



Paul Lewis, secretary of the federation's health and safety sub-committee

Federation focus

Billions of pounds are spent when forces fail in their duty of care over police officers. This should be good enough motivation alone for police authorities to want to ensure officers are looked after, so it is disappointing that they appear to want police officers to fall outside the realms of health and safety legislation to protect them.

The Metropolitan Police Authority used the death of Jean Charles de Menezes as a vehicle to call for “a further urgent review of the application of the Health and Safety at Work Act 1974 to operational policing” in a letter to the Attorney General Lord Goldsmith.

I would like to remind readers how the police service came under the umbrella of the Health & Safety at Work etc. Act 1974.

The EC Framework Directive (89/391/EEC) was intended to apply to police officers, but the Management of Health and Safety at Work Regulations 1992, which implemented the directive, did not include officers within its scope since they were not employees. For the same reason, they had been excluded from the protection of the Health and Safety at Work Act 1974 (HSW Act).

The Police (Health and Safety) Act 1997 was subsequently introduced in order to correct the anomalous position of police officers by treating them as employees of their chief officer for the purposes of health and safety legislation. The Home Office, which led on the HSW 1997 Act, was able to establish that the qualification “so far as is reasonably practicable” in the HSW Act would allow chief officers to take the special risks of policing into account when deciding what health and safety measures they needed to put into place.

Following the prosecution of the then commissioner of the Met, John Stevens and his predecessor, Paul Condon, in 2003 Lord Harris of Haringey, chairman of the Metropolitan Police Authority at the time, tabled a number of questions in the House of Lords relating to the prosecutions. In one of these questions he asked the government “How they propose to take forward the

debate on the extent to which the requirements of health and safety legislation should be permitted to fetter the duty of police officers to preserve life. In her written answer, Baroness Hollis said: “Health and safety legislation requires employers to safeguard the health and safety of police officers and others affected by their work so far as is reasonably practicable. This allows chief constables to take full account of the inherent risks in some police work when deciding what safeguards are needed. There is no question of health and safety legislation fettering police duties to preserve life.”

So the Metropolitan Police Authority's current request for an urgent review of the application of the HSW Act to operational policing appears to be seeking to revisit the same old issues originally raised by Lord Harris.

We have written to Lord Goldsmith and the Department of Work and Pensions, who have responsibility for delivering on health and safety across the country, asking - as this issue has previously been dealt with and there has been no change in circumstances - we feel that a government review is not justified.

The Metropolitan Police Authority regard the application of health and safety law to operational policing as a problem rather than a benefit.

We would argue vigorously that since the Police (Health and Safety) Act 1997 came into force, our experience has been that compliance with health and safety law complements an efficient and effective policing which we deliver to our communities and it has greatly improved the safety of 140,000 police officers.