

**HELA**  
**3 March 2008**  
**Local Government House, Smith Square, London**

**MINUTES**

**Attendees**

Justin McCracken, Joint Chair, HSE  
Paul Unsworth, Joint Chair, Local Government (Arun District Council)  
Tim Galloway, Head of STSU (HSE)  
Giles Denham, Director of Policy Programmes, HSE  
Darran West, Chesterfield Borough Council  
Max Walker, HSE  
Kim Pugh, Torfaen County Borough Council  
Graham Robertson, REHIS  
David Newsum, CIEH

**Officials**

Mark Du Val, LACORS  
Sarah Bull, LACORS  
Sean Edwards-Playne, HSE/LAU

**Presenting**

Gareth Broughton, HSE/LAU  
Gerry Kasprzok, HSE/LAU  
Paul Kloss, HSE/LAU  
Linda Christian Booth, HSE/LAU  
Nick O'Donnell, HSE/LAU

**Item 1: Welcome and apologies**

- 1.1 Paul Unsworth welcomed those present to the fifth meeting of new HELA. Apologies were received from David Evans and Phil Scott.

**Item 2: Minutes from the last meeting**

- 2.1 In relation to 3.6 Kim Pugh notified the group of the response that IOSH had made to the BRE call for evidence, stating that a single enforcement agency for health and safety would be better.
- 2.2 Justin McCracken said that HSE would investigate with contacts at IOSH what was behind the comments and explain why HSE think the current situation is of benefit to all.
- 2.3 Sarah Bull Reported back on item 6 that :
1. FIT3 have tightened up on performance indicators in the final instructions for each project within the portfolio (the portfolio itself has not been updated)

2. Justifications have been included with each of the Fit3 topic areas on the Fit3 street.
  3. Work was taking place with LAU, LACORS and Partnership Managers to gather sufficient information about LAs' contributions to Fit3 projects using a "light touch" approach.
  4. There would be a completely refreshed and revised Fit3 street for 2008/09 in response to both the concerns of HELA and individual LAs. In addition to the above material, the new street would include a feedback facility to help promote sharing of success stories and improve two way communication.
  5. In principle the rolling forward of Fit3 Focus Groups in 2008/09 had been agreed, to further promote communications between the field and programmes and to help in-year learning and adaptation.
- 2.4 Item 4.8 – Sandy Blair had identified a couple of options for further engagement with SOLACE and said he would approach Mike Bennet, Deputy DG, in the first instance.
  - 2.5 The rest of the actions had been discharged or the items were to be discussed at the meeting.

**Item3: HELA Task and Finish Group – Enforcement - update**

- 3.1 Mark Du Val, Chair of the enforcement task and finish group introduced the report from the group. He identified some actions for HELA to discuss, and explained that where there were ongoing issues, owners for these tasks had been identified.
- 3.2 The outstanding tasks were:
  - Work was to continue, to assess the impact of using different incident selection criteria and whether a more standard format could be used. (LAU as owner).
  - The task and finish group welcomed further discussion in relation to a fighting fund. There was an action for HSE to explore if there was a need for this fighting fund and if evidence suggested that there was, how this could work in practice. (LAU as Owner)
  - A workshop was to be organised by LACORS and LAU to discuss potential scenarios for application of alternative sanctions. (LACORS as owner). Enforcement statistics discussions were currently taking place on this issue (LAU/ LACORS)
- 3.3 The group considered that having looked at this issue, in future any work should try to be done collectively for both FOD and LAs, as in many cases there was synergy in terms of issues and also a willingness from LAs to participate in the pilots – eg publicity of notices.
- 3.4 HELA felt the principle of the joint statement was very useful but suggested a few changes to reflect the success of LA enforcement and that LAs are not over-enforcing: These were to re-emphasise the importance of health and safety, to encourage the support of chief officers and to identify good work and to link to BRE in relation to their

attitude to enforcement. Also to take out reference to economic progress, as it is incorrect in relation to the HSC EPS, but to keep the reference to the Compliance Code.

**ACTION: Sarah Bull to amend the letter from the joint chairs as stated above.**

- 3.5 HELA questioned the mechanism for reporting back on the outstanding items in relation to delivery, best practice, and the Compliance Code so suggested that it would have an annual discussion on enforcement.

