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**THE EVALUATION AND DEVELOPMENT OF THE LEAD AUTHORITY
PARTNERSHIP SCHEME AS A CENTRAL INTERVENTION STRATEGY FOR
HEALTH AND SAFETY ENFORCEMENT BY LOCAL AUTHORITIES**

NIGEL ALEC HAMMOND

Doctor of Philosophy

THE UNIVERSITY OF ASTON IN BIRMINGHAM

October 2002

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Thesis Summary

The research comprises a suite of studies that examines and develops the Lead Authority Partnership Scheme (LAPS) as a central intervention strategy for health and safety by local authority (LA) enforcers. Partnership working is a regulatory concept that in recent years has become popular but there has been little research conducted to investigate, explore and evaluate its practical application. The study reviewed two contrasting approaches to partnership working between LAs and businesses, both of which were intended to secure improvements in the consistency of enforcement by the regulators and in the health and safety management systems of the participating businesses. The first was a well-established and highly prescriptive approach that required a substantial resource commitment on the part of the LA responsible for conducting a safety management review (SMR) of the business. As a result of his evaluation of the existing 'full SMR' scheme, the author developed a second, more flexible approach to partnership working.

The research framework was based upon a primarily qualitative methodology intended to investigate and explore the impact of the new flexible arrangements for partnership working. The findings from this study of the flexible development of the scheme were compared and contrasted with those from studies of the established 'full SMR' scheme. A substantial degree of triangulation was applied in an attempt to strengthen validity and broaden applicability of the research findings. Key informant interviews, participant observation, document/archive reviews, questionnaires and surveys all had their particular part to play in the overall study. The findings from this research revealed that LAPS failed to deliver consistency of LA enforcement across multiple-outlet businesses and the LA enforced business sectors. Improvement was however apparent in the safety management systems of the businesses participating in LAPS. Trust between LA inspector and safety professional was key to the success of the partnerships as was the commitment of these key individuals. Competition for precious LA resources, the priority afforded to food safety over health and safety, the perceived high resource demands of LAPS, and the structure and culture of LAs were identified as significant barriers to LA participation. Flexible approaches, whilst addressing the resource issues, introduced some fresh concerns relating to credibility and delivery. Over and above the stated aims of the scheme, LAs and businesses had their own reasons for participation, notably the personal development of individuals and kudos for the organisation. The research has explored the wider implications for partnership working with the overall conclusion it is most appropriately seen as a strategic level element within a broader structured intervention strategy.

KEY WORDS: PARTNERSHIP, LOCAL AUTHORITY, SAFETY MANAGEMENT, AUDITING, QUALITATIVE METHODOLOGY

Dedication

“Philosophy is a longing after heavenly wisdom”

Plato, 387BC

This thesis is dedicated to my parents.

ACKNOWLEDGEMENTS

Acknowledgements

A research study of this kind is only possible with the help and co-operation of many people. I am particularly indebted to Professor Richard Booth for his invaluable advice, guidance and encouragement over the life of this study. I am grateful to Brian Etheridge for approving my registration for this study on behalf of HSE and acting as external supervisor. I would also like to take this opportunity to thank the succession of LA inspectors seconded to HSE's Local Authority Unit to work on the Lead Authority project; in this respect, special thanks are due to Stephen Sumner and Dr Rowena Dossett, both of whom showed great energy and commitment to progressing the LAPS approach.

Special thanks are also due to Deborah Walker, Senior Lecturer, and Dr Robin Tait, Research Fellow, both of the Centre for Hazard and Risk Management of Loughborough University, for conducting the participant interviews for the SMR and flexible pilot studies.

Finally, I should like to thank my wife Alison for her unswerving help, patience and encouragement and my children, Becci, Tom, Robert and Rachel, for tolerating the time I have not spent with them and the things we have not done together.

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List of acronyms

ACoP	Approved Code of Practice
APA	American Psychological Association
APAU	Accident Prevention Advisory Unit
BRC	British Retail Consortium
BPRI	Business Planning and Research International
BRTF	Better Regulation Task Force
BVPI	Best Value Performance Indicator
CBA	cost benefit analysis
CD	Consultation Document
CDM	Construction (Design and Management) Regulations
CEHO	Chief EHO
ChaRM	Centre for Hazard and Risk Management
CHID	Chemicals and Hazardous Installations Division
CIEH	Chartered Institute of Environmental Health
COBRU	Cabinet Office Better Regulation Unit
COSHH	The Control of Substances Hazardous to Health Regulations
CoSLA	Convention of Scottish Local Authorities
DCOA	Deregulation and Contracting Out Act 1994
DETR	Department of the Environment, Transport and the Regions
EA Regs	The Health and Safety (Enforcing Authority) Regulations
EH	Environmental Health
EHM	Environmental Health Manager
EHO	Environmental Health Officer
ELO	Enforcement Liaison Officer
EMM	Enforcement Management Model
EPA	Environmental Protection Agency (USA)
EPS	HSC's Enforcement Policy Statement
EU	European Union
FAID	Factory and Agriculture Division (forerunner of FOD)
FDA	Food and Drugs Administration
FOD	Field Operations Directorate

ACRONYMS

FP	Flexible Partnership
FSA	Food Standards Agency
FTE	full time equivalent
GB	Great Britain
GN	Guidance Note
GHGB	Good Health is Good Business
H&S	health and safety
HAP	Home Authority Principle
HELA	Health and Safety Executive/Local Authority Liaison Committee
HID	Hazardous Installations Division
HImPs	Health Improvement Programmes
HMFI	Her Majesty's Factory Inspectorate
HSC	Health and Safety Commission
HSC/E	Health and Safety Commission and Health and Safety Executive
HSE	Health and Safety Executive
HSW Act	The Health and Safety at Work etc. Act 1974
LA	local authority
LAA	Local Authority Association
LACORS	Local Authorities Coordinators of Regulatory Services
LACOTS	Local Authorities Coordinating Body for Food and Trading Standards
LAE1	Local Authority annual return of Enforcement activity
LAPS	Lead Authority Partnership Scheme
LAU	Local Authority Unit
LB	London Borough
Lead PI	Lead Principal Inspector
LGA	Local Government Association
LGMB	Local Government Management Board
MD	Metropolitan District
MoU	Memorandum of Understanding
NAO	National Audit Office
NOI	Notice of Intention
OC	Operational Circular
OFT	Office of Fair Trading
OFSTED	Office for Standards in Education

ACRONYMS

OSHA	Occupational Safety and Health Administration
OHSLB	Occupational Health and Safety Lead Body
PEHO	Principal EHO
PI	Performance Indicator
PLA	Petroleum Licensing Authority
PP	petroleum partnership
REHIS	Royal Environmental Health Institute of Scotland
R&R	Resort and Retirement
RIDDOR	Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995
Ru	Rural
ScRu	Scottish Rural
ScU	Scottish Urban
SEHO	Senior EHO
SMART	specific, measurable, achievable, realistic and time bound
SMEs	small and medium sized enterprises
SMR	safety management review
SMS	safety management system
Su	Suburban
s18 guidance	mandatory guidance to LAs issued by the HSC under s.18 of HSW Act
TP	trade partnership
UK	United Kingdom
U&I	Urban and Industrial
US	United States
WRu	Welsh Rural
WU	Welsh Urban

CHAPTER ONE

Introduction

Science is built up of facts, as a house is built of stones; but an accumulation of facts is no more a science than a heap of stones is a house.

