

Minutes of 1st New HELA meeting on 21st March 2006
Fortune room, Rose Court, London
13.30 – 16.00

Summary of decisions

1. Terms of reference were agreed – to be amended to include reference to Partnership Managers' role and senior HSE staff involved in the partnership. CIEH and REHIS to be invited to be co-opted on to HELA.
2. The principle of task and finish groups was agreed.
3. Papers from LBRO steering group to be circulated to members by Giles Denham. HELA members encouraged to send comments back to Giles Denham.
4. LACORS to disseminate messages from LAU about LA reporting arrangements for FIT3.
5. Allan Davies and Mark DU Val to send round proposal to HELA on remit of the task and finish group on LOPP issues within one week if possible. Phil Scott via LAU to contact current LA LOPP participants to ascertain if there are any funding issues.
6. Agreed that Joint Chairs of HELA should make decision on any disputes of Enforcing Authority demarcation that cannot be resolved locally.
7. Items for LGP Agenda: performance and monitoring, wider communications and Section 18 issues raised at the Steering group. Initial draft paper to be produced for HELA on performance monitoring and circulated within 2 weeks if possible.
8. Date of next meeting – LACORS to finalise.

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Attendees:

Members of HELA

Malcolm Mathias – East Riding of Yorkshire Council (Chair)

Justin McCracken – Deputy Chief Executive of HSE (Alternate Chair)

Tim Galloway – Head of CACTUS (HSE)

Darran West – Environmental Health Manager, Chesterfield Borough Council

Phil Scott – Director of LA Strategic Programme (HSE)

Kim Pugh – Environmental Health Manager, Monmouthshire - representing Welsh LAs

Giles Denham – Director of Policy Programmes (HSE)

David Evans – Society of Chief Officers of Environmental Health (Scotland)

Peter Dodd – Partnership Manager

Max Walker – HSE's Hampton Implementation

Mark Du Val – Assistant Director, LACORS

Allan Davies – Head of LAU (HSE)

Sean Edwards-Playne – LAU, joint HELA Secretariat

Sarah Moore – LACORS, joint HELA Secretariat.

Stefanie Holbrook – DTI, LBRO project manager

Jonathan Russell – Deputy Head of Division for Business Involvement & Enforcement Policy

Jenny Eastabrook - HSE Directors Cross Cutting Division

Item 1 Introductions were made – there were no apologies.

1.1 The Chair welcomed all to the inaugural meeting of the new HELA saying it was an exciting time for health and safety and an opportunity for everybody to continue improving working together to deliver HSC's agenda. He hoped HELA would have open and frank discussions to enable them to influence and shape future thinking and strategy.

1.2 Justin McCracken indicated he was the HSE board member responsible for the partnership and he saw new HELA as an opportunity to take forward and build upon the work already undertaken over the last few years and see effective and genuine partnership working.

Item 2 New HELA structure and working methods

2.1 Issues to discuss - Do the terms of reference fulfil the aims of HELA? Do the terms of reference enable HELA to have increased impact? What should the role of professional bodies and partnership managers be?

2.2 Background was given to the terms of reference, informing HELA that they were derived from a report by Nick Cull (external consultant) who had looked at previous reviews, and the views of the then HELA as to what the new body should look like.

2.3 Retaining the name of HELA was queried and it was explained that this had been considered but that the HELA identity and brand was well recognised and regarded, so it should not be changed, as that might lead to confusion.

2.4 HELA should not seek to micromanage, and the terms of reference were considered fine as a flexible, working document. HELA nevertheless did need to position itself as there was potential for confusion about where it fits in.

2.5 The Chair summed up that the broad terms of reference set out in the paper were acceptable and were agreed.

Membership

2.6 It was noted that core members of HELA had been agreed at the outset but it was later recognised that there should be specific reference to Partnership Managers (PMs).

2.7 It was agreed by all that PMs were crucial to the partnership and should be represented at HELA. Concerns were raised about the future of PMs and Phil Scott indicated that their role in sustaining the partnership would be made clear in the review he was conducting on what was needed to sustain the partnership. A question about numbers was raised, as the PM was an HSE official and this affected equality of numbers. However, it was felt by all that partnership managers were essential and that they could be seen to represent both sides.

2.8 It was agreed that a PM should be present at HELA and Peter Dodd agreed to attend on their behalf.

Role of professional bodies

2.9 Background was given to this topic. The report agreed by HSC on future governance arrangements noted that HELA should be kept small and draw in other interested parties as and when required. The old HELA had representation from building control, trading standards and fire services. Both REHIS and CIEH were observers.

2.10 The new HELA focus was on the partnership between HSE and LAs and specifically management issues. Concerns were raised about the group becoming too large and that professional bodies were members of the LACORS policy forum. However it was recognised that if the professional bodies were not directly involved in HELA, that there was a risk of alienating them.

