

Making a difference.....

The Standard for Health and Safety Enforcing Authorities

Introduction

The Health and Safety Executive (HSE) and Local Authorities (LAs) are the principal Enforcing Authorities (EAs) for the Health and Safety at Work etc Act 1974 (HSWA) in Great Britain.

The primary purpose of the HSWA is to control risks from work activities. The role of the EAs is to ensure that duty holders manage and control these risks and thus prevent harm to employees and to the public

Section 18 of HSWA requires that LAs make 'adequate arrangements' for the enforcement of HSWA (and the regulations made under the Act) **and** perform their duties in accordance with guidance from HSC

This document sets out the standard that the Health and Safety Commission (HSC) expects EAs to meet in order to comply with their duties under Section 18. This constitutes HSC guidance on 'adequate arrangements' for enforcement and is therefore **mandatory**.

The standard recognises the vital importance of partnership working between HSE and LAs since HSC requested the establishment of a Strategic Programme with the following vision:

'LAs and HSE, working jointly and in partnership locally, regionally and nationally, to a common set of goals and standards, committed to focusing resources on agreed health and safety priorities. The aim is to minimise harm to those in the workplace or those affected by workplace activities, and contribute to the health and safety and well-being of the local community'

The links shown within this document form essential support to the standard and are intended to provide up to date guidance and information to EAs on their legal duties.

The following pages set out for Enforcing Authorities:

- the **principles** on which the standard is based
- the overall **structure** of the standard
- the **standard** in detail

Principles for Enforcing Authorities

□ To "make a difference" every EA shall

- improve health and safety outcomes by encouraging duty holders to manage and control the health and safety risks of their work activities [MD1]
- actively contribute to liaison, policy and governance arrangements at a local, regional and national level. [MD2]

□ To "work together" every EA shall

- work within their own organisations, in partnership with other EAs and with other regulators and stakeholders to make best use of joint resources. [WT1]

□ To "make it happen" every EA shall

- set out on an annual basis, their priorities, targets, planned interventions and service delivery method. [MIH1]
- put into place the management arrangements, information systems and capacity required to comply with their statutory duties. [MIH2]
- have systems to train, appoint, authorise, monitor, and maintain a competent inspectorate. [MIH3]
- monitor, evaluate and report its performance and progress. [MIH4]

