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## HEALTH AND SAFETY COMMISSION

### Enabling the involvement of Local Authorities in the initiation and development of policies and strategies

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Advisor(s): HELA and LACoRS

Cleared by Phil Scott on 19<sup>th</sup> Oct 2004

#### Issue

1. Ensuring that the views, knowledge and experience of Local Government (LG) are integrated into the initiation and development of HSC/E strategies and policies and reporting progress on partnership working between Local Authorities (LAs) and HSE.

#### Timing

2. Routine.

#### Recommendation

3. The Commission is asked to:

- i) Agree a proposal to ensure LG representative organisations become fully integrated into the initiation and development of policies and strategies relevant to the health and safety enforcement role of LAs;
- ii) Agree LG representative organisations and HSE should present a joint report to the Commission in January 2006 reviewing the effectiveness of the developed arrangements and making proposals for future liaison;
- iii) Note the progress made to bring partnership working between LAs and HSE into practical effect.

#### Background

4. The degree and quality of the engagement of LAs in policy and strategy development and subsequent delivery through operational activity has been very variable. There is considerable frustration across LAs that the knowledge, experience and enthusiasm of their health and safety practitioners is not adequately considered and valuable opportunities are lost. Within HSE there is often the sense that LAs are slow to respond and that who is representing them on a particular issue is unclear.

5. In its strategy to 2010 and beyond the Commission recognised the value of developing partnership working with LAs. Such a partnership would involve LAs in the formation of policy and its delivery through operational activity by both LAs and HSE. The progress made towards making partnership working a reality and an outline of proposed future work is given at Annex 1.

6. A number of bodies represent the 410 individual LAs. In order to support the development of partnership working with LAs HSE is developing close working relationships with the Local Authority Coordinators of Regulatory Services (LACoRS). LACoRS represents the views of LAs on regulatory services for England, Scotland and Wales. It is funded by the Local Government representative organisations. From April 2003 it was given resources and a specific remit in health and safety enforcement. LACoRS has subsequently become part of the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA), giving support via its wide network and communications systems. LACoRS has also become an integral part of the Strategic Programme to build effective partnership working with LAs.

7. LACoRS is a relatively small organisation and does not have the resources to devote large numbers of officials to specialise in health and safety matters. Therefore, to enhance its ability to gather and then reflect the views of LAs on health and safety LACoRS has developed wide consultation mechanisms. It has helped bring together a group of elected members as a Steering Group (chaired by Joyce Edmond-Smith and with Hugh Robertson as a member) for the Programme. It has also formed a Health and Safety Policy Forum consisting of senior health and safety practitioners working within LAs, to advise on development of the Programme. A full list of the governance arrangements are at Annex 2.

8. The route for providing input of this nature to the Commission has traditionally been via HELA. The role of HELA is currently evolving in the light of the Strategic Programme and will be reviewed as part of the programme. Recommendations will be reported to the Commission separately as the review progresses. In the meantime HSE Partnership Managers are developing regional partnership structures in concert with LA practitioners, managers and elected members, all of whom will ultimately contribute to assisting the Commission develop its priorities. However, there is a need to establish a mechanism for routine input to the development of health and safety policy, especially as it affects LAs.

## **Argument**

9. To allow proper inclusion of the LA dimension into strategy and policy development clear arrangements are required. This will assist bringing into effect partnership arrangements. It will also present a very strong practical example for both LAs and HSE staff, that the Commission is recognising the key role of LAs and demanding a new and closer relationship between HSE and LAs. The degree to which this requires a change of attitude and culture on both sides should not be underestimated. Achieving the necessary changes is an integral part of the wider programme designed to bring partnership working into full effect.

10. As a first step it is proposed that HSE, represented by relevant senior HSE managers, will meet LACoRS representatives on a regular basis (nominally once every six months). At these meetings those issues where LA involvement would be beneficial will be identified

and joint-working arrangements agreed. These discussions will include defining liaison arrangements between HSE and LACoRS to ensure that LA interests on particular topics play an integral part in the policy development cycle and LA involvement is not limited to these six monthly meetings.

11. To emphasise that equivalent status of the two enforcing bodies these meetings will be chaired by the Commissioner taking responsibility for advising the Commission on LA-related matters.

12. Having identified key issues and the contributions LAs and HSE can make, LACoRS will work with HELA to identify the mechanism to be used to gather views and identify a contact to allow HSE access to the appropriate consultation network(s).

13. Where issues arise as the result of events (e.g. the Morecambe Bay tragedy) LACoRS (reporting through HELA) will coordinate the provision of an LA perspective where required.

