

**Health and Safety Executive Senior Management Team Paper SMT/08/30**

<b>Meeting Date:</b>	2 July 2008	<b>FOI Status:</b>	Fully Open
<b>Type of Paper:</b>	For discussion	<b>Trim Ref:</b>	2008/241986
<b>Exemptions:</b>	None		

**HEALTH AND SAFETY EXECUTIVE****Senior Management Team****'Team Enforcement' – a New Approach to Managing the Corporate Delivery of Enforcement Policy & Procedures**

A Paper by Andrew Cottam, Steve Woolley, Les Beaumont & Tony Fausset

Advisors: Jenny Eastabrook, Elizabeth Hodgkinson, David Ashton & Heather Bolton

Cleared by Sandra Caldwell on 18 June 2008

**Issue**

1. Building a new approach to deliver pan-HSE Enforcement policy and procedures – taking an opportunity provided by H&WWW.

**Timing**

2. For decision on 2 July to allow new arrangements to be set up in a managed way.

**Recommendation**

3. The SMT is asked to agree:
  - a. a move to new, functionally based arrangements for developing and maintaining pan-HSE enforcement policy and procedures;
  - b. where the new 'Team Enforcement' should be positioned within HSE.

**Background**

4. Currently the responsibility for enforcement policy and procedures is fragmented, involving a number of teams in different directorates and locations:
  - a. Enforcement Policy Unit – Cross-cutting Division (XCD), Policy Group;
  - b. Operational Policy Unit – Operational Policy & Support Division (OPSD);
  - c. Legal & Enforcement Unit – FOD (on a cross Operations Group basis);
  - d. Litigation & Corporate Advisory Division – Legal Advisers' Office (LAO).
5. A small working group, drawn from the above teams, was asked to:
  - a. review the range of work currently undertaken;
  - b. determine the range of work likely to be needed in the foreseeable future;
  - c. recommend options for the optimal arrangements to deliver the functions in future, anticipating the opportunities offered by H&WWW;
  - d. play 'Customer/stakeholder' interests into the considerations.
6. The working group established a set of principles to underpin any new arrangements. These included to:
  - a. maintain and build on the successful contributions made to the "Enabling Justice" agenda;
  - b. increase efficiency and effectiveness;
  - c. minimise business risk (operational, legal, reputational and financial);
  - d. support all of HSE's interests (including HID, ND as well as FOD – Scotland as well as England & Wales);

- e. enhance the service to internal and external 'customers';
  - f. maintain independent functions where appropriate (eg independent legal oversight).
7. The functions that have been looked at to see where improvements in how we 'deliver' can be made include the:
- a. development of policy (including formulating, advancing and evaluating HSE's position, engaging with Whitehall);
  - b. provision of key information & statistics;
  - c. supporting others (within and without HSE) on legal, enforcement and investigation issues;
  - d. managing and contributing to briefings and PQs etc;
  - e. provision of internal guidance;
  - f. legal advice & support, including managing Solicitor Agent;
  - g. oversight & contribution to delivery of legal, enforcement and investigation training;
  - h. support to Ministers.

### **Argument**

8. Current arrangements are made to work by key players investing time and effort to manage interfaces and relationships (often over a distance). Despite this investment there can be duplication of effort and there is always the potential for matters to 'fall between the gaps'. The relocation of Policy Group provides an ideal opportunity to remove many of these interfaces.

9. A move to more functionally based arrangements will bring a number of benefits to those working in this area and to the organisation:

- a. increased clarity/accountability of who does what;
- b. reduced interfaces that will speed up and improve decision making;
- c. increased effectiveness as work will be managed in a more co-ordinated fashion, with reduced overlap and duplication;
- d. better corporate sharing of intelligence.

10. The Working Group proposes that the functions listed in para 7 should be brigaded more closely together, whilst also simplifying the organisational arrangements. Both actions will support delivery of the benefits identified above.

11. Three functional groupings have been identified:

- a. Policy & Briefing;
- b. Internal compliance;
- c. Data & information.

The proposed new split of responsibilities is in Annex 1. It is proposed to bring these together under a single SCS oversight. They will sit alongside the Legal team (lawyers and associated staff); together they make up what is described as 'Team Enforcement' (a working title).

12. The proposed steps to set up 'Team Enforcement' are shown in Annex 2. Options for the future home of the team are as a free-standing unit or a unit brigaded with an operational directorate. The unit will need some oversight by a member of the SCS but not on a full-time basis. This coupled with the need for the team to remain up to speed with the challenges faced by operational staff suggests a location in an operational directorate. Currently FOD provides cross-HSE support through its Legal & Enforcement Unit. As FOD also takes the majority of HSE's

enforcement, including some of the most testing Section 3 issues, it is suggested that FOD takes responsibility for the oversight, on behalf of HSE, of 'Team Enforcement'. However, a mechanism should be put in place to ensure that all HSE's interests continue to be met (see para 15). The Legal team will keep their current line management arrangements. Final arrangements for the Data & Information team will need to be considered in light of the OPSD review.