**ACTION: Enforcement to be discussed at the HELA meeting in March 2009.**

- 3.6 HSE had developed a dashboard to report on enforcement which covered the number of investigations started and number of notices served etc which HSE was happy to share with HELA.

**ACTION: HSE to share enforcement dashboard with HELA members.**

- 3.7 HELA thanked the group for their work on this issue and agreed to

- The statement going out subject to changes above.
- Reinforce the need to ensure enforcement expectations were set out for inspectors in topic packs, instructions on projects etc.
- To disband the task and finish group.

#### **Item 4: HELA Task and Finish Group – Flexible Warrants - update**

- 4.1 Gerry Kasprzok identified that there were a number of flexible warrant schemes taking place around the country mainly in the ESE region in Sussex, Bucks, Berks, Essex and Norfolk, and that the North Wales scheme had now included more LAs. He was intending to send information to all Partnership Managers (PMs) to encourage further action and was planning a half day session for PMs on setting up Flexible warrant schemes.
- 4.2 The evaluation of the Suffolk pilot had been completed and Paul Carter should be credited for this work. Forest Heath, who took part in the pilot, recently went through the CAA process and flexible warrants and joint use of resources was seen as being very positive from the auditors point of view.
- 4.3 Work was continuing to keep momentum and expand schemes where appropriate for specific uses.
- 4.4 HELA were pleased with the continuing momentum of the project and asked whether the good practice (eg Suffolk) of the scheme was on HELEX.

**ACTION: Gerry Kasprzok to make sure good practice goes on HELEX.**

## Item 5 HELA Task and Finish Group – LAC67/1 - update

- 5.1 Gareth Broughton introduced this item and explained that following on from the decision taken at the last HELA, that a fundamental review of LAC67/1 should take place, and that the task and finish group was now at the scoping stage. It had also been recognised that there were a number of other documents that fed into this – LAC 22/13, the LAE1 and incident selection criteria.
- 5.2 Charles Loft took a paper to the LACORS health and safety policy forum to seek views from the forum on what a new LAC67/1 should enable health and safety services to do, what it currently does not do and what should remain of the current version. Following on from these discussions, a further paper would be produced to seek views from County Groups.
- 5.3 Following this consultation, the group would be clearer about what needed to be produced. HSL may be asked to undertake some support work.
- 5.4 FOD were also examining their priority planning approach with a view to revising it. Paul Kloss was liaising with FOD on this to identify synergies.
- 5.5 Kim Pugh (Chair of the Task and Finish group) noted that the group felt it should have a wider membership as it was taken mainly from Wales and the South West. Nominees for this were sought at the Policy Forum. Given that one dependency was the work going on in LBRO, it was suggested that they could be invited to join the group.

**ACTION: HELA agree an LBRO presence should be sought. Task and finish group to seek an LBRO representative.**

- 5.6 HELA questioned when the project would come to a conclusion. The group aimed to come back to HELA in October with a clear position and options for taking forward.

**ACTION Gareth Broughton to circulate draft plan**

**ACTION The group to report back in October**

- 5.7 It was identified that the wider picture should be taken into account and that this work would either move LAs on or would be catching up with work already taking place. For example in Newcastle there was broad thinking about how health and safety fits into improving the night time scene. Therefore the task and finish group needed to consider support for managers in the transition phase – this could be through communication of good practice.

**ACTION: LAU and LACORS to publicise good practice.**

## Item 6 Section 18 Standard

- 6.1 The proposed new Section 18 Standard had recently received support from the LACORS Board, the FOD Management Board and the HSE board. The HSE Board identified a potential risk of enforcing authorities being subject to judicial review because of the merger, and the fact that EAs were being given three years to be compliant. However this was considered to be a minor risk worth taking.

