

MINUTES**HELA 84****Health and Safety Executive/Local Authority Enforcement Liaison Committee****19 June 2003****LGA****Municipal Buildings****Inverclyde Council****Present:**

Chairing this meeting	William Myers (LGA)	
HSE Joint Chair	Justin McCracken (HSE) (Deputy Director General of HSE)	
Local Government Association (LGA)	Alan Craft Peter Foley	Steve Driscoll Trish O'Flynn
Welsh Local Government Association	Rod Denley-Jones	
Convention of Scottish Local Authorities	John Arthur Bob Christie	
CIEH/HASCOG	Roger Wastnedge	
REHIS/HASCOG	Carol Jackson	
Health and Safety Executive (HSE)	Alan Plom Allan Davies – (Head of LAU) David Leigh Gareth Broughton Helen Thackray Jeanette Reuben	Moira Buchan Nick O'Donnell Nick Starling – (Director of Policy) Peter Brown Peter Dodd Stewart Campbell – (Director for Scotland)
Joint HELA Secretary (HSE)	Margaret Harris - HSE Minute Secretary Paul Edens	
Presenters	Anne Halliday – NHS Health Scotland Derek Allen – LACORS Mark Du Val – LACORS Norma Ford – Salford University	
Observers	Liz Corbett – Glasgow City Council Robert Howe – Scottish Society of Chief Officers	

1. Introduction and Apologies

1.1 The Chairman welcomed Robert Howe, Chair of Scottish Society of Chief Officers; Anne Halliday -NHS Health, Scottish Executive; Bob Christie - CoSLA; Liz Corbett - Glasgow City Council; Norma Ford - Salford University; Derek Allen and Mark Duval - LACORS; and from HSE - Stewart Campbell, the HSE Director for Scotland; Peter Brown -SID; Peter Dodd, ELO for Scotland.

1.2 Apologies for absence were received from Janet Russell and Philip Winsor – LGA; and Max Hood - the London Fire Service.

1.3 The Chairman gave thanks to the following - Justin McCracken and HSE for hosting the HELA Dinner on 18 June 2003; John Arthur and Inverclyde Council for hosting the meeting and the Civic Reception, and LAU for organising the dinner and the meeting.

2. Minutes of the last meeting

HELA CP 84/01

2.1 The minutes were approved without amendment.

3. Matters arising from the last meeting of HELA

HELA CP 84/02

3.1 Members were updated on Item 6, the Enforcement Management Model (EMM). Alan Plom said that the EMM training pack was now ready and apologised for the delay. Compatibility issues had arisen when downloading the training pack. These issues had been resolved and the EMM would be launched in early July. Two copies would be sent to every LA (who would appoint a tutor to train other staff). Fire Authorities would each receive one copy.

4. Oral Updates on Policy Group – Nick Starling

Nick Starling noted that the minutes of the previous meeting (HELA 84/01 Annex A, Point 4.5) had raised the issue of whether LAs could provide input to policy at an early stage. He assured members that Policy Group would take forward a coherent and integrated policy approach working more closely and effectively with Operational Directorates and others and embracing new ways of working. Policy Group aimed to consult in a 'smart' fashion and to be better, earlier, and more focused in terms of consultations. He sought feedback from HELA on how the new Group was achieving these aims.

4.1 Workplace Transport

Work had been progressing to plan in this area. There was nothing specific to raise there would be a fuller report for the next meeting.

4.2 Falls from Height

- Programme priorities over the next few months included the development of a leaflet targeted at primary school teachers advising on safe work at height.
- Current projects were targeting: falls from vehicles; falls in the food and shipbuilding industries; and falls from ladders by maintenance/electrical fitters.
- The Group had participated in the IAC workshop on falls and slips and trips in the Education Sector. This had offered a valuable opportunity to hear the concerns of a wide range of people with an interest in this topic, including - employers, facilities managers, maintenance managers, trade unions and safety reps.

Work at Height Regulations would be issued in CD format around the end of summer. The Regulations must come into force by 19 July 2004. An article detailing the regulations would be published in the LAU Newsletter.

4.3 Musculoskeletal Disorders (MSD)

Revised DSE Regulations (Regs) guidance had been launched introducing minor changes to the Regs. These would be in two formats: work with display screen equipment for larger firms and health and safety professionals covering technical/legal details of Regs; and the law on VDUs: an easy guide was for smaller firms that offered practical advice on how to comply with Regs. A Local Authority Circular would be issued shortly.

- 8 editions of the HSE/LA DSE Forum had been produce. This would be part of the LAU newsletter and was a vehicle to share information about DSE compliance issues. Two LAs were also running pilot projects covering DSE issues including workshops for local businesses, targeted inspections and surveys.
- Copies of the Manual Handling Assessment Charts (MAC), designed to assist inspectors to enforce the Manual Handling Operations Regs (MHOR), would be distributed to inspectors in November and would be available to the public in July/August. Revision of MHOR guidance was underway and should be completed by Spring 2004.

- MSD information had been updated on the HELA Training Coordination web site/and the MSD web pages on the HSE website.
- Revision of "Back in work" leaflet that gives advice to employers/workers on how to deal with back pain was underway, and would be due out for consultation in next few weeks.

