

## **Important**

**LAC 67/1 rev 4 was never approved by HELA**

**LAC 67/1 rev 3 is still current.**

**Please see:**

**<http://www.hse.gov.uk/lau/lacs/67-1rev3.htm>**

## HELA Meeting, 17 October 2007

### Future arrangements for local authority priority planning and review of LAC 67/1

A paper by HSE's Local Authority Unit

#### Issue

1. To seek your views on the conclusions of the HELA Task and Finish Group and the subsequent consultation on proposed revisions to the priority planning local authority circular (LAC) 67/1 Rev3, and to agree arrangements for local authority intervention planning and prioritisation for 2008/09 and beyond.

#### Timing

2. Local authorities (LAs) are in the process of agreeing their health and safety budgets and work plans for 2008/09 and thereafter. It is therefore important for HELA to communicate the system that LAs should adopt for planned and prioritised interventions for 2008/09 and to give an indication of proposals for 2009/10 onwards.

#### Recommendations

3. That HELA agrees:

- not to adopt draft LAC 67/1 Rev4 for 2008/09 (paragraphs 6 – 9);
- that LAC 67/1 should be replaced with better and more comprehensive partnership guidance on prioritisation from 2009/10 (paragraphs 10); and
- that the co-Chairs of HELA write to LAs and key stakeholders to communicate this information following the HSC/LGP meeting on 6 November (paragraphs 11 and 12).

#### Background

4. Local authorities (LAs) are presently required to carry out prioritised interventions in accordance with guidance outlined in local authority circular, LAC 67/1 Rev3. This circular is based upon the traditional approach of planned targeted inspections at a frequency according to an overall premise risk rating. The circular was previously revised in 2003 to incorporate the focus on topic-based inspections. Since the last review, there has been significant change in the way HSE and LAs work together. The LAC does not closely reflect the move towards more outcome-led Programme Directed Interventions (PDIs) and approaches to contribute to Fit3 targets. It is also not consistent with HSE's Field Operations Directorate's (FOD's) programme-led approaches. Some local authorities had expressed concern that Fit3 related work was not specifically included in the current guidance, and as such were finding it difficult to allocate resources to it.

5. As a result, a HELA Task and Finish Group was convened in early 2007 to review the existing LAC and to recommend changes. HELA felt that given the uncertainty regarding the emerging policy on better regulation (including the establishment of the Local Better Regulation Office (LBRO) and the future of Fit3, only a tweaking of the present system would be considered in lieu of a more substantial view if necessary once the emerging LA regulatory landscape becomes clearer. A revised draft (Rev4) was circulated to LAs for consultation in the summer. Annex 1 is a copy of the revised draft offered for consultation.

### **LAC 67/1 Rev3 and Rev4 – The key differences**

6. The HELA Task and Finish Group suggested a number of amendments to Rev3. The revised LAC 67/1 Rev4 includes the introduction of an additional risk-rating weighting to reflect PDI priorities (e.g. workplace transport) and to integrate PDIs into the overall priority-planning framework. The weighting would be applied so that all PDIs would be lifted temporarily into the high-risk category and therefore due a planned visit in the following 12 months. Once a premise had been targeted for a PDI, the weighting is removed.

### **Consultation**

7. There were about a dozen LA responses to the consultation, although some of these were collective responses from groups of LAs (e.g. Greater Manchester). Local authority respondents were supportive of the need to revise the LAC although a number welcomed its flexibility, as opposed to the more prescriptive Food Standards Agency model. A number of LAs stated that the PDI approach already sat comfortably alongside traditional planned inspections without the need for significant revisions to the existing system.

8. The majority of respondents felt that the proposals for the PDI weighting component had the potential to undermine the risk-based system (by artificially altering a premise's risk rating) and to increase the administrative burden on them through temporary changes to their premise databases. They felt that the proposals would result in a significant increase in the premises due an inspection in the following 12 months. This would distort work plans and performance against planned targets (e.g. national or local PIs based on inspections achieved). Officers commented that these proposals would place a greater emphasis on the hazard rather than judgements on whether that hazard was being effectively managed and controlled. One respondent suggested that a more balanced weighting could be applied that only elevated a premise a couple of risk categories (e.g. weighting of 30). One or two LA respondents questioned the practicality of introducing interim guidance, which was likely to be further amended for 2009/10.

9. In summary, respondents felt that the LAC should be revised to capture changes in partnership working, better regulation (e.g. move away from inspection, greater emphasis on lead authority principles, Retail enforcement Pilot), introduction of revised S18 Standard, a greater emphasis on more area working (e.g. LAAs) and a focus on outcomes. They commented that given the current uncertainty about how these policies might influence the regulatory framework, any interim changes as Rev4 necessarily creates, were unlikely to gain much support. The balance of

respondents considered that although not perfect, LAC67/1 Rev3 did provide a flexible system that facilitated the application of PDIs, and that the introduction of a weighted PDI score (advocated in Rev4) was not favoured.

### **Future arrangements for planning and prioritisation and research**

10. In the light of the changing regulatory landscape created by: the better regulation agenda; partnership working; and the introduction of more outcome-focused community strategies (e.g. LAAs), there is a need to have a more comprehensive review of the framework for planned interventions for 2009/2010 and beyond. This would also link in with the review of HSC's Section 18 guidance and the wider HSE review of guidance. A more detailed description of these issues is contained at Annex 2. We understand that there are sufficient resources within HSE's research budget to commission the Health and Safety Laboratory to review the present system and to recommend a revised methodology. LA partners will be fully involved in this process.

### **Communications**

11. Many local authorities are nervous about possible fundamental changes to the priority planning system. Many operational managers consider that the existing methodology provides them with a framework to clearly define the inputs and outputs that they need to deliver their statutory duty. There is significant support from LAs for a system that facilitates the targeting of interventions based on an assessment of risk. However, existing and previous systems have perhaps led to more output-focused frameworks, rather than one based on outcomes. Any revised guidance should continue to provide LAs with the flexibility to target their resources on the areas where they can have greatest impact and deliver improved outcomes in line with the Government's commitment to better regulation and sustainable community strategies.

12. HELA will need to communicate its message to LAs and other relevant stakeholders (e.g. software companies) regarding any changes to, or potential changes to, the existing priority planning system. We suggest that the co-Chairs of HELA write to all LAs and relevant stakeholders with key messages. This should include reference to the: objectives and scope of the proposed review; timescales and milestones for the work; dependencies; consultation arrangements; and contact details for further information. This letter can also be used to capture any key messages arising from the HSC/LGP meeting on 6 November and the earlier regional partnership events. LAU will prepare a draft of the letter.

### **Contacts**

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