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HELA

Section 18 Self Assessment and Peer Review Update

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Issue

- 1) To:
 - a) provide an update on the revised Section 18 toolkit;
 - b) provide an estimate of the numbers of Local Authorities (LAs) that may need further support and encouragement to engage in implementing the Section 18 Standard; and
 - c) seek agreement to how the work is taken forward.

Timing

- 2) Immediate, LAs are working to implement the Section 18 Standard by March 2011.

Recommendation

- 3) HELA is invited to
 - a) agree to the continuation of the work to identify, assist and encourage those LAs who may have difficulty in meeting the Section 18 standard (paragraphs 19-22); and
 - b) comment on the extent of our approach in this area in light of the ew coalition government policy (paragraph 25)

Background

- 4) Section 18 of the Health and Safety at Work etc Act 1974 (HSWA) requires that HSE and LAs “make adequate arrangements for enforcement”. The Section 18 Standard – ‘Making a Difference’ was developed and came into force in April 2008, it built upon previous guidance and the developing LA/HSE Partnership.
- 5) HSE, COSLA, LACORS, WLGA and LGA signed up to the ‘Statement of commitment between HSE and Local Authority representative bodies’ in which they [LAs and HSE’s

- 6) To aid compliance the Standard is currently supported by a set of toolkits which provide additional information on basic requirements, sources of further information/examples of best practice and question sets.
- 7) The toolkits include a self-assessment and peer review mechanism based on a four year cycle that was proposed to provide an assurance mechanism.
- 8) Following the HELA meeting in September 2009 a six month calibration period of the toolkits, self-assessment and peer review mechanism was undertaken. The results were presented to the April HELA meeting and as a result of this:
 - a) The separate tool kits have been streamlined into a single simpler document;
 - b) Additional guidance for the peer review process has been produced;
 - c) A letter signed by the joint Chairs of HELA was sent to all Local Authorities in July 2010 emphasising the importance of the section 18 Standard.
- 9) The toolkit changes were made to make the process clearer and to reduce the time and effort required to demonstrate that LAs had implemented Section 18. The core fundamentals for Section 18 implementation have not altered and there should be no need for LAs that used the pilot toolkit to reassess the same areas using the revised toolkit. An assessment under either toolkit is valid and it is possible to read across from an assessment undertaken under one toolkit to another.
- 10) The revised Section 18 toolkit is now available on HELEX and work is ongoing to update the website to reflect the changes.

FOD Section 18 implementation

- 11) FOD have completed a self assessment and provided examples of how they have met the Standard. Their assessment has been reviewed by LAU.
- 12) FOD will input into the wider peer review process via the Partnership Managers who will be able to explain the FOD approach to the various elements.

Argument

Progress with LA self assessment and Section 18 implementation:

- 13) LA's have been progressing with their self assessments and peer reviews using arrangements best suited to their local situation. The arrangements have included:
 - a) working as 'buddies', which many have found particularly helpful;
 - b) regular specific Section 18 meetings to discuss progress/share best practice, or
 - c) having a session timetabled into county group meetings to discuss particular elements of Section 18.
- 14) Whilst we still do not have the full national picture, initial reports from the regions are that substantive progress has been made. In general, LAs report that they are

- 15) If progress continues at current rates we expect that by March 2011 the majority of LAs will either have fully implemented the Standard, or will have a credible action plan in place to address areas for improvement.
- 16) However, based on the available intelligence we currently estimate that around 15 LAs will not have made any significant progress towards implementing the Standard by March 2011. LAU will continue to monitor implementation progress and will provide an update at the next HELA meeting.
- 17) LAU and LG regulation will be working with the Partnership Managers to provide the additional support, encouragement and assistance to allow LAs to meet the Standard. Possible measures include directly aiding the sharing of best practice and helping to identify neighbouring LAs who have implemented Section 18 to see if they can share their experience of the process.
- 18) At the July meeting of the HSE Board and the Local Government Panel, the LGA members offered to assist, where appropriate, those LAs experiencing particular difficulties in implementing the standard.

Proposed actions:

- 19) LAU will track the implementation of Section 18 in LAs to identify those LAs that have fully met the standard, have a credible action plan in place or are having difficulty in implementation.
- 20) LAU will continue to investigate and identify the reasons why arrangements are not being put in place, and work with LG Regulation to encourage and assist LAs to overcome any obstacles to implementation.
- 21) LAU and LG Regulation will seek to share good practice/bench marking examples, once they are available, via their respective web services.
- 22) Where appropriate LAU and LG Regulation will pass details of LAs having particular difficulty in implementation to the LGP and request their assistance

Consultation

- 23) FOD HQ, LG Regulation, LA representatives and the PMs have been consulted on the issues raised in this paper.

Presentation

- 24) The comprehensive spending review is likely to put LAs under increasing budgetary pressure. In addition to frontline reductions we should also expect that resources used to undertake non-frontline activities to be under a particular challenge. The aim of the Standard itself is to allow the LA to ensure that adequate enforcement arrangements

25) Our approach bears in mind the new coalition governments policy on localism and moving away from centralisation and top down control. HELA members are invited to comment on the extent of our approach in this area.

Costs and Benefits

26) The proposed toolkit changes should decrease the time and effort expended by LAs to implement Section 18.

Action

27) Subject to HELA agreement LAU will continue the work proposed at paragraphs 19-22

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