

Enforcement Policy and Procedures				
The local authority has a published Enforcement Policy (EP) in compliance with HSC's S18 guidance on: HSC's Enforcement Policy Statement HSC's Section 18 guidance: Enforcement policy and procedures				
LA Practice	Que No.	Auditing Question Set	Auditors' Notes	
M A N D A T O R Y P R A C T I C E	Enforcement Policy			
	A1	Does the LA have a written enforcement policy?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comments	Request copy in advance of audit. If yes, view and check. If no, then check what system they have in place, eg interim policy. Check what they are doing to implement a formal policy.
	A2	Does it incorporate:		
	A2a	- the HSC principles of transparency, consistency, targeting, proportionality and accountability?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comments	It fulfils the criteria of transparency, consistency, targeting, proportionality and accountability as defined in HSC's Section 18 guidance & Enforcement Policy Statement. Fully or partially? Similar principles are outlined in the Cabinet Office's Enforcement Concordat
	A2b	- a policy on the use of prosecutions?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Documented evidence and guidelines on when and what enforcement action might will be taken, i.e.prosecutions, Notices, advice, etc and when, i.e. according to the risk, previous history and extent of non-compliance with law. That is: enforcement action taken PROPORTIONATE to extent of contravention. Does it include reference to the Code for Crown Prosecutors (where relevant)
	A2c	- a policy on the use of other enforcement action?	Yes <input type="checkbox"/> No <input type="checkbox"/>	As above using criteria for formal enforcement action, eg Notices, Formal Cautions; interventions; permissioning (eg asbestos removal)
	A2d	- consultation with Lead Authorities where appropriate?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Lead Authorities consulted where appropriate. Evidence of contact with them Eg when carrying out investigations, serving Notices, etc. Check to see that the LA have a list of Lead Authorities to be contacted when appropriate and that they liaise with them. Does the Policy include reference to a Register of Notices for public viewing if requested?
	A3	Has the enforcement policy been:		
	A3a	- developed in consultation with employers, employees and their representatives?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comments	Evidence that stakeholders have been consulted and have had an opportunity to comment on or contribute to the Policy. Eg. stakeholder liaison groups, Local Business Partnerships, etc.
	A3b	- formally adopted by Council Members?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comments	Committee minutes, etc. as proof.
A3c	- published?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that the Policy has been published and is available to stakeholders. e.g.Council website, attached to correspondence, available at Council	

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<p>A3d</p> <p>A3e</p> <p>A3f</p>	<p>- publicised?</p> <p>- made available to employees, employers, intermediaries and their representatives (eg. 'What to expect when a health and safety inspector calls' leaflet)?</p> <p>- reviewed periodically?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Its availability is publicised to all stakeholders, employees, members of public, businesses, eg leaflets, website, advertised locally, through partnerships. It should be inclusive - available to all stakeholders including minority groups</p> <p>Stakeholders informed of the Enforcement Policy and what actions to expect when an inspector visits. That is: Enforcement action is TRANSPARENT.</p> <p>Documented review of the Policy and evidence that it has been updated</p>
<p>Enforcement practices</p>		<p>Auditors may wish to accompany enforcement officers on an inspection/investigation (or two) to check if these happen in practice.</p>	
<p>A4</p> <p>A4a</p> <p>A4b</p>	<p>When managing health and safety enforcement does the LA:</p> <p>- implement HSC/HELA key priorities and programmes?</p> <p>- pay consideration to the balance of enforcement processes that optimises overall effectiveness?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Auditors should look to answer:</p> <ul style="list-style-type: none"> - How does the LA carry out its enforcement practices? - How does the LA measure and monitor that officers follow HSC guidance and the LA's Enforcement Policy/procedures? - What evidence do they have to prove this? <p>This can be done through file reviews and interviews with staff.</p> <p>Evidence that enforcement officers address specific HSC priorities (as outlined in the HELA Strategy, HELA Strategy LAC and other guidance, LACs, etc. Eg. any specific enforcement issues, such as targeting slips and trips, workplace transport or occupational health (Priority Programmes)</p> <p>Evidence that the LA has considered the benefits of different approaches to enforcing health and safety, eg programmed inspection and/or educational/advisory approach; contact with low risk premises; engagement of intermediaries and SMEs; involvement in holistic community strategies, eg HImPS, etc.</p> <p>Auditor should look to identify Where does the LA concentrate its resources to achieve most effective results? Is it risk-based?</p>
<p>A4c</p>	<p>- ensure the immediate control of risk, and promote continuous improvement long term compliance?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Look for evidence that all officers carry out effective inspections? Ask how officers carry out an inspection Does it incorporate:</p> <ul style="list-style-type: none"> - assessment of hazard and risk? - a risk rated score? - part of the priority planned inspection programme, a new premise, etc - a full consideration of any areas of concern? - details of prioritised action required to comply with health and safety law and other advice? - when giving advice, a clear explanation in writing what action is considered necessary, what law applies, & give a time-scale for completion of remedial action - application by officers of current law and guidance (eg HELA LACs) - consideration of previous health & safety history of the premise? - informing duty holders of the findings of the inspection/investigation and confirming in writing if necessary - liaison with other organisations, eg specialist experts, other LAs, HSE, etc <p>Auditor examines sample letters and Notices served.</p>