Science & hypothesis, Henri Poincaré (1905)

This Chapter sets the scene for the thesis. It details the reasons for embarking on the research, defines the research question, and its underlying objectives. The structure of the research and the type of results obtained are also defined. The research is an evaluation of the workings and effectiveness of the Lead Authority Partnership Scheme (LAPS) that was established by HSE's Local Authority Unit (LAU) on behalf of the Health and Safety Executive/Local Authority Liaison Committee (HELA) in 1992.

1.1 Background

During the late 1980s HSE's Accident Prevention Advisory Unit (APAU) carried out a number of central approaches to large organisations in the local authority (LA) enforced sector, reviewing the way they manage occupational health and safety and reporting on how they could improve their performance. LAPS was seen as a logical development of such central approaches and intended to secure full LA engagement and ownership.

The first public reference to LAPS is to be found in the 1990/91 Local Authorities' Report on Health and Safety in Service Industries (HELA, 1992):

"A major concern of local authorities is the cost-effective use of their resources. This is especially relevant at a time of great pressure on LA resources. The development of the lead authority approach under which a local authority will take the lead for a review of a nationwide company's health and safety management system should reduce the burden on individual local authorities. Good management, whether of health and safety or of any other company resource, makes sense."

(HELA, 1992: p18)

The primary aims of LAPS are to promote consistency of health and safety enforcement for multiple-outlet businesses in the LA enforced sector, and to improve the health and safety management systems of these organisations.

CHAPTER ONE - INTRODUCTION

The operation of LAPS was succinctly described in the HELA (1997) Local Authorities' Report on health and safety in service industries containing statistics for 1995/1996:

"It operates by an LA (the future lead authority) and a company forming a partnership. The LA evaluates how the company manages health and safety (known as a safety management review) and thereafter the lead authority acts as a focal point for liaison on health and safety matters between other LAs and the company."

(HELA, 1997: p4)

LAPS is based upon voluntary partnership working between the lead authority and a partner business such that the lead authority is conversant with the health and safety management systems of that business. Traditionally, at the outset of the partnership the lead authority has gained this knowledge by a detailed safety management review (SMR), that is to say, a full audit of the health and safety management systems of the business.

HELA was established in 1975 as a liaison committee to provide a national forum for discussion on health and safety enforcement, the achievement of good health and safety standards, and good practice. It provides a channel of communication between LAs and HSC/E, promoting liaison and sharing of experience and expertise in accordance with the Memorandum of Understanding (Etheridge, 1997a; HELA, 2000a). Operating through a main committee, a technical subcommittee, and ad-hoc project working groups, HELA's mission is:

"To achieve, by leadership, a consistent approach to enforcement, among LAs and between LAs and HSE, to enable business to comply with health and safety law."

(HELA, 1998a: p3)

LAU was established in 1982 and supports the work of HELA to give national advice, information and guidance to local authorities. LAU's stated purpose is:

"Through support to local authorities, to ensure that the HSC's objectives are achieved in the LA enforced sector."

(LAU, 2000: p1)

LAU is staffed by HSE and LA inspectors, policy makers, and administrators and is the focus for the development of LA enforcement policy. It provides LA inspectors with training support publishes formal guidance within a series of HELA local authority circulars (LACs) and publishes HSE guidance within the HS(G) series. LAU administers LAPS.

CHAPTER ONE - INTRODUCTION

Many external changes and initiatives impacting upon consistency of enforcement and health and safety improvement have operated across LAs and the business sector during the life of this research project. In Chapter Two, I highlight those external factors that have impinged on this study and focus on those considered to be of particular significance in their impact or influence.

I conducted this study whilst with LAU when my work involved the evaluation and further development of LAPS. The scheme had originally been devised to promote greater consistency of enforcement by LA inspectors across large multiple-outlet companies within the retail and finance sectors. In its early years LAPS expanded quite rapidly. By the end of 1994, some 57 partnerships had been registered and a number of LAs and companies had expressed an interest in the scheme (HELA, 1995a). However, over the subsequent period of time to 1997 the number of companies and LAs coming forward to form partnerships within the scheme dwindled. My task, as Head of LAU's Compliance and Training Branch, was to explore the options for the development of LAPS and attempt to breathe new life into the scheme. One element of this was the devising, developing, and testing of new arrangements through pilot partnerships. This work was informed by the findings from my evaluation of the existing scheme.

The research is a study of voluntary partnerships between LAs, in their capacity as health and safety enforcing authorities, and the multi-outlet businesses that fall within their enforcing authority. It is an investigation of the extent to which such partnerships can be used as the basis for a central intervention strategy to secure greater consistency of enforcement by LAs and improved health and safety performance of the participating businesses. The study was conducted on behalf of HELA. Outputs include the testing of recommendations to improve and develop the scheme, and a framework for the future development of the scheme.

My intention at the outset of the study was that the findings be used to build a model that would enable the Lead Authority principle to develop without disproportionate maintenance and support costs for the centre, that is to say, HSE. Following familiarisation with the various aspects of the scheme, the focus was on the detail of partnerships and the importance of individuals, be they inspectors or safety professionals, to the outcomes arising from the partnership.

1.2 Conceptual framework

The key academic literature on modern OHS regulation is reviewed in Chapters 2 and 3. In essence, the literature highlights a shift since the 1980s from prescriptive or performance-based regulatory approaches to those centred upon process-based regulation. The present study of voluntary partnership arrangements between LA regulatory authorities and duty holders is a detailed investigation of a safety management systems based form of reflective regulation (Ayers & Braithwaite, 1992), where the enforcement agency is operating at the base of the “enforcement pyramid” (Braithwaite, 1985). LAPS is used to explore the case for a “two-track” system of regulation in attempt to define the benefits and boundaries of such an approach. At Chapter 5, there is a consideration of comparable partnership schemes within and beyond the world of both LAs and OHS; the regulatory issues identified are further developed in the later chapters dealing with flexible partnerships (Chapter 10) and the wider consultation (Chapter 11).

The recent literature is rich in studies that focus on regulation by the HSE (Hawkins, 2002; Hutter, 2001), or include its consideration as part of an international study (Gunningham & Johnstone, 1999). In contrast, since the study by Hutter (1988) that provided a descriptive analysis of the work of EHOs, the literature has contained little by way of research into OHS enforcement by LAs in Great Britain. The present study is an attempt to address the gap and, by developing upon findings from the unique world of LA enforcement, inform and develop the wider thinking on governance of risk and the role of inspectors. This study tests the partnership approach as a means establishing a central safety culture and a commitment to continuous improvement. The opportunity is taken to measure this compliance strategy, which emphasises cooperation rather than coercion, against the traditional “command and control” model that has been seen in LAs operating at the local level.

