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Flexible Warrants - proposals for taking forward.

Issue

1. Proposals to take forward the provision of “flexible warrants” for HSE and LA enforcement staff, building on the experience of the past 18 months in a number of pilot areas.

Recommendation

2. That HELA’s members endorse the proposals for taking forward flexible warranting.

Background

3. HSC’s Strategy to 2010 and beyond suggested that there was no lasting logic to the current division of enforcement responsibility between HSE and LAs and that it didn’t capture the full potential to work together.
4. The Statement of Intent (SOI), agreed between HSC/E and LA representative bodies in 2004, recognized that the regulations allocating enforcement responsibility between the enforcing authorities might need in due course to be amended or replaced to support partnership working. But the approach adopted, by agreement, was first to explore how the partnership would work in practice, and only then to see what changes to the legal framework might be needed to remove any obstacles to partnership.
5. An additional consideration was that changing the regulations might not necessarily reduce the number and type of enforcement allocation problems that currently exist. An LA Chief Environmental Health Officer proposed the use of “flexible warrants” as an alternative approach.
6. Flexible warrants (FW) may be issued under the powers in s19 Health and Safety at Work etc Act 1974 (HSWA) (see Annex 1) by which one Enforcing Authority (EA) may appoint another EA’s suitably qualified inspectors to act within its field of responsibility. In other words HSE and

LA inspectors can be appointed to exercise their powers in each other's premises or spheres of activity.

7. This was seen not only as providing a practical tool for dealing with some allocation issues, but also FW could help to make better use of joint resources (by removing barriers to action), to increase the speed of response to issues of significant risk (because of LA inspectors' local presence) and generally to enhance partnership working (by recognising the equivalence of powers and skills between HSE and LA staff).
8. A number of pilot schemes involving the use of flexible warrants for enforcement officers were developed to test their use.
9. So far 5 pilots are running: in the East South East, Yorkshire and Northeast, the Central Fife and Tayside area of Scotland, the Western Isles of Scotland and South Wales. These have involved a total of 29 LAs and 6 HSE offices – thus around 7% of LAs have taken part.
10. Two of these pilots have been completed and evaluated (see Annex 2 for the evaluation report summaries). These areas have agreed to continue using their flexible warrants. Two pilots have yet to complete and be evaluated but have provided anecdotal evidence of their achievements. The Wales example was a one-off use of flexible warrants to deal with a particular issue (estuarial cockling).
11. A number of other pilots are underway, intended to test other aspects of flexible warranting e.g. a pilot exercise to test LA involvement in HSE accident investigations in Medway is to start shortly.

Argument

12. The objective of the pilots was to discover whether flexible warrants could be transformed from a "good idea" into a useful practical tool able to: -
 - Increase the flexibility and responsiveness of health and safety regulators to situations of significant risk.
 - Remove inefficiencies in administration that result from the prescription of the Enforcing Authority Regulations.
 - Improve communication and cooperation between health and safety regulators.
 - Facilitate the collective use of resources to increase the effectiveness of the regulatory system.
13. The pilots were generally expected to provide a more effective and efficient way of dealing with:
 - **Complaints** – where an enforcing authority receives a complaint and enforcement responsibility is unclear flexible warrants enable an initial investigation to start promptly, possibly leading to a later transfer to the

other EA when responsibility is established e.g. a asbestos notification relating to a tool hire shop that might have been LA or HSE enforced depending whether it operates for domestic or trade purposes.