			<p>Auditor examines records of recent inspections to see if premises risk rated effectively and that proportionate action taken as appropriate.</p>
<p>A4d - work with dutyholders, employees and their representatives by establishing effective dialogue to encourage open contribution and cooperation in achieving appropriate standards of health and safety</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Auditors may wish to carry out reality checks, eg check with the duty holder about the standard of inspection.</p> <p>Have you worked with duty holders, employees and their representatives to encourage open contribution and co-operation in achieving and improving health and safety standards? Eg. - sector or topic specific guidance - examples of good practice - self-benchmarking/audit tools for businesses to achieve improved compliance and continuous improvement - training initiatives - Award schemes to recognise good practice, etc. - Joint promotion campaigns, eg between LA and intermediaries</p>	
<p>A4e - use the information supplied by the dutyholder and employee representatives target enforcement action proportionately and appropriately to promote cost effective compliance?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Consideration by officers of the LA's Enforcement Policy and procedures Consideration of any incident/accident investigation criteria, enforcement management models, etc</p> <p>Is there evidence that: - when taking enforcement action, officers clearly explain in writing what action is considered necessary, what law applies, & give a time-scale for completion of remedial action, etc.? - officers provide an opportunity to discuss the issues before formal enforcement action is taken, eg before serving an Improvement Notice? - officers explain in writing why any immediate action is considered necessary (ie. why immediate rather than another course of action) and the consequences of failure to remedy the situation?</p> <p>Review 5 -10 notices and accompanying letters from file records - select from different officers, types of business, action taken, etc.</p> <p><i>Improvement notices should:</i> - explain in writing what the reasons are for the Notice and what constitutes the failure to comply with the law. - what needs to be done to comply with the law and by when. - what rights the business has (leaflets - 'when an inspector calls' and ITL19 are handed out).</p> <p><i>Immediate action:</i> - officers discuss, where practicable, with business at the time and their views are taken into account. - officers give clear and complete information about appeals. - a written explanation for the reasons for taking the action, eg Prohibition Notice, should be sent as soon as is practicable.</p>	
<p>A4f - maintain transparent arrangements to promote public confidence</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><i>Enforcement action</i> - Do officers explain any rights of appeal and complaints procedure when formal or immediate action is taken? - Consult Lead Authorities as appropriate - inform employees, or their representatives, on matters affecting their health, safety and welfare and any action an enforcement officer proposes to take?</p>	
<p>A4g work in collaboration with other regulatory authorities, eg HSE, Petroleum Licensing Authority, Police, Crown Prosecution Service (and Procurator Fiscal in Scotland)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>All action is in accordance with the Cabinet Office's Enforcement Concordat and LA's Enforcement Policy Inform HSE if there is an occasion where it may have an enforcement interest</p> <p>HSC s.18 guidance asks LAs to ensure that they have arrangements in place to promote consistency in the exercise of discretion, including effective arrangements for liaison with other enforcing authorities.</p>	

	<p>Management of enforcement</p> <p>A5 Have you carried out any of the following activity to contribute to improved standards and consistency in your enforcement service:</p> <p>A5a - work to promote consistency in the exercise of discretion by officers?</p> <p>A5b - liaison and comparison with other enforcing authorities?</p> <p>A5c - collection, analysis and dissemination of information to improve the effectiveness of enforcement processes, policies and guidance, and inform stakeholders</p>	<p>Between officers - both within the LA and between LAs</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Supervision and training to ensure that officers' actions are consistent and competent. More details are in the 'Standards & Competence' section.</p> <p>eg. - accompanied inspections and re-visits and review of officers' work by a supervisor/officer with relevant competence. Both for trainee and competent enforcement officers.</p> <p>Eg - regular discussions and reviews between officers on standards</p> <ul style="list-style-type: none"> - inspection aide memoire - monitoring or shadowing by colleagues, eg other LAs, etc - ongoing training dealing with specific issues, eg new regulations - team or mock inspections - desktop checks of correspondence, Notices, risk-rating scores, etc. - liaison with Lead Authorities <p>Auditors check for written evidence, eg minutes of meetings, records (file or</p> <p>eg. Arrangements to liaise and consult with other EAs, eg. LAs, Health & Safety county or liaison groups, via EHCNet, HSE (eg ELOs), Lead Authorities, Health Authorities, other departments of the LA, etc.</p> <p>Eg</p> <ul style="list-style-type: none"> - regular comparison of risk rating and inspection action, eg LAU peer review packages on builders' merchants and tyre&exhaust centres - benchmarking and peer review to compare action and performance - officer exchanges - HELA indicators of activity (summaries published in National Picture) - liaison with Lead Authorities through the LAPS scheme <p>Systems to collect information on the enforcement activity taken by LAs to analyse and review whether enforcement policies and procedures are effective and that they meet the expectations of stakeholders</p> <p>Any review carried out to improve the consistency and performance of the enforcement service, eg external review of the LA policies</p> <ul style="list-style-type: none"> - consultation with stakeholders to check whether officers acted in accordance with the policy?
	<p>A6 Has the LA achieved more consistent enforcement as a result?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> Please give details</p>	<p>Auditor may wish to consider possibility of using case studies to visit premises where enforcement action has been taken</p> <p>Any evidence of Action/Improvement Plans to take work forward</p>
<p>B E S T</p>	<p>Enforcement procedures</p> <p>A7 Do enforcement officers on implementation of the policy for inspection/enforcement action?</p> <p>A8 Has the LA signed up to the Enforcement Concordat and is the enforcement policy in accordance with the Concordat?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> Details</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Detailed INTERNAL guidance on how enforcement officers should implement the policy</p> <p>Eg</p> <ul style="list-style-type: none"> - how the work should be organised - who is responsible & authorised to carry out the work - arrangements to carry out the work, - policy on prior notification of visit or not - use of enforcement management models and investigation criteria - procedures and guidelines for taking enforcement action - use of contractor and Agency staff - competence needed to carry out the work - sending details of prosecutions to LAU <p>Enforcement Policy reflects the principle of the Cabinet Office's Enforcement Concordat</p>

