

Institution: University of Reading

Unit of Assessment: 20 Law

Title of case study: Reshaping the policy debate around public perceptions of the regulation of health and safety

1. Summary of the impact

The findings of University of Reading research around the contemporary proliferation of 'regulatory myths' and media misrepresentation of health and safety law have been used by a number of stakeholder organisations and charitable bodies in evidence given to official Government reviews, and drawn upon by those reviews as part of the development of policy recommendations for Government. By reshaping the policy debate around public perceptions of safety regulation, the innovative analysis of this phenomenon developed in the research output has allowed key actors to understand and draw attention to a major policy problem in a more coherent and principled manner.

2. Underpinning research

The research was conducted by the University of Reading's Dr Paul Almond, Lecturer (2004-2010) and then Senior Lecturer (2010-) in the School of Law. Between 2007-2009, he undertook a research investigation into 'regulatory myths', an increasingly prominent feature of public debate about health and safety regulation. This was published in 2009 in a substantial peer-reviewed article in the *Journal of Law and Society*, a leading socio-legal scholarly research publication with an international reach and reputation (**Output One**).

A regulatory myth is a story about some act of regulatory unreasonableness which is told as true and widely believed, but which lacks factual verification. One example is the assertion that schoolchildren must wear safety goggles when playing 'conkers' in the playground – something that has also been cited by politicians (David Cameron, 01/12/2009) and Government bodies (the Young Review 2010), despite the fact that it is untrue. These stories are important because they affect public trust in the regulation of health and safety. Almond's research identified the key features of these myths, such as a motif of cultural conflict, a 'post-trust' attitude towards regulation, a sense of violated tradition and a factual fuzziness that makes them hard to disprove. The research was primarily theoretical in nature, utilising sociological analysis rather than empirical research. Almond demonstrated that these stories express a form of politically motivated opposition to interventionist, welfarist political undertakings, and are underpinned by deregulatory agendas which are pro-tradition, critical of state paternalism and which promote values of individual responsibility. He also established that regulatory myths have had a detrimental influence over policy-making, not least in validating political attacks on the regulatory system and policies that fail to engage with the realities of occupational health and safety. As such, these stories should be taken seriously as challenges to the legitimacy of the law; they are expressions of a political agenda and must be responded to as such, with an emphasis on reasserting the values that regulation exists to protect, not simply on rebutting stories that appear in the media.

Almond's findings fundamentally reconceptualised received understandings of health and safety regulation as an object of media attention, identifying the profound importance of this phenomenon at a time when these wider perceptions were generally accepted as straightforwardly reflective of a legal problem. The research has subsequently informed public debates about regulation in this highly contested area (**Corroborating Sources 1 and 2**), and provided insights that many organisations working in the field have been able to rely on when seeking to establish the need for more informed, and less distorted, debate. This was the first scholarly research published anywhere to look at this issue, and has

subsequently been cited as a key contribution to regulatory studies literature. It identified these stories as a coherent social phenomenon, and coined the phrase 'regulatory myth' to describe and reconceptualise their appearance in contemporary media and public debates as meaningful units of social analysis. It also provided policy-oriented insights to assist in understanding how to counteract them.

3. References to the research

1. Almond, P. (2009), 'The Dangers of Hanging Baskets: Regulatory Myths' and Media Representations of Health and Safety Regulation', *Journal of Law and Society*, 36/3: 352-375; DOI: 10.1111/j.1467-6478.2009.00471.x (listed in REF2).

This output was published in a well-respected peer-reviewed academic journal, with an impact factor of 0.76 and an ISI Journal Citation Reports Ranking: 2011: 68/136 (for Law). It has been internally assessed as of at least 2* quality.

4. Details of the impact

Copies of the original research publication were disseminated directly to a wide range of public, private and governmental organisations working within the field of health and safety regulation. At the same time, a series of presentations was given to industry audiences via organisations such as the British Safety Council and the Institution of Occupational Safety and Health (IOSH) between 2009 and 2012, thereby enabling the research findings to percolate through a wider policy and user-group audience (**Corroborating Sources 3 and 4**). This process of research transfer was facilitated by a network of existing contacts that Almond had cultivated with policy users and those in industry over a number of years. These talks proved highly effective in getting the research across to a large number of users who were then in a position to utilise the findings as a means of underpinning attempts to redirect and inform public and governmental policy-making discussions about health and safety regulation. In addition, the research results were disseminated to a wider public audience through coverage in a series of media articles (**Corroborating Sources 1 and 2**). The core impact of the research derives from its problematising and reframing of the issue of media stories about health and safety as 'regulatory myths', something which has facilitated a better understanding among a wide range of public and private bodies of the social impacts of such coverage. This understanding has been utilised by IOSH in their submissions (**Corroborating Sources 5 and 6**) to the Young Review of Health and Safety (*'Health and Safety: Reducing the Burdens'*, 2010) as a basis for their criticisms of the review process, and to strengthen their argument for a more developed public engagement with health and safety regulation. Their advocacy of "*better education, so that we have a 'risk intelligent' society in which people operate effectively and happily in a risk-based system*", draws upon the research as evidence to support this conclusion, employing the notion of regulatory myths as a way of characterising the scale and the damaging implications of the problem of public misperception. It was also utilised by the British Safety Council in their submission to this process, again influencing their calls for an evidence-led approach to regulation (**Corroborating Source 4**). Additionally, Almond himself submitted the research to the Young Review consultation process (**Corroborating Source 7**) in order to inform the review. As such, the research findings played a role in holding to account and public scrutiny the Young Review's public policy-making process.