1.3 Research questions

The researcher has to determine where he wants to get to, and how to get there. From early readings to inform my development of an appropriate research methodology, I established that “researchers generally begin by formulating a *question* that helps guide and provide a focus for their research” (Palys, 1997). For this study, five key questions were formulated.

Particular care was taken to ensure that each question was SMART¹, focused, and implied a real-world situation that could be looked at to ascertain an answer. The empirical questions developed related to the way that participation in LAPS could improve consistency of enforcement, and secure improvements in the health and safety performance of a business. They also dealt with whether the formal SMR was an essential element of the scheme, and if the flexible development of the scheme could capture a wider LA and business audience whilst still retaining the benefits of the full SMR scheme. Also included in these considerations was the extent to which the success of a partnership depended upon the engagement and commitment of lead individuals on each side of the partnership. From these questions series of research objectives were drawn up so as to securely study the scheme and its development. These objectives are set out below.

1.4 Research objectives

1. Evaluate afresh the existing LAPS approach as a method of improving health and safety performance and for delivering consistency of LA enforcement;
2. Determine business and LA expectations of the existing Lead Authority scheme.
3. Determine extent to which these expectations and aspirations have been realised in the existing scheme featuring an SMR.
4. Identify the factors that limit and those that enhance the development of LAPS
5. Trial a new LAPS approach based upon the evaluation of the established scheme.
6. Determine the company and LA expectations of this new LAPS approach and the extent to which these expectations are realised in pilot partnerships.

1.5 Statement of the hypothesis

Advocates of deductive enquiry generally consider it crucial to articulate their theoretical conceptions by stating these in the form of a hypothesis. Kerlinger (1964) asserts that:

“it can almost be said that the hypothesis is the most powerful tool man has invented to achieve dependable knowledge”.

(Kerlinger, 1964; in Kerlinger & Lee, 2000: p33)

Kerlinger offers three reasons for this - in essence, hypotheses are working instruments of theory, can be tested, and are the public statement of a scientist's theory, i.e. “they enable scientists to get outside themselves”.

¹ The term SMART means specific, measurable, achievable, realistic and time bound

A deductivist hypothesis in the context of my research might look something like:

The more strongly LAs and businesses support and participate in LAPS, the greater the consistency of LA enforcement and the health and safety performance of participating businesses.

Had I been required to state a hypothesis at the outset of this study, I would have been obliged to offer the above. The hypothesis states what the guiding theory says should happen in a particular situation and is open to empirical test. Also, it would have been politically very difficult to offer other than an affirmative statement in a situation such as this where, for over five years, the HSE had persuaded LAs and businesses alike to commit resources to LAPS.

Whilst I kept in mind the initial hypothesis stated above, I determined that it made greatest sense to adopt an inductive approach and more fully explore the phenomenon before imposing rigid hypothetical constructs on the work. In this way, a further hypothesis emerged following initial familiarisation and after some intimacy with the world of LA enforcement and with the scheme. This hypothesis focuses on the contribution that individuals make to partnership working and the outcomes and can be stated:

The success of partnership working, and of LAPS as a concept, is dependant on the personal commitment, endeavours and attitudes of individuals, be they enforcement officer or health and safety professional. The more positive the attitude and the personal commitment, the greater the outcomes.

1.6 Justification for the research

There are three main justifications for this research. The first is that LAU, the sponsor organisation, recognised the value of research as a basis for judging the future potential of LAPS and to inform and underpin future decisions in relation to its development.

The second justification for conducting this research is that it seemed a logical development flowing from my previous work within HSE's Field Operations Directorate (FOD). This earlier work involved leading a total quality project aimed at making inspectors more consistent, confident, and competent in their dealings with businesses on occupational health issues. This project covered the four Engineering and Utilities inspection groups of

HSE's London and South East Region and some 20 FOD inspectors. This work led me to consider the impact of inspector-based interventions targeted at a local level but scripted to a central national agenda. It was also to significantly influence the shape of my preconceptions on the issues of consistency of health and safety enforcement and the impact of inspection. This work ran in tandem with my role as HSE's Enforcement Liaison Officer (ELO), with responsibility for liaison with LA inspectors across South East England; it formed the early base from which the present research has developed. Indeed, this early work is now seen as being the genesis for the current research.

The third justification for conducting the research is the desire, both personal and on the part of HSC/E, to understand the detail of how a central intervention strategy for health and safety enforcement could operate. LA enforcement was the focus in this case. The context was that around 400 heterogeneous LAs enforce health and safety legislation on a range of large and diverse multiple-outlet businesses, each business spanning a number of LAs.

1.7 Justification for the methodology used

This section provides a brief discussion and justification of the methods used in this research, the methodology is explained more fully at Chapter 6. A mix of evaluation and explorative research is applied in an attempt to secure reliable and valid information. An initial evaluation of previous studies is used to inform and underpin the explorative research that is integral to the development of the scheme. The chosen epistemology is one of observation, but the opportunities for direct observation at partnership level were seen to be limited. Therefore, inspectors and safety advisers from the participating organisations, acting as "key informants", provide the primary means of observation. This research focuses on the interactions and perceptions of individuals, as it was felt that evidence from the participants in SMR and flexible partnerships could provide robust findings.

Due to the seemingly insurmountable difficulties in collecting front line enforcement and accident data, much of the research study adopts an approach of capturing relevant information wherever it can be found. It was considered that this would secure information across a wide range. To strengthen the validity of the findings and to gain an in-depth understanding of the LAPS phenomenon, a high level of triangulation is sought across the studies that are based primarily on surveys, questionnaires and semi-structured interviews. This involves the use of different sets of data, different types of analysis, and different

researchers, to study the LAPS phenomenon. The intended outcome is an emergent construction of close-knit sets of perceptions that provide answers to the research questions. As a result of the early difficulties with quantitative methodologies, qualitative methodologies are deemed more appropriate for the most part. Multiple methods are applied to the study of the LAPS phenomenon to develop a composite or “triangulated” outcome.

The majority of studies within this research project use an inductive and constructive approach. Whilst the starting position is informed by some theory, the assumption is that further theory is something to be built from experiences within the research study. The “grounded theory” approach for the handling of qualitative data proved attractive and is applied. The approach, in essence, is the discovery of theory from data and is considered likely to be of maximum use for those parts of the research dealing with qualitative data collected from semi-structured interviews.

1.8 Field research challenges

There were a number of challenges and confounding factors encountered whilst conducting the research project. These can be summarised:

- identification and collection of historical data, baselines and benchmarks;
- geographical spread of populations interviewed within this study;
- provision of objective indicators for direct measurement of outcomes;
- reluctance of some lead authorities to agree independent interview of partner;
- external factors where impact of any single factor was difficult to judge;
- time constraints necessitating pilot trial evaluation after a relatively short period;
- flexible partnerships determined their own development, limiting the opportunity for ‘experimental’ controls or restrictions;
- indirect access mode where I was dependant on others for research data; and
- distinguishing the impact of my input as a participant.