- 6.2 The HSC welcomed and endorsed the Standard but wanted to ensure the three year timescale was used well by EAs and asked that HELA identify milestones to help drive compliance by the agreed date.
- 6.3 One further area of concern related to how the self assessment/ peer challenge method of ensuring compliance would work and HSC called for an independent challenge which would be made publicly available. Paragraph 8 of the paper discussed methods of compliance and suggested looking at this issue through a task and finish group.
- 6.4 Mark Du Val had general concerns that HSC wanted to impose another level of assessment on LAs. If this was the case it needed to be included in the 198 national indicators of the new performance framework. Justin McCracken indicated that HSC were unhappy with simple self assessment and wanted something that included a degree of independence and to publish the results of the assessment. They were not too concerned with how this was achieved but the principles of independence and publication of results were to be met. It was felt that local government may have concerns about this. It was suggested that HSC were more after peer challenge and were not looking to name and shame but publish results.
- 6.5 The chair set out that if a task and finish group was to be set up then it should meet the needs of political agendas so that it fairly applies to both HSE and LAs. Local government did not want to see the 198 indicators increase. HELA in general still felt unclear about what HSC actually wanted and this should be explored.

**ACTION: LAU to get a better understanding of HSCs requirements.**

- 6.6 Max Walker identified that from a field perspective the standard was welcomed to reward those currently contributing to the partnership and to motivate others to become more involved. Work should be undertaken with the PMs to share best practice. There was concern about the wording that FOD should be an exemplar, and that this should not dictate the way that LAs met the standard.
- 6.7 The FSA had recently reviewed how LAs should be audited and there might be something here for the task and finish group to learn.
- 6.8 HELA agreed:
- The draft action plan and said it should be communicated to LAs with a HELA endorsement, and progress should be reviewed in 1 year's time.
  - To set up a task and finish group to look at issues surrounding the process of compliance monitoring. Suggestions for participants of the task and finish group were: LAs, HSE, LACORS, Partnership Managers and Heads of Operations (FOD). The terms of reference of the group should be circulated to HELA.
  - That joint communications from HELA were very important on this matter and HELA members should act as champions.

**ACTION: Gerry Kasprzak to action the above.**

- 6.9 The LGP were due to discuss Section 18 at their meeting on the 27<sup>th</sup> March. The paper going to them would make clear that the task and finish group was exploring meeting the principles set out by the Commission and looking at ways to accommodate them without exceeding the 198 national indicators.

**ACTION: Gerry Kasprzik to draft LGP paper along these lines.**

#### **Item 7 Competency Framework**

- 7.1 The aim of this work was to establish a system to meet the training needs of health and safety officers, developing a robust approach linked to Section 18. The project was currently at its second stage and trials were about to be finalised with 14 LAs, covering a wide variety of LAs and FMUs within FOD. The current views coming from the trial were generally positive about the approach. Stage 3 would be a web-based pilot starting in April 2008.
- 7.2 There were currently two main risks to the project  
a) that the framework was seen as a performance management tool – which it was not  
b) that flexible balance was not achieved and led to automatic revisions of authorisations.
- 7.3 A new paragraph 6 agreeing the purpose of the framework was tabled at the meeting – this has now been agreed by all parties.
- 7.4 CIEH agreed with the statement of purpose (new para 6) put to HELA and identified that the web based pilot would not only be about the framework but the implications of it. It was felt that the framework should look widely at development needs and not just training needs.
- 7.5 HELA agreed that all parties should be giving out the same messages in relation to the framework and Paul Kloss said that a Q+A document was being produced.
- 7.6 HELA noted the progress and the timescales. They recognised the risks but felt that maintaining consistent messaging from all parties would be crucial in mitigating these risks.
- 7.7 HELA identified that this work should be picked up in their communications plan.

**ACTION: Paul Kloss to ensure this work features in HELAs communication plan.**

#### **Item 8 RES Bill/LBRO/Compliance Code**

- 8.1 Giles Denham provided HELA with an update on the Regulatory and Sanctions Bill. The Bill was currently going through the House of Lords and was due to reach report stage on 19<sup>th</sup> March. It was felt that the proposed Primary Authority System was now broadly acceptable.
- 8.2 In terms of LBRO, it now existed as a company and had published a draft strategy for comment by the end of March. LAU and LACORS should share their responses.

**ACTION: Gareth Broughton and Mark Du Val to ensure responses are shared.**

- 8.3 HELA discussed whether LBRO should be invited to join HELA. LACORS agreed LBRO should be at the table and that it would be useful for them to see the partnership in action but that the terms on which they were brought in were very important. It was suggested that a paper come to HELA for discussion next time.