P R A C T I C E	A9	If not, has the LA adopted similar good enforcement practices?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	eg. Appropriate standards of openness, transparency, etc to promote public confidence in the service that is being provided
	A10	Do you have evidence that stakeholders, etc understand the enforcement policy?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Comments	<p>Auditors may wish to consider consulting stakeholders</p> <p>Ask how the views of employers, employees, etc were sought on the Enforcement Policy. Check how were they consulted. Have their views been incorporated? eg. Any exercise to consult stakeholders on whether they have seen and understood the Enforcement Policy.</p> <p>That is: Review whether enforcement is transparent.</p>

Managed Work Programme

The LA should have adequate arrangements in place to ensure that all health and safety inspection/promotional activity is targeted, proportionate, consistent and transparent and have a system for monitoring that this is so.

Reference: HSC s18 guidance

- Enforcement Policy and Procedures and HSC's Policy Statement, eg consistency, targeting, etc
- Prioritised planning
- Requirement to produce a service plan, including investigationn of accidents and complaints, etc.
- Requirement to undergo audit and develop an action plan
- Provision of a trained and competent Inspectorate

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M A N D A T O R Y P R A C T I C E	B1	Does the LA have a planned programme of risk-based activity to target key-risk areas?	Yes <input type="checkbox"/> No <input type="checkbox"/> Details of Work Plan	Planned activity to target premises and activities that pose the greatest risk to the health and safety of workers and members of the public i.e. inspection activity, educational/promotional work, involvement in LAPs, e.g. where it should target its resources to achieve the greatest benefits and improvements in health and safety
	B2	Does the work programme reflect the HSC Strategic Plan and HELA Strategy and priorities and guidance outlined in HELA LACs?	Yes <input type="checkbox"/> No <input type="checkbox"/> Details	HELA Strategic Plan & Strategy LAC on joint operational and industry objectives should be reflected by LAs in their work plans eg. - occupational health - improve H&S performance in key risk areas - increase the engagement of others in the health & safety system - management of the enforcement function - implementation of the HSC's Priority Programmes Other Govt policies & strategies, eg Revitalising Health and Safety, Best Value
	B3	Does the LA have a managed inspection programme? (that is, a programme that is planned, measured, monitored, reviewed and achieves its targets)	Yes <input type="checkbox"/> No <input type="checkbox"/> Details	To answer 'yes' the programme should have effective systems for: Planning - records etc of premises to help plan inspections proactively Organised - the programme is managed and resources are made available to ensure that it is implemented and achieved Measured/Monitored - systems to ensure that inspections are carried out & to agreed quality, meet objectives, etc Reviewed - to ensure that objectives achieved, inspections are effective, etc.
	B4	Are inspections planned and prioritised according to risk?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Priority planning system consistent with LAC67/1 Rev2 and HSC's s.18 guidance. That is activity is TARGETED to higher risk premises. All premises will need to be risk-rated to ensure that the LA may inspect the premises presenting the highest risk as a priority
	B5	Is the priority planning system based on:		
B5a	- an accurate premises database?	Yes <input type="checkbox"/> No <input type="checkbox"/>	How does the LA ensure accuracy? - System for collecting relevant information on premises, eg from planning applications, Yellow Pages, Business Rates, street surveys, OSR1, etc - All relevant info is recorded, eg. details of inspection/investigation - time, date, premises name and address, names and positions of duty holder, details of issues discussed, etc. are recorded - The information is frequently updated and cross-checked There should be accurate information on ALL premises and they should ALL be RISK RATED. (there should be a distinction between desk-top ratings and those following an actual visit. - Auditors might want to request a print out a selection of premises (eg Car - Auditors might want to select random premises (eg from street observation or phone book) to cross check that they are on the premises database.	
B5b	- the risk rating of all premises?	Yes <input type="checkbox"/> No <input type="checkbox"/>		

