

Open Government status: Open	Paper Number: H19/02
	Meeting Date: 20 October 2015
Exempt material: None	Type of Paper: Above the line

HELA

Review of data collection from Local Authorities

A Paper by Shirley Howes (LAU)

Cleared by Kate Haire on 7 September 2015

Issue

1. To achieve a better understanding of implementation of the National Local Authority Code for Health and Safety at Work, and to develop a more effective approach to data gathering, HSE carried out a review of the data requested from Local Authorities (LAs) via the LAE1 form.

Timing

2. For discussion at the meeting on 20 October 2015.

Recommendation

3. HELA is invited to:
 - a) consider the findings of this review;
 - b) endorse the proposals; and
 - c) support HSE and LAs in their implementation of the revised LAE1 form.

Background

4. In January 2015, HELA endorsed HSE's proposal to undertake a light touch review of the LAE1 data collection form (see paper [H18/03](#)). This proposal gave a commitment to return to HELA in autumn 2015 with details of the recommended amendments following completion of the review.
5. The key objectives of the light touch review were to:
 - determine the benefits/limits of current data collection;
 - identify possible improvements to data collection, without placing additional burdens upon LAs;
 - improve HSE's ability to understand LA regulatory activity and identify outliers, and
 - provide operational intelligence to help improve the national targeting of regulatory resources.

Discussion

6. The review was undertaken in an inclusive manner and involved engagement with stakeholders including:
 - LAs practitioner representatives in England, Scotland and Wales via:
 - Online survey and webinar
 - Direct consultation with officers who agreed to assist in the review
 - PF members
 - HELA
 - IT providers to the LAs
 - HSE statisticians and social scientists.
 - Devolved administrations
 - DCLG

Findings

7. The LAE1 annual return was widely supported by LAs as a simple means of providing HSE with national data on LA activity in the form of the numbers of notices, inspections and other planned interventions, along with details of the workforce required to deliver such work. However, LAs felt the LAE1 needed updating to better align to current ways of working as a result of the adoption of the National Code and changes in supporting guidance, especially to LAC 67/2 Rev 4/4.1.
8. The majority of LAs now prefer to submit data via the HSE provided electronic submission facility, finding it simple and efficient. However, HSE will continue to provide email and postal submission routes for those LAs preferring those methods.
9. The proposed LAE1 amendments will address the key issues raised by LAs, during the consultation process by:
 - simplifying questions regarding staff resources;
 - allowing for clearer reporting of the drivers for proactive inspections;
 - allowing for the recording of visits to previously unrated premises;
 - simplifying the reporting of cases reported to the Procurator Fiscal but not taken;
 - giving LAs a clear steer on how to report issues affecting their work e.g. new/emerging local issues, and
 - not increasing the reporting burden upon LAs.
10. IT providers confirmed that the proposed changes could be built in to the common LA IT software systems in time for 2017 data collection.

Options for Change

11. Taking the above into account a modified version of the LAE1 is proposed in Annex 1. The parts of the LAE1 which have been changed are marked in **red text**, with additional explanation in the **red arrows**, and includes two alternative options for Table 2.
12. Table 2, Options 1 and 2 relate to the recording of proactive inspections:
 - a. Option 1 – Would require LAs to report if their proactive inspections were targeted with either national or local intelligence. It removes the need to record the risk category of the site as this information relates to the previous site inspection and is often out of date and so may not be relevant to the decision to proactively

inspect. As this change focuses on the reason for a proactive inspection it is likely to be more future proof.

- b. Option 2 – Continues the current reporting system LAs are familiar with and enhances it so LAs can simply record proactive inspections to sites they have not previously rated. This change is likely to be less future proof than Option 1 as HSE is currently adopting a new site rating system, which once established, we will consider for LA adoption.

13. LA reporting using either Option 1 or 2 would still allow the identification of potential outliers based upon the number of proactive inspections being undertaken in comparison of other similar LAs.

Proposed Actions

- 14. HELA is invited to consider the suggested changes to the LAE1 including which one of the two possible changes to the recording of proactive inspection it wishes to endorse.
- 15. HSE's LAU will take forward the suggested LAE1 amendments and implement them for the data collection in spring 2017, capturing work activity for 2016/17.
- 16. If the proposed LAE1 revisions are adopted, LAs will need to be fully engaged so they have the data available to implement them. HSE would look to HELA members to help promote the revised LAE1.

Contact

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Local Authority Health and Safety Return 20XX

This return relates to the period 1 April 20XX to 31 March 20XX

Local Authorities should input the data on HSElex by **XX XXX 20XX**

The LAE1 is designed to capture activity and information relating to occupational health and safety regulation. The information is shared with the Chartered Institute of Public Finance and Accountancy.