4.4 Stress

- HSE were currently piloting draft Management Standards for work related stress.
- The Management Standards were designed to act as a yardstick by which employers could judge how well they were doing in managing work related stress in their organisation.
- The result of pilot exercise would be evaluated at the end year and the results reported to HSC. Final Management Standards were expected to be launched in 2004.
- 24 organisations were involved in the pilot including 6 LAs. They were at various stages of commitment, but Bristol City Council had confirmed they were happy for others to know that they were involved.
- HSE would be launching the pilot process and draft Management Standards on its web site;
- Organisations would have the opportunity to view the standards, utilise the process and give feedback to contribute to the pilot evaluation.

4.5 Construction

This item would be covered in paper CP 84/21.

4.6 Work-related road safety

- Publication of generic guidance jointly badged by HSE and the Department of Transport on work-related road safety was planned for September 2003
- The guidance would set out the broad framework for employers on managing work-related road safety;
- This would have implications for LAs as enforcers and employers;
- HSE's work-related road-safety web site entry had been updated.

4.7 Better Working Environment - Job Retention and Rehabilitation

- The April LAU Newsletter reported on Job Retention and Rehabilitation Pilots led by the Department of Work and Pensions (DWP) and the Department of Health (DH), and assisted by HSE and the Scottish Executive.
- The pilots were part of wider government work championed in Securing Health Together and Revitalising Health and Safety on helping those who have poorer health, whatever the cause, remain in employment.
- HSE would contribute directly to this programme by promoting roles of employers in helping sick and injured employees back to work by:
 - (1) Developing guidance for employers on workplace focused rehabilitation and job retention:
 - based on independent research published on the HSE website (Research Report 106)
 - providing advice on best practice and signposting to further help.
 - for publication in Spring 2004
 - to be augmented later by training pack on a case management approach to workplace focused rehabilitation.
 - (2) Developing and evaluating with the Institute of Occupational Medicine a straightforward absence management tool to help employers, including SMEs to:
 - prevent ill health at work;
 - collect absence data;
 - identify employees in need of support to return to and stay in post at work;
 - for completion by Spring 2004.
 - (3) Working with the Disability Rights Commission on how to take forward findings of research to be published later this summer on the extent to which health and safety requirements were being used as a false excuse for not employing sick or disabled persons. A report of a workshop on the research was available on the Securing Health Together website.

4.8 Corporate Responsibility

- **Health and Safety Management Index:** Research was underway to develop this tool. Our contractors were in the process of piloting the index with a variety of large companies and a local authority. When completed, it is anticipated that this index would become a useful tool for investors, insurers, companies, employees and other stakeholders interested in the health and safety performance of large companies.
- **Case Studies: The business benefit of investment in health and safety:** Research had begun to identify and develop approximately 20 case studies that demonstrate the business benefits of investing in health and safety.

4.9 Employee Involvement in Health and Safety

- Draft consultative proposals to improve employee involvement in H&S would be submitted to HSC for consideration and for a decision on further public consultation on 15th July. The proposals include new:
 - H&S (Employee Consultation and Representation) Regulations XXXX; and
 - non-regulatory measures to improve employee involvement in H&S.

4.10 Managing Health

- The Strategy – HSC aimed to address new and emerging health issues. 2001-02 Statistics highlighted ill health as the key area – resulting in over 33 million days lost a year.
- HSC had a strategic discussion on “managing health” in April and agreed that:
 - HSE should provide evidence on whether or not the LA-enforced sector was ‘low risk’ where health and safety issues were concerned. If it was not, to provide options for tackling health issues beyond refinement of traditional premises style inspection.
 - Everyone in work should have access to “occupational health support”. HSE were working on various work streams to take this forward – would keep HELA in touch with developing thinking. The ‘Safe and Healthy working’ scheme in Scotland was a model that could be more widely applied, the evaluation of which would provide valuable evidence for HSE.

4.11 Chemicals and Flammables

- HSE’s e-COSHH Essentials provided simple do/don’t style advice for small businesses from common tasks involving chemicals. To date e-COSHH had been very popular and was being developed further as a contribution to HSC’s Chemicals Strategy.
- On 13 October 2003 during European Safety and Health week, they planned to launch of Phase two of e-COSHH which would result in some 70 new control guidance sheets being added to the Internet tool. Andrew Smith (Sof S) had been invited to make a keynote speech and Bill Callaghan(Chair of HSC) had agreed to speak at the launch.
- The Control guidance sheets would cover many of the tasks and services in premises enforced by local authorities, causes of occupational asthma, process generated dusts and fumes.
- HELA members were reminded to visit HSE’s website (www.hse.gsi.gov.uk) for more information about European week and e-COSHH. It was hoped that LAs would support the week either by promoting incentives or by running events.
- LAU were arranging for a web “advert” for European Health and Safety week to go on the Chartered Institute of Environmental Health Net.

4.12 Proposals to Introduce a New Occupational Exposure Limits (OEL) Framework under the COSHH Regulations

- The vast majority of respondents to a Discussion Document published in March 2002 supported moving to simpler system of OELs underpinned by good practice advice on controlling chemicals.
- Subject to approval by HSC, the CD would be published in autumn 2003, with changes to the COSHH Regs being implemented in summer 2004.

4.13 Respiratory diseases and good practice –occupational asthma

- The FOD Topic Inspection pack was being placed on the HELA Training Coordinator’s web site for EHOs.