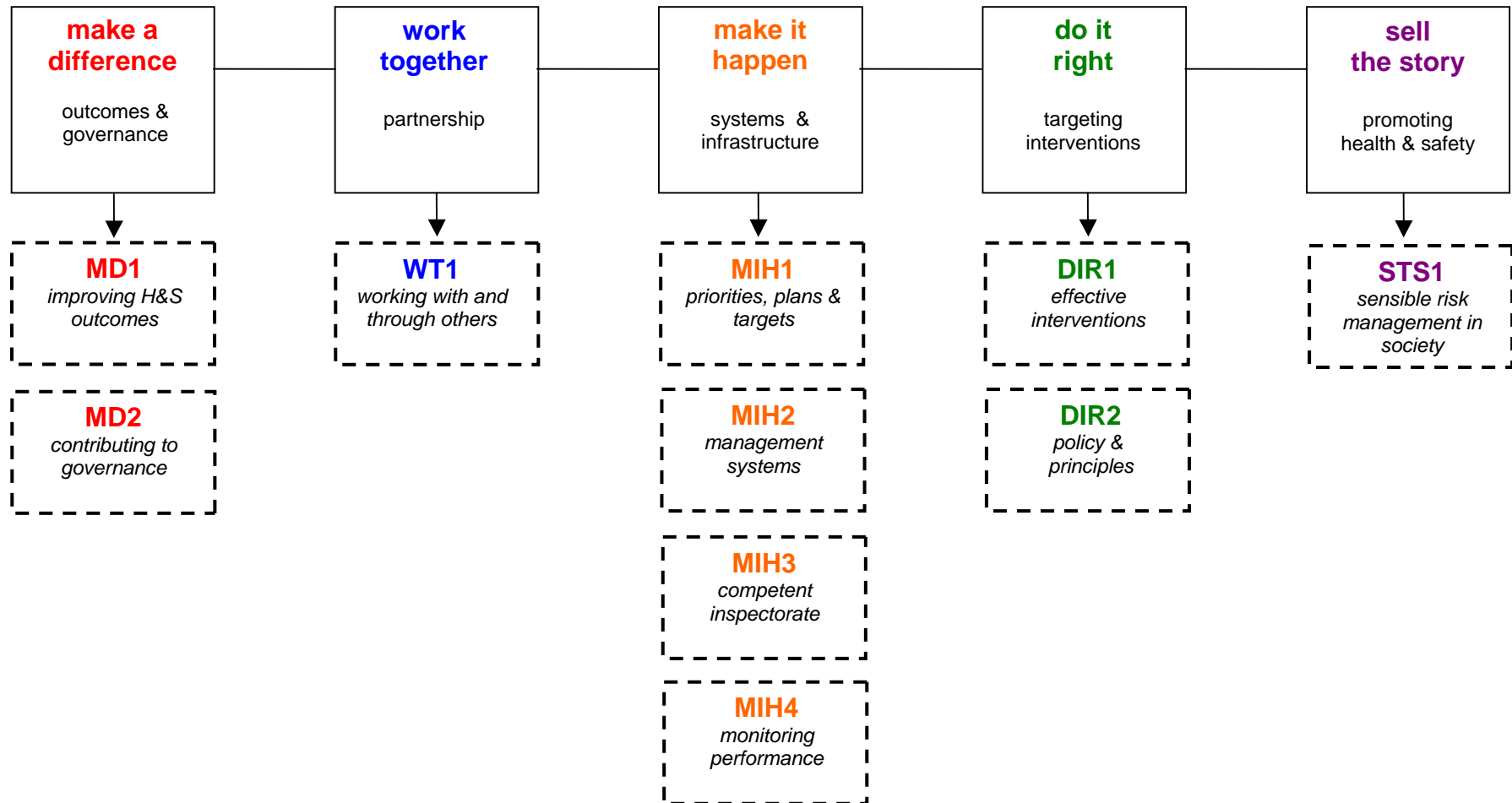
□ To "do it right" every EA shall

- target their interventions, including enforcement action, where they will be most effective and have the greatest impact. [DIR1]
- use interventions, including enforcement action, in accordance with the principles of proportionality, accountability, consistency, transparency and targeting. [DIR2]

To "sell the story" every EA shall

- promote sensible risk management and role health and safety plays in society and our communities. [STS1]

Structure of the Standard for Health and Safety Enforcing Authorities



The Standard for Enforcing Authorities

<p>make a difference <i>outcomes & governance</i></p>	
<p>EAs shall improve health and safety outcomes by encouraging duty holders to manage and control the health and safety risks of their work activities [MD1]</p>	
<p><i>This means:</i></p>	<p><i>Further Links</i></p>
<p>Outcomes ^{MD1.1} EAs shall have a clear statement, endorsed by senior management (e.g. FOD Management Board or LA Executive/Cabinet), on their continued commitment to improving health and safety outcomes.</p> <p>Duty holders ^{MD 1.2} EA's shall target their interventions towards encouraging duty holders to manage and control the health and safety risks of their work activities in ways that are wholly consistent with this document.</p> <p>Inter-relationships ^{MD 1.3} EAs shall recognise the inter-relationship between improving health and safety outcomes and other agendas including encouraging economic progress, safer and stronger communities and healthier communities.</p>	<p><i>link</i> draft commitment statement/report</p> <p><i>link</i> compliance code <i>link</i> Local Area Agreement <i>link</i> member's handbook</p> <p><i>link</i> FIT 3</p> <p><i>link</i> MAD1 audit protocol</p>
<p>EAs shall actively contribute to liaison, policy and governance arrangements at a local, regional and national level. [MD2]</p>	
<p><i>This means:</i></p>	<p><i>Further Links</i></p>
<p>Governance ^{MD2.1} EAs will have arrangements in place to ensure:</p> <ul style="list-style-type: none"> • their views are represented within liaison, policy and governance groups at local, regional and national levels. • they feed back information to politicians, senior managers and practitioners on the outcomes from such groups. 	<p><i>link</i> LACoRS site / governance via HELA / LGP / LACoRS H&S Policy Forum/partnership teams/other programmes <i>link</i> extranet?</p> <p><i>link</i> MAD2 audit protocol</p>