- **Accidents** – where an authority receives an accident report and the enforcement responsibility is unclear flexible warrants allow a similar response as to complaints e.g. fatal accident to member of a residential care home where the circumstance of the accident was unclear.
 - **Matters of evident concern** witnessed by inspectors - flexible warrants allow matters of evident concern to be dealt with immediately e.g. use of hazardous electrical equipment and unsafe forklift operation witnessed at a HSE enforced food factory during a food hygiene inspection.
 - **Activities outside a premises boundary including peripatetic activities** – flexible warrants allow LA and HSE inspectors to deal with activities that take place on both sides of a premises boundary e.g. delivery of goods outside premises and situations similar to the Akhtar case.
 - some defined **Construction activities** e.g. scaffolding or other work at height without edge protection and a work at height initiative at the Farnborough International Air Show.
 - any **other activities** by agreement – e.g. the flexible warrants has allowed Scottish LAs to take over enforcement responsibility for all care homes, nursing and residential, whether they were HSE or LA enforced.
14. Whilst the number of interventions using FW has been limited the pilots have provided sufficient examples to indicate that flexible warrants are capable of working in practice, capable of achieving the above objectives and have the potential for further development.
15. The majority of the FW-related interventions have been undertaken by LAs to take enforcement action within HSE enforced activities. The benefit of this approach for LAs is that they are able to respond to and get the credit for dealing with matters that concern and directly affect their local communities. Local residents, employees and businesses are unaware of and are less concerned with the niceties of the Enforcing Authority Regulations than having a particular risk dealt with efficiently and effectively. The flexible warrants process also has the potential to benefit LAs by improving job satisfaction, morale, competency and consistency.
16. Although it is difficult to quantify value of the improvements in communication and cooperation between the HSE and LAs this appears to be one of the triumphs of the pilots with all those involved expressing the positive aspects flexible warrants have in developing a culture of

partnership. Flexible warrants force the two organisations to communicate and develop communication channels.

17. In addition to the examples cited above there are many other potential benefits from a more widespread application of flexible warrants including: -
- Allows one Enforcing Authority to enforce in another Enforcing Authorities premises with out the need to transfer those premises using the Enforcing Authority Regulations e.g. nursing homes
 - Allows LAs to enforce activities associated with premises in which they enforce but which take place outside the boundary of those premises and therefore currently have to be enforced by the HSE e.g. deliveries to retail premises, peripatetic tattooists.
 - Utilise LAs universal location to overcome the problem of dealing with activities that are difficult to reach by HSE inspectors because of distance and geography e.g. utilising EHO presence in the Western Isles of Scotland
 - Improve the ability to respond quickly to incidents e.g. because LAs have a local presence and local knowledge they are often able respond to certain incidents quicker than the HSE e.g. ensuring evidence is secured at accidents.
 - Allows HSE specialist support to operate on behalf of LAs without the need for joint visiting e.g. diving expertise
 - Better able to plan the use of joint resources where enforcement boundaries constantly change e.g. the responsibility for enforcing the transport of white goods currently passes between the two enforcing authorities many times as the goods travel from factory to consumer – flexible warrants allows inspectors from either enforcing authority to inspect the whole transport chain
 - Allows either joint deployment or single inspections e.g. inspectors can either work together or separately in each other's premises or areas of responsibility as the need dictates.
 - Encourages improvements in confidence, consistency, competence and expertise e.g. through closer contact and by improving the skill level needed to deal with different areas of risk.
 - Increases culture of partnership – fits in with the ethos “partnership is the way HSE and LAs do business together” e.g. increases contact, communication, joint working, joint planning better use of joint resources.

- May add 'Hampton' value to inspections if health and safety are combined with other duties e.g. petroleum licensing duties and pollution control
- In particular they will underpin the ambitions in most if not all regions to move towards a more-explicit joint plan, as a vehicle to demonstrate better targeting of collective resources

Costs and resources

18. The costs and resources associated with this proposal can be divided into the following areas.
19. Pre-launch work – the pilots have already completed a lot of the work on developing the flexible warrant process. However some further development is needed to ensure the process operates in the most effective and efficient manner. This development includes the production of a toolkit containing operating instructions and advice, standardised documentation, competency arrangements, training pack, warrant process and reporting arrangements. It also includes developing the method of rollout. LAU and the Partnership Teams as part of their ongoing partnership work would complete this work.
20. Initial set up – This includes reaching a local agreement to proceed with flexible warrants, agreeing the management arrangements including competency, signing of warrants, training, communication routes and management oversight. It is suggested that the majority of this work would be undertaken by County Health and Safety Liaison/Chief Environmental Health Officer Groups with support from LAU, Partnership Teams and Enforcement Liaison Officers (There are 410 LAs divided in about 46 County Liaison Groups)
21. On-going Support – Once flexible warrants are up and running LAU will provide the centralised support to the process, answer queries, trouble shoot problems and provide national liaison and further development. It is calculated that this would be provided by 5% at B2/3 and 10% at B4 of existing LAU staff.
22. On-going day-to-day - in the main flexible warrants will not require field staff to do more work than they currently do although it will allow them to do different work in a different way that potentially has a greater impact and makes better use of collective resources. It does however require good communication especially when dealing with reactive work on complaints and accidents and the pilots have so far operated by nominating central points of contact (gatekeepers) within an HSE office and LA to be available to agree to particular courses of action.