- The new Asthma Board member- Scottish LA rep, Liz Corbett was launching several pilot projects to look at use of asthma causing substance usage within Glasgow and surrounding West of Scotland councils.

4.14 Legionella

- A new, free leaflet - Legionnaires' disease: Essential information for providers of residential accommodation (INDG376).
- A new, interim information sheet had been published (available at <http://www.hse.gov.uk/legionnaires/index.htm>) for managers/operators of spa baths - Legionnaires' disease: Controlling the risks associated with using spa baths.
- An updated video had been released- an introduction to the control of legionella bacteria in water supplies.
- Independent evaluation of Approved Code of Practice (ACoP) (Legionnaires' disease: The control of legionella bacteria in water systems – L8), conducted by Buildings Research Establishment (BRE), was finished, and final report being prepared for publication.
- The leaflet "Controlling legionella in nursing and residential care homes" (INDG253) was being revised.

4.15 Adventure Activities

- As part of the Review of Industry Advisory Committees(IACs), the Adventure Activities IAC was found to meet only 1 of the criteria, and HSC decided not to reconstitute it but encouraged members to create a new industry- lead body on their own initiative.
- DfES recently conducted a triennial review of the Adventure Activities Licensing Regulations which sought proposals for a new industry-lead scheme. The AAIAC contributed its own response, separate to that of HSC.

4.16 LA members felt that an oral update was extremely valuable but too much information to take in and asked if the HELA review look at how it could best be presented in the future. However, it was appreciated that this material would normally have been given in three separate presentations. LA members suggested a summary paper be produced before the meeting to give them an opportunity to discuss it beforehand and to raise any points at the meeting.

4.17 HELA welcomed Policy Group's commitment to the early involvement of LAs in policy work.

Action: Policy Division - It was agreed that a paper setting out the areas to be covered in the update would be provided for the next meeting.

5.Partnership working between HSE Scotland and Local Authorities - Stewart Campbell

HELA CP 83/03

5.1 Stewart Campbell welcomed HELA to Scotland and reflected on some of the joint working with LAs. HSE had developed arrangements for partnership working on a range of initiatives in Scotland, which took account of devolution and the different stakeholders. The aim in Scotland was to create within the HSC Strategy, a distinctive agenda to reflect Scottish Priorities.

5.2 The demise of the Scotland Office in the Cabinet reshuffle the week before HELA, was an issue as Scotland Office Ministers had taken a strong interest in reserved matters such as health and safety. HSE Scotland had maintained a good relationship with the Scotland Office, and hoped that the strong bond would continue under the new arrangements.

5.3 There had been a number of examples of partnership working regarding health including

- The Scottish Executive launched the 'Health Challenge' on 17 March. All levels of government in Scotland had joined together for the common purpose of improving health. One of the 4 main themes was the workplace. This initiative would attempt to link Occupational Health with the health improvement agenda and health promotion.
- The 'Safe and healthy working' initiative' - see Ann Halliday's presentation. (item 6 below).

5.4 Other examples of recent initiatives included:

- Closer liaison on legal matters, including LA representation at the annual meeting which HSE had with Crown Office and the Procurator Fiscal (PF) Service in Scotland. The discussions included the revision of the Enforcement Handbook for Scotland.
- There were difficulties in presenting Scottish enforcement statistics, and work was being done to show enforcement activity in Scotland more accurately. In addition, general moves in the

justice system (e.g. looking at electronic reporting of prosecutions and linking these to the Scottish Criminal Records Office system) could also improve matters.

- LA representation at a Social Policy lunch had been arranged by the Scotland Office Minister to discuss how health and safety improvements could be taken forward in Scotland.
- A joint Health Unit/Safety Unit road show had been held for LA inspectors in Scotland, which covered the priority hazards in HSC's Strategy and was attended by representatives of the 32 LAs. All LAs in Scotland had undertaken topic-based inspections using the same risk control indicators as HSE.
- Joint initiatives by HSE and LAs, had taken place, such as the inspection carried out during the setting up of last year's 'T in the Park' outdoor music festival in Perth and Kinross which focused on 'working at heights'- during the erection of the stage and other temporary structures.
- An LA representative attended meetings of the Scottish Health and Safety Revitalisers Forum to aid discussions on LAs' sectoral interests and enforcement role.
- HSE attended a number of events organised by REHIS.

Stewart Campbell hoped that the developing relationships and joint working would continue, and asked HELA for any comments or suggestions on future close working initiatives.

5.5 John Arthur added that there had been a lot of close working over the last 18 months/two years as the Scottish Executive had been taking an interest in work-based injuries, asbestos, cardiovascular and drink related injuries. He thanked Stewart for involving the Federation of Small Businesses and the STUC in discussions. He commented that the 'Safe and Healthy working' groups demonstrated good examples which would inform the HSC's Strategic Review of enforcement allocation and the HELA Strategic Review.

5.6 HELA welcomed the initiatives and hoped that this close working would be replicated across the country.

6. Occupational Health Initiatives in Scotland – Ann Halliday

6.1 The Scottish Executive had prioritised occupational health as a key element of its health improvement agenda to reduce absence from work, as this would have a positive impact on business, and the economy. It would also reduce the associated, avoidable pressures on NHS Scotland, in particular, primary care.

