

Letter on LOPP from joint HELA chairs to LAs etc.

Dear

Large Organisations Partnership Pilot (LOPP)

It is now a year since work on initiating and developing LOPP schemes began and we are writing to thank Chief Officers and their staff for the support they have provided and to ask for your continued support, without which LOPP cannot succeed.

LOPP provides Local Authorities and the HSE with an opportunity to develop better means of engaging with large multi-site organisations, whose operations provide a particular challenge for occupational health and safety regulators. We see LOPP as a vital component of LA/HSE efforts to meet the aims of the Government's better regulation agenda. LOPP is, of course, a pilot and as such it incorporates a variety of approaches and will undoubtedly offer us lessons for the future.

LOPP has now reached the stage where a number of the improvement/engagement plans agreed with the participating organisations will become operational and Local Authorities (and HSE) asked to conduct proactive inspections so as to fit with the plans. When each plan is complete it will be published on the HELA extranet and advertised via the HELA extranet group mailing and LACORS' specialist email systems.

Attached to this letter, you will find the first of a series of updates on LOPP giving more detail on progress and of the development of roles, relationships and processes involved. As you will see from the update, different plans envisage different approaches to proactive enforcement. HELA is asking local authorities to work in accordance with the plans so that we can learn as much as possible about the value of these approaches.

An initial review of LOPP is taking place in the last quarter of 2006, primarily a qualitative assessment of how well LOPP has succeeded in establishing the roles, relationships and processes necessary to make it work. Local authorities will be given an opportunity to contribute to this review via a questionnaire disseminated via a LACORS specialist email. The intention is to undertake a fuller evaluation within 12-18 months.

Further updates will be provided on a quarterly basis. The attached update also includes contact information if you have any further questions.

Yours etc.

Large Organisations Partnership Pilot (LOPP) Update - October 2006

What is LOPP?

1. LOPP is an attempt to improve the way enforcing authorities work with large multi-site organisations. As such, it builds on the experience of previous schemes such as LAPS and is a pilot, testing different ideas rather than offering a ready-made solution.
2. To participate in LOPP, companies must have more than 10,000 UK based employees and must want to improve their health and safety performance. For both enforcers and organisations, the primary incentive is improved health and safety outcomes.
3. For Local Authorities and HSE, LOPP offers an opportunity to encourage a more consistent approach towards health and safety throughout multi-site operations, to target resources more effectively and to use large firms as exemplars of good health and safety practice. The project aims to increase our understanding of how these organisations operate and their approach to risk management.
4. The incentive for participating organisations is that an improvement/engagement plan is drawn up by the Account Manager (the lead inspector) and each organisation, including its workers, allowing the organisation to feed their health and safety priorities into the process. The Relevant trades union(s) will be consulted before each plan is published.
5. The Account Manager is then in a position to advise LAs/HSE as to what interventions are relevant for the participating organisation, ensuring the organisation does not suffer from initiative fatigue. LOPP also provides the organisation with an opportunity to express views on emerging policy issues such as reward and recognition and alternative penalties.
6. LOPP puts into practice some of the Government's 'Better Regulation' agenda. Its origins lie in the Hampton Report, which recommended that regulators should take better account of business' (both management and the workforce) views and needs

What has happened so far?

7. LOPP currently involves 13 large organisations from both the LA and HSE enforced sectors, of which 4 (HBOS, Tesco, ASDA and B&Q) are LA enforced and have LA Account Managers. Royal Mail, Greggs and BAA, with HSE Account Managers, are subject to both HSE and LA enforcement. The HSE-managed Shell LOPP will eventually cover retail stores.
8. The first LOPP plan, for BAe, was agreed in May. Of the plans affecting local authorities, Greggs' is nearing completion and those for ASDA, Tesco, B&Q, Royal Mail and BAA are expected to be finalised by the end of the year. The HBOS plan is unlikely to be completed before the summer of 2007.
9. Grampian Foods has withdrawn, as reorganisation of the company means that LOPP is no longer an appropriate approach; however, useful work has come out of the project. Lloyds TSB has also had to withdraw from the pilot.
10. In addition to BAe, HSE is working on LOPP with Northern Foods (not covering retail), AstraZenica, Rolls Royce, Shell, GE and BOC

What are the enforcement implications?

11. LOPP does not prevent enforcing authorities from doing their job of enforcing the law on health and safety. The LOPP participants are subject to the law in exactly the same way as those not involved in the pilot, and will be treated as such.