13. A number of issues will need to be managed, including:
  - a. timing – we need to manage the process of setting up any new arrangements in advance of the move/loss of critical staff;
  - b. people & posts (ensuring the right mix of experience, expertise and competence);
  - c. meeting pan-HSE customer needs, including knowledge/expertise of the Scottish legal system and major hazard perspective;
  - d. relationship/support to the 'non-traditional' areas, eg PSD, OCNS;
  - e. movement of the existing teams to build a co-located 'Team Enforcement'.
14. There are also a number of risks which will need to be addressed:
  - a. ensuring an up-to-date perspective on the wider policy context is maintained;
  - b. knowledge transfer & management.
15. Suggested measures to manage these include:
  - a. establishing an 'Oversight Group' of senior key players (including customers – HID, ND, Scotland, etc) which would meet on a regular basis, together with identifying day-to-day contact points for enforcement matters in HID and ND;
  - b. appointing a Transition manager;
  - c. regular dialogue with XCD and Secretariat/HSE London presence to provide up-to-date understanding of the political context and current 'hot topics', and to ensure that the team continue to offer briefing and advice that meets the Board and ministers' needs;
  - d. commissioning HSL to carry out a 'knowledge harvest' of key players, particularly in Enforcement Policy Unit. This will be completed in July and the experience used to inform any wider initiatives in knowledge management that are triggered by H&WWW;
  - e. preparing an integrated 'Team Enforcement' plan of work to be agreed by the SMT.

To help support the agreed direction of travel an issues and risk register will be used. A first iteration of this is at Annex 3; however it is not a complete list.

### **Consultation**

16. These proposals have been developed by OPSD, FOD HQ, XCD and LAO, with oversight by Heads of Divisions. HID and ND, as the other customers, support the principles of a move to greater efficiency and effectiveness, and are aware of these proposals. The key issue they have identified is that their particular perspectives and requirements need to be played into the day-to-day work of 'Team Enforcement'.

## **Presentation**

17. This is action HSE should consider anyway to improve how it delivers a key part of its business. H&WWW provides an opportunity but also influences the timing of taking a fresh look at how we work in this area; however it is not the main driver.

18. Clear signposts to the new arrangements and contact points for staff in Operational Directorates, and Policy Group will need to be provided. Express (including e:express), Who's Who and FOD, HID and ND Management Briefings will be key vehicles for informing HSE staff. For many operational staff there will be no change – they will continue to approach the same contacts for advice on operational enforcement matters.

## **Costs and Benefits**

19. See para 9 for Benefits; the Transition Manager and Senior Oversight Group will be accountable for the benefits realisation process, including ensuring that suitable metrics are in place before full implementation of 'Team Enforcement'. The costs of this business change are:

Working Group (inc SCS oversight) salary costs - £15.5K

Transition Manager - £3.6K (p/t for 6 months B1 resource from OPSD)

Knowledge Harvesting - £25K HSL budget (agreed by Chief Scientific Adviser – proof of concept for wider work)

Relocation – covered by H&WWW and Redgrave Court Reconfiguration exercise

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

20. The recommendations are broadly cost-neutral; excluding the legal team the current staffing costs (2007/08 figures) per year are £573K (includes estimates of B1 and SCS time) whilst the future staff costs are estimated at £555K. The review was not established as a post cutting exercise, although efficiency gains may result in savings in the future and there will be a slight reduction in SCS oversight. The forecast is that demand for the work of 'Team Enforcement' will continue to grow.