- There were 243,400 businesses in Scotland employing 2.3 million people;
- Of these, 149,245 were sole traders;
- 98% employed less than 50 people, and 92% employ less than 10 people;
- SMEs accounted for 51% of the Scottish workforce;
- Scotland heads the regional figures for sickness absence – 10 days per year compared to 8 days in England.
- 15-24% of GP consultations were due to work related ill health

The drivers for this initiative were *Working Together for a Healthier Scotland (1999)*, *Securing Health Together (2000)*, *Revitalising Health and Safety (2000)* and the Health Improvement White Paper (2003).

6.2 In 2001 the Small and Medium Size Enterprise (SME) Occupational Health Implementation Group was established to advise the Scottish Executive on action which might be taken through NHS Scotland to enhance occupational health services in workplaces, with particular emphasis on SMEs. In 2002, Health Ministers endorsed the report of the SME Occupational Health Implementation Group, and NHS Chief Executives had agreed to deliver the service through a 3-region structural approach. The aims were to

- Increase awareness of Occupational Health and Safety issues with SMEs and their workers and enable them to address these issues;
- Work with partner organisations to raise awareness of the importance of Occupational Health and Safety policies in SMEs;
- Empower organisations to improve employees' health and well-being.

6.3 The Safe and Healthy Working initiative would deliver through

- A National Advice line – 0800 019 2211. Occupational Health and Health and Safety professionals would staff this service. It would offer immediate confidential advice and guidance to SMEs, signposting other services as appropriate. The service would also seek consent to carry

out a workplace visit by the Regional SME advisor to assess the occupational health and safety needs within the company, if appropriate. It contains a pool of expertise from within the Regional Hub.

- Regional SME Advisors. These would be working within each NHS board, to ensure equity of access to SMEs. Their professional competence would be in either an occupational health or a health and safety field and they would
 - Conduct workplace visits and provide a workplace occupational health and safety needs assessment to SMEs to enable them to prioritise their health and safety requirements.
 - Ensure joint work plan between Occupational health services, Health and safety and other relevant parties, such as HSE, SHAW, Public Health, LAs etc.
 - Receive referrals from other services as well as signposting other relevant services.
 - Implement and manage the Expert Clinical Sessions.
 - Monitor and evaluate the regional service and liaise with National co-ordinator.
- Regional hubs would co-ordinate the regional resources, provide support for the regional SME advisors, and liaise in their access to expert advice from a variety of Occupational Health and Health and Safety specialists.
- Expert Clinical Sessions. This service component would be piloted in one NHS Board within each region and would provide expert clinical assessment by either an occupational Consultant, or occupational health nurse adviser at a monthly half-day session in each region. It enabled GPs to refer individuals for occupational assessment and would receive referrals from the Advice line and from Regional Advisors. It would commence in July 2003 for a 6-month period. Following evaluation, it was hoped that this service would be offered to GPs within all NHS Boards.
- Interactive Website. The Safe and Healthy Working website www.safeandhealthyworking.com had been specifically developed for SMEs, and provided information on Workplace Occupational Health and Safety issues, signposted other relevant organisations and services. It also had a facility for organisations to input queries and questions to the advisors and receive a response via e-mail or telephone.

The service was launched on 27 May 2003 and had received over 300 calls to the Adviceline within the first week. Over 70 workplace visits had been requested.

6.4 Responses from LA and HSE members had been very favourable. The scheme would be funded up to £2 million by the Scottish Executive via the tax on tobacco and delivered through NHS Boards.

6.5 Justin McCracken was very impressed with the scheme, and asked how it would be evaluated. Evaluation would be done by an independent body- ENTEC UK ITD starting in June 2003 and would use a combination of tools including a central database recording the details of advice line calls, which generated monthly statistics, and provided real-time information on how the service was performing.

6.6 No targets had yet been set (such as reducing working days lost), as this was a very new service. However, this was something that they were looking to develop and would form a part of the ENTEC evaluation. LA members felt that HELA should look to see how it could adapt techniques from this scheme in passing on advice and information to the LA sector.

6.7 Bill Myers felt that it was another example of good practice from Scotland.

7. Presentation on the role of LACORS in Health and Safety – Derek Allen/Mark DuVal

7.1 The Local Authorities Coordinators of Regulatory Services (LACORS) had received funding of just over £100k from April 2003 to begin developing a local authority coordination and support role for health and safety enforcement in England and Wales.

7.2 LACORS is a local government body created by and accountable to the Local Authority Associations (LGA, WLGA, CoSLA and NILGA). The funding for health and safety provided for LACORS had been agreed by the LGA for England and the WLGA for Wales. LACORS would discuss with CoSLA how it could provide a similar role in Scotland.

7.3 LACORS would attempt to add value, and support LAs in health and safety. It would want to work with current support arrangements and not duplicate nor compete with such. Regulatory services, and health and safety in particular, had slipped down the agenda in local authorities, LACORS would work towards raising its profile again. LACORS already provided comprehensive advice on trading standards and food enforcement. More recently its remit had embraced licensing reform and the registration service, and there was a synergy between many of these areas with health and safety. LACORS would seek advice from HELA on how it could be most effective.

7.4 LACORS would look to influence the agenda for regulatory services. There was concern that there was not enough commitment currently at the higher levels of local government towards health and safety, LACORS would contribute towards corporate capacity building as they could

- Contribute to reviewing performance;
- Meet the needs of communities;
- Drive continuous improvement;
- Address poor performance.

