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HELA

Section 18 Standard - Update

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Issue

1. The Section 18 Standard which will apply to both LAs and HSE's FOD has recently been considered by various LA and HSE governance bodies. HELA needs to consider and agree on the further actions needed to take the process forward. Outline proposals and milestones for implementation of the Standard are set out in a Draft Action Plan at Appendix 1. HELA is asked to consider if further development of the proposals is required.

Background

2. The S 18 Standard has been agreed by the HSC. It is the intention to allow enforcing authorities (EAs) time to comply with the new S18 Standard once it is published. This is mainly for two reasons. Firstly, to develop some of the supporting information such as the competences framework, priority planning system and assessment techniques and secondly to allow EAs time to embed these new developments in to their individual organisations and cultures. At the last HELA meeting it was accepted that a three year timetable for EA's to achieve full compliance was a reasonable expectation.
3. The proposal for publication on 1st April 2008, allowing three years (by 31st March 2011) to achieve full compliance and HELA providing further advice to EAs on compliance has been the basis on which reports have gone to the various Boards.
4. A copy of the paper that went to HSC in February is attached as Appendix 2. In agreeing the paper HSC were clear that they were allowing time for implementation but expected full compliance by all EAs by 31st March 2011.

Recommendations

HELA is invited to:

- a) consider the Draft Action Plan at Appendix 1 especially in relation to the need to develop milestones
- b) consider setting up a Task and Finish group to develop the compliance assessment process
- c) consider what further action HELA members can take to ensure application of the S18 Standard across all EAs.

Argument

5. Since the last HELA meeting the Section 18 Standard has passed a number of important tests:
 - The LACoRS Board on the 7th December 2007 considered a report on the S18 Standard. The Chair of LACoRS subsequently wrote to the HSC Chair confirming that they "were very supportive of this

development and saw it as another important step to consolidating the partnership of the Executive and local authorities in delivering real improvements in health and safety to the benefit of businesses, workers, the public and their local communities as well as the nation of Great Britain.”

- FOD Management Board on 11th December 2007 had no further comments to make other than the need to make reference to the Senior Labour Inspectors Committee.
 - HSE Board on 9th January 2008 agreed that the final document needed to fully reflect the implications of the proposed merger of the Health and Safety Commission with the Health and Safety Executive prior to going forward with Board approval to the February meeting of the Health and Safety Commission. In discussions with HSE’s Legal Advisor’s Office it became apparent that working towards compliance over a three year period carried some legal risks.
 - The HSC meeting on 12th February received a paper and made the following comments in response:
 - welcomed the guidance as a well written piece that reflected good practice;
 - endorsed the timescale for compliance as a common sense approach so long as local authorities made full use of the time available to them rather than not taking steps to ensure compliance until 2011. For this reason the Commission suggested that discussion with LACORS and HELA should explore the scope for milestones for compliance being agreed;
 - agreed that to strengthen the process for reviewing compliance with the guidance that rather than relying on self-audit and peer review that HSE challenge should be built into the process;
 - information on compliance and enforcement activity should be publicly available; and
 - the Local Government Panel should discuss the above and related issues at their next meeting.
6. The HSC’s comments are particularly apposite especially in relation to compliance milestones, the mechanism for reviewing compliance and the publication of compliance and enforcement activity.
 7. A Draft Action Plan which includes dates and responsibilities for key delivery and reporting arrangements is set out at Appendix 1 for consideration.
 8. The proposed method of initially monitoring compliance is a system based upon self assessment and later some sample auditing to test the robustness of the self assessments using peer challenge. A key concern of the HSC however was the need to strengthen the process for reviewing compliance suggesting that some external (HSE?) challenge should be built into the process. This to a certain extent runs counter to the performance framework outlined in the Local Government White paper and should be considered alongside the need to audit separate elements of the Standard e.g. competence/development needs. It is suggested therefore that a HELA Task and Finish group be set up to develop a compliance assessment method.

Action

HELA is invited to:

- a) consider the action plan at Appendix 2 especially in relation to the need to develop milestones
- b) consider setting up a Task and Finish group to develop the compliance assessment process
- c) consider action..... HELA members can take to ensure application of the S18 Standard across all EAs.

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