work together <i>partnership</i>	
EAs shall work within their own organisations, in partnership with other EAs & with other regulators & stakeholders to make best use of joint resources [WT1]	
<i>This means:</i>	<i>Further Links</i>
<p>Work in partnership with others^{WT1.1} EAs shall encourage opportunities for formal and informal working within their own organisations, with other EAs and with other regulators and stakeholders for:</p> <ul style="list-style-type: none"> • joint planning/programmes/training/use of resources and funding/development of intervention risk methodologies • working across administrative boundaries • provision of advice and guidance • publicity, campaigns and communications • sharing best practice • coordinating regulatory activity • sharing intelligence, data and information • developing consistency and effectiveness • developing new services • responding to reactive demands <p>LA/HSE Partnership^{WT1.2} EAs shall show their commitment to partnership working by signing a local 'LAs and HSE Working Together -Statement of Intent'.</p>	<p>link <i>examples of joint service and team initiatives / planning / delivery / reporting / outcomes/ partnership best practice/Fit3/partnership programme development/joint working opportunities & examples / programme training opportunities</i></p> <p>link <i>business forums / topic based advice</i></p> <p>link <i>recent strategies and integrated partnerships, e.g. violence at work / work-related stress / joint working with the Police</i></p> <p>link <i>HSE advice and information on engaging and involving workers/ on engaging businesses</i></p> <p>link <i>new / established liaison arrangements/new data / information sharing initiatives/best practice / liaison arrangements/new / previous initiatives/events diary / contacts</i></p> <p>link <i>Statement of intent docs</i></p> <p>link <u><i>DIR1 audit protocol</i></u></p>

<h1 style="color: orange;">make it happen</h1> <h2 style="color: orange;">systems & infrastructure</h2>	
<h3 style="color: orange;">EAs shall set out on an annual basis, their priorities, targets, planned interventions and service delivery method [MIH1]</h3>	
This means:	<i>Further links</i>
<p>Priorities and Targets^{MIH1.1} Every EA shall set out its priorities and targets for the current year. These priorities and targets should take into account:</p> <ul style="list-style-type: none"> • HSC’s priorities • national & regional plans and targets • locally derived objectives and • current and relevant guidance and policies. <p>Plan^{MIH1.2} Every EA shall set out their plan of interventions to meet their priorities and targets and their method of service delivery.</p> <p>Working in partnership^{MIH1.3} EAs should develop their priorities, targets, interventions and delivery methods in accordance with the Work Together principle of this document.</p> <p>NB</p> <p>For LAs their interventions should be compatible with and form a component part of:</p> <ul style="list-style-type: none"> • any BVPI 166 Service Plan • Local Better Regulation Office requirements • your Local Area Agreement. <p>For HSE (FOD) their interventions will form a component part of the Business Group Delivery Plan.</p>	<p><i>link Fit3</i> <i>link regulatory methods statement</i> <i>link new vision statement</i> <i>link HSC’s Workplace Strategy</i> <i>link health and well-being agenda?</i></p> <p><i>link example / template plan</i></p> <p><i>link Work Together</i></p> <p><i>link BVPI 166 / LBRO guidance on Local Enforcement Plans/ compliance code</i> <i>link Local Area Agreements</i></p> <p><i>link FOD Planning and Delivery - Business group delivery plans</i></p> <p><i>link MIH1audit protocol</i></p>
<h3 style="color: orange;">EAs shall put into place the management arrangements, information systems and capacity required to comply with their statutory duties [MIH2]</h3>	
This means:	<i>Further links</i>
<p>Management Arrangements^{MIH2.1} Every EA shall have an effective management infrastructure in place for developing, delivering, monitoring and reviewing their interventions.</p>	<p><i>link composite view of best management practice</i></p>