7.5 LACORS was committed to looking at LA regional arrangements and not running a 'London-centred' organisation. LACORS would

- Build on current support and coordination;
- Provide information services to Elected Members and officers;
- Support LA members on HELA etc;
- Support the local government Health and Safety Commissioner;
- Learn from the HSE accountability framework;
- Work with HSE's LAU in context of revitalising strategy.

7.6 LACORS welcomed HELA's endorsement of the extension to their remit and would work with HELA to prioritise its activity for 2003/4.

7.7 It was recommended and agreed that LACORS should become a member of HELA. It was also felt that a representative of LACORS should join the fundamental review of HELA working group. LAU welcomed LACORS involvement. Rod Denley-Jones said that having a LACORS member of staff on secondment at the WLGA benefited them greatly in their discussions with the Welsh Assembly.

7.8 There was a need for an early 'win' to show commitment. LACORS was working with the LGA and other central bodies and relevant professional bodies to address the issues of recruitment and retention issues within local government regulatory services including health and safety.

7.9 LACORS involvement would help promote the issue and potentially lead to an increase in resources. The LGA Public Protection Executive had taken an interest in health and safety for LAs, both as employers and enforcers and saw it as needing a better link with the local government Health and Safety Commissioner. The LGA PPE also was a useful group in that it embraced other regulatory services such as building control that may have an increasing role in the future.

7.10 Justin McCracken welcomed the involvement of LACORS. Their vision and high quality, and consistent services appealed to HSC and he welcomed its contribution to the HSC 's Strategic Review, to the HELA Review and to raising the profile of health and safety at senior levels in LAs.

7.11 HSC was worried about 'persistently poor performers' and LACORS could assist this process, as they have previously been involved with the FSA targeting poor performers through self-assessment, peer review, and inter-authority audits. It could look at regional groups and political campaigning.

7.12 Allan Davies invited LACORS to be involved in the HELA Annual Conference, as this was the highest profile public event for HELA. Their involvement would raise the health and safety profile. LAU had invited a Government Minister to address the conference to help attract LA elected members from England, Wales and Scotland.

8. Guidance on the Performance Indicator for the management of Enforcement in LAs and progress report on the audit programme – Nick O'Donnell

HELA CP 84/07

8.1 Nick O'Donnell re-iterated the Performance Indicator (PI) for measuring compliance with S18 guidance. Action Point 27 of *Revitalising Health and Safety Strategy* (RHS) recommended that the HSC should work with LAs to develop a PI for LA's health and safety enforcement and promotional activity. The HSC and HELA had agreed that the PI should be established as a measurement of the extent of LA's compliance with the HSC's S18 guidance. Guidance on the PI and auditing was published in LAC 23/19 in January 2002. LAs carrying out inter-authority audits had indicated that further guidance on scoring against the PI would be very helpful. Draft guidance for scoring this PI had now been produced. This incorporated the comments of HELA members from the Technical Sub-Committee regarding the relative weighting of the indicator.

8.2 LAs compliance would be rated according to a weighted scoring table, which included some flexibility in measuring compliance with Section 18 Guidance. The scorecard had been augmented with evidence on compliance with S18, and what auditors should be looking for in judging compliance. HELA was asked to approve the draft LAC.

8.3 Nick updated HELA on the progress of the auditing programme to date. 10 Audits had been carried out since January; one of these was a re-visit to Copeland District Council. Nick was pleased

to report that Copeland was now fully compliant and had obtained 2 additional staff for health and safety work.

8.4 The positive outcomes of the auditing programme to date have been

- More resources for LAs;
- A raised profile of health and safety;
- Developed benchmarking and peer review;
- Increase in the commitment to the HSC's Strategic Plan and Priority Programme Topics.

Work on risk rating in conjunction with Alan Craft would be published on the HELA Training Co-ord website (www.trainingco-ord.org).

8.5 The auditing programme had highlighted the strain on LAs in coping with reactive work. LAs were motivated by different drivers than HSE (e.g. requests for services from MOPs). There had also been a lack of monitoring and a use of its Powers of Direction by HSC.

8.6 HELA members welcomed the paper and the LAC. Minor issues were raised concerning a reference to the number of FTEs in the guidance, which were subsequently removed. They also felt that the 4th column of table 3 should be bulleted more. They asked for it to be made available in a non-pdf electronic document format. Members felt that this guidance had the potential to be used in many different ways, in particular as a training tool.

8.7 HELA agreed the LAC.

9. Report on FOD's work in support of HELA - Jeanette Reuben

HELA CP 84/08

9.1 Jeanette Reuben reported on FOD's work to support LAs. The paper was only able to offer a snapshot of the work carried out but examples of work included: on the priority topics, FOD Safety Unit and others had given presentations to regional local authority seminars on slips prevention at work, and the Health and Safety Units had run two road shows in Glasgow and London on RHS priorities. Safety Unit, working with LAs and FOD, had also co-ordinated a programme of awareness-raising events for stakeholders on slips and trips. The Topic Inspection packs prepared by FOD had been made available to LAs and common training was also being developed.