Subsequent to this, the Government-commissioned Löfstedt Review made some key recommendations about the future of health and safety regulation. This report (*Reclaiming health and safety for all*, 2011) sought input from various stakeholders on a range of issues concerning regulatory law and practices, and regulation's public profile. The research output was cited by IOSH in their submission (**Corroborating Source 8**), responding critically to a

request for information about “*examples where health and safety regulations have led to unreasonable outcomes, or to inappropriate litigation and compensation*” It was also utilised by the British Safety Council in responding to this process (**Corroborating Source 4**). Crucially, the research was cited by the Löfstedt Review itself in its discussion of the public perception of regulation, as “*a helpful discussion of this issue,*” which established the troubling political and legitimacy effects of these cases (**Corroborating Source 9**), as well as underpinning arguments in favour of a reframing of the public standing of safety regulation. The importance of Almond’s research was cited by Professor Löfstedt and others in public discussion at the time of the review’s publication (**Corroborating Source 10**).

The close and sustained nature of this engagement with a policy-making process demonstrates the considerable significance of the impact that the research has had via the conceptual reframing of the issue of regulatory myths and the creation of an informed policy debate around these issues. In the best traditions of socio-legal scholarship, the evidence it provides has scrutinised the public process of law- and policy-making (in the form of the Löfstedt Review), and held it accountable to an informed evidence base and a broader range of interests and insights. The substantial scope of the impact produced can be seen in its role in prompting a nascent reframing of wider debates about health and safety regulation and the establishment of a more informed understanding of risk issues. The research was cited in a number of popular media sources (**Corroborating Sources 1 and 2**), and was also influential in informing and shaping some core elements of the British Safety Council’s organisational manifesto, relating to the promotion and creation of sensible regulation (**Corroborating Source 4**).

5. Sources to corroborate the impact

1. News Story: ‘Warning: may cause silliness’, *The Independent* (17/12/2009, Life p6-7) (<http://www.independent.co.uk/life-style/health-and-families/healthy-living/from-a-reported-ban-on-hanging-baskets-to-rules-on-playing-conkers--has-the-health-and-safety-brigade-really-gone-mad-1842878.html>).
2. News Story: ‘In search of excellence’, *The Sunday Telegraph* (24/4/2011, Business p10-11); PDF attached.
3. Conference Talk: ‘*Regulatory Myths, Manslaughter, and Health and Safety in the Media: The Silly and the Serious*’, delivered at IOSH meeting, 17 June 2010, and at British Safety Council annual meeting, 22 April 2010; PDF attached.
4. Letter of Endorsement: From the Director of Policy and Communications, British Safety Council (dated 20/2/2013, available upon request)
5. IOSH Submission: “‘*Health and safety: reducing the burden*” report by Corin Taylor for the Policy Exchange: Feedback comments to Lord Young of Graffham from IOSH’, 08/04/2010 (<http://www.iosh.co.uk/ConsultDoc/Policy%20Exchange%20report.pdf>).
6. IOSH Submission: ‘*IOSH submission to Lord Young of Graffham’s review of health and safety*’, 16/07/2010 (<http://www.safesurveys.info/mc/IOSH-submission-to-Lord-Young-review-July10.pdf>).
7. Researcher Submission: Submitted to Young Review of Health and Safety, 27/04/2010 (available upon request)
8. IOSH Submission: ‘*Löfstedt review of health and safety legislation: IOSH*

submission, 07/2011

(<http://www.iosh.co.uk/ConsultDoc/IOSH%20submission%20to%20Lofstedt%20review%20July%2711.pdf>).

9. Report: The Löfstedt Review (2011) *Reclaiming health and safety for all: An independent review of health and safety legislation*, London: Department of Work and Pensions (<http://www.dwp.gov.uk/docs/lofstedt-report.pdf>).
10. News Story: 'Professor Löfstedt: An Interview', *HSWA Newsletter*, January 2012, pp6-7; PDF attached.