14. The relationships between LACoRS and HELA are developing. The mechanisms LACoRS uses to draw upon the health and safety expertise within LAs are still evolving. It is recognised that the proposals may place a burden on LACoRS and the members of the Policy Forum that has been commissioned to support this initiative. This aspect will be reviewed as a key part of the review of the effectiveness of the overall arrangements.

15. The governance responsibilities for HSE's Sectors and Hazards programmes have recently changed. The relationship between LACoRS and HELA will evolve with the strategic programme. In this environment it is inappropriate to specify detailed structures or mechanisms. It is intended that the proposals in this paper are used as an initial template. The effectiveness of developed arrangements will be reviewed and reported to the Commission in January 2006.

### **Consultation**

16. These proposals have been considered and agreed by Joyce Edmond-Smith, HSE's Policy Group, LACoRS, HELA and HSE's Local Authority Unit.

### **Presentation**

17. Formal adoption of these proposals will be recognised by LAs as acknowledgement of their status as co-regulators working alongside HSE. The Commission's decision will be promulgated both through the health and safety press and via HELA's, LACoRS' and LAU's networks and publications.

### **Costs and Benefits**

18. The administrative work required to facilitate this activity will be met from the existing resources of LAU and HSE. The benefits will be better policies and strategies that have closer regard to the LA dimension, together with better engagement of the LAs as co-regulators with HSE.

## **Financial/Resource Implications for HSE**

19. There are no significant resource implications for HSE.

## **Environmental Implications**

20. N/A.

## **Other Implications**

21. The mechanism requires that LACoRS accurately reflect the position in Wales and Scotland as well as England. That this has been so will be reviewed as part of the formal review of the proposals in January 2006. The involvement of LACoRS will not diminish the role of HSE's Divisional Directors, in particular those covering Scotland and Wales, to represent the interests of their regions.

## **Action**

22. If you agree to the recommendations at para 3 meetings as described will be arranged. It is proposed that the initial meeting should be arranged before the end of the calendar year with the next meeting in March to bring meetings into line with HSE's planning cycle. The format, frequency and range of representatives will be considered at each meeting. These considerations will inform the development of recommendations for longer term liaison arrangements to be included in the review to be presented to the Commission in January 2006.

## **Progress and forward look for the “LAs and HSE working together” Strategic Programme**

Strategic theme 1 of the strategy: Developing closer partnerships envisaged new ways of working with LAs. HSE’s strategic programme has been designed to develop the partnership.

### **Progress to October 2004**

Two early deliverables within the strategy are particularly relevant to this programme.

#### **i) An interventions strategy by the end of 2004**

A consultation document has been produced in consultation with LA representatives (available at <http://www.hse.gov.uk/consult/condocs/cd-interventions.htm>).

#### **ii) A high-level partnership agreement between HSE and LAs by July 2004**

The Statement of Intent and Vision for the programme was agreed and signed by representatives of HSC, HSE and the key LA representative bodies (see attached document or the HSE website at <http://www.hse.gov.uk/lau/strategic.htm>). The statement was launched formally at the annual conference of the Chartered Institute of Environmental Health in Torquay and at the annual conference of the Royal Environmental Health Institute of Scotland and the Convention of Scottish Local Authorities (CoSLA).

These launches all embodied the new relationship being fostered by the programme. The launches were joint-events with the Local Authority Coordinators of Regulatory Services (LACoRS). A key to publicising the statement was its inclusion within the LG First (a national local government publication) This publication reaches all LA elected members and Chief Executives. The statement is also available via HSE, LAU and LACoRS websites.

The Statement of Intent identifies seven key strands necessary to achieving effective partnership working. The foundation of this new way of working is a commitment to working together to implement the strategy (point 2 in the statement). This commitment has been fulfilled through the structure and governance arrangements for the programme. Responsibilities for progressing the programme are shared between HSE staff and staff from LAs and LA representative bodies as Annex 2.