9.2 LAs had continued to be included at an early stage in negotiations, for example LA involvement in national liaison fora (where the industry concerned was inspected by both HSE and LAs) had been maintained. Also, a joint HSE/LA/Industry liaison group for the road haulage industry had been formed in recognition of the industry's size and its contribution to the national RIDDOR accident and ill-health statistics.

9.3 The report however dealt mainly with the work of the Enforcement Liaison Officers (ELO). FOD planned a total of 847 days ELO works last year, of these 659 were recorded as spent. However, these figures were known to be an underestimate, as numerous phone calls and inquiries dealt with quickly were not recorded and certain items of specialist support could not be recorded (e.g. use of staff from HSL). Jeanette believed that FOD was indeed spending in excess of 1 staff year per division on the ELO function. FOD had also re-organised to focus on priority sectors and topics, and to coincide with boundary changes and these may too have contributed to under recording.

9.4 HELA welcomed the report, which they said improved every year and thanked the ELOs for their contribution. Concerns were raised about the suggestion that no ELO work had been planned in London and ESE region. Jeanette informed members that the planning data had been downloaded directly from the computer system and simply reflected figures inputted, although it was clear from the outputs that much joint work had been going on including support from ELOs, specialist staff, the compliance officers and others together with the HSE assistance given to Camden Council to support their bid for a full-time health and safety advisor for SMEs. Concerns were expressed that London was increasing its ELO resource in 2003/4 by 0.5 staff years, whilst the rest of the country was increasing its ELO resource by 1 staff year. Jeanette explained that London was a smaller FOD Division even though it probably had a higher proportion of LA enforced premises.

9.5 A question was raised about the guidance, including the revision of HSG 55, being produced by the Hospitality Industry Liaison Committee. FOD and LA representatives were involved in this committee, and HSE would be leading this work, which would be accredited by HELA. Looking to the increased joint FOD/LA working in 2003/4, the ELO Conference in November would facilitate the early sharing of good practice with wider promulgation being possible at the HELA conference later in the year.

10. Report on the HSC Strategic Review - Role and function of LAs – Allan Davies/Peter Brown HELA CP 84/06

10.1 HSC was developing its Strategic Plan for 2004 onwards. Six key strategic issues had been identified that needed to be addressed if the HSC was to achieve its mission and vision:

- Tackling new and complex health issues;
- HSC's role in the public protection and security agendas;
- The role of local authorities;
- Responding to a changing economy;
- Reacting to a changing world;
- How HSC manages its business and reputation.

The third key principle was the role of LAs, which would be linked to the review of the Health and Safety (Enforcing Authority) Regulations 1998 (EA Regs). Following consultation of the first draft of the reviewed regulations, HELA Tech Sub members expressed concerns that the review was not comprehensive enough. At the same time similar concerns were expressed by the Chair of the Commission who requested a report to the Commission exploring the wider strategic issues of local authority enforcement.

10.2 The HSC Strategic Review began with a working group consisting of HSE and Local Authority members. It had its first 'brainstorming' meeting on 7 May 2003, and identified a range of options. LACORS also invited comments on the outcome of the brainstorming session from Chief Officers around the country. The next meeting of the Strategic Review working group would be on the 1 July.

10.3 Following the generation of options, the group would rationalise the options and identify recommendations for the Commission. A public discussion document would be launched in mid-July with a 1-month response time. It would be circulated to LAs and HELA members. A report would be produced and submitted to the HSC in September. This then would link to the HSC Discussion Document on the whole HSC strategy on public protection and security issues.

10.4 Several key themes have emerged that would be explored in the review – there would be a move away from a legislative approach to a more pragmatic approach to enforcement that:

- Acknowledged the constraints of LAs/regional structures;
- Clarified roles and accountability;
- Focused on high risk;
- Targeted low risk for self-regulation/low intervention;
- Linked with other Govt initiatives on well being/economic vitality;
- Explored business behaviour;
- Explored involvement of elected members.

Allan Davies felt that the review was an opportunity to show how LAs and HSE could work together, and he called for a maximum input of ideas from LAs.

10.5 LA members were concerned that July was not a good time to be consulting, and they asked for the longest time that would be possible for the process. However, HSE/C were not in control of deadlines as they were driven by the government spending review timetable. Summer would be the initial consultation, with a further Consultation Document being issued in the autumn.

10.6 Allan Davies introduced the new HSE Manifesto. HSE had developed a new vision and mission for health and safety that would be the foundation for future work building. There was a need to inform LAs about the agenda. The Mission statement of the Health and Safety Executive is:

- ***“To protect people's health and safety by ensuring risks in the changing workplace are properly controlled”***

The HSE's vision on health and safety is

- ***To gain recognition of health and safety as a corner stone of a civilised society, and with that achieve a record of workplace health and safety that leads the world***
- A mission is what we hope and intend to achieve on a day-to-day, month-by-month and yearly basis. It should inform our daily activities, and be a yardstick for everything we do.
- Our new mission is consistent with many of our current practices, but reflects the need to constantly identify and address new challenges to health and safety in the workplace

10.7 The UK health and safety record is envied around the world, and it was felt that we wanted to remain world leaders.

10.8 LA members felt that HSC needed to consider pragmatic arrangements for enforcement, in order to influence business behaviour. Research was needed to establish if the inspection regime was suitable for business. There were concerns that with such a short timescale, LAs would not be

able to contribute but they were reassured that LA members would have the potential to identify longer-term issues as HSC was looking 10 years ahead in this review. The Commission would consult HELA at the lunch in October and the timing of continuous dialogue would be set out in the Commission paper.

