 9 trade associations, 5 trades unions)• 6 did not support the proposal (2 employers' organisations, 2 trade associations, 2 trades unions)• 3 provided a response but did not provide a clear view on the proposal (1 charity, 1 trade association, 1 trades union).		
Objections to proposal identified (Question 1.2.2)		
<ul style="list-style-type: none">• Splitting the ACOP in to two documents - The primary concern for those objecting and for a number of those supporting the proposal is that having information in separate documents could make it harder and more confusing for duty holders and others to access all the information they may need.• Contradiction in HSE's approach to different ACOPs - Six responses believed there to be a contradiction between the merging of some ACOPs into one document and splitting the legionella ACOP.		
Negative impacts of proposal identified (Question 1.2.3)		
<p>There were 44 responses to this question. Impacts identified were:</p> <ul style="list-style-type: none">• The separation of the ACOP into two documents makes it more difficult to access information and offers the potential for confusion or for one of the document to be overlooked.• An increase in costs for those purchasing hard copies.		
Positive impacts of proposal identified (Question 1.2.4)		
<p>There were 27 responses to this question. Significant impacts identified were:</p> <ul style="list-style-type: none">• The ability to keep technical advice up-to-date in a timelier manner.• The separation of the legal requirements in part 1 from the technical guidance in part 2 should make it easier for duty holders to understand their legal duties as opposed to the means of achieving them. Eight responses made reference to the current document causing confusion that part 2 of the current ACOP represented legal requirements. Six responses also suggested the proposal would help address issues of third parties promoting the use of unnecessary control measures or advising that use of such measures were legal requirements.		

When accessing the ACOP do you refer to part 1 or part 2 or both (Question 1.2.5)
137 out of the 157 (87%) who responded to this question indicated they referred to both parts of the current ACOP, 13 indicated they referred only to part 1 and seven indicated they referred only to part 2.

Other comments on how proposal should be taken forward (Questions 1.2.6 and 1.2.7)
There are a number of individual technical observations that will be considered in the technical review of part 2 of the current ACOP. Eleven respondents including 5 Trade Unions raised issues over the way the relative risks of different situations will be expressed. Seven respondents noted the opportunity to improve clarity on the duties and roles for those involved in managing the risks from legionella.

Consideration of responses

Conclusion from analysis of consultation responses
To proceed with the proposal to split the current legionella ACOP in to two separate documents: i) a revised ACOP and general guidance (from the old ACOP part 1) and ii) revised and updated technical guidance (from the old ACOP part 2). The proposal to split the current ACOP in to two separate documents of different status is supported by a clear majority of respondents (71% of those who expressed a view). The primary objection to the proposal, that splitting the documents would make it more difficult for information to be accessed, is to be addressed by incorporating cross references into the ACOP and technical guidance and by providing cross-links on the HSE website where the documents will be available to download for free. We do not consider the splitting of this ACOP into its two constituent document types to be inconsistent with the approach taken in other proposals where related ACOPs are to be consolidated as has been suggested by some respondents. The approved guidance for legionella will remain as a single ACOP as the merging of other ACOPs will achieve. For other technical issues, HSE have provided separate guidance and this is the approach the legionella guidance will follow. It gives a significant advantage in the ability to keep the technical guidance updated in a timely manner.

Section 1.3 - Asbestos

L127 – The management of asbestos in non-domestic premises

L143 – Work with materials containing asbestos

Proposal: To consolidate these two ACOPs into a single revised ACOP (L143) to be published by end-2013.

Summary of responses

Question 1.3.1. Do you agree with the proposal to consolidate these two ACOPs (L127 and L143) into a single revised ACOP (L143)?		
Option	Number of respondents	Percentage of total (%)
Yes	141	88%
No	20	12%
Total	161	

A further six responses were received which provided no clear view on the proposal.

There were 167 responses to this proposal in total. Of these 135 represented the views of individuals or individual organisations and 32 were responses from representative organisations.

Of the 32 representative organisations that responded to the proposal:

- 29 supported the proposal (2 charities, 1 employers' organisation, 8 professional bodies, 9 trade associations, 9 trades unions)
- 3 provided a response but did not provide a clear view on the proposal (1 pressure group, 2 trade associations).

Objections to proposal identified (Question 1.3.2)

12 respondents think maintaining two separate ACOPs provides a logical split between the duty to manage asbestos and working with asbestos responsibilities and that these should be viewed as two separate issues because they deal with distinctly separate requirements. They also consider that the ACOPs have different technical content, aimed at different target audiences.

Respondents, including some who are in favour of merging the two ACOPs, have expressed concern that if we combine the documents and then have to reduce to 32 pages then key information will be lost.

Responses from the TUC and other Trades Unions such as the GMB, NASUWT, UCATT, Unison and Unite support the proposal to merge, having argued for this since 2006. However all expressed concern at the plans to 'simplify' L127 rather than review, update and consolidate the information.

A consultant and a research institute questioned why we are seeking to combine L127 and L143 when we are proposing to do the opposite for the Legionella ACOP.

Negative impacts of proposal identified (Question 1.3.3)

Impacts identified were:

- Confusion of requirements
- Too large a document, difficult to find relevant information
- If combined and reduced to 32 pages risk detail/information loss
- Loss of focus for target audience

Positive impacts of proposal identified (Question 1.3.4)

Impacts identified were:

- Simpler framework, eradicates duplication, all key information is easy to access in one place

- A sensible approach that should ease burden
- Opportunity to bring ACOPs up to date and provide greater clarity making them easier for the duty holder to understand
- Combining ACOPs will provide a common reference point and lessen confusion on which document to access
- Cost reduction in only purchasing one document
- An improved ACOP could help address current non compliance
- One stop shop

Other comments on how proposal should be taken forward (Questions 1.3.5 and 1.3.6)

These suggestions were provided:

- When L143 / L127 are combined, ensure a clear distinction between the different areas of responsibility
- Ensure clear messaging, (who, what, when) simple clear layout in plain English
- Provide better clarification of requirements
- Improve definitions
- Do not restrict number of pages in the ACOP or risk critical information loss
- Adopt consistency across the range of guidance and ACOPs
- Take opportunity to raise awareness of the dangers of asbestos, the legal duties and the free guidance available
- Include clearer guidance and better links to information particularly on the following topics:
 - Documentation - Records / Drawings
 - Training
 - Car12
 - Non licensed / Licensed work
 - Disposal
 - Sampling
- Include further clarity / guidance for emergency services
- Rather than being 'simplified', the information contained in the ACOPs should be reviewed, updated and consolidated
- Include practical examples, Flow diagrams and links to supporting online information
- Make draft document available for open comment prior to finalisation.

Consideration of responses

Conclusion from analysis of consultation responses

To consolidate ACOPs L127 and L143 into a single revised ACOP (L143) as proposed.

Feedback from the consultation has proved positive with 140 (88%) of 160 respondents expressing in support of the proposal to consolidate ACOPs 127 and 143 into a single revised ACOP. Significant issues identified were:

- The definition and understanding of what constitutes Notifiable Non-licensed Work NNLW could be improved
- There are suggestions that existing web guidance is confusing and makes it difficult to comply with CAR 12.
- Concern that the document once combined, will dilute the importance of the Duty to Manage responsibilities.
- Concern, especially from Trade Unions that we are 'simplifying' the information in L127 rather than reviewing, updating and consolidating the information. We confirm that the intention for this aspect of the proposal is to update and clarify the information from L127.
- Emergency services have expressed concern about notification of non licensed work, and medical examination requirements. Improved guidance will be provided for this sector.

Section 1.4 - Gas safety

L56 – Safety in the installation and use of gas systems and appliances COP20 – Standards of training in safe gas installation

Consultation proposal: To consolidate these two ACOPs into a single revised ACOP (L56) to be published by end-2013.

Summary of responses

Question 1.4.1. Do you agree with the proposal to consolidate these two ACOPs (L56 and COP20) into a single revised ACOP (L56)?		
Option	Number of respondents	Percentage of total (%)
Yes	94	91%
No	9	9%
Total	103	

A further 11 responses were received which provided no clear view on the proposal.

There were 114 responses to this proposal in total. Of these 84 represented the views of individuals or individual organisations and 30 were responses from representative organisations.

Of the 30 representative organisations that responded to the proposal:

- 19 supported the proposal (2 charities, 1 employers' organisation, 6 professional bodies, 6 trade associations, 4 trades unions)
- 6 did not support the proposal (1 pressure group, 1 professional body, 4 trade associations)
- 5 provided a response but did not provide a clear view on the proposal (1 pressure group, 1 trade association, 3 trades unions).