## **Environmental implications**

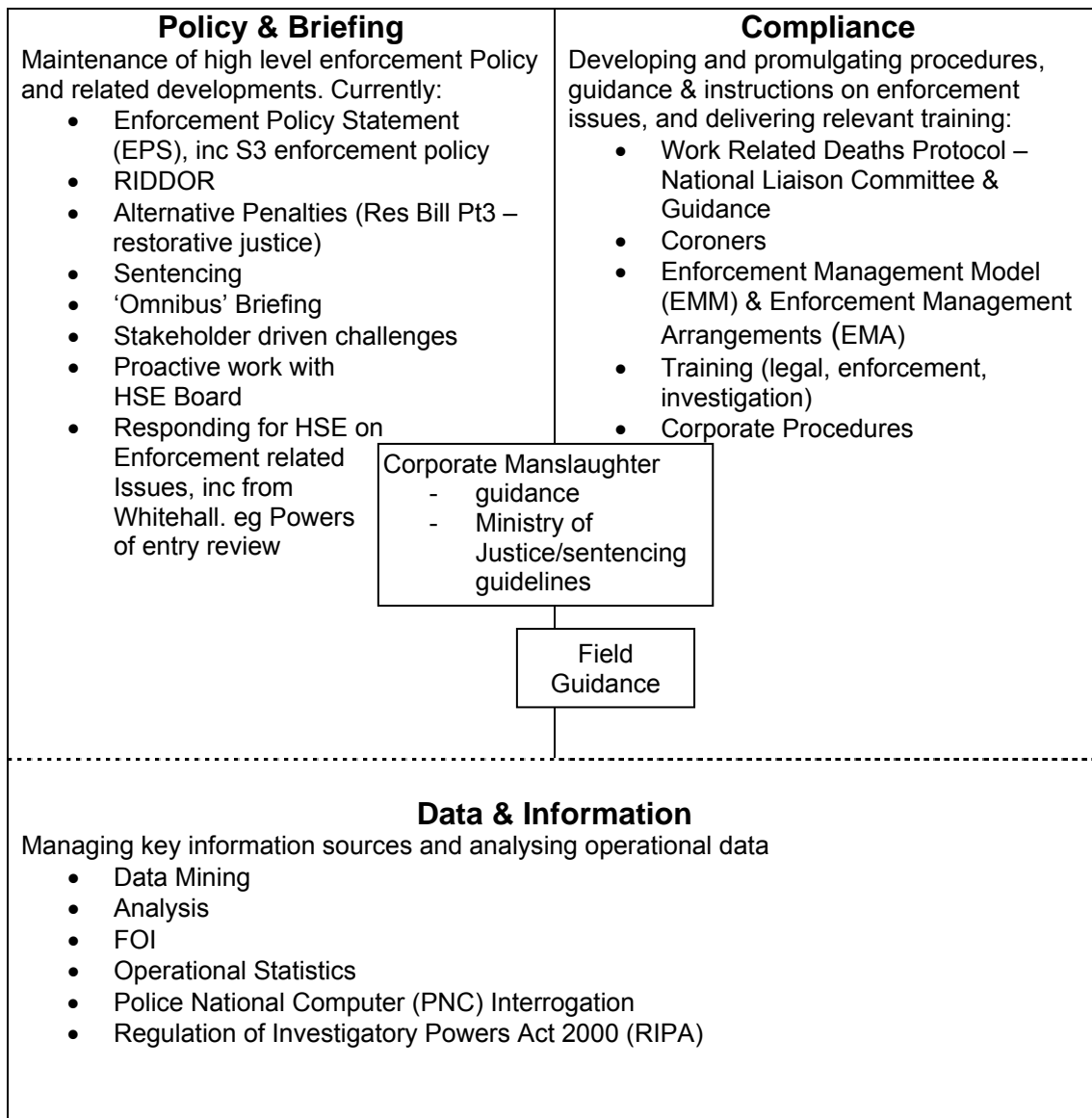
21. N/A

## **Action**

22. The SMT are asked to:

- a. support the establishment of 'Team Enforcement';
- b. agree that FOD should be given the corporate oversight for the Team. Lawyers and associated staff will keep their current line management arrangements;
- c. support the appointment of a Transition Manager;
- d. agree to the new arrangements being in place by the end of the 2008/09 work year.

**(i) Proposed Groupings & Responsibilities**



The legal team (lawyers and associated staff) sit alongside these groupings but there are no changes in their responsibilities.