10.9 Justin McCracken said that HSC needed to fit in with the Government spending review to have a chance of obtaining increased resources for health and safety. The RHS initiative and DWP had asked tough questions about how HSE conducted and evaluated its business. By the end of June, HSC would be issuing a discussion document on how it conducted its business, which would include issues such as enforcement by HSE and LAs and the effectiveness of inspection.

10.10 The discussions continued. From taking up his appointment, the DWP's new minister, Desmond Browne had shown a great deal of interest in health and safety. He would be visiting Rose Court in June, attending a Commission meeting and had agreed to address the HELA Conference in December 2003. There was a need to bring together the planning and finance cycle to coincide with local government timetables. This would be explored as part of the HELA Review.

10.11 Bill Myers asked for briefing for Public Protection Committee meeting.

10.12 There was a group organised by the Office of the Deputy Prime Minister (ODPM) that brought together all enforcing authorities in LAs to provide a holistic approach.

10.13 Mark Du Val said that he had a meeting at the LGA, which produced a report, looking at strengths and benefits of LAs, which showed LAs to be very positive and delivering excellent work in difficult circumstances. **ACTION:** Allan Davies and Trish O'Flynn to brief LGA on the Strategic Review for their meeting with the Public Protection Committee, and would offer the same briefing via Bob Christie to for CoSLA.

11. Fundamental Review of HELA – update – Allan Davies

HELA CP 84/05

11.1 At the last meeting of HELA, Allan Davies gave a presentation on the result of the report of the working group. There was broad support for the direction that the working group had identified, however they were asked to flesh out some issues.

- Practical issues in getting the structure off the ground;
- Identifying the responsibilities of the various 'levels';
- The role of LACORS.
- A three-fold division of HELA was envisaged

11.2 Strategic Board

This group should be involved in policy formulation for local authority enforcement. It would meet three times a year and its main functions would be to:

- Advise, influence and consult the Commission;
- Set direction for local authorities;
- Liase on policy development within HSE;
- Establish priorities for local authorities;
- Liase with HSE on delivery;
- Develop links with business and trade unions;
- Engage in cross government working e.g. housing, food safety etc;
- Report local authority activity to the Commission;
-

Produce an Annual Report. The Board would hold regular meetings with the Local Government Commissioner and would invite Commissioners to attend as observers.

11.3 Technical/Operational Management

This group would effectively develop the tools required and deliver the policy decisions. It would meet up to six times a year and its main functions would be to: -

- Translate policy and strategy decisions of the Board into deliverables;
- Receive views and information from Regional Groups;
- Inform strategy formation;
- Monitor service delivery and inform on emerging issues;
- Plan at an operational level, particularly joint working activities;
- Produce technical guidance for local authorities;
- Report to the Strategic Board;

- Analyse trends and operational data;
- Support the sector role in developing standards and compliance and targeting of enforcement;
- Assess training needs of local authorities.

11.4 Regional Groups

These groups at the 'sharp end' working closely with ELOs and supported by LACORS would deliver the function the targets. They would meet according to local need and in conjunction with the existing County/CIEH/Chief Officer Groups. The clear function of such groups would be to: -

- Deliver health and safety enforcement at the local level;
- Coordinate and ensure consistency of application;
- Synthesize information through the structure;
- Develop and share good practice;
- Inter authority auditing and coordination;
- Work with intermediaries;
- Link with regional business organisations;
- Develop practical solutions;
- Represent the region at the Technical and Strategic Board level.

11.5 John Arthur welcomed the HELA Review as a pro-active part of the health and safety system and the HSC Review for giving support to Local Authorities and responding to the Government and HSC. He highlighted the need for single-issue guidance, which should be drafted from the outset for both enforcing authorities; and asked HELA to take forward resource building for the sub-groups. He wanted policy issues to be identified from enforcement officer level right to the top of Local authority management. This would enable HELA to be able to identify policy issues from operational areas and oversee enforcement and advisory issues. Jeanette Reuben noted that the review of the Sectors, and the Health /Safety Directorates would mean more integration with LAs.

11.6 There were implications for the HELA review from the HSC Strategic Review, so it was agreed to postpone any further work until the outcome of the latter was known.

12. Evaluation of the Priority Programme Data on Salford University – Training Coordination website – Moira Buchan/Norma Ford HELA CP 84/09

12.1 The HELA Training Coordination site was launched in October 2001. Once in use it became evident that the web site provided a technological infrastructure, which was capable of promoting and supporting communications and information sharing (both between HSE and LAs and between LAs) on the Priority Programme areas including the collection of real time data. Development work to extend the portal to include Priority Programme areas commenced in February 2002 and was completed in September 2002. An evaluation of the extended web site was undertaken during February and March 2003.

12.2 38 officers from LAs and health and safety liaison groups attended three forums to identify the strengths and weaknesses of the project. Major strengths were identified as

- Relevant/Good quality content;
- Functions of the site;
- Potential for future development.

The main weaknesses were seen to be

- Lack of awareness of portals existence by enforcement officers/managers;
- Insufficient content/not adapted for LAs needs;
- Lack of 'two-way' involvement from LAs.