Conclusion

23. The pilots have demonstrated that flexible warrants offer sufficient benefits to propose that they be rolled out for national use in April 2007 with HELA encouraging individual LAs and HSE offices to adopt them locally.
24. Rolling out adoption for April 2007 would allow greater consideration of flexible warrants for joint planning and in FIT 3 work.
25. It is proposed that national adoption of flexible warrants is managed in a controlled way using the model developed within the East South East / Yorkshire and North East. Further pilots about to commence will help to refine the process and develop possibilities.
26. It is suggested that a small task and finish group made up from HSE and LA representatives, Partnership Teams and the Local Authority Unit be set up under HELA's auspices to develop and manage the proposed April 2007 roll-out.



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Annex 1

Section 19 Powers

S19 of HSWA 1974 states:

- (1) Every enforcing authority may appoint as inspectors....persons having suitable qualifications....for carrying into effect the relevant statutory provisions within its field of responsibility and may terminate any appointment....
- (2) Every appointment....shall be....in writing specifying which of the powers conferred on inspectors....; and an inspector shall....
 - (a)....exercise only such of those powers as are so specified; and
 - (b)....within the field of responsibility of the authority, which appointed him.
- (3)powers may be varied by the enforcing authority, which appointed him.
- (4) An inspector shall....produce his instrument of appointment or a duly authenticated copy thereof.

The basic method for operating flexible warrants is:

- Agree in principle their use (e.g. via County CEHO/CEO/H&S Liaison groups) and put management arrangements in place to oversee use.
- Get signed agreement between participants (e.g. a single LA or a number of LAs and HSE's Field Operations Directorate (FOD) specifying detail of use.
- Having ensured their competence appoint the each other's suitably qualified inspectors and supply correctly signed warrants.

Annex 2

Evaluation Report Summaries

Hants/loW Evaluation Summary of the Flexible Warrants Pilot

(This is a shortened version of the Hants loW Evaluation undertaken by Helen Barnsley ESE Partnership Liaison Officer. The full version is available on request.)

1 Findings

1.1 Interventions

Information about each intervention was collected on an intervention Summary Form to record the details of all interventions carried out using the flexible warrant, to ensure communication about interventions and to capture details of the intervention for evaluation. The forms recorded basic information regarding the intervention

- i. In total 35 interventions were recorded during the pilot. The interventions were divided into complaints, accidents, matters of evident concern, peripatetic activities and matters outside premises. This information is recorded in Table 1 and 2. When completing an intervention inspectors were also asked to comment on the effectiveness of using a flexible warrant. The majority of comments particularly from local authority inspectors demonstrate that they believe that their intervention meant that a matter of evident concern to people who live and work in their local authority has been resolved in a timely manner using the flexible warrant.
- ii. Inspectors were asked to record the amount of time that was spent on an intervention both on site and in the office, this is recorded in Table 3. This shows that more time was spent on interventions by local authorities.
- iii. Analysis of the interventions shows a number of consequential and intangible benefits to the local authorities involved such as increased access to HSE expertise and equipment and support to local authority inspectors by HSE inspectors to enable them to secure impact in challenging areas e.g. the use of HSE noise dosimeters by an LA as part of a local initiative, the continued support of one of the construction inspectors to a LA dealing with an asbestos issue and work at the Farnborough International Air Show where both local authority and HSE inspectors carried out a working at height initiative.
- iv. The figures are also affected by a number of interventions that took a long time or where inspectors went beyond the initial intervention and extended their involvement beyond the expectations of the MoU. For example an inspector noted a matter of evident concern while carrying out a routine food hygiene inspection. The matter was dealt with and the inspector confirmed the issues in writing - this took 10 hours. Recording of all associated time with an intervention in this way was not anticipated at the outset. Another intervention involved the collapse of a scaffold. The LA inspector continued the investigation further than the initial intervention despite the need for HSE to take on this significant incident.