Objections to proposal identified (Question 1.4.2)	
Although the responses that did not support the proposal represent only 9% of responses those respondents were mainly large industry organisations which account for a large proportion of the gas industry.	
Respondents that did not agree with the proposal were concerned that:	
<ul style="list-style-type: none">• as COP 20 covers both industrial and domestic gas training (unlike current L56 which covers only domestic gas installation) withdrawal of COP 20 will mean there will be some commercial and industrial activities without suitable guidance, and• Important information will be lost from COP 20 and not replicated in L56.	
A number of the respondents who did not agree with the proposal have however suggested that the material from COP 20 could be adopted by industry. IGEM or EUskills are the organisations being proposed as suitable owners (IGEM - Institution of Gas Engineers and Managers, a chartered professional body, licensed by the Engineering Council and also responsible for producing a large range of Technical Standards; EUskills – energy & utility skills, focused upon the skills agenda of the UK gas industry). Any transfer to industry will have to ensure that information remains freely available to all.	

Question 1.4.3. In addition to the material we are proposing to retain from COP 20 (paragraphs 13 &14), is there any further guidance material that you believe should be retained? If so, please explain why.		
Option	Number of respondents	Percentage of total (%)
Yes	10	32
No	21	68
Total	31	

Explanation provided
5 respondents asked that the definition of competence (para 8 of COP 20) be retained. There already is a definition of competence in L56 but we can ensure we align that more closely to the existing definition in COP 20. 2 respondents wanted additional, detailed material on training requirements kept 2 respondents wanted landlord material retained (see below) A few other respondents wanted full details of training requirements, or indeed the full text retained.

Negative impacts of proposal identified (Question 1.4.4)
There were 30 responses to this question: Negative impacts identified include: <ul style="list-style-type: none"> • 6 comments regarding concerns if forced to fit a 32-page format • 7 comments that loss of COP20 (with no suitable replacement) would have negative impact on those working with gas in an industrial setting (COP 20 covers domestic & industrial, L56 does not cover industrial) • 2 comments in respect of ease of cross-reference and navigability of documents • 14 saw no negative impact.

Positive impacts of proposal identified (Question 1.4.5)
There were 36 responses to this question: <ul style="list-style-type: none"> • 20 comments that it would be useful to have material on competence and training in same document as installation and use, including some comments from those who said they did not want COP 20/L56 consolidated • Other comments varied widely and were of a more general nature (e.g. “things must be kept simple”, “communication of changes”) • 4 respondents saw no positive impact.

Are there any comments you would like to make on how the proposed changes are implemented or to inform the drafting, format or presentation of any revised material? (Question 1.4.6)
26 respondents commented – 1 of which did not relate to question. <ul style="list-style-type: none"> • 13 highlighted the need/willingness for industry consultation (beyond the formal consultation exercise currently underway) before making changes. • One suggested standardising formats for ACOPs while another proposed retaining the current format • Several comments urged the use of plain English and asked that the document should not become too long/unwieldy. • 1 proposal that L56/COP20 could be amalgamated with L135 & L138 • Further proposal requesting the inclusion examples and case studies

Is the specific guidance on landlords’ duties made available by HSE (e.g. ‘INDG 285 – A guide to landlords’ duties: Gas Safety (Installation and Use) Regulations 1998’ and the information available on the HSE website http://www.hse.gov.uk/gas/landlords/index) sufficient for you to be confident that you meet your legal duties? If not, what improvements are required? (Question 1.4.7)		
Option	Number of respondents	Percentage of total (%)
Yes	43	70%
No	18	30%
Total	61	

If not what improvements are required?
6 comments that L56 guidance is more robust than that on-line 3 comments stating that all landlord material should be held in one document. 3 comments that more information required on checks that are to be carried out. Other 2 “no” responses did not elaborate on improvements required

Any there any other issues that you believe should be addressed as part of the review of these ACOPs? If so, please identify them and explain why they should be included.
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(Question 1.4.8)

2 respondents stated that combustion analysis should be included in range of tests at 26(9)
Ten respondents mentioned updating to reflect changes in flues in voids (chimneys)
2 respondents suggested more cross-referencing to Gas industry unsafe situations procedures (as this is document most engineers will use)
Need to ensure changes to ACOPs are easy to find/identify
More emphasis on electrical safety.

Consideration of responses

Conclusion from analysis of consultation responses

To proceed with the withdrawal of COP20 and integrate remaining material into L56 as proposed.

A clear majority (91%) of respondents supported this proposal and although those who opposed the proposal were industry organisations that represent a large proportion of the gas industry, they have provided an alternative to retention of COP20 which is to transfer ownership of any additional COP 20 material that they want to retain to industry. We will support this transfer of material.

Consultation responses also broadly support our proposal to withdraw landlord material (78%) and we intend to proceed with this change.

Significant issues identified were:

- 9 respondents (including 1 professional body and 4 trade associations) raised concern over the transfer of COP20 material not to be retained/integrated into L56 to industry. There was also a concern to ensure that if COP 20 material is transferred to industry that this remains freely available and is not charged for.
- A number of respondents have requested we retain more material than originally proposed from COP 20.
- Some concern that L56 landlord material is more comprehensive than that currently available on-line.

Section 1.5 – COSHH

L5 – Control of substances hazardous to health (Fifth edition)

Consultation proposal: To revise this ACOP in combination with improvements to other HSE COSHH guidance targeted at low risk industries, to be published by end-2013.

Summary of responses

Question 1.5.1. Do you agree with the proposal to revise this ACOP (L5) in combination with improvements to other HSE COSHH guidance for low risk industries?		
Option	Number of respondents	Percentage of total (%)
Yes	136	91%
No	13	9%
Total	149	

A further 12 responses were received which provided no clear view on the proposal.

There were 161 responses to this proposal in total. Of these 129 represented the views of individuals or individual organisations and 32 were responses from representative organisations.

Of the 32 representative organisations that responded to the proposal:

- 25 supported the proposal (2 charities, 5 professional bodies, 12 trade associations, 6 trades unions)
- 1 did not support the proposal (1 trade association)
- 6 provided a response but did not provide a clear view on the proposal (2 employers' organisations, 1 professional body, 3 trades unions).

Objections to proposal identified (Question 1.5.2)

Although most respondents were supportive of the proposed changes, two raised concerns that the ACOP will become diluted. Seven respondents raised concerns about the creation (or perceived creation) of a two tier risk-based system and reported concerns that organisations could assume themselves to be low risk where that was not the case. Some of these concerns appeared to reflect a perception that existing guidance for low risk industries was going to be incorporated into the ACOP. Two respondents raised concerns about the loss of useful guidance.

Negative impacts of proposal identified (Question 1.5.3)

Concerns centred on the loss of guidance for higher risk industries, a high volume of complex information being provided and the possibility of misunderstandings relating to low risk industries. Other negative impacts included additional time spent searching for information and the cost of reproducing several guidance documents. Three respondents raised concerns that HSE had not updated the COSHH related guidance document EH40 since 2005.

Six major stakeholders and three individual respondents commented that the principles of good practice should be retained within the ACOP and raised concerns about accessibility if they are placed on the website.

Positive impacts of proposal identified (Question 1.5.4)

Most respondents focused on the benefits of simplification and clarification of the current ACOP and the inclusion of up to date related regulations such as REACH and the Chemical, Labelling and Packaging Regulation. Eight respondents were keen to retain a single document as a point of reference and for HSE to reduce duplication.

Other comments on how proposal should be taken forward (Questions 1.5.5 and 1.5.6)

Eleven respondents stressed the importance of taking into account the CLP regulation and Global Harmonisation (GHS) as well as REACH. Others referred to using the EU guidance document *Practical guidelines of a non-binding nature on the health and safety of workers from the risks related to chemical agents at work* as a substitute for the COSHH ACOP. Two respondents also commented that the use of flow charts to identify actions, and avoid over complicated risk assessments would be useful; another suggested the use of case studies. Seven respondents (1 large stakeholder and 6 industry respondents) commented that the proposed 32 page limit should not be applied to the COSHH ACOP.

Consideration of responses

Conclusion drawn from consultation responses

To proceed with the proposal to revise this ACOP and make improvements to other HSE COSHH guidance for low risk industries to be published by end-2013.

91% of respondents support the proposal and are content with the suggested amendments. No significant issues have been raised and concerns about the creation of a two tier system of high and low risk industries will be addressed during the drafting of the revised publication. The principles of good practice set out in Schedule 2a of the regulations will be retained in the ACOP, the proposal is to remove the guidance associated with this schedule and make it available on the HSE COSHH website, making it more widely accessible. This will be considered again taking account of the opinions received.