**ACTION: LAU and LACORS to draft a paper re LBROs role in HELA.**

- 8.4 The Regulators Compliance Code was to come into force on 6<sup>th</sup> April 2008. A letter from BRE had gone to businesses about the Code but this had not been shared with other government departments before it went out.

- 8.5 LACORS had produced guidance on the Code.

## **Item 9 Evaluation of the Partnership**

- 9.1 Gareth Broughton gave an overview of the process taking place to set up the evaluation of the partnership. An evaluation plan was to be produced shortly by Tony Hetherington (Head of LAU) and this would be shared with LACORS and HELA.
- 9.2 It was expected that the evaluation would not be an update of the stocktake undertaken last year but rather it would enable planning for the next 24 months by looking at what was working and what could work better, how the governance arrangements had bedded in and whether any improvements could be made. The evaluation would also look at stakeholder engagement ie LACORS, Policy Forum, FOD divisions, PMs, FIT3, CIEH, REHIS, LBRO. Research money was being used to support the evaluation. The report of the evaluation was due in summer 2008 and therefore would come back to HELA in October.
- 9.3 HELA was generally unclear about the process and asked to be assured that a draft plan be circulated as soon as possible, that local government were included at all stages and internally that HSE were engaged.

**ACTION: Evaluation plan to be circulated to all HELA members by email by LAU as soon as possible.**

- 9.4 HELA were also concerned in respect of the timescales and felt that they wanted to see the report before it went to HSC. It was understood that currently the report was due to go to HSC in September.

**ACTION: LAU to confirm timescales**

- 9.5 The Balanced Business Scorecard (BBS) was a monitoring tool for the health of the partnership which had a number of indicators to assess the state of the partnership. At a recent meeting of Partnership Liaison Officers, they identified another 52 potential indicators that could be used.
- 9.6 HELA questioned the audience for the BBS and therefore how much effort needed to be put into it. It was currently unclear what added value the BBS gave.

**ACTION: LAU to assess the role of the BBS.**

#### **Item 10 HELA's Role – Communications – Paper H5/05**

- 10.1 Linda Christian Booth introduced and summarised the paper which invited HELA to agree to a communications strategy/plan for 2008.
- 10.2 Justin McCracken said that it was a very helpful paper but there was a need to ensure better dissemination of items discussed at HELA around the LA/FOD community. It was felt that there should be common themes for the coming year such as S18, Fit3, Evaluation and Enforcement that HELA communications were focussed on.
- 10.3 Max Walker suggested cascading of information post-HELA meetings would be helpful and this may be best achieved by summarising the key messages on a single sheet of A4 paper.
- 10.4 Giles Denham said it would be advantageous to engage with Chief Executives and that LBRO should be considered in the plan.
- 10.5 Mark Du Val said that he was disappointed that it had been decided not to run with regional partnership events in 2008, instead favouring a national conference. These had been an excellent way to engage locally and get structured messages across. It was agreed round the table that it would be useful to look at other ways to engage face to face and get these messages across.

**ACTION: LAU to amend and review the plan as required. HELA innovation awards to be reinstated as suggested.**

#### **Item 11 HSC/E's Business Plan and New Strategy**

- 11.1 Justin McCracken said that HSE's financial settlement for the next three years had now been agreed with sponsor department DWP. It would enable HSE to keep front line field staff at existing levels but there would be cuts to back of office staff.
- 11.2 HSC intended to look at their strategy over the coming months and this in turn would feed into HSE's longer term plans. HSC and the LGP would discuss these issues when they met on 27 March.
- 11.3 It was envisaged that a draft HSC strategy would have been drafted by the autumn with a view to it being delivered from April 2009.

#### **Item 12 AOB / Date of Next Meeting**

- 12.1 Paul Unsworth said that HELA wished to put on record its gratitude to Justin McCracken for his hard work and commitment to the partnership as HELA co-Chair, as this would be his last HELA, and wish him every success in his future career.
- 12.3 The date of the next meeting was agreed for the afternoon of **20 October 2008**, to be held at HSE's headquarters in Rose Court.