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B5c	<p>- inspection frequencies for each risk category of premises and when inspection is due?</p> <p>What are the frequencies?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>High A Med B1 B2 B3 B4 Low C</p> <p>Frequency</p>	<p>System to highlight when inspections are due according to risk, new premises, etc.</p> <p>Timescales for visiting premises. Eg. High risk - every year</p> <p>What frequency of contact do you have with Cat. C premises? You may wish to review your activity if you visit high % of Cat.Cs</p>
B6	Are all planned and due inspections achieved?	Yes <input type="checkbox"/> No <input type="checkbox"/>	All premises due a planned inspection, received one and these were prioritised according to risk (high and medium risk premises)
B7	To ensure a co-ordinated approach to its programme of activity does the LA work with:		
B7a	- other departments of the LA?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Eg. Trading Standards, Building Control, Licensing, etc
B7b	- other LAs?	Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g. through Health and Safety Enforcement Liaison Groups
B7c	- other Government Departments and Agencies?	Yes <input type="checkbox"/> No <input type="checkbox"/>	HSC/E, Health Authorities, DEFRA, ODPM, Home Office, Cabinet Office, etc
B7d	- employers and their representative organisations?	Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g. Trade Associations, Federation of Small Business, CBI, etc
B7e	- employees and their representative organisations?	Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g. trade unions, occupational assistance/welfare providers, etc
B7f	- other stakeholders and intermediaries?	Yes <input type="checkbox"/> No <input type="checkbox"/>	e.g. Citizen Advice Bureaux, community/minority group representatives
B8	Does the LA have a Service or Work Plan to outline how it will organise and implement its health and safety regulatory function?	Yes <input type="checkbox"/> No <input type="checkbox"/> Details of Work Plan	
B9	Is the Plan:		
B9a	- produced in consultation with stakeholders including local employers and employees and their representatives?	Yes <input type="checkbox"/> No <input type="checkbox"/>	i.e. does the work plan reflect the concerns of stakeholders eg training courses to address specific concerns of employers and employees
B9b	- agreed by Elected Members?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
B9c	- made available to stakeholders	Yes <input type="checkbox"/> No <input type="checkbox"/>	
B10	Does the Plan include:		
B10a	- a statement of the service's aims and objectives and any issues that cross service boundaries?	Yes <input type="checkbox"/> No <input type="checkbox"/> Details	This section should identify how the health and safety service plan fits into the Authority's corporate planning process, including for example Best Value Performance Plans and Reviews and how its plays a part in meeting the Authority's objectives
B10b	- key programmes, including a planned inspection programme in the context of the	Yes <input type="checkbox"/> No <input type="checkbox"/> Details	- proactive planned inspections,

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B E S T P		current HSC Strategic Plan and HELA Strategy	— —		- accident & complaint investigation - special initiatives, education, training and advice
	B10c	- information on the service that is being provided	Yes <input type="checkbox"/> No <input type="checkbox"/>		What stakeholders can expect from the LA
	B10d	- the means by which the service will be provided	Yes <input type="checkbox"/> No <input type="checkbox"/>		How the service will be provided and organised; Eg. Who will carry out the work? How will they ensure they have the necessary skills and resources to deliver agreed standard? How they will consult stakeholders, intermediaries, custom The collection of information and intelligence to help managers make informed decisions
	B10e	- any performance targets and how they will be achieved	Yes <input type="checkbox"/> No <input type="checkbox"/>		Eg frequency of planned inspections, numbers of customer training courses. This should include outcomes as well as outputs
	B10f	- any reviews of performance to address variance from meeting service plan requirements and any subsequent action/improvement plans	Yes <input type="checkbox"/> No <input type="checkbox"/>		- carry out any audits (internal or external), peer reviews, etc and implement the results of these
	B11	Has the LA sufficient resources to fulfil its statutory role for enforcement of health & safety?			eg Full-time equivalent number of staff, resources & budget for health and safety enforcement is sufficient to meet statutory requirements & guidance issued by HSC, HELA and others, eg Section 18, Best Value, LAC67/1 Rev2. Eg sufficient resources to ensure that the LA fully complies with S18 guidance
	B11a	- for planned activity (interventions, educational/promotional work, etc)?	Yes <input type="checkbox"/> No <input type="checkbox"/>		The LA carries out a programme of planned activity and achieves its targets
	B11b	- for reactive work to investigate accidents, dangerous occurrences, etc?	Yes <input type="checkbox"/> No <input type="checkbox"/>		LA carries out investigations to achieve expectations of customers and stakeholders and achieves planned targets
	B11c	- has the LA benchmarked its resources against similar authorities or comparable service providers?	Yes <input type="checkbox"/> No <input type="checkbox"/>		e.g. any benchmarking on resources using the HELA activity indicators in the HELA National Picture.
	B12	Does the LA carry out special initiatives aimed at achieving measurable or perceived benefits and improvements in health and safety standards, eg	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	Auditors should consider initiatives by individual LAs and/or inter-authority groups
B12a	- any special topic campaigns to improve health and safety awareness?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	eg. manual handling, workplace transport, occupational health, topic inspections	
B12b	- any award scheme to recognise high standards in local businesses?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	Any awards to recognise health and safety achievements improvements etc. or to encourage health and safety culture in business	
B12c	- special initiatives to target higher risk groups, eg small firms, minority groups, etc?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	Eg. health & safety information packs, training, etc	