Section 1.6 – Workplace health, safety and welfare

L24 – Workplace health, safety and welfare

Consultation proposal: To revise this ACOP (L24) and review other HSE publications that provides guidance on related workplace health, safety and welfare issues

Summary of responses

Question 1.6.1. Do you agree with the proposal to revise this ACOP (L24) and review other HSE publications that provide guidance on related workplace health, safety and welfare issues?		
Option	Number of respondents	Percentage of total (%)
Yes	167	93%
No	12	7%
Total	179	

A further six responses were received which provided no clear view on the proposal.

There were 185 responses to this proposal in total. Of these 150 represented the views of individuals or individual organisations and 35 were responses from representative organisations.

Of the 35 representative organisations that responded to the proposal:

- 31 supported the proposal (2 charities, 1 employers' organisation, 9 professional bodies, 12 trade associations, 7 trades unions)
- 2 did not support the proposal (1 professional body, 1 trades union)
- 2 provided a response but did not provide a clear view on the proposal (1 pressure group, 1 trades union).

Objections to proposal identified (Question 1.6.2)
<p>Of the 12 respondents that answered no their concerns are:</p> <ul style="list-style-type: none">• Three trade union officials responded no. One did not provide further comment. Of the other two one is concerned that the review may create a backward step toward uncontrolled workplace environment. The other respondent questions what other HSE publications offer similar/equivalent information.• Four health and safety professionals responded no, their reasons being that: it is good enough as it is, any change may give rise to information being lost, misunderstood or not followed and that the review will need to be repeated in the future to reflect the review of CDM Regs.• The other four responses echo that of above.• One professional body does not agree that updating the current publication will provide clarity in certain key topic areas such as falls from height, construction and quarries and would like to see separate ACOPs in these areas.

Negative impacts of proposal identified (Question 1.6.3)
<p>Any revision may result in a loss of distinction between requirements of different workplaces (i.e. construction sites), revisions must be applicable to all relevant industries, dumbing down and shortening the ACOP may mean the loss of useful and important guidance but amalgamation of guidance may make the publication too long. Related HSE publications may become out of date, creating inconsistencies in information.</p> <p>Trades Unions did not really highlight any negative impacts except one who stated that they would be strongly opposed to any weakening of the text.</p> <p>One respondent (H&S professional) is concerned that a revision may cause a potential shift of responsibility from senior management to site level management.</p>

There is the risk that HSE may omit helpful and useful information for the sake of brevity.

Positive impacts of proposal identified (Question 1.6.4)

- Makes sense to have all information in one place, with no duplication, making it easier to find, especially given that the publications are now online. Having ACOP and guidance in one place will also make the management process easier and make it easier to update so only the current and most relevant information is accessible.
- An up to date and simplified L24 will encourage and facilitate better compliance and standards within the workplace.
- ACOP should be a simple framework, easy to read, short sentences with pictograms, no duplication of information over several publications.
- The publication is fundamental but feels dated. Information needs to be updated and clarified to bring it in line with the modern workplace
- Clarification of duty holder responsibility.
- ACOP should clearly signpost when to refer to other ACOPs and guidance at relevant points.
- Provides the opportunity to bring in line with disability and equality discrimination, Building Regulations and climate change (relating to building design issues)
- Provides opportunity to update areas that have now been superseded by new legislation and standards i.e. traffic signs, falls from height, smoking, CDM 2007 and Quarries Regulations 1999
- Many welcome clarity on issues such as temperature and thermal comfort (Trades Unions and one professional body specifically request a maximum temperature) and smoking (including e-smoking and environmental tobacco smoke).

Other comments on how proposal should be taken forward (Questions 1.6.5 and 1.6.6)

The following comments were received for these two questions.

- Make as simple as possible so can be understood by all. Shorten sentences and paragraphs to make point as simple as possible.
- There should only be ACOP if it is obvious how it adds clarification of the Reg.
- There is confusion between ACOP and guidance in L24. Information is often of equal or similar importance in both ACOP and guidance. ACOP and guidance needs a full review where by important information is kept as ACOP and is then kept separate from guidance, which is published in a separate publication(s).
- More simple guidance and distinction for low risk business- for small, medium and large business. This guidance should be clearly signposted to other relevant guidance where necessary (maybe in a comparison chart). Guidance is also required for clarity of responsibilities, particularly when these responsibilities are shared or the duty of ownership is not clear.
- Current format works well
- Ambiguities should be clarified (i.e. lighting and temperatures) including correct references to relevant Building Regulations, British Standards etc where applicable.
- Further consideration for outdoor workplaces is needed.
- Must link up properly with CDM 2007 especially now they are being reviewed.

Consideration of responses

Conclusion drawn from analysis of consultation responses

To proceed with the proposal to revise this ACOP and review other HSE publications that provide guidance on related workplace health, safety and welfare issues.

93% of respondents are in support of the review of L24 and agree that the publication needs updating, simplifying and modernising. However, specific concerns have been raised (in particular by Trades Unions).

Of those who answered Yes but expressed concerns, 7 of these were Trades Unions, the

other 2 being professional bodies. All 9 responses raised concerns over the lack of a maximum workplace temperature and the lack of clarity and guidance in this area. Other common themes are; the need for more clarity for workplace transport, clarity on smoking guidance given changes to legislation and also environmental tobacco smoke, clarity on disability, more guidance for access to toilets/ toilet breaks.

Most respondents see the review as an opportunity to bridge longstanding omissions/ gaps in the guidance.

Section 1.7 – Management of health and safety

L21 – Management of health and safety at work

Consultation proposal: To withdraw this ACOP and replace it with more specific, updated guidance.

Summary of responses

Question 1.7.1. Do you agree with the proposal to revise this withdraw this ACOP and replace it with a suite of guidance?		
Option	Number of respondents	Percentage of total (%)
Yes	102	48%
No	112	52%
Total	214	

A further nine responses were received which provided no clear view on the proposal.

There were 223 responses to this proposal in total. Of these 184 represented the views of individuals or individual organisations and 39 were responses from representative organisations.

Of the 39 representative organisations that responded to the proposal:

- 15 supported the proposal (1 charity, 3 professional bodies, 11 trade associations)
- 20 did not support the proposal (1 charity, 1 employers' organisation, 1 pressure group, 5 professional bodies, 3 trade associations, 9 trades unions)
- 4 provided a response but did not provide a clear view on the proposal (2 professional bodies, 2 trade associations).

Objections to proposal identified (Question 1.7.2)

The objections that have been raised by respondents have been categorised into the following main areas: the impact of the change in status of the guidance, the removal of the information from one place, that removal would give the impression that the legal requirements have changed, it would increase the misunderstanding of the requirements and it is clear as it is. The largest number of objections were raised in reference to the change in status of the guidance. Respondents believe that the status the ACOP has means people comply with the regulations more as it has 'more weight' than guidance.

Negative impacts of proposal identified (Question 1.7.8)

Negative impacts which have been stated in the feedback include;

- It may lead to less compliance as it will give the impression the law has changed or the MHSWR are not as important
- Removing this guidance will cause more confusion
- Putting the information in different places will mean more confusion and an increase in the number of documents people have to look at
- It is a loss of information
- It will remove clarity on how to comply with the MHSW Regulations

Positive impacts of proposal identified (Question 1.7.9)

A number of positive impacts have been identified by respondents which include:

- Avoidance of duplication is always good
- Clarification is necessary
- It will mean simplification and ease of understanding for non H&S people
- It will be easier to use
- If done properly this could be a sensible time saving and easily implemented document

Other comments on how proposal should be taken forward (Questions 1.7.3, 1.7.4 and 1.7.5)

The majority of respondents have not been able to offer alternative ways to address the problems identified. Those that have commented on how it should be taken forward include:

- Do nothing, the document is fine/works well as it is
- Add more information to it, to give guidance on compliance for sector specific areas
- The ACOP should have simpler language
- Make it a shorter document, signposting supporting guidance
- Clarify what is required/meant by terms such as SFARP and suitable and sufficient

Consideration of responses

Conclusion drawn from analysis of consultation responses

To proceed with the proposed withdrawal of this ACOP. There has been no evidence submitted to alter the proposed course of action.

No new issues have been raised by the consultation responses. The negative impacts raised by the respondents will be addressed by the actions taken to replace the ACOP with the suite of guidance. A communications handling plan will be drawn up to ensure that the information/guidance provided by the ACOP will not be lost and will be covered by guidance which is easier to use. It will also be made clear that the legal requirements have not and are not changing; these changes will make the requirements easier to understand and therefore assist compliance.

Section 1.8 – Agriculture

L116 – Preventing accidents to children in agriculture (Second Edition 1999)

Consultation proposal: To withdraw this ACOP and review other HSE publications that provide guidance on child safety within agriculture by March 2013.