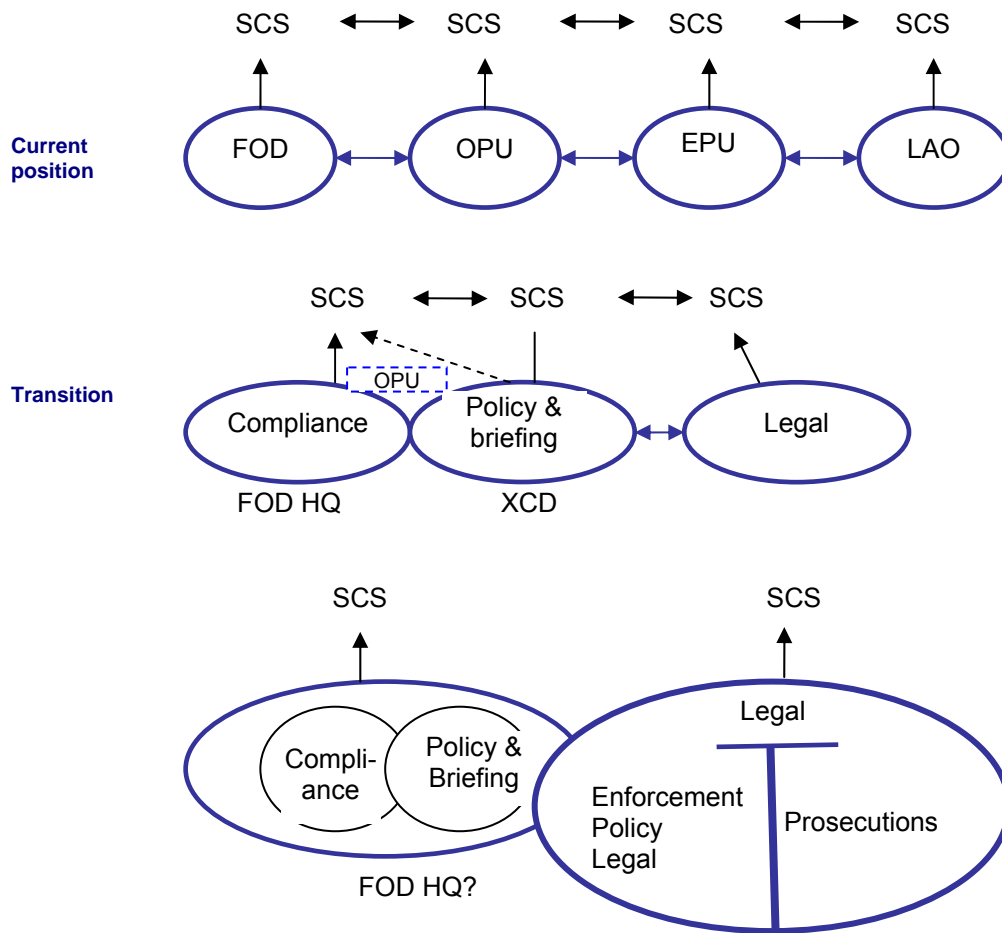
**(ii) Staffing (People & Competences)**  
**– current expectation of need when fully established after Q4 2008/09**

	(HSE) Compliance	Policy & Briefing	Data & Information
<b>Band Mix</b>			
Band 2	1	1	B2 led or
Band 3 & 4	3 x B3 (ops) 1xB3 (ops) or 1xB4 (policy)	1 x B3 (ops or policy) + 1 x B4 (policy)	B3 ?
Band 5	1		1
Band 6		1	
TOTAL STAFF (B2-B6)		12	
<b>Key Competencies / Skills</b>			
Developing & Drafting:			
• briefs	√√	√√√	√√
• official correspondence	√	√√√	√
• guidance	√√		
Representational	√√√	√√√	
Data Handling & 'mining'	√	√	√√√
Analysis	√	√√√	√√
Legal understanding	√√√	√√	
Practical experience	√√√	√	
Whitehall/political awareness	√√	√√√	√

<b>Key</b> – degree of importance	√√√ - high √ - helpful
--------------------------------------	---------------------------

Contributions from current teams:  
XCD – 0.5 x B2; 2 x B3; 2 x B4; 1 x B5.  
FOD HQ - 1 x B2, 2 x B3, 1 x B4, 1x B5, 0.8 x B6  
OPSD - 0.8 x B2; 0.25 x B5; + 0.1 x B1

Moving to 'Team Enforcement'



2008

By Q4  
2008/09

Issues & Risks – to be considered by Transition Manager & Senior Oversight Group – Version 1.0								
Ref	Date Raised	Raised By	Description	Impact and/or Probability	Action	Status	Owner	Resolution Date
1	16.06.08	XCD	Ensuring regular dialogue on the wider 'mood music' in Whitehall	Impact - High	Monthly briefing sessions on the 'bigger picture' involving Team Leader, Head of XCD and secretariat/London presence representatives. Once relationships are firmly embedded, and the move to Redgrave complete, the formality could be dropped.			
2	17.06.08	HID & PFPD	Benefits Realisation Process – properly measuring delivery of the desired outcomes, inc refinement of 'metrics'.  Metrics expected to include: <b>Economy/efficiency</b> – reduced duplication/overlap <b>Effectiveness</b> – perceptions of those receiving 'service'; degree of innovation	Impact - Medium				
3	17.06.08	HID	Name of 'Team Enforcement'	Impact – Low	Agree formal title of new Unit			
4	May 08	WG	People & Posts - Loss of key staff	Impact – High Probability - High	- Knowledge Harvesting - Recruitment of B2 (Policy & Briefing) in Bootle			
5								
6								
7								