<p>This will include:-</p> <ul style="list-style-type: none"> • effective management and reporting arrangements • clear systems of control from senior management to operational and administrative staff • effective communication throughout the organisation and between operational & administrative staff and policy & decision makers • clear definitions of work roles and responsibilities for delivering effective service • arrangements to support, supervise and coach staff to retain and develop their experience & competence <p>Information Systems^{MIH2.2} EAs shall have systems that enable them to:</p> <ul style="list-style-type: none"> • monitor and review the effect of their interventions • monitor progress towards local, regional and national policies, priorities, targets and plans • monitor their activity including numbers and type of interventions, complaints, enforcement and other key performance indicators • inform policy and direct operational activity • collate and analyse current and accurate data • benefit from the compatibility of data collection and data management systems • manage and record information for regular statistical returns • interface and upload information with the Extranet • share data with other organisations to minimise information requests to businesses • involve businesses in vetting data requirements and form design • record accurate information on premises including assessments of the level of hazard and risk of their activities? <p>Capacity^{MIH2.3} Capacity is the managerial, operational, administrative and political resource, both staff and infrastructure that are combined to deliver improved health and safety outcomes. The capacity required is variable and is dependent on a variety of factors e.g. industry type, staff competence and range of interventions.</p> <p>Every EA shall have sufficient capacity to:-</p>	<p><i>link reporting requirements</i></p> <p><i>link examples of best practice in reporting/information systems</i></p> <p><i>link compatible IT systems/PARSOL ehealth requirements</i> <i>link LAE1 / returns / activity reports</i></p> <p><i>link Extranet</i></p> <p><i>link examples of sharing data</i></p> <p><i>link compliance code</i></p> <p><i>link examples of well resourced LAs</i></p>
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<ul style="list-style-type: none"> • make adequate arrangements for enforcement in line with this document • develop, deliver and monitor the planned interventions • enable effective partnership working between HSE and LAs and between EAs and other regulators. <p>Benchmarking^{MIH2.4} As a guide benchmarking information should be used to indicate whether there is sufficient resources to undertake your statutory duties.e.g the top quartile urban/industrial LAs have a FTE inspector per xx.</p> <p>EAs shall explore opportunities to enhance their capacity through:</p> <ul style="list-style-type: none"> • working across larger geographical areas e.g. delivering County wide services • delivery of common services e.g. accident investigations • utilisation of another organisations resource or system to provide services e.g. delivery of publicity material or use of another regulator’s inspectorate 	<p><i>link benchmarking data</i></p> <p><i>link examples of grouped resources / Northants / Kirklees/Medway Pilot / Retail Enforcement Pilot</i></p> <p><i>link MIH2 audit protocol</i></p>
<p>EAs shall have systems to train, appoint, authorise, monitor and maintain a competent inspectorate. [MIH3]</p>	
<p>This means:</p>	<p>Further links</p>
<p>Competent Inspectorate^{MIH3.1} Competence is the ability to undertake responsibilities and perform activities to a recognised Standard.</p> <p>EAs shall have a written policy and procedures for appointment and authorisation of staff that states:-</p> <ul style="list-style-type: none"> • the standards of competency required for health and safety enforcement staff (including, where appropriate, the staff of other regulators) to exercise their statutory powers and duties • the arrangements to ensure that health and safety enforcement staff (including, where appropriate, the staff of other regulators) attain and maintain competence • the system for appointing & authorising staff (including health and safety enforcement staff from other enforcing authorities and regulators) 	<p><i>link example of policy</i></p> <p><i>link NVQ level 5/ENTO</i> <i>link example of competency matrix</i></p> <p><i>link examples of flexible warrants</i></p> <p><i>link MIH3 audit protocol</i></p>

EAs shall monitor, evaluate and report its performance and progress. [MIH4]	
This means:	<i>Further links:</i>
<p>Performance Management^{MIH4.1} Every EA shall have a documented system in place to measure, evaluate and report its performance and progress against its planned interventions, policies and targets.</p> <p>These shall include:-</p> <ul style="list-style-type: none"> • regular review of activity by managers, senior managers and policy makers on progress and performance against work plans, key performance indicators, milestones and targets. • use of external review and scrutiny by others e.g. peer review by another enforcing authority • published clear standards for service and performance 	<p><i>link LAE1 / ESE indicators / balanced score card / BVPI 166</i></p> <p><i>link audit protocol / RDM assessment</i></p> <p><i>link Enforcement StEP dashboard</i></p> <p><i>link peer review process</i></p> <p><i>link compliance code</i></p> <p><i>link MIH4 audit protocol</i></p>