Summary of responses

Question 1.8.1. Do you agree with the proposal to withdraw this ACOP (L116) and review other HSE publications that provide guidance on related child safety within agriculture		
Option	Number of respondents	Percentage of total (%)
Yes	30	62%
No	18	38%
Total	48	

A further nine responses were received which provided no clear view on the proposal. In most cases, from their supporting comments it would be reasonable to infer they were broadly supportive of the proposal to withdraw L116.

Overall, there were a total of 57 responses to this proposal. Of these 38 represented the views of individuals or individual organisations and 19 were responses from representative organisations.

Of the 19 representative organisations that responded to the proposal:

- 5 supported the proposal (1 charity, 2 professional bodies, 2 trade association)
- 5 did not support the proposal (1 charity, 1 pressure group, 2 professional bodies, 1 trade association, 1 trades union)
- 9 provided a response but did not provide a clear view on the proposal (1 employers' organisation, 1 professional body, 2 trade associations, 5 trades unions).

Objections to proposal identified (Question 1.8.2)

Objections cited were:

- The case for withdrawal was not been properly set out/substantiated in the Consultative Document
- Child safety is an important issue and needs to continue to be treated as a priority (both by HSE and the industry)
- Withdrawing L116 will send a dangerous (negative) message to the industry
- Withdrawing L116 will result in reduced compliance and lower standards
- Replacing L116 with revised guidance is unlikely to have any (greater) impact or beneficial effect in reducing the incidence of fatal and non-fatal injuries

Negative impacts of proposal identified (Question 1.8.3)

- Loss of the clarity and assurance currently provided by the ACOP given its quasi-legal status.
- Reduction in the status of the guidance and thereby by implication in its authority and persuasiveness
- The implication that preventing accidents to children on farms might be considered to be less important than previously, leading to poorer compliance and lower standards

Positive impacts of proposal identified (Question 1.8.4)

Few comments from respondents. Of those who did comment:

- One considered there would be no positive impact from withdrawing L116; and
- A number were supportive of the second part of the proposal i.e. to "review the other HSE publications that provide guidance on child safety in agriculture."

Other comments on how proposal should be taken forward
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No substantive alternatives to withdrawal or retention suggested by respondents.
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Consideration of responses

Conclusion drawn from analysis of consultation responses
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That the ACOP be withdrawn and other HSE guidance on child safety within the industry be reviewed by the end of March 2013.

HSE will need to work with partner organisations in the industry to agree a communications strategy and plan to reinforce the launch of revised guidance and to stress the continuing importance of child safety in the industry.

Over half of respondents who provided a view (62%) supported the proposal to withdraw L116. A further 9 respondents were neither strongly in favour or opposed. In most cases, from their supporting comments it would be reasonable to infer they were broadly supportive of the proposal to withdraw L116.

Key industry stakeholders made submissions both in support of and against the proposal to withdraw L116.

Significant issues identified by the consultation included:

- The case for withdrawal was not properly set out/substantiated in the Consultative Document
- HSE should not assume that industry stakeholders or interested parties (respondents) are necessarily aware of, or familiar with, the underpinning regulatory framework.
- Child safety is an important issue for the industry and needs to continue to be treated as a priority (both by HSE and the industry).
- Withdrawing L116 could send a dangerous (negative) message to the industry which will need to be countered by strong cross-industry communications strategy/plan.

Section 1.9 – Pipelines

L81 – Design, construction and installation of gas service pipes

Consultation proposal: To withdraw this ACOP (L81) and replace it with streamlined HSE web-based guidance and referrals to existing industry guidance.

Summary of responses

Question 1.9.1. Do you agree with the proposal to withdraw this ACOP (L81) and replace it with streamlined HSE web-based guidance and referrals to existing industry guidance?		
Option	Number of respondents	Percentage of total (%)
Yes	35	79%
No	9	23%
Total	44	

A further six responses were received which provided no clear view on the proposal.

Overall, there were a total of 50 responses to this proposal. Of these 33 represented the views of individuals or individual organisations and 17 were responses from representative organisations.

Of the 17 representative organisations that responded to the proposal:

- 7 supported the proposal (1 charity, 1 employers' organisation, 2 professional bodies, 3 trade associations)
- 4 did not support the proposal (1 charity, 2 professional bodies, 1 trade association, 1 trades union)
- 6 provided a response but did not provide a clear view on the proposal (1 professional body, 1 trade association, 4 trades unions).

Objections to proposal identified (Question 1.9.2)

Objections included concerns that:

- Duty holders would be less informed
- Reasoning behind proposal not set out clearly
- Further consultation required
- Lack of clarity for small businesses
- Guidance may not be freely available to all
- Downgrade of importance
- Lack of assurance provided by ACOP given its quasi-legal status
- Burden on industry to familiarise themselves with the change

Negative impacts of proposal identified (Question 1.9.3)

Negative impacts included:

- Confusion and misperception that regulations were being withdrawn leading to non-compliance
- Could affect standards of compliance.

Positive impacts of proposal identified (Question 1.9.4)

Positive impacts:

- Duplication with other ACOPs e.g. L56
- Some respondents stated there were no positive impacts

Consideration of responses

Conclusion drawn from analysis of consultation responses

That the ACOP be withdrawn as the majority of the advice it provides goes beyond the legal requirements of the Pipelines Safety Regulations 1996. In its place HSE will work with industry to amend an existing industry guidance publication (standard) specifically aimed at those involved in the design, construction and installation of gas service pipes. The HSE website will also be updated to inform duty holders of the changes, provide useful FAQ's and to act as a signpost to the amended industry standard (IGEM TD/4), along with links to relevant training organisations and other organisations that publish technical standards for this area. HSE will work with industry (via IGEM) to develop and agree the required changes to the industry standard.

HSE has been in contact with IGEM about L81 and they have indicated they are happy to work with HSE to update and amend the industry standard (TD4). HSE have also attended a Gas Transporters Operational Safety Group (GTOSG) meeting (4th October) with the Gas Distribution Networks and the Independent Gas Transporters and they were unanimous in their support for the revocation of L81 and for HSE's plan to work with IGEM to produce an updated industry standard.

From the consultation responses received 79% of responses were in support of the proposals. A further five responses did not specifically answer "yes" or "no", but for a number of these from the comments made it would be reasonable to infer that they were in support of the proposals. Of the responses received from representative organisations who did not agree with the proposals, there were concerns that withdrawal of the ACOP would cause confusion and lack of clarity for duty-holders and potentially impact on compliance.

The consultation responses support HSE's plans to work with key stakeholders to amend the existing industry standard and update the HSE website. HSE will also ensure that it prepares a communications strategy to ensure key stakeholders are informed of the changes and of where to access the relevant information and the regulations it supports.

Section 2 – Proposals to make minor revisions or no changes – to be delivered by end-2104

Diving

L103 – Commercial diving projects offshore

L104 – Commercial diving projects inland/inshore

L105 – Recreational diving projects

L106 – Media diving projects

L107 – Scientific and archaeological diving projects

Proposal: To update and revise these ACOPs for publication by the end of 2014.

Summary of responses:

Question 2.1.1. Do you agree with the proposals to update and revise these ACOPs for publication by end-2014?					
	L103	L104	L105	L106	L107
Yes	40 (80%)	33 (92%)	34 (92%)	33 (94%)	34 (94%)
No	10 (20%)	3 (7%)	3 (8%)	2 (6%)	2 (6%)
Total	50	36	37	35	36

A further eight responses were received which provided no clear view on these proposals.

Overall, there were a total of 58 (L103), 44 (L104), 45 (L105), 43 (L106) and 44 (L107) responses to each of these proposals. There were 13 responses from representative organisations.

Of the 13 representative organisations that responded to the proposal:

- 7 supported all five proposals (1 employers' organisation, 3 professional bodies, 1 trade associations, 2 trades unions)
- 1 trade association supported the proposals for L104, L105, L106 and L107 but did not support the proposal for L103
- 1 professional body supported the proposals for L105, L106 and L107 only
- 4 provided a response but did not provide a clear view on the proposals (1 charity, 1 professional body, 2 trades unions). These four responses indicated general support for all the proposals in this section (Section 2) of the consultation.

Objections to proposal identified (Question 2.1.2)
Not every respondent provided comments to support their objection(s).
L103: Of the 9 objections 5 were employees who wanted the scope of the ACOP extended to include requirements for improved / mandatory shift patterns, rest periods and living conditions in a saturation chamber and mandatory drinks breaks during a 6hr bell run.
L105: 1 member of the public referred to this ACOP as failing to clearly represent the contents or provide guidance in respect of previous correspondence with HSE in 2011.

Negative impacts of proposal identified (Question 2.1.3)

2 respondents who identified negative impacts both provided the same view that it would be “many years” before ACOP changes are implemented within the industry and working conditions will remain the same during this time.
Other respondents used this question as an opportunity to identify a specific issue for HSE to consider, or raise the need for greater clarification. One respondent believed limiting the number of pages in ACOPs to 32 pages may result in important information being lost.