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R A C T I C	B12d	- improvement in accident reporting?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	
	B12e	- perceived improvement in compliance with health and safety law?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	Special training days, etc to make employers & employees more aware of their H&S requirements, eg greater % carrying out a risk assessment
	B12f	- increase in the number and quality of partnerships with stakeholders/intermediaries?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	Targeting higher-risk premises to achieve an improvement in their risk ratings through H&S advice
	B12g	- fall in the injury rates for workers?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	Initiating more partnerships with trade associations, trade unions, employee representatives, intermediaries, business forums. e.g open days for all stakeholders
	B12h	- training and education to increase the skills and competence of workers	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	fall in injury rates for different sectors, eg warehouses, retail eg. the LA analyses reported injury data to help achieve improvements
	B12i	- any exercises or independent reviews to check customer satisfaction with the LA service provided?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	Has any follow-up action been implemented to take forward the findings?
	B13	Were any benefits achieved? What were they?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details	What outcomes and improvements have been achieved?
B14	Does the LA have a Lead Authority Partnership?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Details		
B15	If yes:		Details	Name and type of Organisation, eg Company, Trade Association, etc.	
B15a	Who is the Partnership with?			If the partner is a company - How many outlets does it have? - How many people does it employ? - What is the nature of the business?	
B15b	What FTE is committed to the Partnership during a typical year?			What is the full-time equivalent resources spent on LAPs? How many enquiries does the LA receive from other LAs, Partners, etc? Consideration should be given by the auditor to the strategic benefits achieved by the LAPS and that this might reduce the quantity of other activity (e.g. inspections) carried out by the LA. The national benefits achieved, eg activity on priority programmes, should be considered when the LA's compliance score is assessed for the managed work programme and overall	

Competence & training

The LA should have adequate arrangements in place to ensure that all health and safety enforcement is carried out by competent officers in accordance with HSC's guidance
Where officers are not fully competent, they should only be authorised for those activities that they have assessed to be competent to do
The LA should establish a framework in which they may liaise and co-ordinate with Local Authority Associations (LAAs), HSE and professional bodies, to ensure that enforcement officers are properly trained AND COMPETENT

Reference:
HSC's Section 18 guidance:
Provision of a trained and competent Inspectorate
Essential elements in the standards for Occupational Health and Safety Regulation published by the Employers' National Training Organisation

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M A N D A T O R Y	C1	Does the LA have a stated and written policy for the authorisation of officers to enforce health and safety law?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Does the policy address the elements & standards for Occupational Health and Safety Regulation N/SVQ (outlined in Section 18 guidance)? Is there a clear authorisation policy linked to competence for enforcement action
	C2	Does the policy incorporate a statement on: - competence? - authorisation? - appointment? - training and supervision of officers?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	How does the LA ensure officers have the appropriate competence and that they perform all the activities required to the expected standard? Is there evidence of the authorisation of officers and which Sections of HSW they are authorised under? Training and supervision of trainee officers or those who have not reached the necessary standards of competence. See question C5
	C3	Does the LA have arrangements in place to ensure the competency of enforcement officers is in accordance with the Commission's s18 Guidance? i.e AUTHORISED officers have the COMPETENCE (eg. as outlined in the Occupational Health and Safety Regulators N/SVQ and HSC s18 guidance) to:	Yes <input type="checkbox"/> No <input type="checkbox"/>	Officers should have the competence to organise and plan enforcement work in accordance with technical knowledge, legal procedures and the interpersonal skills necessary to deal with colleagues and the public.
P R A C T I C E	C3a	- identify the regulatory authority's plans and priorities and contribute to them effectively?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that officers have the competence to: - Identify the regulatory authority's objectives, plans and priorities and contribute to them effectively. - Manage time effectively to ensure the efficient use of resources.
	C3b	- inspect duty holders, worksites and activities?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that officers have the competence to: - Prepare for inspections. - Conduct inspections. - Report on the conduct and findings from inspections. - Assess the quality of hazard identification in a regulated organisation - Assess the quality of risk assessment in a regulated organisation - Identify specific needs for improved risk control
	C3c	- investigate accidents, incidents, ill health and complaints?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that officers have the competence to: - Prepare for investigations. - Determine immediate action needed. - Carry out investigations. - Evaluate the extent of intervention and enforcement needed. - Manage and conclude investigations.
	C3d	- plan and gather evidence?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that officers have the competence to: - Plan the taking of evidence. - gather and preserve evidence.
	C3e	- enforce statutory provisions and brief a prosecutor?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that officers have the competence to: - Prepare prosecution reports. - Initiate prosecution proceedings.
	C3f	- enforcement statutory provisions and present guilty pleas in Magistrate's Courts	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that officers have the competence to: - Prepare prosecution reports. - Initiate and conduct guilty pleas in court. In some LAs, only Legal Teams take this action.
	C3g	- Draft and serve notices and similar documents?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that officers have the competence to: - Draft and serve notices and similar documents.
C3h	- Influence duty holders and others?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that officers have the competence to: - Work with duty holders and others to establish health and safety welfare.	