Having set the scene, the next chapter provides an overview of LA enforcement. Chapter 3 deals with the impact of various inspection intervention strategies. Thus, the first three chapters provide the LA enforcement context for the operation and development of LAPS. The next and final section of this chapter provides a route map for the thesis by listing the chapter headings with a brief summary of their content.

1.9 Research chapter headings

The chapter headings and a brief summary of the contents of each chapter are detailed below.

CHAPTER	TITLE	CONTENTS
One	Introduction	
Two	Local authority enforcement	Literature review: the structure and culture of local authority enforcement.
Three	Inspection intervention	Literature review: impact of inspection intervention strategies and evaluation.
Four	LAPS	Origin and description of scheme.
Five	Comparable Schemes	Lead PI, Home Authority and others.
Six	Evolution of methodology	The philosophical justifications for the research methodology.
Seven	Procedure	A detailed step-by-step account of how the research was carried out.
Eight	Study1: LAPS evaluation: Pt 1	Review of three earlier LAPS evaluation studies with my own analysis.
Nine	Study 2: LAPS evaluation: Pt 2	My three linked LAPS evaluation studies with results.
Ten	Study 3: Flexible partnerships	Benchmark and follow up studies of flexible partnerships with results.
Eleven	Study 4: Consultation Exercise	LAPS national consultation with results.
Twelve	Discussion of results	Discussion of the research findings in the context of LAPS
Thirteen	Implications of research	Discussion of results with reference to my earlier literature reviews.
Fourteen	Conclusions	Conclusions from the research

CHAPTER TWO

Local authority enforcement

“The road to hell is said to be paved with good intentions. The same can be sometimes said of regulation.”
Rt Hon Michael Heseltine MP, President of the Board of Trade (1995)

2.1 Introduction

The above statement by Michael Heseltine provides a snapshot of the operating environment for LA enforcement in the mid 1990s. The purpose of this chapter is to describe the way LAs operate, the nature of the Environmental Health enforcement function, and the approach LA inspectors adopt toward enforcing health and safety legislation. In the previous chapter the respective roles of HELA and LAU were outlined and the LAPS concept introduced. The present chapter is used to build a picture of the wider LA enforcement context, making appropriate reference to the various external factors impacting upon the research field. Consideration of the practice of inspection and the place of LAPS within a modern regulatory framework is reserved for the next chapter.

2.2 The health and safety regulatory system

The Health and Safety at Work etc. Act 1974 (HSW Act), and related legislation, is enforced by the HSE, or by LAs, according to the main activity carried out at individual work premises. The Health and Safety (Enforcing Authority) Regulations 1998 (EA Regulations) allocate the enforcement of health and safety legislation at different premises between LAs and HSE. LAs are the enforcing authority for the business, finance, retail, leisure, and hospitality sectors. Some industries, for example dry cleaning and motor vehicle repair, are enforced either by HSE or LAs depending upon the main activity at the particular premises (HELA, 2001a). Thus LAs, as defined in the EA Regulations, are responsible for the enforcement of health and safety legislation to the extent prescribed in the EA regulations (York, 2000; Etheridge, 2000a; Jenkins, 2001).

The Health and Safety Commission (HSC) has overall responsibility for the administration of the HSW Act. It is assisted in its day-to-day enforcement responsibilities by the HSE. The HSC/E are uniquely placed as regulators of the health and safety system because they have responsibility for policy development, standard setting, enforcement policy and

maintaining the necessary scientific and technological expertise to underpin their work (Cabinet Office, 1999a).

HELA is the national forum for promoting good regulatory practice and consistency in enforcement by LAs, and between LAs and the HSE. HELA and LAs contribute to the development of policy making and standard setting but do not have HSC/E's direct responsibility for, among other things, domestic legislation and the negotiation and implementation of European Union (EU) Directives. Walters (1996a), from a study spanning 13 member states of the EU, concludes that strategies in health and safety have undergone considerable change during the first half of the 1990s under the influence of the policies and instruments of the EU.

2.3 The LA dimension to the enforcement of health and safety law

The role of LAs in the enforcement of health and safety law in non-industrial premises is well established. In 1949, the Gowers Committee recommended that LAs should have the responsibility for enforcing safety and health legislation at offices and shops. They rejected the suggestion that it should be the responsibility of a central inspectorate as they considered that would have meant more central government inspectors without corresponding reduction in the numbers employed by the LAs (Gowers, 1949).

In 1972, over 1,600 LAs were responsible for enforcing the *Offices, Shops and Railway Premises Act 1963* covering some eight million employees in over three-quarters of a million premises. By comparison, HM Factory Inspectorate of the Department of Employment was responsible for the enforcement of the statutory provisions for the health and safety of some 8½ million employees in factories, shipyards, docks and construction sites (Robens, 1972). By 1999 HSE inspectors enforced health and safety legislation for around 13.2 million workers in over 600,000 establishments in the industrial, agricultural, construction and services sectors; LAs being responsible for around 10 million workers in over 1.2 million premises with a significant public presence (Cabinet Office, 1999a).

The two earlier sets of EA Regs, of 1977 and 1989, have been accompanied by a progressive shift of premises to LA enforcement. Table 2.1 shows that over the ten-year period from 1987 to 1997 the number of premises within the LA enforced sector has increased by approximately 30%, from a little under 1million (0.989 million) to a shade over 1.3 million

(1.304 million) in which about 9.4 million people work (HELA, 1989a, 1998b, 1998c). Following a small decline 1997, the number of LA enforced premises has remained stable at around 1.2 million nationally, the figure for 1999/2000 being 1.194 million (HELA, 2001a, 2001b).

Additional resources to provide enforcement cover have not accompanied the transfer of premises (Audit Commission, 1991; Mason, 1998). Instead, the HSC have maintained a consistent strategy that LAs should apply a risk based approach to determine, prioritise and programme the premises subject to planned preventive inspections (HELA, 1987, 1998d, 2000b). The increase in premises for LA enforcement without a commensurate increase in resource allocation to LA has been the subject of concern to many in the profession (Randall, 1994a; Maryon, 1994b, 1997a).