Positive impacts of proposal identified (Question 2.1.4)

The positive impacts identified better working conditions and improved moral, providing a consistent approach, greater clarification, an invaluable tool for employers and employees in understanding health and safety requirements, ensuring continued safety in a high risk environment and encouraging and facilitating better compliance and standards.

Other comments on how proposal should be taken forward (Questions 2.1.5 and 2.1.6)

22 respondents, who supported the updating of one or all of the ACOPs, provided suggested changes / amendments or raised an issue(s) for HSE to consider when revising the ACOPs. Some of the areas for consideration included, Offshore and Inland surface diving operations, underwater excavations, noise and vibration issues and diver well being, e.g. saturation conditions and associated shift systems.

Consideration of responses

Conclusion from analysis of consultation responses

To retain and revise the 5 sector specific Diving ACOPs as proposed.

There is widespread support for revising the suite of Diving ACOPs.

40 (80%) of the 50 respondents who expressed a view agreed with the proposals for change to L103.

33 (92%) of the 36 respondents who expressed a view agreed with the proposals for change to L104.

34 (92%) of the 37 respondents who expressed a view agreed with the proposals for change to L105.

33 (94%) of the 35 respondents who expressed a view agreed with the proposals for change to L106.

34 (94%) of the 36 respondents who expressed a view agreed with the proposals for change to L107.

There were no significant issues raised by the respondents. However, the proposal to limit the number of ACOP pages to 32 generated serious concerns that relevant and important information may be lost just to satisfy the need to condense information / guidance.

Work equipment

L22 – Provision and Use of Work Equipment

L112 – Safe Use of Power Presses

L114 – Safe Use of Woodworking Machinery

Consultation proposal: To update and revise these ACOPs for publication by end-2014.

Summary of responses

Q 2.2.1:- Do you agree with the proposals to update and revise these ACOPs for publication by end-2014?

	L22	L112	L114
Yes	109 (92%)	84 (93%)	91 (93%)
No	9 (8%)	6 (7%)	7 (7%)
Total	118	90	98

A further eight responses were received which provided no clear view on these proposals.

Overall, there were a total of 126 (L22), 98 (L112) and 106 (L114) responses to each of these proposals. There were 22 responses from representative organisations.

Of the 22 representative organisations that responded to the proposal:

- 14 supported all three proposals (1 employers' organisation, 4 professional bodies, 8 trade associations, 2 trades unions)
- 1 trade association supported the proposal for L22 only
- 7 provided a response but did not provide a clear view on the proposals (1 charity, 1 pressure group, 1 professional body, 4 trades unions). Four of these responses indicated general support for all of the proposals in this section (Section 2) of the consultation.

Objections to proposal identified (Question 2.2.2)

Five respondents objected to the proposals for all three ACOPs.

Objections included:

- usefulness of ACOPs may be compromised if limited to 32 pages (two comments)
- broad support but don't think the proposals go far enough
- safety standards must not be diluted

Three respondents commented on L22 only, their objections included :

- all equipment should be covered by PUWER and should be in one document.
- disagree with the 32 page limit

One respondent commented on L22 and L114 as follows:

- unable to comment because of insufficient detail in proposals

One respondent commented on L112 and L114 as follows:

- not convinced that any changes are needed

1. Official responses from Trades Unions provided either a cautious approval for proposals (dependant on being consulted about specific changes/text in due course) or no clear view was expressed. Two individual trade union representatives opposed the proposals but they either gave no supporting details or were unable to comment further stating they had insufficient details.

2. No objections received from the Trade Associations who expressed an opinion.

3. Of the 22 objections to the proposals, eight were objections to the general proposal for a 32 page limit for ACOPs rather than any specific proposals for the three PUWER ACOPs.

Negative impacts of proposal identified (Question 2.2.3)

Twelve respondents identified negative impacts. Comments as follows:

- objection to the 32 page limit (five comments)
- no objection provided that none of the original intent is lost/disagree with 32 page limit
- not enough detail given to enable comment
- there will still be areas of duplication in the three ACOPs
- risk of confusion for users if standard layout is not adopted for all ACOPs
- all the information should be contained in one document rather than referring users to other publications
- ACOPs are often duplicated in specific information sheets which can be more accessible
- probability that health and safety will be improved by these changes is low; but likelihood that Health & Safety practitioners will exploit businesses' fears is high

Positive impacts of proposal identified (Question 2.2.4)

23 comments were received which were as follows:

- general support/approval of simplification of ACOPs/approval of updating in line with current innovations (14 comments)
- insufficient detail to comment
- good opportunity to highlight all the items PUWER covers
- L114 would benefit from more health references since this is a misunderstood/neglected area
- L114 – the regulations are likely to be out of date with any ACOP and guidance produced later
- L22 would benefit from clarification in several areas
- seeking clarification of the work of the emergency services on 'well-intentioned improvisation in an emergency'
- combine the three ACOPs in to one
- dedicated ACOPs are needed in their respective fields
- updating and improving the content and presentation for duty holders could help encourage and facilitate better compliance and standards

Other comments on how proposal should be taken forward (Questions 2.2.5 and 2.2.6)

There were 21 responses to this question as follows:

- combine all three PUWER ACOPs into one
- ensure they remain as three separate ACOPs
- more information needed on what the proposals will involve
- these ACOPs cover subjects that are not usually addressed by SMEs unless there is an accident
- in order to keep ACOP below 32 pages it would need to be separated out from other guidance
- don't introduce 32 page limit – ACOPs should be as long as they need to be
- searchable PDF format plus electronic document with hyperlinks to associated guidance would be useful
- improve the presentation of L22, L112, L114
- the use of a logical structure and flow charts would make the document easier to read and improve understanding of the processes involved.
- could be clearer about the roles of duty holders
- can the ACOP identify a basic minimum requirement for plant competencies and one national recognised standard that all should recognise
- where information is repeated in different ACOPs the wording should be identical to avoid confusion
- the definition of work equipment should be narrowed to equipment that was part of a process.
- more clarification on what work equipment is covered
- L22 should be considered alongside L113 to ensure they complement each other
- simplify the drafts through plain English and remove the regulation verbatim
- the replacement guidance should pick up on other common machinery e.g. abrasive wheels/cut-off saws which are still not well understood, also little on ill health controls -

- recommend that the CE marking is a baseline and UK businesses should be raising the bar to achieve a much higher standard
- the review of the ACOP should not exist in isolation without a review of the underpinning regulations
- consideration to sector specific or even machine specific guidance in addition to wood working machines

Consideration of responses

Conclusion from analysis of consultation responses

To proceed with the updating and revision of these ACOPs as proposed.

An overwhelming majority of respondents supported the proposed revisions to the three PUWER ACOPS. There were some serious concerns raised around the imposition of a 32 page limit on all ACOPs.

Issues surrounding presentation and minor revisions to the ACOPs (responses to 2.2.5 and 2.2.6, above) will be addressed wherever possible.

Respondents confirmed that all three PUWER ACOPs are well understood and well used. There was very little appetite for combining the three ACOPs however the review will seek to remove any unnecessary duplication between them and other ACOPs. The detailed review will consider health risks in addition to safety issues, particularly in woodworking.

Lifting equipment

L113 – Safe use of lifting equipment

Consultation proposal: To update and revise this ACOP for publication by end-2014.

Summary of responses

Question 2.3.1. Do you agree with the proposal to update and revise this ACOP (L113) for publication by end-2014?		
Option	Number of respondents	Percentage of total (%)
Yes	115	97%
No	3	3%
Total	118	

A further eleven responses were received which provided no clear view on the proposal.

There were 129 responses to this proposal in total. Of these 105 represented the views of individuals or individual organisations and 24 were responses from representative organisations.

Of the 24 representative organisations that responded to the proposal:

- 15 supported the proposal (5 professional bodies, 8 trade associations, 2 trades unions)
- 9 provided a response but did not provide a clear view on the proposal (1 charity, 1 employers' organisation, 1 professional body, 1 trade association, 5 trades unions). Four of these responses indicated general support for all of the proposals in this section (Section 2) of the consultation.

Objections to proposal identified (Question 2.3.2)

Of the 3 responses that did not support the proposal:

- One related to concerns about the proposal to limit the document to 32 pages
- One did not provide further comments
- One suggested that a fuller review of the ACOP to a quicker timescale was required. This comment was from a property agent representing a trade forum who also raised issues that would require the lifting equipment regulations to be reviewed.

Negative impacts of proposal identified (Question 2.3.3)

This question received 14 substantive responses some of which identified more than one issue.

