

Annex 2

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

Implementing Hampton and Rogers

1. The 2005 Hampton Review highlighted the need for national and local regulators to implement more risk-based interventions. In practice, this is about taking a lighter touch for those businesses that strive to comply with the law, whilst taking a tougher line on those businesses that frequently flout it. It will therefore be important to retain a system that incorporates a consideration of health and safety risk and an officer's assessment of their confidence in a businesses' management and control of that risk.

2. HSC's commitment to programme directed interventions embraces the Hampton principles and encourages HSE and LAs to target their resources on the areas where they can achieve the greatest impact. Furthermore, the Rogers Review of local authority regulatory priorities highlighted the significant impact of occupational ill health on the economy and to local communities. There will be a need to demonstrate our delivery of the Hampton agenda to both the Better Regulation Executive (BRE) and Local Better Regulation Office (LBRO). Any changes to the priority planning system need to be consistent with the principles of good enforcement and Hampton.

3. Furthermore, the Better Regulation Executive's Retail Enforcement Pilot (REP) is considering testing a move towards risk rating the likelihood of non-compliance rather than the risk of harm. We should be sensitive to any wider rollout of REP in terms of the selection of premises for a single inspection by the 'lead' officer according to the relative risk-ratings by each regulatory service area.

National Performance frameworks and partnership working

4. Any changes would also need to reflect local government arrangements in Wales and Scotland – both of which are devolved matters. The local authority performance framework in Wales presently includes health and safety performance indicators based on the achievement of planned high-risk interventions. There are no specific local government PIs for health and safety regulatory activity in Scotland. The draft Local Government and Public Involvement in Health Bill proposes to place a statutory requirement on local authorities in England to develop Local Area Agreements (LAA). LAAs set out the priorities for delivering sustainable improvements for a local area agreed between central government and a local area (the local authority and Local Strategic Partnership) and other key partners at the local level. LAs will be required to report performance against national indicators

(including one for occupational health) that will measure how well they work and deliver improvement together with their partners.

HSC's Section 18, HSWA guidance

5. The new draft S18 Standard requires Enforcing Authorities to: target their interventions to maximise their impact on Health and safety outcomes; and to plan interventions against their priorities, targets and outputs. The revised standard is being piloted this year with a view to a national roll out in 2008/09. Any revisions to the prioritised interventions framework will need to be consistent with the Standard.