Table 2.1: Commercial premises enforced by LAs

Year	Premises (1000s)	Inspectors (FTE)	All Formal Notices
86/87	958	1780	8100
87/88	989	1520	9520
88/89	1027	1580	10070
89/90	1042	1440	10220
90/91	1150	1370	13030
91/92	1230	1360	21680
92/93	1260	1470	26980
93/94	1232	1560	18650
94/95	1274	1580	11790
95/96	1304	1530	8140
96/97	1207	1590	5180
97/98	1210	1440	4510
98/99	1202	1210	6470
99/00	1194	1110	6100

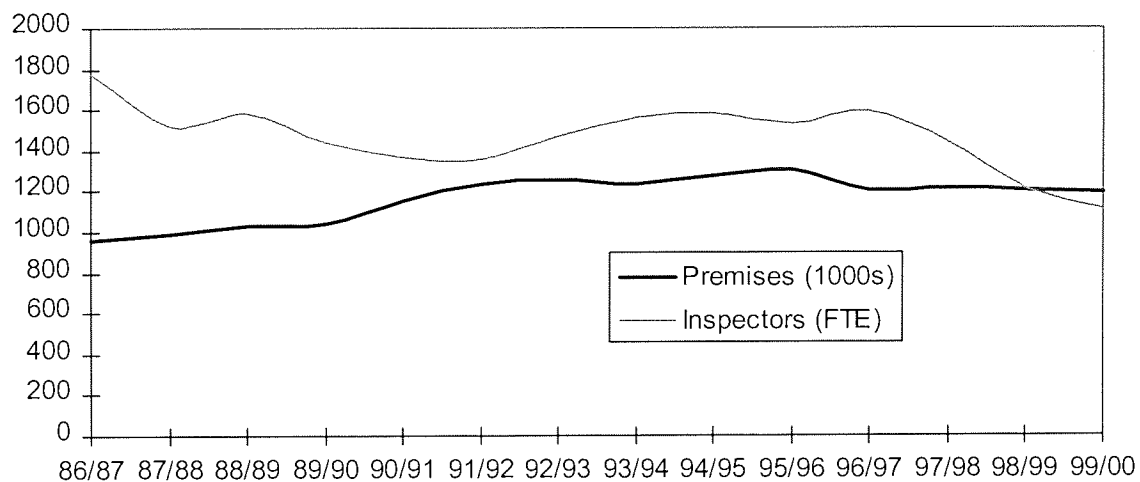
Source: HELA Annual Reports from 1988 to 2001

Figure 2.1 illustrates that against increased LA responsibilities, the number of LA inspectors appointed under the HSW Act declined from the late eighties through to the early nineties. From 1986/87 to 1990/91 the number of LA inspectors working on work on health and safety fell by 24 % (HELA, 1989a, 1992a; CIEH, 1993; Maryon, 1992; MacArthur, 1992).

The situation stabilised during the mid-nineties (HELA, 1998c), but this was followed by a further 30% decline in the number (FTE) of LA inspectors over the three-year period to

April 2000 (HELA, 2001b). Currently, there are fresh concerns about the general decline in number of students joining the profession. This has provoked a national campaign to highlight an imminent shortage of environmental health officers (EHOs) across all disciplines (Gaber & Wardle, 2002; Dyer, 2002).

Figure 2.1: Numbers of LA enforced premises and LA inspectors



Source: HELA Annual Reports from 1988 to 2001

In 1992, HELA commented that:

“Health and safety enforcement must also be set against a backcloth of greater consumer awareness and expectation, and higher public concern.”

(HELA, 1992a: p17)

Possibly as a result of these shifts in employee and public expectations, partly as a result of the increase in premises allocated to LAs, the number of complaints concerning health and safety rose by 52% from 1986 to 1990. Complaints rose a further 75% from 1991 to 1996 (HELA, 1997a) and this trend has continued to date with a further 76% increase of complaints received since 1996 to an overall total of 66090 complaints received of which 93% were investigated (HELA, 2001b).

The rate of reported major injury rose substantially in 1996/97 to 61.7 per 100,000 employees, this is considered to mainly reflect the wider definition of a major injury in the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995 (HELA, 2001b). Overall, through to 1997 there was a steady rise in injuries reported in the LA enforced sector under RIDDOR. Although HELA (1998c) concluded that the rate of accidents might be due to better reporting, there is evidence to suggest that only 15% of accidents and dangerous occurrences etc. are reported (MacArthur, 1992, 1997a). Since

1997 there has been a downward trend in the overall rate of reported accidents from 61.7 major injuries per 100,000 employees for 1996/1997 to 51.6 major injuries per 100,000 employees for 1999/2000 (HELA, 2001b).

2.3.1 Organisation of the Environmental Health function

At the time of the 1974 reorganisation of Local Government only 10% of Environmental Health services were in combined departments. Over the following two decades, the majority (85%) of LAs made new arrangements for the creation of larger departments, dealing with a wide range of functions that had previously been dealt with by smaller services. The activities of Environmental Health Departments by main function are shown in Table 2.2, illustrating the truly multi-focus of environmental health.

Table 2.2: The Functions of EH departments

EH Function	No. Authorities	% Adopting
Health and safety	89	100
Food hygiene	89	100
Composition and labeling	24	27
Housing	74	83.1
Environmental protection	88	98.9
Health protection	88	98.9

Randall 1994b

The mid-nineties saw the shift towards unitary authorities gain pace. In 1994, the Chartered Institute of Environmental Health (CIEH) conducted a survey of all LAs in Great Britain to gain a national picture of how Environmental Health Departments were structured (Randall, 1994b). Nationally, CIEH found that of the 364 respondents to their survey, three quarters (273) stated that they had a combined service directorate that included Environmental Health. They also found that where Environmental Health Departments were freestanding they covered both health and safety and food safety enforcement. The 364 respondents include multiple responses from a total of 89 LAs.

The HSC (1994a) highlighted two major structural differences between HSE and LA enforcement.

“First, local authority enforcers are responsible to elected members, who are themselves directly accountable to their local electorate. In that sense the local authority enforcement regime is inevitably open. ... Second, local authority inspectors enforce several different sets of regulations produced by various Government Departments. This can be of advantage to both the enforcer and the employer, though it makes sound data on the specific impact and effectiveness of workplace health and safety regulation difficult to come by”

(HSC, 1994a: p37)

In April 1999, the Better Regulation Task Force (BRTF) published their review and recommendations on good enforcement practice (BRTF, 1999). The object of the review was to consider arrangements for enforcement measured against the task force's principles of transparency, accountability, targeting, consistency, and proportionality. The BRTF commented that:

“The HSE has a single, clear objective, to ensure that risks to people's health and safety from work activities are properly controlled, and is responsible for allocating resources in relation to the judgements it makes on risk. This is not to say that it is free from political pressures or demands from Government and the public to take action in particular cases, but its enforcement effort is not driven by any national indicators. The HSE is allowed to target its effort at activities presenting the greatest risk and to vary its response as it sees fit.”

(BRTF, 1999: p10)

In contrast, for LAs they noted that:

“LAs have to wear a number of different enforcement hats and how they decide to target their efforts is affected by a number of factors, not just their assessment of risk. First, LAs are subject to national indicators and performance measures that are made, monitored and published by the Audit Commission in England and Wales (the Accounts Commission in Scotland).”

(BRTF, 1999: p11)

The BRTF concluded that, in practice, these national indicators and performance measures could mean that LAs might be driven to undertake food inspections in low risk categories. This could be at the expense of health and safety inspections in higher risk categories where there was no published indicator. The BRTF also identified the fact that this sort of limited view of performance meant that resources might be diverted into routine inspection away from other work such as providing advice and training, which might have a more lasting impact. The author considers that LAPS falls into this latter category.