- 2 During the period of the pilot 2 prohibition notices were served. These were served when a local authority inspector witnessed matters of evident concern during a routine food hygiene inspection. The notices were served on a damaged floor scrubber that had exposed wires on the handle and a notice to provide appropriate training for the forklift truck driver. These notices have now both been complied with and were followed up jointly with HSE. The most significant intervention by HSE involved a visit to a hire company

3 Discussion/Lessons Learnt

In piloting a novel technique it was expected that challenges and opportunities would arise that were not anticipated by the briefing. Some of these involved inspectors doing more than was expected – others involved benefits that exceeded the objectives of the pilot. The most significant of these are described below.

- 3.1 **Working together to develop a project established much more effective relationships across the county.** At the outset many inspectors from both sides were suspicious of the intentions of this pilot. Working jointly to develop arrangements that suited all parties fostered a very strong partnership amongst the project team and this was anticipated. But this has helped open up opportunities for wider partnership amongst HSE and local authorities, and embed the principle of working together more strongly than in other localities. Joint planning is now a realistic opportunity between HSE and LAs in Hampshire and Isle of Wight, and work on planning 2007/08 projects is about to commence.
- 3.2 **Opportunities for positive publicity** – The pilot has provided a number of opportunities for positive publicity. At the start of the pilot a press release was produced. This was picked up by some organisations and also resulted in a radio interview. The scaffold collapse as well as the work that HSE and inspectors from Rushmoor Borough Council carried out at the Farnborough International Air Show also featured in Environmental Health News. These have all been an opportunity to promote the pilot, sensible and health and safety and HSE and LAs working together including the partnership.
- 3.3 **Empowering LA Inspectors** – The pilot came about because a Chief Officer did not feel legally empowered or protected to deal with a matter of evident concern in his borough. The flexible warrant has empowered local authority inspectors to make an initial intervention to deal with matters of evident concern. The majority of interventions deal with construction issues. In order to take flexible warranting further it is necessary to agree a policy regarding interventions with construction division.
- 3.4 **Efficiencies were lost by inspectors working beyond the MoU** – Many of the interventions have been outside the MoU. For example LAs have followed up complaints about construction work that were quite clearly HSE enforced, but due to the proximity to the site a local authority Inspector was able to intervene. This was facilitated within the MoU so long as it is done in agreement with the other enforcing authority. In most cases this has been done and inspectors have made an intervention in agreement with the Gate Keeper. There have however been examples where such agreement has not been sought. **Inspectors have been reminded of the importance of ensuring that they work within the MoU. With regard to dealing with construction issues Mike Sarson addressed the Hampshire Health and Safety Advisory Group and produced guidance for inspectors although it was felt that further**

guidance and training would be helpful. Further Guidance is required regarding when it is appropriate to intervene in situations outside the MoU.

- 3.5 **Continuing beyond the initial intervention led to some duplication of work** – Continuing on beyond the initial intervention may lead to confusion with duty holders and between authorities. It may also compromise the investigation of an incident unless it is conducted as an agreed team approach. **Inspectors reminded again that they may only work outside the MoU with the agreement of the relevant gatekeeper.**
- 3.6 **Escalation of complaints to an Inspector** – The majority of complaints received by HSE are dealt with by a complaints officer and may not reach an inspector. One of the aims of the pilot was to remove inefficiencies in administration and to facilitate the best use of collective resource. By involving an inspector from either HSE or a local authority in a complaint that would traditionally not have reached an inspector a number of inefficiencies were identified. Greater understanding of each other's priorities and practices is required. This has been resolved with accident investigation criteria but is more difficult to define with regards to complaints. **It was agreed that unless it is a matter of evident concern as defined in the MoU a complaint that is outside the pilot brief i.e. clearly HSE enforced should be dealt with by HSE in accordance with its procedures**
- 3.7 **Initial interventions involving formal enforcement were less frequent than anticipated, and as a result there was little experience gained by inspectors on how to take formal enforcement** – When an inspector is using a flexible warrant they are working on behalf of the other authority and, this needs to be reflected in the notices and correspondence associated with the pilot. In accordance with legal advice notices and correspondence were devised that enabled an inspector to make clear on behalf of which authority they were taking action. It was agreed that inspectors would put the name and address of the appropriate authority on the notice NOT the inspector's own authority. Two notices served during the pilot were issued on documents containing the host authorities logo and their name and address – this was not the anticipated mechanism, but did result from communication and some misunderstanding between HSE and the LA. After some legal debate it was considered that the notices issued were legal as the correspondence made it clear that the notices were served on behalf of the relevant authority. In order to avoid confusion the local authority and HSE followed up the notices jointly. **It was felt that as this was an area of doubt it would be prudent to use the original notices and correspondence.**
- 3.8 **Engaging senior managers** - It was vital to the running and success of the pilot that we had the early engagement and support of both LA and HSE of senior management. A report was taken to the Hampshire and Isle of Wight Chief Executives, and this was considered a very important part of gaining support for the pilot amongst practitioners and managers that had initial reservations.
- 3.9 **Delivering a consistent service** - It soon became apparent that each authority had its own operating procedure set up for local circumstances that would mean significant challenges to establishing a common procedure. The operational management team wanted to ensure that inspectors from HSE and local authorities delivered a consistent level of service when using the flexible warrant. At the outset the project team explored the use of a single operating procedure for Local Authorities and HSE this was relatively easy for accident investigation selection criteria to achieve in Hampshire and the Isle of Wight as the Health and Safety Advisory Group had already agreed minimum criteria, which was consistent with the HSE's selection policy. Responses to complaints