2.11 Questions were raised regarding other bodies that may have an interest such as IOSH. There was a need to look at what HELA was here to do and to include those that had a real contribution to make.

2.12 It was agreed that CIEH and REHIS would be invited to be co-opted onto HELA and that should another body such as IOSH ask to be represented also, that this would be addressed at the time.

Role of task and finish groups

2.13 Task and finish groups were seen as very useful tool for taking issues forward.

2.14 It was suggested that where it was identified that a task and finish group should be set up by HELA, a paper should be sent for comment to all HELA members, to agree the terms of reference and that this could be agreed by correspondence.

2.15 It was agreed that task and finish groups were good in principle and that HELA should consider whether they were the right mechanism for taking forward any future issues on a case by case basis.

Item 3 – Local Better Regulation Office (LBRO) - presentation given by Stefanie Holbrook

3.1 Stefanie Holbrook, project manager for the LBRO within the DTI, gave background to LBRO and its vision. The question was asked as to why DTI were taking the lead on this, and Stefanie explained that DTI were doing so because of the expertise they had built up from the CTSA consultative exercise. Stakeholders including Trading Standards (TS) and businesses were also keen to see the DTI take this forward. LBRO understood that they had limited knowledge of Environmental Health (EH) and were seeking a secondee with an EH background to the LBRO team.

3.2 The scope, remit and focus of LBRO was explained as well as LBRO's key objectives, potential powers, links with devolved authorities, the way ahead and where to get additional information. Additional information was available from: www.dti.gov.uk/ccp/lbro/index.htm

3.3 It was asked who LBRO were accountable to. LBRO currently sit in the DTI family but there was an argument for it to be placed within the Cabinet Office. Its project board included members from the Treasury and Better Regulation Executive. There was also discussion about whether its focus was just on local authority better regulation or better regulation embracing local authority and central regulators. LBRO recognised the need for all local and central regulators to work together to ensure a consistency of approach, so it would be challenging if national priorities did not apply to both HSE and LAs.

3.4 Rationalisation of priorities across EH was considered very good but there were questions why EH and TS only had been identified. LBRO felt that it needed to start somewhere and if it worked they would look to include other services.

3.5 The Local Services Inspectorate was mentioned as a stakeholder (the proposed new name for the Audit Commission) and LBRO would be linking in with them. The Local Services Inspectorate Forum was also referred to and LBRO would be making contact with them also.

3.6 From the HSE point of view, the partnership between HSE and LAs had successfully been highlighted to LBRO to show a possible way forward in joined up working between central and local government.

3.7 It was asked how HELA could feed into LBRO. It was suggested that Giles Denham who was a member of the LBRO steering group could circulate the papers to HELA members for comment. This would enable HELA to keep a watching brief on LBRO so that the partnership could stay on course within the Hampton principles.

3.8 Agreed Giles Denham to circulate LBRO steering group papers to HELA members for comment.

Item 4 – FIT3

4.1 An update from HSE was given on the FIT3 programme. The enthusiasm from LAs had far exceeded expectations. More than the target 40% of LAs had signed up, and it was in the region of 70% across GB. The commitment of resources from LAs was dwarfing the HSE/FOD contribution. This was important because it raised the issue of ensuring the best use of resources across enforcing authorities to have the greatest impact on health and safety.

4.2 The reaction to the request for regular feedback on contributions had been mixed with some not wanting to give quarterly information whilst others saw the benefit of providing information that appealed to ministers.

4.3 It was noted that the FIT3 roadshows were quite late and in some cases LAs were better informed than some HSE staff were. Some had wanted more detailed information than they had received. There was a challenge in the diversity of those attending, with some wanting further information whilst others just wanting to go out and do it.

4.4 Communications remained a real challenge – Partnership Managers were key but there was a need to get FOD and LAs discussing plans regionally. This may happen through regional governance arrangements. In some cases communications from HSE were still using language that was insensitive and confusing to LAs. Examples of this should be sent to LAU.

4.5 Planning information for FIT3 was too late and in some cases there was not enough information about what was required. It was noted that a decision would be made by July about topics for next year.

4.6 Feedback about FIT3 was given to HELA following discussion at the LACORS policy forum. Key issues raised were: recognising and explicitly setting out LA involvement in the development of projects, a simpler road-map, a summary for each year, improving the planning process, recognising that in theory FIT3 is resource neutral but in practice does not take into account extra resources needed to plan, wanting to see the development of milestones so aware of how contributions were helping to meet the targets, recognising the importance of the partnership teams and ensuring that FIT3 activity was fully recognised through returns.