12. Enforcement decisions will continue to be taken in line with HSC's Enforcement Policy Statement, the Enforcement Management Model and LAs' own enforcement policies, by HSE/LA inspectors and their line management.

13. Account Managers, given their knowledge of the national context, will be able to help HSE/LA inspectors make enforcement decisions by providing them with strategic information and advice; for example:

- information on enforcement action already taken by other LAs, or in hand;
- advice, given the national context, as to the appropriateness of the enforcement action being contemplated.

14. LOPP may throw up the need for enforcement action to be taken against a participating organisation that applies nationally (e.g. a Notice requiring action to be taken in all its operating sites). HELA is considering what further arrangements are necessary to ensure that the necessary vires exists within LAs for such enforcement action to be taken, and that it can be given practical effect, nationwide.

What are the inspection implications?

15. Proactive inspections Local Authorities are not being asked to stop pro-actively inspecting pending the completion of improvement/engagement plans, but when they do inspect they are requested to inform the Account Manager of issues of national significance. They may also wish to discuss planned inspections with Account Managers to get an idea of the priorities proposed in the plan. Account Managers would welcome this. Alternatively plans will be available for LA enforcement officers to see on the HELA extranet; the extranet also has a facility for inspecting officers to feedback electronically to the account manager any information they feel may benefit the particular LOPP following inspection.

16. Once the improvement/engagement plans are in place, Local Authorities are asked to conduct proactive inspections so as to fit with the plans. Different LOPP plans will take different approaches to proactive inspection. It is likely that the Tesco plan will ask LA inspectors to focus on specific priorities in the plan when conducting programmed inspections; the Royal Mail plan will focus on Local Action Plans, about which the relevant local authorities will be consulted; the Greggs, Asda and B& Q plans envisage sample visits

17. The 2005/06 LAE1 return has been amended to allow all proactive inspections to be counted, whether part of the planned programme or not, thereby accounting for topic-based work, SHADS, campaigns etc and therefore all activity can be reported. If a local authority does not carry out a programmed inspection because it has been asked not to as part of a LOPP plan, the LA will not be criticised and it will have no effect on the return because in its current form, that return will not be used to slavishly monitor planned programme inspections. The 2006/07 LAE1 return has been further modified to allow reporting of all Fit3 activity and again any LA that diverts resource to Fit3 or other HSC priority work will clearly not be penalised. The information collected in this return will not be used for performance management purposes but to assist in the evaluation of the Fit3 approach.

18. LAC67/1rev 3 is currently subject to review, to take account of the changing ways of working and HELA take a decision on the form of any revision at its October 2006 meeting.

19. Where they are used, sample visits will have an important role to play in ensuring that what is agreed in the nationwide improvement/engagement plan is carried out at the local level. If other problems emerge during the course of these visits they will not be ignored. If problems other than those prioritised in the plans are identified at multiple sites, the plans will need revising.

20. Reactive inspections to investigate complaints or accidents, and any subsequent enforcement activity, are unaffected under LOPP with the exception that where enforcement activity is taken against a LOPP participant, similarly as with LAPS we ask that the HSE/LA inspector concerned informs the Account Manager of any nationally significant issues, any problems with the priorities in the engagement/improvement plan and any decision to prosecute, as these relate to the LOPP plan. Inspectors do not need the agreement of the Account Manager in order to investigate or enforce. However as suggested in Para's 11- 14 above , HSE/LA inspectors are encouraged to consult the Account Manager before taking enforcement action.

What are the future plans?

21. Once the plan is completed for an individual business, the Account Manager will act as focal point for enforcing authority contact.

22. In Autumn 2006 a review of experience so far will be conducted. As part of this review, LACORS will conduct a study of local authority H&S specialists in the form of an email questionnaire offering an opportunity to comment on the impact of LOPP on engagement with the participating organisations so far (if any).

23. The project will continue to be evaluated as it proceeds. If LOPP succeeds, health and safety outcomes in the companies involved should improve, the companies should feel that they are being treated consistently and enforcement authorities should feel that their resources are being more effectively employed. If on review this does not appear to be the case the pilot will have to be adjusted, but work will continue help LAs/HSE to better engage with large organisations. LACORS will actively seek feedback from local authorities on their experience of LOPP as the pilot progresses and invites Local Authority comment.

24. To see the final BAe Systems plan, and to keep up to date with the LOPP plans as they are finalised, please visit the Business Involvement pages on the HELA extranet at:

<https://extranet.hse.gov.uk/C8/Business%20Involvement/default.aspx>

25. For further information contact Sarah Bull and Charles Loft, at LACORS

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