however varies significantly between authorities, and this created a number of issues.

- 3.10 **Administration of the warrants** - Signing the warrants in a simple efficient manner could not be resolved– Legal advice obtained prior to the commencement of the pilot was that each officer had to carry a warrant signed by the authorising authority. HSE inspectors warrants therefore had to be signed by the 14 authorities. A solution suggested by a Chief Environmental Health Officer would be to arrange for one authority to authorise all the inspectors was put forward by a Chief EHO, but this was considered too controversial to gain acceptance at this stage.
- 3.11 **Delegated authority** – Another issue with authorising the HSE inspectors was that each local authority had own policy and procedure for authorising inspectors. In some authorities authorisations had been delegated to Chief Officer level which made getting the warrants signed relatively easy however in some authorities authorisations had to be agreed by committee making it unwieldy to get the inspectors authorised.
- 3.12 **Identifying a competence standard for inspectors** – The competence questionnaire that was devised was designed to provide some assurance of the qualifications, experience and maintenance of inspector’s competence, with greater emphasis given to effective management of competence than describing a detailed competence standard. Inspectors were put forward for authorisation with a variety of qualifications and experience. Some were also only partially authorised by their own authority and therefore would not be considered suitable for inclusion in the pilot given the expectation of taking enforcement at an initial intervention, and acknowledging that inspectors may find themselves in businesses where a greater knowledge of health and safety would be essential to avoid errors, or put undue pressure on individuals.
- 3.13 **Delays with getting warrants from HSE** – this was an issue at the outset due to the timing of the pilot and a change in HSE arrangements for security aspects of the warrants– The warrants were all produced by HSE and there were some delays in receiving the warrants back. Arrangements then had to be made for the warrants to be signed by the appropriate person from the local authority and Phil Scott, and this either involved posting the warrants to each authority in turn or finding an opportunity to use meetings to obtain the signatures. Arrangements with Bootle have become slicker as the pilot has progressed, but there remains a challenge of getting all the signatures on HSE inspector warrants.
- 3.14 **Changes in staffing** – A number of staff have changed during the pilot particularly within HSE as a result of retirements etc. New staff have also come on board during the pilot and arrangements have had to be made to get them warranted These staff changes meant that managers had to receive briefings on the pilot. They also brought different experiences and views on how the flexible warrants could be used that created both challenges and opportunities. Discussion on involvement of HSE staff from each division covering the same geographic patch will need greater attention should flexible warranting move beyond the piloting phase.

4 Conclusions

- 10.1 Flexible warrants have increased the flexibility and responsiveness of health and safety regulators to situations of significant risk in Hampshire and Isle of Wight. Inspectors have been able to intervene in a timely manner when evident concerns have been identified. Information following these interventions has