- Four comments expressed concern about a reduction to 32 pages and the potential for loss of essential information.
- Two comments were concerns that the quality of the guidance provided by the ACOP might be reduced.
- One comment suggested that this review include reference to current BSI standards, suggesting there may be some discrepancies.
- There were three requests to clarify specific provisions, including the definition of a competent person and the use of 'in house' examiners.
- Three comments related to the potential costs of adjusting to changes to the document, e.g. costs for printing new versions, costs of making changes to procedures and systems, and costs to those who undertake training based on the revised ACOP (this included a concern that would some parties would seek to promote a need for training to be undertaken).

Positive impacts of proposal identified (Question 2.3.4)

This question received 24 substantive comments.

- 14 comments referenced the benefits of reviewing the document, removing repetition, making the language more easily understood and clarifying issues.
- Two comments supported the current ACOP and requested that the review maintain its effectiveness. There was acknowledgement that changes were likely to be required due to developments since the ACOP was originally published.
- A detailed response which related to the safety of passenger lifts and escalators was provided by a group of property managers. The majority of the issues raised are outside the scope of the review and HSE has met with the group and clarified what was within scope of the ACOP review. One issue raised which was relevant to the review of the ACOP was a request for clarification of the identity of the duty-holder when a competent person reports on a thorough examination.
- One comment suggested an “MOT” type testing regime for all lifting equipment.
- One comment requested clearer information on training requirements.

Other comments on how proposal should be taken forward (Questions 2.3.5 and 2.3.6)

Comments provided were as follows:

- Specific issues of what sectors consider good practice have been provided, for example: lifts for the public are not covered by LOLER and should be, escalators should be included, training for some motorised lifting equipment is not of the same standard as for others.
- Representatives of fire authorities and the fire service asked that consideration be given to the impact of any amendments on their role and the training they need to undertake.
- Additional information about specific developments in industry was requested.
- A comment was provided on the quality of training.
- We are also asked to clarify relationships of the competent person as there seems to be some confusion both about whether the CP can be an employee of the organisation or be the person responsible for maintaining the equipment.
- There were three requests for the inclusion of flowcharts or pictures where these could be used to reduce text
- There was one request for consistency across the whole portfolio of HSE guidance.
- There were three comments asking for the document not to be limited to 32 pages unless that could be achieved without losing any essential information.

Consideration of responses

Conclusion from analysis of consultation responses

To proceed with the updating and revision of this ACOP as proposed. The request for the review of this ACOP to be conducted to a faster timescale was not supported by other respondents.

There was overwhelming support for the proposal. The main issues identified were

- Clarify the definition of a competent person and the need for thorough examination. In addition, consider providing clarifications of ‘maintenance’ and ‘relationship of the competent person’
- Include guidance relating to new industries/technologies.
- Review the language and presentation of the ACOP.

There were some specific issues raised in the consultation which are outside the remit of the ACOP review, e.g. extending the regulations to include lifts provided primarily for the use of the public and escalators. This equipment is specifically omitted from the EU Directive and there are provisions to deal with these under the Health and Safety at Work etc Act 1974 and the Provision and Use of Work Equipment Regulations 1998. The issue was raised by a Property Manager’s forum, whose members control a significant amount of the property used as offices, shopping centres etc. They pointed out that since the Directive/Regulations have been enacted the nature of escalators has changed dramatically. These may require further consideration in due course outwith the ACoP review.

Confined spaces

L101 – Safe work in confined spaces

Consultation proposal: To update and revise this ACOP for publication by end-2014.

Summary of responses

Question 2.4.1. Do you agree with the proposal to update and revise this ACOP (L101) for publication by end-2014?		
Option	Number of respondents	Percentage of total (%)
Yes	98	98%
No	2	2%
Total	100	
<p>A further nine responses were received which provided no clear view on the proposal.</p> <p>There were 109 responses to this proposal in total. Of these 88 represented the views of individuals or individual organisations and 21 were responses from representative organisations.</p> <p>Of the 21 representative organisations that responded to the proposal:</p> <ul style="list-style-type: none">• 13 supported the proposal (4 professional bodies, 7 trade associations, 2 trades unions)• 8 provided a response but did not provide a clear view on the proposal (1 charity, 1 employers' organisation, 1 pressure group, 1 professional body, 4 trades unions). Four of these responses indicated general support for all of the proposals in this section (Section 2) of the consultation.		
Objections to proposal identified (Question 2.4.2)		
<p>Of the 2 responses that objected to the proposal:</p> <ul style="list-style-type: none">• One commented that they objected to the proposal because they felt that there was insufficient information on which to agree/disagree• The other objection did not provide any comments to support their view <p>Both were from trades union representatives.</p>		
Negative impacts of proposal identified (Question 2.4.3)		
<p>This question received seven substantive responses some of which identified more than one issue.</p> <ul style="list-style-type: none">• Four comments expressed concern about the potential reduction to 32 pages and the potential for loss of essential information.• Two comments were concerns that the quality of the guidance provided by the ACOP might be reduced.• Three comments related to the potential costs of adjusting to changes to the document, e.g. costs for printing new versions, costs of making changes to procedures and systems, and costs to those who undertake training based on the revised ACOP (this included a concern that would some parties would seek to promote a need for new training to be undertaken).		
Positive impacts of proposal identified (Question 2.4.4)		
<p>This question received 22 substantive responses.</p> <ul style="list-style-type: none">• Eight supported the proposal to clarify the definition of a confined space. Feedback prior to the consultation had identified that the definition was causing confusion about approaches to the management of risks. There have also been changes in technology relating to increased use of hypoxic (reduced oxygen) systems for fire suppression and to reduce oxidation, issues referred to by some of the respondents.• Other comments related to the benefits of making the content simpler both to use and understand. Respondents suggested this would increase compliance, remove burdens on those employers describing enclosed spaces as confined spaces in error and make		

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Other comments on how proposal should be taken forward (Questions 2.4.5 and 2.4.6)

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| Comments provided were as follows: <ul style="list-style-type: none">• There were repeated comments relating to the definition of confined spaces which further support the proposal to address confusion around this issue.• There was a request for confined spaces to be classified or graded and training needs identified for each. There was also a comment that some training practices are also contributing to confusion over the definition and types of confined spaces.• Representatives of fire authorities, and the fire service, asked that consideration be given to the impact of any amendments on their role and the training they need to undertake.• There was a request for guidance relating to elements of lone working to be reviewed.• There were requests for information about specific confined spaces: hypoxic environments; asbestos removal enclosures; enclosed spaces in domestic premises.• There was a suggestion that the ACOP was too prescriptive and there should be more flexibility for employers to determine what was a confined space and what risk controls should be used.• There were three requests for more constructive use of flowcharts and pictograms.• There was one request for consistency across the whole portfolio of HSE guidance.• There was one suggestion for a separate ACOP for each type of work/space. |
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Consideration of responses

Conclusion from analysis of consultation responses

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|---|
| To proceed with the proposed updating and revision of this ACOP. |
| There was overwhelming support for the proposal. Issues identified by the consultation to be considered during the review of the ACOP were: <ul style="list-style-type: none">• Clarify the definition of a confined space as proposed• Provide guidance on new industries/technologies• Consider the impact of any changes on the work of the emergency services• Review the language and presentation of the ACOP.• Review guidance on training for work in different types of confined spaces. |

Pressure systems

L122 – Safety of Pressure Systems

Consultation proposal: To update and revise this ACOP for publication by end-2014.

Summary of responses

Question 2.5.1. Do you agree with the proposal to update and revise this ACOP (L122) for publication by end-2014?		
Option	Number of respondents	Percentage of total (%)
Yes	90	99%
No	1	1%
Total	91	

A further six responses were received which provided no clear view on the proposal.

There were 97 responses to this proposal in total. Of these 76 represented the views of individuals or individual organisations and 21 were responses from representative organisations.

Of the 21 representative organisations that responded to the proposal:

- 15 supported the proposal (5 professional bodies, 8 trade associations, 2 trades unions)
- 6 provided a response but did not provide a clear view on the proposal (1 charity, 1 employers' organisation, 1 professional body, 1 trade association, 2 trades unions). Four of these responses indicated general support for all of the proposals in this section (Section 2) of the consultation.

Objections to proposal identified (Question 2.5.2)

There was one objection from a trades union representative who did not provide further comment.

Negative impacts of proposal identified (Question 2.5.3)

This question received three substantive comments:

- Two comments expressed concern about the potential reduction to 32 pages and the potential for loss of essential information
- There was one comment related to the potential costs of adjusting to changes to the document, e.g. costs to those who undertake training based on the revised ACOP (this included a concern that would some parties would seek to promote a need for new training to be undertaken).

Positive impacts of proposal identified (Question 2.5.4)

This question received 18 substantive responses.

