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HELA

Review of the 2014/15 data return to identify Local Authorities who appear to be struggling to implement the National Code

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Issue

1. This paper provides HELA with insights from a review of the 2014/15 Local Authority (LA) data return, carried out to identify those LAs that may be struggling to implement the National Code (potential 'outlier' LAs).

Timing

2. For discussion at the HELA meeting on 20 April 2016.

Recommendation

3. HELA are asked to:
 - a) Consider what further action could be taken to help LAs deliver a consistent, proportionate and targeted approach to regulatory interventions in line with the National Local Authority Enforcement Code for Health and Safety at Work in England, Scotland and Wales (the Code).
 - b) Consider and comment on the approach for "outlier" consideration proposed for the 2015/16 data return.

Background

4. HSE received 348 LAE1 data returns from local authorities (some as joint responses) for the period 1 April 2014 to 31 March 2015, a 92% response rate. The data supported the view that the majority of LAs are complying with the Code (see HELA paper H19/01).
5. At the last HELA meeting members expressed the need for a more detailed analysis of the LAE1 data return to better understand those LAs whose performance differed from others and whom may be having difficulty in implementing the Code.

6. LAU undertook a review to look at the potential 'outlier' LAs and the reasons behind the data.

Issues identified

LAs not submitting an LAE1 return.

7. 30 LAs failed to submit a data return for 2014/15. There is no evidence to indicate that any one LA persistently fails, year-on-year, to submit an LAE1 return.
8. However, one LA has informed HSE that they will not be submitting future LAE1 returns since they are aiming to reduce the burden they feel they are under in reporting their activity to central Government. HSE has responded to the Head of Planning and Public Protection Services in the council to stress the importance of the LAE1 return and their duty under the National Local Authority Enforcement Code for Health and Safety at Work in England, Scotland and Wales.

LAs recording no proactive inspections/reactive interventions

9. LAU invited the 79 LAs reporting they had undertaken no proactive inspections to respond to a short on-line survey. 42 LAs responded and follow up telephone calls were made.
10. The most common reasons for no proactive inspection being undertaken were: no premises identified as suitable for inspection (50%) and resource issues (40%). Resourcing issues raised were:
 - a) Other local priorities took precedent e.g. major investigation or food safety issues;
 - b) Temporary staff sickness/absence, or
 - c) Lack of allocated resources so only doing reactive work (LAs felt that as they faced no sanction from HSE they could afford to cut back on H&S resource as opposed to other LA duties).
11. Only two LAs reported undertaking no reactive interventions, one had until recently used neighbouring LAs resources to undertake interventions but are now reinstating their own service, the other may be struggling to implement the Code.
12. There were also a few cases of under reporting due to miss-classification of activity using LAE1 categories e.g. LA could not extract from their system if the intervention was a proactive inspection or a response to a complaint, an LA had confused classification of public health and occupational health and safety work so could not report it on the LAE1.

LAs recording notably higher numbers of proactive inspections at B1, B2 and C rated premises or high numbers of other visits

13. 24 LAs were identified as having carried out a high number of proactive inspections or high number of other visits (face to face or targeted not face to face contact e.g. direct mailing) and were contacted by phone.
14. The reporting of a high numbers of B2/C visits often arose due to misreporting/recording e.g:
 - a) Using risk ratings to record proactive inspection data meant that a number of LAs were using historical ratings (B2s/Cs) to record visits which had been undertaken based on local intelligence (and therefore meeting the requirements of the Code), or
 - b) Matters of evident concern (MECs) being wrongly recorded as proactive inspection when they had been identified in the course of food safety or other visits.
15. However, amongst the 'outliers' 2 LAs reported they had identified local issues they wished to pursue, and despite the Code/LAC 67/2, they had put their plans to their elected members, who agreed to the programme. This meant they had undertaken inspection programmes which did not align with the requirements of the Code.

Plans for 2015/16 data return

16. LAU intends to monitor returns as LAE1 data is submitted (1 April to 27 May). LAU will query any potential 'outliers' as their data is submitted to clarify the reasons behind any possible anomalies. Details of 'outlier' activity will be included within the HELA paper analysing the 2015/16 LAE1 data which will be presented at the autumn HELA meeting.

Action

17. HELA members are asked to:
 - i) Note the outcomes from the review of data and indicate whether the themes identified during the review should be published as an Annex to this paper;
 - ii) Comment on the proposed plan for the analysis of 2015/16 LAE1 data; and
 - iii) Discuss what actions HSE/HELA should consider to support LAs in adoption/compliance of the National Code in the future.

Contact

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