### **Forward look**

Detailed programmes to develop closer working include

**1) Communications with LAs:** It is essential to communicate with LAs on at least three levels:

- i) key representative bodies: this is largely achieved through the programme structures set out at Annex 2 and the arrangements considered in the main body of the paper;
- ii) LA elected members and Chief Executive Officers/Senior Managers: this group influences the priority and resources allocated to health and safety enforcement. The current position of these groups and this can be influenced is to be researched as part of the wider stakeholder analysis being undertaken across HSE stakeholders. Researchers have been appointed and a detailed research brief is being agreed. Research is to proceed in November and December to allow a detailed communications strategy to be in place for the 05/06 work year.
- iii) LA health and safety practitioners: this group needs to know HSC's priorities for action, key ways of working and how to access technical support. Research into the factors that influence the day-to-day work of LA enforcement officers and how information can be transmitted to LA staff is currently being undertaken by King's College London (KCL). The final report will be available in January 05. Technical and best practice advice will be delivered to LA enforcement officers via a new Extranet facility. This will allow LA officers access to the full range of technical guidance and support available to HSE inspectors. The principal support functions of the Extranet will be available from March 05, with additional functionality being developed over the life of the programme.

## **2) Review of Information, Support and Training Needs for front line LA staff**

HSL are developing detailed proposals to research these issues. The research will be wide-ranging and examine the possibilities for HSE to support LAs involved in more complex investigations or problematic prosecutions. Initial findings are expected by April 04 from whence work to develop support and training mechanisms will begin.

## **3) LAs resourcing health and safety enforcement activities and monitoring compliance with the associated guidance**

Work is beginning to revise the advice HSC gives to individual LAs to guide them in how their health and safety function should be resourced (as HSW Act S18). The aim will be to give more detailed advice about the level of resource that should be made available depending on the nature and size of the authority and the health and safety challenges it faces.

It is also intended that role of HSE in the routine formal auditing of compliance with this guidance will be reduced. In general HSE's formal audit role has been successful in stimulating the commitment of some LAs to devote appropriate resource to health and safety enforcement. Many LAs have reported that the auditing role tended to generate divisions between HSE and the audited. This was seen as inconsistent with a new closer partnering relationship. Consequently, it is proposed that in the immediate future local LA liaison groups will be encouraged to work together to benchmark and improve their compliance rather than for HSE to undertake a series of systematic audits. A HSE audit will only be triggered where an LA has been demonstrated a clear and consistent failure to comply. However the programme will be considering the future role and form of performance management in delivering the Commission's objectives.

To increase the equity of the review process similar criteria will be developed for and applied to the workings of HSE's FOD. Findings of these reviews will be made available to LAs as part of the benchmarking process.

The first stage detailed proposals are expected to be available during Summer 05.

### **The legal and institutional framework**

Both the Statement of Intent and the Strategy recognise that the legal framework needs to be reviewed. However, it is proposed that this should not be done until the new ways of working have emerged. In this way it will be ensured that any new regulations support, rather than constrain, the new methods.

The governance arrangements to support the programme (as Annex 2) have already been revised. The role of HELA will be reviewed and proposals will be brought to the Commission in April 05.

## LAs and HSE joint working and governance arrangements for the programme

### Programme Board

#### Joint Chairs

Derek Allen (LACoRS) and Phil Scott (Programme Director: HSE)

Bill Myers (LGA)	Trish O'Flynn (LGA)
John Arthur (CoSLA)	Rod Denley-Jones (WLGA)
Stewart Campbell (HSE)	David Ashton (HSE)
Peter Buckley (HSE)	Peter Brown (HSE)

### Steering Group

Joyce Edmond-Smith (Chair) (HSC)

Cllr Andy Sutton (LGA)	Cllr Peter Kent (LGA)
Cllr Caroline Seymour (LGA)	Cllr Alison Hayes (CoSLA)
Cllr Graham Brown (LGA)	Cllr Jeffrey James (WLGA)
Hugh Robertson (HSC)	

### LACoRS Policy Forum

This forum consisting of health and safety professionals working within LA enforcement will draw together the expertise and experience of LAs to support both the programme and future policy, strategy and guidance development by HSC and HSE.

### HSE/LACoRS Programme Team

Allan Davies (HSE Programme Manager)  
 Alan Plom, Gareth Broughton and Tony Hetherington (HSE Project Managers)  
 Gerry Kasprzok (Project Manager Seconded from LA for duration of programme)  
 Mark Du Val, Charlotte Meller and Nick Clack (LACoRS Programme Advisors)  
 Chris Snaith (HSE: Seconded to LACoRS two days per week)  
 David Humphreys (HSE Programme Team Coordinator)

### Partnership Managers

There is the equivalent of one Partnership Manager (PM) working in each HSE geographic division. PMs are HSE Principal Inspectors. Each PM will work alongside a secondee from a LA (secondees currently being recruited) and a Partnership Officer from HSE. Their role is to work closely with staff within local LA liaison groups and in individual LAs to develop joint planning and working arrangements to bring partnership into practical effect at the local and regional level.