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			<p>standards, procedures and management arrangements in force in the organisation.</p> <ul style="list-style-type: none"> - influence duty holders and others to improve health, safety and welfare standards, procedures and policies. - Communicate with duty holders, employee reps and external parties. - Communicate with colleagues - within LA and other enforcing authorities. - Secure compliance by discussion and persuasion <p>Evidence that officers have the competence to:</p> <ul style="list-style-type: none"> - Plan and contribute local products and initiatives. - Promote health and safety awareness through dissemination of appropriate information. - raise health and safety awareness during regulatory activity - deliver lectures, campaigns, advice, etc to raise health and safety awaren
C3i	- promote health and safety through regulatory and promotional activity?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
C3j	- establish and maintain productive working relationships	Yes <input type="checkbox"/> No <input type="checkbox"/>	Working relationships with colleagues and contacts external to the organisat eg. specialist advice, liaison with other regulatory organisations, LAs, etc.
C4	Does the LA have arrangements in place to assess the competence of officers?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Does the LA have an internal performance appraisal system to demonstrate an officers' achievements of competence, or likewise failure to achieve satisfactory standard?
C4	Are management systems in place to ensure that LA officers receive and apply HSC and HELA guidance?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Appropriate systems and networking to ensure up todate knowledge eg liaison with LAAs, professional bodies, eg CIEH, HSC/E to ensure that enforcement officers have appropriate competences; systems to ensure that they apply guidance, eg HELA LACs (use of LAU website, etc.), TrainingCo-ord.org website, etc.
C5	Does the LA ensure that the competences of trainee staff and others who have not reached the necessary standards of competence are supervised by appropriate colleagues?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Do LA managers and colleagues with competence and skills to supervise, train and motivate staff use of the following techniques to supervise another officer?
C6	Does the LA ensure that officers are able to attain and maintain competence?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Eg Training, Section meetings to share information; Attendance at local liais group to share information and training; access to technical software packe
C6a	Do officers have access to appropriate training as required?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Does the LA carry out some form of Training Needs Analysis (TNA)? Eg. Training days to address gaps in officer's knowledge and/or in response to new legislation, guidance, concerns of stakeholders, etc.
C6b	Are management systems in place to ensure that LA officers receive and apply	Yes <input type="checkbox"/> No <input type="checkbox"/>	Does the LA have a commitment to, and a programme of, continuous professional development? What training is carried out in-house? What external training is provided? Is there commitment from the Council to meet officers' training needs? Is there a training and development system in place to ensure officers may achieve competences laid down in HSC s18 guidance Has the LA used the HELA Training Co-ord website for training info? Access to the HELA website, etc for copies of HELA guidance, LAPS, etc.

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		HSC and HELA guidance?	— —	Access to LAU Newsletter and other relevant publications, etc?
	C7	Does the LA have arrangements in place to ensure the consistency of officer's actions?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Does the LA carry out officer shadowing or use any of the techniques in question C5 to review the quality and consistency action taken by officers Has the LA carried out any peer review activity to compare officers' actions with other officers from the LA and those from other LAs? Does the LA sub-contract its H&S work or use Agency staff If so, how does it ensure consistency?
B E S T	C8	Does the LA have a documented training strategy/plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Generic plan or for individual officers. Training plans should be linked to the LA's Service Plan and any subsequent Action/Improvement Plans. LA should maintain accurate records of education, training, skills and experience of staff to predict future training needs, etc
	C9	Does the LA use a competency matrix or similar quality management system?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Any matrices to identify officers' competency and development needs and that these are achieved.
P R A C T I C E	C10	Is it linked to the department's business plan and objectives?	Yes <input type="checkbox"/> No <input type="checkbox"/>	The departmental Work Plan incorporates training programme to achieve appropriate competence of officers. As above there should be a link between the Divisional Plans, objectives, etc and the training and development of officers to ensure that they have the skills to deliver the programme and plan.
	C11	Does the LA review the effectiveness of officers' actions	Yes <input type="checkbox"/> No <input type="checkbox"/>	Reviews by the LA to evaluate the effectiveness of officers' action Did they achieve the intended outcomes and outputs?

Investigation of accidents, complaints about health and safety conditions (requests for service) and complaints about

Adequate arrangements to respond to accidents (also incidents of ill-health, dangerous occurrences, etc), complaints about the LA and complaints about health and safety conditions (requests for the LAs' service)

Reference to HSC s18 guidance on:

Enforcement Policy and Procedures and HSC's Enforcement Policy Statement

Requirement to produce a service plan, including investigation of accidents, complaints, etc.

LA Practice	Que No.	Auditing Question Set	Answers/Comments	Auditors' Notes
M A N D A T O	D1	Does the LA have a documented policy for responding to reported accidents and complaints about health and safety conditions?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Published policy on what action will be taken and what stakeholders can expect from the LA in response to reported accidents, dangerous occurrences, cases of ill-health and complaints about health and safety conditions The policies may be incorporated in the enforcement policy Does it incorporate HSC's principles of good enforcement
	D2	Does it incorporate:		i.e. Action will be targeted, proportional, consistent, transparent?