- Eight related to the opportunity to clarify the guidance currently provided by the ACOP.
- Two comments identified the benefits of maintaining the relevance of the content.
- There was a suggestion to reposition information provided in an appendix to the ACOP to help users decide whether the regulations apply to their pressure systems.
- There were two comments supporting the updating of the guidance.
- One commented on the vagueness of the current document.
- One comment described the current ACOP as impenetrable.
- One comment requested clarification of a very specific application relating to fuel/lubrication delivery.
- One comment requested clarification of the thorough examination/competent person definitions.
- One comment identified confusion about how the Pressure Systems Safety Regulations 20000 interact with other legislation, particularly the Pressure Equipment Directive, and

Other comments on how proposal should be taken forward (Questions 2.5.5 and 2.5.6)

Comments provided were as follows:

- Vary the advice and guidance based on the type/level of risk of the system (coffee bar machine to heating plant in a chemical factory), issues of new technology and user training or competence.
- Consider additional use of pictures or flowcharts to make the guidance clearer.
- There was a suggestion to link the definition of “competent person to OSHCR.
- There were comments suggesting withdrawing the Pressure Systems Safety Regulations 20000 and a further one suggesting a merger of these Regulations and the Pressure Equipment Regs 1999.

Consideration of responses

Conclusion from analysis of consultation responses

To proceed with the proposed updating and revision of this ACOP.

There was overwhelming support for the proposal and no significant barriers or concerns were identified. The main issues that were identified were:

- Clarify responsibilities and what actions dutyholders can take to comply.
- Include provisions relating to new industry/technology.
- Clarify the definition of competent person.
- Clarify the relationship between the Pressure Systems Safety Regulations 20000 and other related legislation.

Hazardous substances

L60 – Control of substances hazardous to health in the production of Pottery

Consultation proposal: To update and amend this ACOP for publication by end-2014.

Summary of responses

Question 2.6.1. Do you agree with the proposal to update and amend this ACOP (L60) for publication by end-2014?		
Option	Number of respondents	Percentage of total (%)
Yes	33	94%
No	2	6%
Total	35	
<p>A further five responses were received which provided no clear view on the proposal.</p> <p>There were 40 responses to this proposal in total. Of these 28 represented the views of individuals or individual organisations and 12 were responses from representative organisations.</p> <p>Of the 12 representative organisations that responded to the proposal:</p> <ul style="list-style-type: none">• 7 supported the proposal (4 professional bodies, 1 trade association, 2 trades unions)• 5 provided a response but did not provide a clear view on the proposal (1 charity, 1 employers' organisation, 1 professional body, 2 trades unions). Four of these responses indicated general support for all of the proposals in this section (Section 2) of the consultation.		
Objections to proposal identified (Question 2.6.2)		
Two respondents objected to the proposals. One did not provide any explanation for their objection; the other raised points about the existence of industry specific ACOPs, and whether the Pottery industry is 'riskier' than other industries where ACOPs are not available.		
Negative impacts of proposal identified (Question 2.6.3)		
One respondent raised the point that the industry should develop its own specific guidance. One respondent raised concerns about the proposed 32 page limit and the loss of important guidance.		
Positive impacts of proposal identified (Question 2.6.4)		
One respondent answered that the proposal would make the ACOP easier for SMEs to use. One respondent stated that continued provision of an ACOP to a single sector of industry is a positive impact.		
Other comments on how proposal should be taken forward (Questions 2.6.5 and 2.6.6)		
One respondent asked for clarity of content. Another stated that updating the ACOP in line with other guidance would seek to reiterate areas of overlap in the absence of a wider review of the underpinning regulations. One respondent suggested that some of the associated Regulations (the Control of Substances Hazardous to Health Regulations 2002 and the Control of Lead at Work Regulations 2002) require amendment.		

Consideration of responses

Conclusion from analysis of consultation responses

To proceed with the proposed updating and amendment of this ACOP.

33 of 35 (94%) respondents that expressed a view supported the proposal and the suggested amendments. No significant barriers or concerns were raised by the consultation.

Hazardous substances

L132 - Control of Lead at Work

Consultation proposal: To update and revise this ACOP for publication by end-2014.

Summary of responses

Question 2.7.1. Do you agree with the proposal to update and revise this ACOP (L132) for publication by end-2014?		
Option	Number of respondents	Percentage of total (%)
Yes	57	95%
No	3	5%
Total	60	

A further eight responses were received which provided no clear view on the proposal.

Overall, there were a total of 68 responses to this proposal. Of these 54 represented the views of individuals or individual organisations and 14 were responses from representative organisations.

Of the 14 representative organisations that responded to the proposal:

- 7 supported the proposal (3 professional bodies, 2 trade associations, 2 trades unions)
- 7 provided a response but did not provide a clear view on the proposal (1 charity, 1 employers' organisation, 2 professional bodies, 1 trade association, 2 trades unions).
Four of these responses indicated general support for all of the proposals in this section (Section 2) of the consultation.

Objections to proposal identified (Question 2.7.2)

Three respondents objected to the proposal. One did not provide any reason for their objection; the other two objected in part. They agreed to the update, but did not support the proposal to remove duplicated material.

Negative impacts of proposal identified (Question 2.7.3)

Two respondents raised concerns about the loss of important essential information if the document size is drastically reduced. One respondent raised the point of the ease of accessibility of web based guidance

Other concerns raised by one respondent included additional transition costs, and increased uncertainty, as the regulations are well-known and provide appropriate protection to workers, members of the public and others.

One respondent stated that changes will introduce uncertainty and unnecessary effort and cost in reviewing and amending processes, training etc. and could lead to potential increased risks to workers and members of the public

Positive impacts of proposal identified (Question 2.7.4)

Positive impacts identified by respondents included improved relevance and up to date guidance. One respondent stated that updating and improving the content and presentation of L132 for duty holders could help encourage and facilitate better compliance and standards.

Other comments on how proposal should be taken forward (Questions 2.7.5 and 2.7.6)

One respondent asked for more information on RPE to be included in the ACOP.
One respondent asked for the ACOP to be sector specific and differentiate between manufacturing and construction/refurbishment and dealing with contamination/recycling.
One respondent asked for the Control of Lead at Work Regulations and the Control of substances Hazardous to Health Regulations to be combined.

One respondent stated that hot work with lead (welding) in construction lacks clear guidance about the risks and precautions and health assessment / surveillance or blood tests
One respondent asked for the requirements to inform the fire service of emergency procedures and to provide any relevant information to be retained.
One respondent raised an issue about the publication EH40, and asserted that it had not been updated since 2005.

Consideration of responses

Conclusion from analysis of consultation responses

To proceed with the proposed updating and revision of this ACOP.

57 of 60 (95%) respondents that expressed a view supported the proposal and did not object to the suggested amendments. No significant issues or concerns were raised by the consultation.

Quarries

L118 – Health and safety at quarries

Consultation proposal: To update and revise this ACOP for publication by end-2014.

Summary of responses

Question 2.8.1. Do you agree with the proposal to update and revise this ACOP (L118) for publication by end-2014?		
Option	Number of respondents	Percentage of total (%)
Yes	38	95%
No	2	5%
Total	40	

A further four responses were received which provided no clear view on the proposal.

Overall, there were a total of 44 responses to this proposal. Of these 31 represented the views of individuals or individual organisations and 13 were responses from representative organisations.

Of the 13 representative organisations that responded to the proposal:

- 9 supported the proposal (4 professional bodies, 2 trade associations, 2 trades unions)
- 4 provided a response but did not provide a clear view on the proposal (1 charity, 1 professional body, 2 trades unions). These four responses indicated general support for all of the proposals in this section (Section 2) of the consultation.

Objections to proposal identified (Question 2.8.2)

Of the two respondents who did not support the proposal, only one set out their objection. The objection raised was that arbitrarily reducing the length of the ACOP would limit its value; there was nothing specific relating to the detail or content of the ACOP. This may have been a reference to the proposal in Section 3 of the Consultation Document for a page limit for ACOPs.

Negative impacts of proposal identified (Question 2.8.3)

None

Positive impacts of proposal identified (Question 2.8.4)

A revision will provide a good opportunity to update the ACOP (e.g. legal references), provide clarity and outline recent improvements in training and competence.

Other comments on how proposal should be taken forward (Questions 2.8.5 and 2.8.6)

The Regulations, ACOP and guidance need to be kept together and duplication should be removed.

Consideration of responses

Conclusion from analysis of consultation responses

That the ACOP should be updated and revised as proposed.

Out of 40 respondents who expressed a view, 38 supported the proposals. Of the 2 not supporting the proposal it appeared that for one their objection reflected the potential impact of the proposal in Section 3 of the Consultation Document for a page limit for ACOPs.