Prince *et al.* (1995) when identifying barriers to the consistency of enforcement practice, both within and between LAs, considered there to be one that was practically insurmountable – the nature of local government as an organisational arrangement.

“The major strength that HSE has is its unified nature. Local government cannot, and never will be able to, mimic this level of integration and planning, not because of any inherent faults in local government, but by the nature of local government itself. Local government, although it covers the same geographic area as HSE, is composed of many different organisations, each with its own priorities, culture, structure, and affiliations”

(Prince *et al.*, 1995: p131)

The BRTF (1999) concurred with this view that LAs' priorities are affected by the needs of their local communities and the political judgements of their elected members.

“The reality is that LAs with different local pressures are bound to do things differently. They feel they are there to respond to the needs of the community.”

(BRTF, 1999: p11)

MacArthur (1997b) found that local liaison is highly valued by LA inspectors. This local liaison, if effectively organised, provides a primary means of ensuring consistency in the enforcement of health and safety legislation, not only between individual LAs, but also between LAs and the HSE.

A computer-assisted telephone interview survey of 500 Institute of Directors members (Day, 2000) concluded that, in general, the directors surveyed seemed reasonably content with the performance of local government”. Of 388 respondents commenting on health and safety, 49% assessed local government performance to be good or very good, 9% assessed it as poor or very poor.

“One of the features of local government is that there may be elements of diversity from one part of the country to another. This may add to the tapestry of life, as it were.”

(Day, 2000: p2)

2.3.2 Competing demands within Environmental Health

The breadth of the environmental health function has been described earlier in this chapter. Within LAs, the health and safety enforcement function is normally undertaken by the Environmental Health Service and has to compete with the many other environmental health functions for limited resources. The Audit Commission (1991) concluded that most of the activities undertaken by Environmental Health Departments were the result of the progressive accumulation of legislative responsibilities over the past 150 years. Others were included purely for administrative or managerial convenience, particularly in the smaller LAs. Four major areas of activity accounted for about two-thirds of all time spent in Environmental Health Departments, namely, food hygiene and safety, housing, environmental protection, and occupational health and safety. The early nineties marked the start of a growing body of evidence that health and safety was not being accorded the same prominence as other areas of work. In particular, the Audit Commission (1991) reported that 24% of EHO time was spent on food hygiene and safety matters, whilst only 9% was spent on health and safety. This finding was supported by a national survey of LAs by the CIEH in 1992 (MacArthur, 1992; CIEH, 1992a). Their findings were that resources devoted

to health and safety were low, with an average training budget allocation of 13%. Against this, LAs are increasingly expected to respond to a range of initiatives, from central Government such as Best Value, Crime and Disorder, Neighbourhood Renewal, Sustainable Transport, Health Improvement Programmes (HImps), and Local Agenda 21 (BRTF, 1999). Both the Audit Commission (1991) and a subsequent CIEH survey concluded that the brigading of different functions within an Environmental Health team impacts upon the resources allocated to health and safety enforcement (CIEH, 1992a; Maryon, 1992). Nationally, CIEH found that health and safety was combined with food in 34% of authorities.

It has been suggested that resources have been diverted away from health and safety enforcement in Environmental Health Departments where there are combined areas of work, this being strongest in the case of food safety where national performance indicators were established in the early 1990s as part of the Citizen's Charter Initiative (Audit Commission, 1994a, 1995). The risk-rating programme, introduced to prioritise inspection of food premises, was amended in light of the Pennington report (MAFF, 1995; Pennington, 1997). This had the effect of increasing the frequency of inspection to all premises where there was a significant risk of *E. Coli* (Curtis, 1997). The pressure for resources dedicated to food safety enforcement further increased with the establishment of the Food Standards Agency (Etheridge, 1997b). The performance indicators the Food Standards Agency has set down for LA enforcement are closely and regularly monitored. Where health and safety and food safety have been competing for the same resource, this push on food safety enforcement has had the overall effect of reducing the resources available for health and safety enforcement.

Some LAs have argued that food hygiene enforcement, because of its emphasis on statutory requirements, already has a disproportionate effect on the allocation of LA resources. The Food Standards Agency (FSA) is likely to have further upset the balance between food safety, and health and safety enforcement within LAs. The FSA monitors the performance of LAs in enforcing food safety legislation and also their capacity to enforce that legislation. It has specific powers to:

- require information from LAs backed by a power of entry to LA premises;
- set performance standards for LAs, both generally and individually;
- make reports to a LA on its performance and require it to respond; and
- publish performance information.

When proposing the future shape of health and safety enforcement performance monitoring, LAU suggested that the HSC may not wish to precisely mirror the FSA approach - as it was already able to rely on some current arrangements. None-the-less, LAU concluded that “the HSC is likely to want to ensure that health and safety does not fall further behind food safety because of any differences of approach” (Etheridge, 1998).

2.3.3 Best Value

Modernising government was at the heart of the present Government’s 1996 election pledge to modernise the country. Best value was the principal means by which the modernisation and improvement of local services was to be achieved (DETR, 1998a). The Government published the provisional key principles underlying its approach to best value in June 1997. In stating the twelve provisional principles for best value, DETR made it clear that the duty of best value was one that LAs would owe to local people, both as taxpayers and users, and that they were intended to apply to all LA services. Local performance plans had become the principal means by which LAs reported back on performance against targets, these being independently audited in the light of the Nolan Committee Report on Standards of Conduct in Local Government (Nolan, 1995). The Government White Paper built on the modernising theme, setting out programme of change to deliver public services to “meet the needs of citizens” (Cabinet Office, 1999a). It advocated, in particular, new audit and inspection arrangements, including a rigorous external check on LAs’ performance. The proposal was that new inspectorates, analogous to existing bodies such as the Social Services Inspectorate and OFSTED, would be established and armed with a power to trigger swift action when LA performance is found wanting.

In November 1998 LAU initiated a project to consider the implications of best value on LA health and safety enforcement and the role of the Health and Safety Commission in setting benchmarks for LA performance (Etheridge, 1998). This work revealed the significance of the best value agenda on LA health and safety enforcement and highlighted the need to develop a framework for benchmarking and performance appraisal. Whilst the HSC had yet formally to consider the issue, the assumption was that it would want to adopt a line on best value consistent with other government departments in pursuit of ‘joined-up’ working and to maintain its primacy over LA health and safety enforcement. Traditionally, HSC had concerned itself more with the overall performance of LAs than with that of individual LAs.

The nature of the HSC's relationship with LAs was reflected in its approach in the use of Section 18 guidance, there being a reluctance to use this as a lever for fear of losing the co-operation and trust it enjoyed from LAs.