Reporting arrangements

4.7 Traditionally LAs received guidance about preventative inspections, categories, and direction about inspections. They submitted a voluntary return setting out numbers of inspections undertaken against the number planned. This was then published.

4.8 With FIT3 there were concerns over double inputting so LAU were looking to minimise this and produce a management tool which LAs could use to extract the information from their database and return the information on a quarterly basis. There would be a free text option so LAs could give examples and details of best practice.

4.9 Allan Davies had drafted a letter to go out to all LAs explaining the changes to the LAE1 return for 2005/06 and 2006/07. He recognised that the process may need to be refined or altered.

4.10 LACORS will be disseminating this information about reporting arrangements.

Item 5 Large Organisation Partnership Pilot (LOPP) – HELA was joined by Jonathan Russell and Jenny Eastabrook

5.1 The objectives of LOPP were set out. It was an opportunity for LAs and HSE to: present a coherent view of health and safety regulation, demonstrate efficient and effective use of resources and provide disciplined customer focussed delivery on agreed priorities to improve standards of health and safety. It was vital that LOPP was not seen as an investigation / enforcement holiday. Two main issues were raised – co-ordination of regulatory practices and resourcing LA account managers acting nationally, and HELA were asked for their views on how best to communicate LOPP to LAs.

5.2 It was asked what feedback had been received from businesses. It was reported that while businesses involved were at different stages, they had begun to see the benefits of having national priorities agreed with the regulator.

5.3 There was a wide ranging discussion about consistency of investigation and accident investigation. It was noted that LAC 22/1 sets this out for LAs but the feeling was that this was different to what HSE investigated and there was a need to look at how to achieve consistency. This raised the issue of elected members' roles in what they expected health and safety services to do, but this needed to take into account the expectations of the public.

5.4 There was concern about the profile of LOPP and the need to keep communications effective and relevant. An area where communications needed revamping was in ensuring that LOPP was seen as a joint LA/HSE initiative. The idea of shadow account managers was good as this helped to provide LA ownership.

5.5 Funding needed to be looked at for those LAs operating in a national capacity by providing account managers for LOPP. It was indicated that some LA account managers were reluctant to carry on given the resource input needed. There was maybe a need to see what each required but to be clear that this did not act as a precedent for the future in the running of LOPP

5.6 It was suggested that a further push on communicating the benefits of LOPP was needed, possibly when the improvement plans had been agreed.

5.7 It was suggested that this could be a subject for a task and finish group which could look at consistency, existing guidance to support LOPP, how HELA might contribute to future communications, reviewing emerging issues and resourcing the LA account manager role.

5.8 It was agreed that a task and finish group should be set up and a paper by Allan Davies and Mark Du Val should be sent to HELA setting out the groups remit, within one week if possible.

Item 6 EA Regulations – Assignment in cases of uncertainty

6.1 It was recommended that HELA Members consider and endorse the proposals for the joint Chairs of the newly reconstituted HELA to make the decision in assigning cases of uncertainty under the EA regulations as a third stage of a negotiation process as set out in the minutes of the HELA meeting on the 7th June 2005.

6.2 It was agreed that this was a sensible approach and should be adopted.

Item 7 – Matters for consideration by the first meeting of the Local Government Panel (LGP) and HSC on 9 May 2006

7.1 It was recommended that the agenda should be short.

7.2 One item suggested was performance and monitoring of the partnership. Justin McCracken had to report to Lord Hunt in June about the performance of the partnership. He thought it would be beneficial add weight to the position if it had been discussed by LGP / HSC.

7.3 It was agreed that Mark Du Val and Allan Davies would produce a paper for HELA to comment on, regarding performance and monitoring, within two weeks if possible.

7.4 It was suggested that the issue of wider communications should also be on the agenda. This should include raising the profile of health and safety with elected members.

7.5 The LAs and HSE Working Together Steering Group had wanted outstanding work and issues from the Strategic Programme to also be on the agenda for the LGP / HSC meeting and this was agreed. These were:

- The legal and enforcement framework (results of the November 05 consultation workshops with LAs) including the Enforcing Authority Regulations
- Performance management,
- Section18 HSWA guidance to LAs

7.6 Items agreed for the LGP/HSC agenda were: performance and monitoring, wider communications issues and outstanding work from the Steering group.

Item 8 – AOB

8.1 Sarah Moore circulated a below the line paper on the memorandum of understanding between LACORS, ORR, LGA, WLGA and COSLA regarding the transfer of health and safety from HSE to the Office of the Rail Regulator (ORR). HELA were identified in the MOU as meeting with the Chief Inspector of Railways once a year to discuss any high level operational issues.

Item 9 – Date of next meeting

9.1 To be agreed. Action on LACORS to set next date.