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R Y	D2a	- clearly stated criteria on which decisions to investigate will be based?	Yes <input type="checkbox"/> No <input type="checkbox"/>	This will depend on nature & severity of complaint/accident, the degree of risk involved, likelihood of re-currence, etc. eg all fatals investigated; all major injuries within a set number of days, etc. This should be in accordance with LAC 22/13 on incident investigation criteria An adapted version of HSE 's Enforcement Management Model (EMM) will be made available to LAs in 2003/04 (for training)	
	P R A C T I C E	D2b	- a risk-based approach to prioritising more serious offences?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Is there a prioritisation system for responding to most serious incidents first? Is action in relation to HSC/HELA priorities? , eg focusing on specific issues such as falls from a height Does the LA pay attention to 'Work-related deaths: A protocol for liaison' protocol when responding to work-related deaths?
		D3	Does the LA consult Lead Authorities as appropriate?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Does the policy include consulting Lead Authorities when investigating an accident, serving a notice of taking a prosecution/laying an information? Does the LA keep an accurate list of all Lead Authorities and consult it as appropriate?
	D4	Does the LA have systems in place to manage investigation activity to promote consistency?		How is investigation activity managed? Does the authority monitor that officers act in accordance with the Enforcement Policy and any accident/incident investigation criteria, HELA LACs, etc?	
	D5	Do you have a documented policy for responding to complaints about the LA	Yes <input type="checkbox"/> No <input type="checkbox"/>	There is a system to respond to complaints about health and safety action taken by LA officers as outlined in HSC s.18 guidance [paras 1.12-1.13 & 3.7] and LAC 40/1 Is it included in the LA's enforcement policy? There is a requirement in the HSC's Enforcement Policy Statement that EAs have a system to respond to, and handle, complaints. I.e it is ACCOUNTAB	
	D6	Is this policy published?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
	D7	Is there a system to monitor that: - businesses are informed of their right to appeal against enforcement action? - officers confirm their intention in writing? - any complaints made by business are properly investigated?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	Are employers, employees, etc made aware of the policy for complaints, eg during a visit ('What to expect when a H&S inspector calls')? e.g. Some LAs print the info. contained in 'WTE when a H&S inspector calls' onto the back of visit reports provided to duty holders	
B E S T	D8	Do you have detailed procedures for dealing with the investigation of accident reports, complaints about conditions (requests for service) and complaints about the LA?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Detailed guidance on how enforcement officers should implement the policy, how the work should be organised, who is responsible, arrangements to carry out the work and how the work will be recorded and reported, etc.	
	D9	Do the procedures identify:		Does it include accessing information from the Incident Contact Centre?	
	D9a	- criteria for determining what action will be taken on notification of an accident, complaint about health and safety conditions or complaint about the LA?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Described in D2a	
	D9b	- who is responsible (and authorised) for carrying out the work?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Does someone screen the accidents/complaints and decide which to investigate? Who is authorised to take action?	
	D9c	- how the investigation will be organised and carried out?	Yes <input type="checkbox"/> No <input type="checkbox"/>		

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P R A C T I C E	D9d	- competence required to carry out investigation?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Who will do the work and how. Who will be informed, etc?
	D9e	- targets for responding to accidents/complaints?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Authorisation linked to competence
	D9f	- systems for recording details about the accident/complaints?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Different response times according to severity of accident and risk imposed by the accident
	D9g	- dealing with anonymous complaints and complainants who wish to remain anonymous?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Document system for recording information.
	D9h	- reporting back to complainant describing findings and action taken?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
	D9i	- informing employers, employees and their representatives of the results of investigated accidents and complaints about health and safety conditions?	Yes <input type="checkbox"/> No <input type="checkbox"/>	eg Is there a policy for disclosure to injured parties, etc? e.g. for civil claims
	D9j	- informing LAU regarding any complaints against the service?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Detailed in LAC 40/1
	D10	Are all reported accidents and complaints considered in accordance with the procedures?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Procedures for investigating complaint against LA detailed in LAC 40/1
	D11	Do you have a system for contacting officers during out of normal hours or in emergencies?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Duty officer system, contact tel. number, etc
	D12	Do you have a system for the recording and management of F2508 accident forms?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Accurate records of reported accidents to inform injured parties of presence or absence of a report; judgements about a firm's health and safety performance; inform decisions about appropriate enforcement action; share information with other LAs and enforcing authorities, HSE's ELOs, e
	D13	Is it used to:		
	D13a	- inform risk rating?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Eg. Is a revised risk-rating carried out when an accident occurs due to poor management controls
	D13b	- identify accident trends in your authority?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Causes, types, nature of accidents, etc
	D13c	- inform inspection and work programme?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Flag up areas of possible concern, eg targeted special issues in response to accident trends
D13d	- follow up late reporting?	Yes <input type="checkbox"/> No <input type="checkbox"/>		
D14	What performance targets are set for accidents and complaints? Are they and the results published?	Yes <input type="checkbox"/> No <input type="checkbox"/> Details	The % that are investigated. Which ones are investigated Response times - for initial contact for fatal and major accidents evidence that the LA publishes details of their performance in responding to accidents	

D15	Are local accident trends compared with data in the HELA Annual Report and National Picture?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
D16	How many complaints have you received against your service in the last year?	Number <input type="text"/>	As recorded in your last LAE1
D17	How many of these have been upheld?	Number <input type="text"/>	