- been passed back to the actual enforcing authority in a clear manner that has ensured intelligence is not lost.
- 10.2 The nature of interventions has not led to significant enforcement action, so further testing of these arrangements is necessary to demonstrate the robustness of the approach.
 - 10.3 One of the aims of the pilot was to remove inefficiencies in administration that result from the prescription of the Enforcing Authority Regulations. By using the flexible warrant we have reduced the need for complaints and accidents being passed between authorities. This has however not removed the need to ultimately decide who the appropriate enforcing authority is, and some complaints have attracted a higher level of input than is ideal as the flexible warrant arrangements can easily circumvent routine procedures for complaint officers to deal with issues administratively.
 - 10.4 The single most important benefit that was delivered by the pilot became clear just before implementation. The efforts made to coordinate, cooperate and bring together good practice to produce the arrangements have delivered a tangible increase in the level of trust. The pilot was delivered with good communications maintained, and the importance of setting up effective communication routes through gatekeepers demonstrated. One situation where a gatekeeper was not available led to some confusion.
 - 10.5 The pilot has facilitated the opportunity for HSE and Local Authorities to collectively use resources to deliver more impact, though actual examples of proactive working were not pursued during the pilot. The authorities involved are continuing with the arrangements for flexible warrants, and there is a high likelihood that the flexible warrants will deliver projects involving shared resources for campaigns in 2006/07.
 - 10.6 The arrangements do rely on authorised inspectors following the agreed protocols and procedures, and some difficulties arose when inspectors took investigations further than expected. In all circumstances the importance of effective communication is clear, and inspectors should always have regard to the actual priorities and follow-up work that the other authority may need to take.
 - 10.7 The nature of interventions has pointed to the need to include high profile/high risk industries within the initial training regime. Construction safety, and in particular scaffold safety was the main issue where wider skills would be valued.
 - 10.8 The interventions show that the main benefit to the HSE has been the rapid response that local authority inspectors have been able to make on their behalf to matters of evident concern.
 - 10.9 As indicated from the responses received from the pre and post pilot questionnaires there are a number of ways that local authority inspectors have benefited including opportunities for staff development and increased satisfaction that they have dealt with a matter of evident concern. The local authority has also benefited in that a matter of evident concern has been addressed in a timelier manner and an incident that could affect the people who live and work in the borough with the knock on impact on the health of the community and economy potentially averted but more importantly the overriding benefit to the partnership is an increase in the flexibility with which regulators can deliver outcomes in the future
 - 10.10 The pilot has demonstrated that HSE and Local Authorities can cooperate and deliver a joined up approach – the interventions had impact and were widely accepted by duty holders.
 - 10.11 The scale of the pilot did not allow sufficient opportunities to test the arrangements for using enforcement tools, and this is an issue that required further work to demonstrate the effectiveness of the approach.

- 10.12 Promoting a commonality of response. The Flexible Warrants and working together can help to ensure that employers, employees, accident victims and complainants receive a consistent response and service from all health and safety regulators
- 10.13 The boundaries of what can be achieved and what is possible using Flexible Warranting have not yet been fully explored. Flexible Warrants could be used proactively for Fit 3 projects such as moving goods safely. They could also be used to facilitate joint planning. Cross LA warranting may also be a further extension of the principle. Two suggestions of a good use of the flexible warrants included hybrid complaints for example on a construction site where there may be pollution issues such as noise, dust and bonfires as well as health and safety issues. In such cases it may be appropriate for an environmental health officer with a flexible warrant to deal holistically with the site. Secondly joint initiatives where the enforcing authority crosses between the local authority and HSE.
- 4.1 **Better definition of situations when intervention is appropriate is needed to ensure efficiency is not compromised.** Many of the issues that have arisen during the pilot have occurred when inspectors have operated outside the MoU. Better definition is therefore required of when it is appropriate to intervene. For example with a construction complaint which is clearly HSE enforced unless it is a matter of evident concern as defined in the MoU it should be passed to HSE. The gatekeeper has an important role here.
- 4.2 **Briefing and training** - Participating inspectors need further briefing/training on a wider range of issues that are typically relevant for flexible warranting. Some of the issues that have come out of the pilot have identified a need for support and briefing for inspectors particularly in areas in which they are not familiar do not use often. Dealing with construction issues would be an example of this.
- 4.3 **Simplifying the authorisation process** - A methodology of simplifying authorisation is needed. Where possible the warranting process should be simplified. The warrant for HSE inspectors in Hampshire was signed by each of the 14 participating authorities. Each authority had its own procedure for warranting inspectors, which ranged from power being delegated to Chief Officers to applications going to committee. A way to simplify this would be to delegate power to one CEHO per County or to LACoRs.

