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Progress report on the implementation of the section 18 standard

A Paper by Andrea Harrison

Advisor(s): Alexander Tsavalos and Gerry Kasprzok

Cleared by Elaine Harbour on 15 June 2011

Issue

1. To provide HELA with an update on the:
 - a) progress of Section 18 implementation;
 - b) actions taken by LAU/LG Regulation to progress, support and track implementation; and
 - c) planned on-going support for the process.

Timing

2. For information at the meeting.

Recommendation

3. HELA to note that:
 - a) LAU do not intend to continue active monitoring of progress with Section 18 implementation, as LA's have already reported their strong take up and progress.
 - b) LAU will continue to use HELEX and the HSE web pages to share good practice and provide central support and advice on request.
 - c) LAU will next revisit this issue in the 2014 work year, with Section 18 self assessments in both FOD and LAs due by the end of March 2015.

Background

4. Section 18 of the Health and Safety at Work Act 1974 (HSWA) requires that each enforcing authority (EA) "make adequate arrangements for enforcement". The Section 18 Standard – 'Making a Difference', was developed in an LA/HSE collaboration as an agreed interpretation of this requirement for LAs and the HSE Field Operations Directorate (FOD), it came into force in April 2008.
5. In the June 2009 'Statement of commitment between HSE and Local Authority representative bodies' (HSE, COSLA, LG Regulation (then LACORS), WLGA and

6. HSE and LAs jointly developed a Section 18 toolkit to support implementation in LAs and FOD. Whilst recognising that the duties placed upon an EA by Section 18 are wholly the responsibility of each independent EA, the toolkit outlines a process based on self-assessment and peer review. It also advises that this process should have a 4 year reassessment cycle.
7. The original toolkit and associated materials were originally developed, in 2009, to aid LAs in implementing Section 18 in a resource efficient manner. In early 2010, following LA feedback from the initial pilot phase, HSE further streamlined the Section 18 toolkit. The revised toolkit has further reduced the burden upon LAs, by reducing and simplifying paperwork and removing duplication.
8. In October 2010, HELA asked for an update on LA progress towards Section 18 implementation to be available at the next HELA meeting.

Support to Progress Section 18 Implementation

9. As originally envisaged, a major element of the support for LAs implementing Section 18 come from LA to LA cooperation. Local arrangements have included LAs working as 'buddies' and small working groups to deal with specific locally identified issues. This work is still ongoing without HSE input and many LAs reported that they found the peer review process and buddying to be a useful means of sharing good practice.
10. Previously both LAU and the HSE Partnership teams provided direct support to LAs by e-mail, telephone, and face-to-face meetings. Since March 2011, HSE regional resource to support such activities has been reduced. LAU continues to provide central support for those LAs that need it and additional supporting materials were made available centrally via the HSE Section 18 website, including examples of typical enforcement policies and other supporting documentation. To further help reduce the burden on LAs LAU have also used HELEX to share peer review guidance and bench marking examples forwarded to them by LAs.

The National LA position with Implementation Section 18 standard

11. Spending review related resource reductions have resulted in LAs taking longer to implement Section 18 than originally predicted. However, even during a period of rapid change there has still been significant national progress towards full implementation. Only 1 LA still reports that they have not yet engaged in the process, due to severed resource issues. LAU are in communication with that LA to see what assistance can be offered, and to see if any neighbouring LAs may be able to assist via a 'buddy' arrangement. The other 380 LA's have reported full engagement in the process, with over a third having fully implemented Section 18. For many others the delay of final implementation is associated with scheduling peer review meetings or sign-off on service plans.

12. Many of the LAs have reported that they found using the toolkit helped them to focus in on key areas for improvement, which they have captured in action plans and are now resolving.

FOD Section 18 implementation

13. FOD have completed a self assessment and provided examples of how they have met the Section 18 standard, this was reviewed by LAU. Materials from this process have been shared via partnership teams and LAU to support LA self assessment.

Argument

14. The duty to implement Section 18 remains the duty of each independent EA. The continued national progress during a period of unprecedented strain shows a high degree of commitment to implementing the Standard to meet this duty. LAs are now at a point at which the remaining progress can be left to them. For those LAs that need it, the peer review process will assist continued progress, whilst maintaining EA independence. Those LAs that encounter difficulty can ask for support and encouragement from their neighbouring LAs via their county group network and LAU. LAU intends to continue to provide central support via the HSE website and HELEX for those LAs that have yet to complete implementation or who are in the process of delivering their action plans. LAU does not intend to proactively intervene in the remaining LAs implementation of Section 18, and would only act directly in response to a request from an LA in difficulty. This approach is in keeping with the localism agenda.
15. As LAs have demonstrated they are willing and able to progress the work themselves there is little value in HSE continuing to proactively monitor national progress. A ongoing formal monitoring process may actually be over burdensome upon LAs by triggering LAs to produce additional documentation to satisfy the monitors and would not be in keeping with the Government's wish to reduce burdens on LAs.
16. LAU will revisit the issue of Section 18 implementation in April 2014 as FOD and LAs will be expected to review their Section 18 self assessment in full before the end of March 2015.

Consultation

17. FOD HQ and LG Regulation have been consulted.

Costs and Benefits

18. The Section 18 self assessment process was developed to reduce burdens on local Government by removing a process of central auditing. HSE does not intend to pursue the ongoing monitoring of progress. HSE intend to revisit the issue at the start of the 2014 work year, and engage in constructive dialogue with LAs and FOD so they will be able to review their self assessments before the end of March 2015.

Actions

19. HSE will not be actively pursuing/monitoring LA implementation of Section 18.
20. LAU will next revisit this issue in the 2014 work year (Section 18 self assessments by both FOD and LAs should be fully reviewed by the end of March 2015).
21. LAU will continue to provide central support for Section 18 implementation, via the web and for those LA that request it

Contact

22. Gerry Kasprzok, tel: 01603 82 8046
email: gerry.kasprzok@hse.gsi.gov.uk