Review and quality assessment of LAs' management of health and safety enforcement & development of action plans

Reference to HSC s18 guidance:

Requirement to undergo audit and develop an action plan

Best Value Reviews - Local Government Act 1999

LA Practice	Que No.	Auditing Question Set	Answers/Comments	Auditors' Notes
M A N D A T O R Y	E1	Does the LA have effective and documented systems in place to measure, monitor and review its performance and activity against service plans, enforcement policy, statutory guidance, etc?	Yes <input type="checkbox"/> No <input type="checkbox"/>	<p>Management systems to meet the LA's targets and statutory duties Eg. - manage and record information on all work activity and performance for the annual LA return to LAU (LAE1) eg. data on premises, enforcement action, complaints, requests for service initiatives to carry out HELA Strategic Plan, etc</p> <p>How is performance relayed to: - relevant Directors? - Chief Executive? - Elected Members?</p>
	E2	Does the LA review its policies, procedures, and service/action plans?	Yes <input type="checkbox"/> No <input type="checkbox"/> Details	<p>Has the LA reviewed its policies and procedures to determine if they are effective? Any activity to review the quality of activity and process Has the reviewed involved any external consultation, eg. Are stakeholders satisfied with the service provided?</p>

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P R A C T I C E			Has it: - challenged what the LA does and whether it could do it any better - reviewed management systems, eg how the work is managed and carried - reviewed performance against Service/Work Plan Seek documented evidence of any reviews	
	E3	Has the LA implemented any changes (preventive and corrective action) to management systems as a result of questions E1 and E2?	Yes <input type="checkbox"/> No <input type="checkbox"/> Details	Changes to performance, policies, procedures and systems where a need to improve has been identified as a result of measuring, monitoring and review There should be new procedures in place to ensure they are embedded and adopted by staff, etc.
	E4	Has the LA undergone any external audits/benchmarking of its management of health and safety enforcement in the last five years? If not, are there imminent plans to do so?	Yes <input type="checkbox"/> No <input type="checkbox"/>	E.g. use of this audit protocol or similar frameworks to measure compliance with statutory requirements and develop best practice. This may have been carried out by an inter-authority group or an independent auditor.
	E5	Has the LA considered the results and recommendations of an audit and developed an effective Action Plan to implement improvements and address non-conformities and non-compliance?	Yes <input type="checkbox"/> No <input type="checkbox"/> Describe any work and actions (being) taken forward	The Action Plan should include: - what work will be carried out - who will carry out the work - the resources that will be required and commitment that they will be available - targets, milestones and criteria for measuring & monitoring progress - a timetable for completion of the work - a commitment to & systems to review progress and make necessary changes - incorporation of the Action Plan into the service plan - a link to the Best Value process - all national and local policies and priorities are met effectively - all decisions and recommendations should be communicated
	E6	Has any such Action Plan been incorporated into the LAs' Service Plans?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
	E7	Has a copy of the Audit Report and Action Plan been sent to HELA/LAU?	Yes <input type="checkbox"/> No <input type="checkbox"/>	HELA would like LAs to send a copy of their Action Plans to LAU
	E8	Has the LAE1 return been completed and returned to LAU?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Request last 2 or 3 copies in advance
	E9	Has the LA set performance targets and standards (national and local) for its enforcement?	Yes <input type="checkbox"/> No <input type="checkbox"/> What are they?	e.g. response times for investigations; number and frequency of planned inspections (by risk category); standards of competence of staff, BVP1166, etc.
	E10	Does the LA achieve its planned targets and standards?	Yes <input type="checkbox"/> No <input type="checkbox"/>	eg all action in accordance with policy all planned high/medium risk inspections carried out all staff sufficiently trained to maintain competence all investigations achieved to agreed standards, eg response time met

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B E S T	E11	Are these standards & targets disseminated to all staff, stakeholders and customers?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Staff are fully aware of the Department's plans and how they will be achieved. Department targets and standards are published and publicised to stakeholders and customers
	E12	Is the LA's performance against policies, plans, etc. reported and published? If so, Where? To who? and How?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Eg. to Elected members E.g. on websites, in libraries, local newspapers, etc
	E13	Have the audit report and action plan been presented to Elected Members	Yes <input type="checkbox"/> No <input type="checkbox"/>	What was their response? Are they committed to improving the service?
P R A C T I C E	E14	Does the LA have systems in place to measure, monitor and review progress against the action/improvement plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Evidence that this is carried out
	E15	Has the LA compared the results of any such audits with other LAs?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Many LAs are carry out inter-authority auditing. There should be comparison of the findings and sharing of best practice. Some regional LA groups have developed group policies and procedures to share good practice and ensure consistency.
	E16	Is the LA committed to a process of continuous improvement?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Has the LA produced a plan to fully achieve the 4Cs of compare, consult, challenge and compete as set out under Best Value. The LA should have sufficient resources and commitment and systems in place to ensure that it can continue to improve and develop. There should be commitment from senior management to ensure all responsibilities are defined and communicated within the organisation and that management processes are established, implemented and maintained.
	E17	Has the LA signed up to, or achieved any quality initiatives?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Eg. ISO9000, EFQM, IIP, Charter Mark, any other quality management system