Table 1 - Number of interventions by authority

Authority	Number of interventions
Basingstoke and Deane	2
East Hants	1
Eastleigh	2
Fareham	1
Gosport	-
Hart	1
Havant	-
Isle of Wight	2
New Forest	-
Portsmouth	2
Rushmoor	8
Southampton	3
Test Valley	3
Winchester	7
HSE	3

Table 2 - Nature of Intervention

Nature of Intervention	Total Number	Interventions by a local authority on behalf of HSE	Interventions by HSE on behalf of a local authority
Complaints	20	19	1
Accidents	5	4	1
Evident Concern	9	8	1
Peripatetic Activities	1	1	
Activities outside a premises			

Table 3 - Operational Time spent on interventions

Time spent on interventions	Interventions by a local authority on behalf of HSE	Interventions by HSE on behalf of a local authority
On site	35 hours 75 mins	5 hours 45 mins
In the office	33 hours 15 mins	4 hours 30 mins

Yorkshire and North East Evaluation Summary of the Flexible Warrants Pilot

(This is a shortened version of the Yorkshire and Northeast Evaluation undertaken by Tim Hibbert and Alistair Bulloch, School of Applied Sciences, Northumbria University. A full version is available on request)

EXECUTIVE SUMMARY

The aim of this project was to evaluate a pilot scheme involving the use of flexible warrants for the enforcement of health and safety legislation. The pilot lasted approximately six months and involved the Health and Safety Executive (HSE) and six Local Authorities (LA's) in the North East and Humberside regions of England. The aims and objectives of the pilot can be summarised as follows

- To encourage joint cooperation between LA's and between LA's and HSE where enforcement responsibilities interface and/or overlap, providing effective co-ordination of enforcement activities, minimising duplication of effort, making the best use of scarce assets and promote the sharing of resources and expertise.
- To evaluate the effectiveness of the management and control arrangements arising from HSE inspectors undertaking work within the LA's field of responsibility and the LA inspectors undertaking work within the HSE's field of responsibility.
- To encourage LA's to appoint inspectors from neighbouring authorities to allow cross-administrative boundary working.

To effectively evaluate the pilot a mixture of research methods were used. An analysis of the flexible warrant interventions was carried out along with an extensive series of qualitative interviews with those involved in using the warrants. To further explore the issues raised by the pilot in depth interviews were carried out with a limited number of key stakeholders in the pilot and finally a focus group feedback session was undertaken to confirm findings.

The key finding of the evaluation of the pilot were:

- The overall view of the pilot was positive in nature from all participants.
- There was unanimous support for continuing the existing pilot arrangements and for further exploring ways in which the arrangements could be made permanent and/or extended to include a more ambitious scope in terms of work included and/or area involved.
- The flexible warrant approach offered a range of key advantages
 - Enhancing effective enforcement
 - Seamless service for matters of evident concern
 - Power to take immediate action
 - More Responsive service for customers
 - Moving towards partnership and network working
 - Suitability for reactive work
 - Permission to be innovative
- A number of key issues relating to the use of flexible warrants would require to be addressed prior to any expansion of the pilot

- Differing cultures between the enforcement authorities
- Apparent clash with national enforcement strategies
- Lack of consistency amongst enforcement authorities
- Competence and abilities of enforcement officers
- Ensuring equitable benefits from the scheme amongst enforcement authorities
- Minimising bureaucracy associated with any such arrangements

It is proposed that collaborative ways of working as demonstrated during the flexible warrant pilot offer a range of potential opportunities for the future. These might include:

- More efficient use of finite resources
- Opportunities for mutual benefit and learning between enforcement authorities
- Possibilities for joined up working to be based on specific activities, for example either locally or nationally led priorities e.g. FIT3, warehousing, public events etc.
- Opportunities for secondment and placement within both HSE and LA's to augment current skills and competences in a work based learning environment e.g. construction safety and local accountability
- Chance to change cultural idiosyncrasies into new and more effective ways of working e.g. national one stop shop for complaints
- Building robust, effective and long standing networks through the partnership process
- Consistency of approach across both enforcers
- A more responsive and public focussed H&S enforcement service
- Development of new and innovative means of sharing duty holder intelligence e.g. expanding extra/intranet
- Possibility of using Flexible Warrants to meet Public Service Agreements, efficiency savings and to deliver on future Local Area Agreements

The use of Flexible Warrants as utilised during the pilot is wholeheartedly endorsed by the evaluation as is further research into their increased use and further development.