Although applying in theory to all LA services, there were a number of factors that made best value principles particularly important in respect of health and safety enforcement. These included:

- a squeeze on LA resources for health and safety becoming more pronounced in competition particularly with food safety;
- emerging issues such as stress, passive smoking, and violence, which were focused in the LA enforced sector such that LAs were becoming the health and safety system's front line for an increasing number of politically sensitive issues;
- the Cabinet Office's development of performance measures for enforcement which concentrated on outcomes rather than activity (Cabinet Office, 1998a, 1999b);
- research into the assessment of competencies in LAs which noted that the HSC's S.18 guidance required LAs to satisfy themselves of their inspectors' competencies but that no explicit mechanism existed by which the HSC could be assured that this was happening (York, 1998; Etheridge, 1999a).

There was also a growing awareness of the need to set clear objectives and to measure their achievement. The HSC Chairman, Frank Davies, speaking at the first HELA Conference *Working in Partnership: Raising the profile of Health and Safety* commented that, while consensus should continue to underpin the relationship between LAs and HSC, the balance of prescription against discretion was probably not quite right - favouring a greater element of control (Davies, 1997). The LA Chair of HELA, William Myers, in a paper to Kemp's 1999 Business Directory for London LAs, predicted that performance monitoring would assume a greater significance as work proceeded on best value and benchmarking. Auditing in health and safety would allow LAs to assure the HSC that they were implementing its guidance and achieving its objectives (Myers, 1999).

So far in this chapter, I have described the way LAs are organised and fit into the overall health and safety regulatory system, and the competing resource demands upon Environmental Health Departments. The profile and recognition of LA enforcement is now considered before considering the enforcement approach adopted by LAs.

2.3.4 Profile of LA health and safety enforcement

Prince *et al.* (1995) concluded that health and safety enforcement and the training and competence of inspectors in was not high on the list of priorities for Environmental Health Departments. Whilst certain of their findings regarding the training of LA inspectors have been challenged (Garton, 1997), it is generally acknowledged that Prince *et al.* correctly identified local political pressure as a primary driver leading to the relatively low status of health and safety enforcement. Elected members of LAs have considerable direct impact on the activities of local government officers. The general political climate across local government is towards consumer interests and customer care at the expense of producer interests including health and safety.

Most of the EHO respondents in the Prince *et al.* (1995) study of nine different LAs made it clear that they had only marginal involvement with health and safety work, representing as little as 5% of their time. Their finding added weight to the earlier claim (Prince *et al.*, 1994) that health and safety was the “Cinderella” function of Environmental Health Departments. The fact that health and safety is subordinated to other functions is exacerbated by the fact that many EHOs perceive the range, variety and challenge of this work as limited. One student EHO explained that whilst she was accountable for what she did, she was her own manager and able to decide the relative priority of health and safety within what she described as “a jack-of-all-trades job”.

2.3.5 Performance Indicators

The Audit Commission is required to measure the performance of every LA by the use of performance indicators, the aim being to enable appropriate comparisons to be made. Having consulted widely on a range of proposals for national publication of the Citizen Charter indicators covering the performance of LAs, the Audit Commission (1994b) outlined their decisions on the format they would be adopting from March 1995. In accordance with the duty imposed by section 1(1) of the Local Government Act 1992, the ‘Audit Commission (1996) Information Direction’ detailed the indicators that LAs must provide.

CHAPTER TWO – LOCAL AUTHORITY ENFORCEMENT

Prior to the publication of the Environmental Health and Trading Standards BVPI 166 in March 2001 and of the HELA Guidance in July 2000, health and safety was not one of the national performance indicators that covered the Environmental Health function (DTLR, 2001; HELA, 2000c; DETR, 2002a, 2002b; Hatchett, 2000). In contrast, food safety has for the past decade been well represented in performance indicators. This imbalance of work measurement has been amplified by the inspection frequencies for food being clearly set out in Code of Practice 9 under the Food Safety Act 1990 which states that “food authorities should observe the minimum frequencies” for inspection (MAFF, 1995). By comparison, successive HELA priority planning systems have not set down any fixed inspection periods for health and safety (HELA, 1987, 1998d, 2000b).

Given the above, it would seem tempting for LA Environmental Health Departments to prioritise resources in favour of food safety and reactive work for which there were statutory performance indicators. Indeed, the Audit Commission (1991) and CIEH (1992a) both found that, in addition to the Audit Commission’s performance indicators, the strict requirements for food safety work diverted resources away from health and safety. The Cabinet Office (1998b) reported:

“in response to public demand the Government has set public services, including local authorities, the challenge of setting targets and measuring performance against outcome objectives so that the public can see the effect of a policy or delivery of a service”.

(Cabinet Office, 1998b: p1)

In contrast to other areas of LA activity, there were no performance indicators for LA health and safety enforcement but the report concluded that:

“Performance indicators could be developed around Home/Lead Authority”

(Cabinet Office, 1998b: p16)

HSC’s Review of Regulation recommended that powers be introduced to require each LA to provide information on how effectively and efficiently it performed its enforcement functions (HSC, 1994b). Following discussions with DoE and the LA associations, the Commission agreed with Ministers and HELA that it would seek a Ministerial direction in respect of those authorities that failed to make returns in two consecutive years.

From 1997 onward, HELA’s annual report on health and safety in the services industry has contained a number of indicators of LA activity. This resulted from the HELA review to

identify performance criteria that could be applied to LAs' as health and safety regulators (Greenwood, 1996). Since then, LAs have been invited to compare performance with their like peers and to investigate, and justify, where major differences were apparent. Whilst this responsibility lay with LAs, the LAU visited in an advisory capacity some LAs that appeared to be at the statistical norm and those at the extremes (Jones, 1997a). Indicators of LA health and safety enforcement activity were published for the first time in HELA's report for 1996/7. Average figures for each type of authority allowed LAs to compare the consistency of their approach to enforcement with others. Indicators covered preventive inspections, improvement notices, prohibition notices, complaints, convictions and numbers of full time equivalent staff. The report encouraged LAs to discuss their approach with colleagues in similar authorities and identify the circumstances in which a different approach was appropriate. It is anticipated that the introduction of such peer review of performance, coincidental with the research study period, will have had an impact on consistency of enforcement by LAs.

In July 2000, a national performance indicator was introduced for LA health and safety enforcement (HELA, 2000e). There is evidence that this new performance indicator, enhanced through auditing by LAU on behalf of the HSC and inter-authority auditing, is already having a significant positive impact on the status of health and safety (O'Donnell, 2000, 2001, 2002). Alongside this new performance indicator, a planned revision of the HELA priority planning system was to strengthen and bring the health and safety prioritisation arrangements closer to those for food safety (Hammond, 2001a, 2001b, 2001c, 2002d; Wildsmith *et al.*, 2000, 2002). This signalled a move of health and safety enforcement towards parity with food safety in terms of its ability to compete for LA environmental health resources.

2.3.6 Recognition of LA enforcement

LAs are rarely afforded appropriate recognition for their role in the health and safety system. The equality of the regulatory partnership between HSE and local authorities has been often questioned (Bacon, 1992).

The HSC (1992) publication *The Health and Safety System in Great Britain*, produced for a European audience to support the UK Presidency in the second half of 1992, states at its opening sentence:

“Almost all the risks to health and safety arising from work activity are regulated through a single legal framework and by a single set of institutions. The regulatory concerns of the UK Health and Safety Commission (HSC) and the Health and Safety Executive (HSE) range from health and safety in nuclear installations and mines through to factories, farms, hospitals, and schools, and many other aspects of the protection of both workers and the public.”