<h2 style="color: green;">do it right</h2> <h3 style="color: green;">targeting interventions</h3>	
<p style="color: green;">EAs shall target their interventions, including enforcement action, where they will be most effective and will have the greatest impact. [DIR1]</p>	
This means:	<i>Further links:</i>
<p>Targeting^{DIR1.1} EAs shall target their interventions:</p> <ul style="list-style-type: none"> • in accordance with their priorities and targets • in line with national guidance on interventions and priority programmes, e.g. priority planning, topic inspections, LBRO's risk assessment methodologies, Regulatory Methods Statement. • on activities that give rise to serious risks or where the hazards are least well controlled; • on the duty holders who are best placed to control the risks – whether they be employers, manufacturers, suppliers or others • rogue traders • to influence and encourage other organisations that are better placed to bring about health and safety improvements and reduce risks • to maximise impact in improving health and safety outcomes 	<p><i>link priority planning</i> <i>link topic inspections</i> <i>link compliance code</i> <i>link LOPP/FIT3/Worker and Business Involvement</i> <i>link Regulatory Methods Statement</i></p> <p><i>link DIR1 audit protocol</i></p>
<p style="color: green;">EAs shall use interventions, including enforcement action, in accordance with its policy and within the principles of proportionality, accountability, consistency, transparency and targeting. [DIR2]</p>	
This means:	<i>Further links:</i>
<p>Enforcement policy^{DIR2.1} EAs shall:</p> <ul style="list-style-type: none"> • have an enforcement policy • develop and review their enforcement policy in consultation with their stakeholders including partners, other EAs, employers, employees and their representatives; • ensure that the enforcement policy is agreed by the relevant management committees • publish their enforcement policy and make it available to the public and to duty holders 	<p><i>link HSC's Enforcement Policy Statement</i> <i>link HSE guidance, Operational Circular, OC 130/6</i> <i>link Cabinet Office's Enforcement Concordat for regulators (or new Compliance Code)</i> <i>link The Crown Prosecution Service's Code for Crown Prosecutors</i> <i>link Home Office guidance on Formal Cautions</i> <i>link Enforcement Guide/Handbook</i> <i>link Enforcement Management Model</i> <i>link Guidance on making enforcement decisions</i> <i>link HSE Enforcement Procedures</i></p>

<p>EAs shall include in their enforcement policy guidance on:</p> <ul style="list-style-type: none">• the principles of proportionality, accountability, consistency, transparency and targeting• the sound management of investigations and prosecutions;• the use of all forms of intervention and enforcement action; <p>Enforcement decisions ^{DIR 2.2}</p> <p>EAs shall ensure that:</p> <ul style="list-style-type: none">• all enforcement decisions are taken in accordance with their enforcement policy• there are arrangements to review decisions that have departed from normal procedure• the Enforcement Management Model is applied consistently to appropriate enforcement decisions• they will liaise with the appropriate Lead Authorities before taking any action <p>Complaints ^{DIR2.3}</p> <p>EAs shall provide:</p> <ul style="list-style-type: none">• complaints procedures that are easily accessible to business, the public, employees and consumer groups.	<p><i>link HSE and LA technical guidance</i></p> <p><i>link LA guidance in local authority circulars</i></p> <p><i>link Responsibilities and accountability of HSC/E and Ministers</i></p> <p><i>link HSE's complaints procedure</i></p> <p><i>link Lead Authority Partnership Scheme (LAPS)</i></p> <p><i>link Large Organisation Partnership Pilot</i></p> <p><i>link HSC's Enforcement Policy Statement</i></p> <p><i>link HSE's approach to enforcement</i></p> <p><i>link HSE's policy and approach to the permissioning regimes</i></p> <p><i>link Macrory info on penalties</i></p> <p><i>link LAC on conflict of interest</i></p> <p><i>link Enforcement StEP behaviours</i></p> <p><i>link compliance code</i></p> <p><i>link DIR3 audit protocol</i></p>
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