12.3 The extended Co-ordination web site had 4 objectives:

- to provide information to LAs about training issues;
- to provide information to LAs about Priority Programmes (PP) issues;
- to promote consistency of enforcement; and
- to provide feedback to LAs from HSE about PPS.

12.4 The evaluation found that users felt that the portal was fulfilling its functions of providing information about training and PPs, but that it had the potential to do more. It was felt that the portal tended to be used as a 'resource bank' for LAs, rather than a two-way communications tool.

12.5 Suggestions for modifications that arose from the evaluation were

- Improvements to appearance of site;
- Provision of separate discussion boards for each of the 4 Scottish health and safety liaison groups;
- The facility for LAs to interrogate the New Ways of Working data to enable them to receive statistical data about the number of visits and their outcomes;

The software developments to incorporate these changes had now been completed, and it was expected the updated portal would be available by mid-July.

12.6 Moira Buchan who is the LAU project manager hoped that HELA felt that this portal was a useful site as it had arisen out of the HELA Training Strategy. To disseminate good practice LAU would be approaching the HELA award winners to ask them if their work could be posted on the site. The Topic Inspection Programme data was highly valued by Priority Programme Boards as it allowed the collection of real-time data about enforcement. The EMM and the accompanying LAC would be posted on the website, together with the Power Point training. There was a huge potential for HSE and LAs to utilise the database of information in different ways. A further development would include the group Communications forum.

12.7 The Salford Team would also be consulting LACORS to compare their facilities. Priority Programme Boards had committed resources to continue the website for another year. Moira asked HELA for a steer on how to continue the financial support for the site.

12.8 LACORS agreed that there was potential for linking in with national e-government projects.

12.9 LGA said that there was a lot of support for this work. Information sharing was very important. Justin McCracken asked about the arrangements for updating the information on the site and why we needed two websites (HELA and Salford). Norma responded that the Training Coordination website could be programmed to automatically remove material that was past its use by date. Moira noted that the Co-ord site had been designed for a specific audience - LAs - and consequently could be more focused whereas the HELA website was a public access site.

13. Proposed new HELA website for comment – Paul Edens

HELA CP 84/11

13.1 The new template for the HEAL/LAU website was outlined to members. LAU were re-designing the LAU/HELA site in line with the new HSE template that had been rolled out over the past 18 months

13.2 The current site was in the old template format and was outmoded. It also contained out-of-date information and was difficult to amend at short notice. As a result of this LAU had been re-developing the LAU/HELA web pages to fit the new template and ethos. The development had been taking place on a secure 'testbed' section of the HSE site.

13.3 LAU were working to provide better, more comprehensive and up-to-date information on these new pages, and the improved design and structure would enable quicker access for users to relevant guidance and information.

14. Proposals for changes to the HELA 2003 Annual Report Package – Alan Plom/David Leigh

HELA CP 84/12

14.1 Alan Plom informed members on the proposed changes to the format, presentation and targeting of the HELA annual report package.

14.2 It was proposed that the information contained in the existing annual report would be divided into two new publications. The *Activity Report* would contain details of LA activity during the past year. It would be aimed at health and safety practitioners and made available primarily online, although a limited number of copies would be printed and one copy would be supplied to each LA, for reference purposes. The companion *summary report* would have a more political audience, in particular, elected members and Chief Executives It would be a glossy, short but sharp publication that would hopefully be provocative and would aim to emphasise the key messages drawn from the most recently published statistics, as well as the headline statistics themselves, policy response, executive summary etc.

14.3 The *National Picture* would also be a slimmer, sharper publication, with more use of charts to aid presentation. Latest injury and ill-health figures for the local authority enforced sectors would be

presented, along with other more detailed information on these sectors, and an expanded Revitalising section.

14.4 The launch would be again at HELA's Annual Conference as this was successful last year. Research would be carried out to evaluate the use and impact of the new format of the Report package on LAs' approach to health and safety enforcement, resources and benchmarking.

15. Any other Business – Bill Myers

15.1 HELA CP 84/20 – Fire Safety Legislation

- Allan Davies said that the *Bain Review* of the Fire Service last year, recommended a move towards a greater pro-active role in fire prevention for fire fighters. New fire safety legislation would be developed by the ODPM moving towards a risk-based approach. There would be a new career structure for fire fighters, which would include training to enable them to carry out their new roles. HSE would work closely with the Fire Service to resolve the demarcation roles between fire-fighters and HSE/LAs. It was suggested it could be resolved by using the PARSOL project, which was part of the Wandsworth Pathfinder Project.

LAPS

- The Chair of the meeting thanked David Wildey, who had completed his secondment with the LAU and returned to Westminster City Council for his contribution to the Lead Authority Partnership Scheme work, as well as numerous other contributions made by David in his time with HSE.

HELA Lunch with the HS Commission

- Members were informed of the Health and Safety Commission's lunch on 14 October. An invitation would be sent from the Chair of the Commission to all members. It was suggested that the next meeting be held before that date, predominantly to discuss the issues to be raised with the Commission. But also to align the LA planning cycles with any policy issues emerging from the HELA meeting.

Action: LAU to arrange the next HELA meeting in early October after canvassing members for available dates.

- **Secretary's note:** next HELA meeting will be on **10 October**, with HELA lunch on **14 October** and the Tech Sub Meeting on **20 November**.

LAU July 2003