Industry, Local Government, Trade Association and Consultant respondents were in favour of the proposal. 2 of the 3 main quarrying industry trade associations responded on behalf of

their members and both supported the proposal.

1 trade union official responding as an individual disagreed with the proposal but failed to say why.

Worker involvement

L146 – Consulting workers on health and safety

Consultation proposal: That no changes are required for this ACOP at this time.

Summary of responses

Question 2.9.1. Do you agree with the proposal to make no changes to this ACOP at this time?		
Option	Number of respondents	Percentage of total (%)
Yes	81	89%
No	10	11%
Total	91	

A further six responses were received which provided no clear view on the proposal.

Overall, there were a total of 97 responses to this proposal. Of these 79 represented the views of individuals or individual organisations and 18 were responses from representative organisations.

Of the 18 representative organisations that responded to the proposal:

- 11 supported the proposal (2 professional bodies, 7 trade associations, 2 trades unions)
- 1 did not support the proposal (1 professional body)
- 6 provided a response but did not provide a clear view on the proposal (1 charity, 1 pressure group, 2 professional bodies, 2 trades unions). Four of these responses indicated general support for all of the proposals in this section (Section 2) of the consultation.

Objections to proposal identified (Question 2.9.2)

Objections to no change focused upon a request for further guidance for SMEs (one organisation) with a general updating of the Regs' and guidance to reflect modern working arrangements. Another organisation would wish to see the introduction of an ACOP for the Health and Safety (Consultation with Employees) Regs' 1996. There were several requests for clearer guidance in respect of roles and responsibilities of safety representatives and a proposal to merge the two sets of regulations.

Negative impacts of proposal identified (Question 2.9.3)

No negative impacts identified as a result of the proposal, only suggestions on how the guidance and regulations may be improved.

Positive impacts of proposal identified (Question 2.9.4)

The overwhelming view is to retain the ACOP as is. The generally held belief is that it clearly explains the requirements for compliance, particularly in respect of roles and responsibilities of employer and employee representatives. This helps to avoid misunderstanding and conflict in the workplace that would clearly impact upon employment relations and business performance.

Other comments on how proposal should be taken forward (Questions 2.9.5 and 2.9.6)

None.

Consideration of responses

Conclusion from analysis of consultation responses
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To maintain the ACOP in its current form as proposed.

No significant issues or concerns were raised by the consultation.
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Section 3 – Proposal to introduce a limit on the length of ACOPs

Consultation proposal: That all ACOP documents be limited to a maximum length of 32 pages, other than in exceptional circumstances.

Questions

- 3.1 Do you support the proposal that all ACOP document should be limited to a maximum length of 32 pages, other than in exceptional circumstances? Please explain your answer.
- 3.2 Which ACOPs would you support being limited to 32 pages?
- 3.3 Which ACOPs do you believe should not be limited to 32 pages?
- 3.4 If you support this proposal can you give any specific examples of how a particular ACOP or ACOPs in general can be streamlined?
- 3.5 What potential negative impacts can you identify with this proposal?
- 3.6 What potential positive impacts can you identify with this proposal?

Respondents were asked to indicate their support for this proposal and to provide free text responses to support their view and to answer the subsequent questions. Initial analysis identified significant overlap in the nature of the free text responses across these questions. Given this overlap responses to this proposal have been analysed by considering the free text replies to questions 3.1 to 3.6 as one consolidated response from which key themes have been identified.

Do you support the proposal that all ACOP document should be limited to a maximum length of 32 pages, other than in exceptional circumstances?

Response	Number of respondents	Percentage of total (%)
Yes	77	30
No	178	70
Total	255	

A further 6 responses were received which did not provide a clear view.

There were 261 responses to this proposal in total. Of these 213 represented the views of individuals or individual organisations and 48 were responses from representative organisations.

Of the 48 representative organisations that responded to the proposal:

- 4 supported the proposal (1 charity, 2 professional bodies, 1 trade association)
- 42 did not support the proposal (2 employers' organisation, 1 pressure group, 9 professional bodies, 21 trade associations, 9 trades unions)
- 2 provided a response but did not provide a clear view (1 charity, 1 trade association).

Key themes identified by those who supported the proposal

Those who supported the proposal provided one or more of the following views on the length or presentation of ACOPs in support of their position. (Percentage is of the 77 respondents who agreed with the proposal):

Length and content

- 34% commented on the importance of having shorter, more concise ACOPs.
- 22% identified a risk that shortened ACOPs might not provide sufficient detail for readers to understand how they can comply with the law.
- 14% commented that ACOPs need to be short to maintain reader interest/understanding.
- 13% commented that ACOPs need to be short to enable readers to access/find/read information.
- 12% commented that long documents discouraged take-up, purchasing or printing of documents.
- 8% had concerns that shortening the length of ACOPs could lead to over-simplified, ambiguous or 'dumbed-down' guidance.

Language, format and presentation

- 32% commented on the need for ACOPs to use clearer, more understandable language.
- 7% provided comments on making improvements to the layout of ACOPs.
- 7% referred to making use of references to other supporting guidance.
- 4% provided comments on improvements to the presentation of ACOPs.
- 25% provided no supporting comments.

Key themes identified by those who did not support the proposals

Those who did not support the proposal provided one or more of the following views on the length or presentation of ACOPs in support of their position. (Percentage is of the 178 respondents who disagreed with the proposal):

Length and content

- 71% believed the length of ACOPs needed to reflect the circumstances of each individual ACOP. Comments under this theme included:
 - The length of ACOPs should reflect the nature and complexity of the subject area, relevant legislation or the risks to be managed;

- ACOPs needed to be comprehensive and provide sufficient detail for readers to understand how they can comply with the law
- 29% supported the production of more concise and streamlined ACOPs. Comments under this theme included the following:
 - Restrict the content to essential information and avoid unnecessary explanation or over-explanation
 - Avoid duplication of content
 - Have a goal of shorter ACOPs or a target length but not a page limit.
- 23% reported concerns that shortening the length of ACOPs could lead to over-simplified, ambiguous or 'dumbed-down' guidance.
- 7% commented that revised ACOPs should not require readers to seek further guidance from other sources.

Language, format and presentation

- 20% provided comments on the language used in ACOPs including that they should be written in plain English, well edited and avoid jargon or ambiguity.
- 7% provided comments on improvements to the layout of ACOPs.
- 7% provided comments on improvements to the presentation of ACOPs.

Other

- 30% challenged the principle of having a page limit. Comments under this theme reported that:
 - A page limit was an arbitrary constraint
 - The rationale for a page limit was not understood or was believed to be flawed.
- 14% reported concerns about the impact of the proposed page limit on health and safety standards. Respondents reported that the proposed page limit could:
 - Result in less understanding of how to comply or make compliance more complicated
 - Send out a wrong message
 - Lead to less compliance, lower standards and more accidents
- 16% provided no supporting comments.

General comments on the consultation

In addition to the specific proposal questions respondents were given the opportunity to answer the following two general questions: 'Is there anything you particularly like or dislike about this consultation?' and 'Do you have any other comments on the proposals that have not been covered by this questionnaire?'. There was significant overlap in the points made in responses to these two questions and consequently they have been consolidated for analysis. General comments on the consultation were also provided by a number of those submitting written responses and these have been included in the analysis of responses to this section of the consultation.

120 respondents provided further comments from which the following key themes were identified:

- 26 respondents welcomed the consultation and the opportunity to comment or supported the approach taken by the consultation. 4 respondents commented that a review of ACOPs had been overdue. There were 10 comments on aspects of the consultation process itself and 3 comments relating to awareness of the consultation.
- 28 respondents commented that further detail was required on the proposed changes and there were 7 comments that the rationale for the proposed changes should have been further explored in the consultation. Some of these respondents still provided responses to individual proposals while others indicated they would wait for the consultations on revised ACOPs.
- 24 respondents commented on the subject of further consultation to support the review, either to acknowledge that there would be further consultations and state their intention to respond to those or to request that there should be further consultations or discussions.
- 14 respondents questioned the motivation for undertaking the review or that of the Löfstedt review while there were 14 comments expressing concerns over the impact of the proposed changes on health and safety standards.
- 15 respondents raised concerns about the tight timescale for the review with some pointing to a need for further prioritisation of the proposals while there was 1 comment that review should keep to its timetable. There were 7 comments that the scope of the consultation or review was too wide. 6 respondents questioned the timing of the consultation and 2 pointed to the burdens of responding to consultations.
- 15 respondents provided comments on the format of ACOPs or the proposal for them to be limited to 32 pages. There were 9 comments on individual ACOPs and 14 comments relating to ACOPs in general.
- 4 comments were received on issues outside the scope of the review.