Information relating to petroleum and explosive licensing visits are outwith the scope of the LAE1

Local Authority name <i>(For multi-authority submissions list all participating authorities)</i>	
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HSE use only	LA Code Number	LA type
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VALIDATION (Head of Service or above) - "I confirm the data contained on this form is an accurate record of health and safety regulatory activity"

Name..... **Position**.....

If you need any help completing this form contact LAU lau.enquiries@hse.gsi.gov.uk

Contact details of the person responsible for the completion of this form and to whom any query should be addressed

Name

Job Title

Telephone number

Email Date

Table 1 Staff resources devoted to health and safety enforcement work – at 31 March 20XX

Number of HSWA Warranted Officers	Simplified questions on staff resources
Full Time Equivalent of warranted officer's time spent on HSWA activity (FTE equivalent eg: 1 officer spending half their time on health and safety = 0.5 FTE)	

Warranted Officers - include all Environmental Health Officers and Technical Officers, plus any contractors or agency staff, appointed under s19 of the Health and Safety at Work etc. Act and who are authorised to exercise at least some of the powers under: sections 20, 21, 22 and 25 of HSWA, any health and safety regulation or any other relevant statutory provision.

**Table 2: Summary of local authority health and safety activity
1 April 20XX – 31 March 20XX**

Only include information where health and safety was targeted as a priority for intervention
For guidance on targeting and recording interventions for this return see:

- [National LA Enforcement Code](#)
- [List of higher risk activities in specific sectors suitable for proactive inspection \(the 'List'\)](#)
- [Supplementary Guidance](#)
- [LAC 67/2 \(rev4.1\) \(Annex G\)](#)
- [Guidance on Combining H&S and Food Inspections](#)

Intervention type		Number of Inspections Interventions/Visits (each intervention must be counted only once)		Guidance
	Proactive inspection targeted using	National Intelligence	Local Intelligence	
Proactive inspections	Risk category A		OPTION 1 New 'intelligence' categories to show the drivers for proactive inspection And the removal of the need to record previous risk ratings	Proactive visits should only be undertaken as part of an HSE led national campaign or if targeted by local intelligence. Record proactive inspection activity only where the premises were targeted for HSWA intervention. Record activity against the rating category prior to the inspection. Do not record issues encountered that were incidental to other regulatory work e.g. matters of evident concern noticed and dealt with during a visit for another purpose.
	Risk category B1			
	Risk category B2 and C			
	Previously unrated			
Non-inspection interventions	Other visits/face to face contacts		OR OPTION 2 New category to aid recording of previously unrated sites and no new 'intelligence' categories	Any visit/face to face contact to educate, advise or engage dutyholders, employees or other bodies such as trade associations e.g. awareness days and advisory support visits.
	Other contact/interventions			Any other targeted contact (not face to face) to educate, advise or engage dutyholders, employees or other bodies such as trade associations e.g. to raise h&s awareness through provision of information packs. Do not include non-targeted general newsletters, service magazines or the number of website hits.
Reactive visits	Visit to investigate health & safety related incidents			Record the number of actual visits made under the relevant category. HSE has developed a risk-based approach to complaint handling and incident selection criteria (LAC 22/13) which LAs should adopt to help target interventions and make best use of resources.
	Visits to investigate health & safety complaints			
	Visits following requests for h&s service from businesses			
	Revisits following earlier intervention			Visits following an earlier intervention to confirm action previously required has been completed e.g. to check compliance with notices.

Continued...

Table 3 Number of enforcement actions 1 April 20XX – 31 March 20XX

(Please note that notices issued at HSE enforced premises under the flexible warrant scheme should not be included in this table)

(a) Improvement notices	(b) Deferred prohibition notices	(c) Immediate prohibition notices	(d) Simple cautions

Simplifying reporting of SPF cases

(d) Number of simple cautions (non-statutory procedure) to secure compliance of health and safety in England and Wales. [Note you no longer need to submit the number of cases submitted to the Scottish Procurator Fiscal as we will get this information from the PF]

Thank you for completing this form

Table 4 Comments (voluntary – not part of the LAE1 return)

If you wish to provide brief comments to give further background/explanation of your reported data please include this here. Issues other LAs have comment on in the past have included:

- Anomalies or other local issues that impacted on this years' work delivery
- Local intelligence lead projects
- New and emerging issues
- The MECs that have generated the most significant amounts of activity
- Primary Authority Work

Providing a clear steer on how to report local issues within the free text area of the form

Local Authorities can input their data on-line using HELEX

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