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Future HELA Governance Arrangements

A Paper by Tracy Hamilton, Local Authority Unit (LAU)

Advisor(s): Elaine Harbour

Cleared by: Elaine Harbour on 21 June 2011

Purpose

1. This paper asks HELA to consider its future governance arrangements and its interaction with the Health and Safety Policy Forum

Timing

2. For discussion at the meeting.

Action

3. HELA is asked to discuss and agree revised HELA governance arrangements.

Background

4. The joint [Statement of Commitment](#), agreed by HSE and LA representative bodies in June 2009 provided a clear governance structure to ensure partnership working was effectively managed.
5. Following the comprehensive spending review (CSR) the Local Government Group (LGG) offer to Government involved their undergoing a major reorganisation with refined priorities for the future. This resulted in the work of Local Government Regulation (LG Regulation) ceasing on 31 May 2011. This has a consequent effect on the partnership governance arrangements.
6. Under the new arrangements within LGG, a single Senior Specialist Adviser will cover all regulatory matters, with support as needed. In addition, along with other interested parties, HSE is providing funding to a new unit which is part of, but distinct from, the LG Group – the Regulatory Support Unit.
7. The Regulatory Support Unit will continue some of the work previously undertaken by LG Regulation. HSE will be developing formal contractual arrangements for an initial 2 year period and a programme of deliverables we would like them to pursue. Amongst the arrangements we envisage continued support for:

- a) HELA - to provide a mechanisms for strategic engagement on matters affecting partnership working; and
- b) The Health and Safety Policy Forum (H&S PF) - to ensure LA input to matters of operational policy and operational delivery.

Argument

- 8. The demise of LG Regulation provides the opportunity to look afresh at the current governance arrangements for HELA, including the interactions between HELA and the H&S PF. This is particularly pertinent to ensure LA engagement in progressing the Government's health and safety reforms.
- 9. The existing HELA terms of reference are at Annex A and a flow chart of partnership communication channels is at Annex B. The flow chart demonstrates a complicated picture which could be streamlined.
- 10. HELA are invited to reflect on the terms of reference and partnership communication channels (Annex A and B) and consider the following questions:
 - a) What does the partnership need from the new governance arrangements?
 - b) What should the optimal membership of HELA be?
 - c) What should the role of the professional bodies (CIEH and REHIS) be on HELA?
 - d) How greater LA input to items for consideration by HELA can be encouraged?
 - e) How better interaction between HELA and the PF can be achieved?

Practical aspects

- f) What frequency future meetings should follow?
- g) Whether there would there be any advantage in holding a PF meeting on the same day as HELA? (e.g. with HELA following the PF)

Consultation

- 11. The views of the Joint Chairs of HELA and LG Regulation have been sought in drafting this paper.

Other Implications

- 12. Whilst partnership working has a good foundation, strong partnership leadership is key to maintaining momentum in delivering the Strategy and goals set by

Minister Grayling in his statement '[Good health and safety good for everyone](#)' and the recent '[joint guidance on reducing proactive inspections](#)'.

13. The lack of clear and consistent direction could lead to both enforcement bodies reverting to working in silos, with inevitable inconsistencies of approach that could lead to increased reputational risks to health and safety in general.

Actions

14. Following the meeting LAU will draft revised Terms of Reference and circulate to HELA members for comment and clearance

Contact

15. Tracy Hamilton: tracy.hamilton@hse.gsi.gov.uk ; 0151 951 3114

HELA Terms of Reference (existing)

Aim

HELA aims to provide strategic oversight of the partnership between HSE and LAs, with a view to maximising its effectiveness in improving health and safety outcomes, ensuring delivery of the HSE Strategy.

Terms of reference

- To recommend, endorse and champion health and safety enforcement priorities for LAs.
- To work to maximise the effectiveness of the partnership in improving health and safety outcomes.
- To oversee the provision of the support needed to sustain and further develop the partnership, including comprehensive, appropriate and timely guidance to LAs and FOD.
- To oversee the implementation of the Section 18 Standard for LA regulation and provide advice to HSE Board on the extent to which LAs are compliant with the standard
- To provide authoritative advice to HSE Board and the Local Government Panel on issues of importance to local government, local communities and best approaches to business, identify consequences of policy impact, and challenge responses.
- To work in partnership to ensure there is a local government contribution to the development and delivery of policy. To challenge either partner where expectations are not being met.
- To work with HSE to develop sustainable and productive stakeholder links.
- To influence cross government issues so that they fully reflect local government's role and contribution.
- To report on LA activities, priorities and concerns to HSE and LGP as necessary.
- To make best use of current local strategic partnerships and bring in experience of other enforcement regimes.
- To ensure the role of LAs in delivering health and safety outcomes is understood within HSE and successfully communicated through media channels used by both parties.

Membership

The length of membership and timings for re-election is two years.

Local Government representatives

Local government representatives will be nominated by the LACORS Health and Safety Policy Forum.

There will be four local government representatives that will include the Chair and Deputy Chair of the Policy Forum, so that overall there are;

- 2 representatives from England
- 1 representative from Wales
- 1 representative from Scotland
- 1 LACORS representative

HSE representatives

HSE representatives will include;

- 1 HSE SCS (Senior Civil Servant) – HELA joint Chair
- 1 Head of Local Authority Unit
- 1 Field Operation Directorate Representative
- 1 Policy Representative

Additional representatives

A senior representative from both the Chartered Institute of Environmental Health (CIEH) and The Royal Environmental Health Institute of Scotland (REHIS) will attend the meetings.

Observers

An observer from Local Better Regulation Office will be invited to all meetings.

Substitutes

Representatives who are unable to attend a meeting will nominate a substitute who can attend on their behalf.

Ways of working

- HELA will be jointly chaired by a LA representative (Chair of the LACORS Health and Safety Policy Forum) and a senior HSE SCS representative.
- HELA will meet twice a year with the venue alternating between London and Bootle. The Joint Chairs (with secretariat) will meet at intermediate dates to ensure continuing dialogue/progress.
- A summary note of the HELA meeting discussions will be submitted to the LGP. HELA's Chairs may also attend meetings of the LGP.
- HELA will seek to resolve issues by consensus.
- HELA will set up task and finish groups for specific projects.
- The secretariat will be provided jointly by LACORS / HSE's Local Authority Unit (LAU).
- A review of these governance arrangements and membership will occur every 2 years.

HSE/LA partnership communication routes