(HSC, 1992: p1)

Mention of LAs within this 25-page publication is very limited. Just one sentence indicates that LAs are responsible to HSC for enforcement in offices, shops, and leisure, and one paragraph explains how HSE supports the work of LAs. I recently assisted in the revision of this publication and the latest version more accurately reflects the position with respect to LA enforcement (HSC, 2002a).

The perception that the role of LAs is underplayed has been strengthened by the content of some HSE publications promoting the revitalising H&S agenda. More recently the DETR & HSC (2000) Strategy Statement *Revitalising Health and Safety* devoted just two short paragraphs of its 57 pages to LA enforcement. These included the following comment regarding the 290 responses to the main Consultation Document:

“97% of responses to the question about whether more could be done to raise the profile of health and safety within local government answered yes. The most popular suggestions were to revisit the role of local authorities to ensure recognition of their occupational health and safety work, and to review the funding and performance management arrangements for this function.”

(DETR & HSC, 2000: p32)

LA enforcers perceived this finding as largely negative in that they were the subjects of just one action point (Action Point 27) of 44 Action Points:

“The Health and Safety Commission will work with local authorities to propose an indicator against which the performance of local authority enforcement and promotional activity in England, Scotland and Wales can be measured.”

(DETR & HSC, 2000: p32)

As a result of this, and conscious of the need for LAs to demonstrate best value, the HSC determined that their Section 18 guidance and the arrangements for monitoring and evaluating the effectiveness of LA enforcement activity should be reviewed. Also, the HSC asked HELA to bring forward proposals for a programme of inter-authority auditing.

Revised Section 18 guidance (HSC, 2001a) and new procedures for inter-authority auditing (HELA, 2002) have recently been put in place. LAPS retains its status as an HSC priority in that Guidance Note 6, of the six Guidance Notes comprising this Section 18 guidance, deals with the requirements in respect of LAPS (HSC, 2001b). GN6 details the circumstances when the health and safety enforcing authority should contact and liaise with the lead authority for a particular business.

2.3.7 The Government's Review of Regulation

The political environment within which both HSE and the LAs have operated over the last twenty years has changed markedly. Hawkins (2002), in reporting field studies conducted across HSE's Field Operations Division, comments that in the 1980s the election to office of successive Conservative governments in Britain was seen by HSE inspectors as creating a context for their work which was generally opposed to regulatory activism. This sentiment intruded into their work and was reflected at the time in the approach of many inspectors in their decision-making.

In December 1992, Michael Forsyth MP invited the HSC to review workplace health and safety legislation to see if it was possible to reduce the administrative burdens arising for business, particularly small businesses. A guiding principle was claimed to be that nothing should be done that would undermine necessary standards of health and safety. Yet, against this, the government clearly stated its belief that: "Over-zealous, inconsistent and heavy-handed enforcement destroys businesses and jobs, and is in nobody's interest" and called for a "culture change" for those involved in regulatory work in that the minimisation of costs to business should be treated as a central aim (Cabinet Office, 1995a, 1996). This was seen by some as a period when the previous Conservative Government applied a number of separate, and often very subtle strategies with the aim of removing important health and safety provision (Walters & James, 1998a). One such particularly subtle form of deregulation was:

"evident in the changed strategies of the regulatory agencies themselves, occasioned by the increasingly stringent cuts in public expenditure, the reorganisation of public sector services and new requirements on inspectors to justify their regulatory actions in terms of costs and benefits."

Walters & James, 1998a: p20

HSC (1994a) stated that their plan for the Review of Regulation stressed the need to look at broader regulation issues including the variety of ways that HSE and the LAs seek to ensure

compliance with the law. In reporting their findings, the HSC proposed action to reduce inconsistencies in enforcement practice, though overall the evidence did not suggest that either the HSE or LA enforcers were unreasonable in their requirements.

“However, there is a need to **reduce inconsistencies in enforcement**, affecting both HSE and local authority inspectors; to **improve communications** between business – especially smaller firms – and the inspectors;”

(HSC, 1994a: p2)

In the HSC’s view there was a need for improvements to:

“the **consistency** of enforcement practice, both within HSE, within and between individual local authorities, and between HSE and local authorities, not least in ensuring that enforcement is **proportionate** to risk.”

(HSC, 1994a: p9)

The Better Regulation Task Force examined the cumulative effect of regulation and enforcement on a specific sector, namely hotels and restaurants (BRTF, 2000). They viewed consistency and co-ordination between the regimes operated in different geographical areas as important for multi-site operators, especially where standardised ‘concepts’ are being rolled out. Many in the LA sector still see consistency of enforcement by LA inspectors as a significant ongoing issue for LAs (Russell, 1999; Lucas, 2001). The BRTF were less than complimentary about the regulation of fire safety approval and licenses where they concluded that fire officers have up to ‘six bites at the cherry’. They did, however, acknowledge the ‘pioneering work’ done by LACOTS in areas such as food safety and trading standards, where HAP schemes have developed, and also that done by the HSE with LAPS. Through the present research study and my other work with LAU, I sought to bring the LACOTS and HELA schemes closer to the ‘one stop’ goal. This was consistent with the BRTF recommendation that:

“Government should invite the local government associations to co-ordinate a review of Home and Lead Authority Schemes to ensure consistency across schemes with the aim of delivering a ‘one stop’ Home Authority that covers all appropriate regulatory regimes.”

(BRTF, 2000: p33)

2.3.8 The enforcement approach adopted by LAs

EHOs adopt a range of strategies when pursuing their regulatory functions; these extend from formal legal sanction through to informal approaches involving education, negotiation, and persuasion (Hutter, 1986). The past two decades have seen a shift from the earlier focus on ‘command and control’ regulation that was a reflection of this being the traditional, most prevalent, and the most visible method of regulation (Hutter, 1999). From her in-depth study of four Environmental Health Departments, Hutter (1988) established that the use of

formal legal methods, especially prosecution, is regarded as a last resort, something to be avoided unless all else fails to secure compliance over a period of time; instant remedy is not necessarily sought or considered possible. She concludes that, like other regulatory officials, EHOs consider their primary role to be remedial rather than punitive.

“‘Enforcing the law’ to an EHO means securing compliance to the law through persuasion and advice, rather than the apprehension and subsequent punishment of offenders. The law is considered a means to an end rather than an end in itself ... EHOs tend to adhere to the accommodative model of enforcement.”

(Hutter, 1988: p55)

The context or environment for enforcement has been shown to be important. The role of politics, economics, and the media all play their part in determining the relative importance of the various competing elements of the environmental health function (Kagan, 1989; O'Donnell, 1998; York, 2000).

In the early 1990s the context of enforcement was changing across the range of environmental health functions and, in particular, for health and safety. OHS has re-emerged as a major issue on the social policy reform agenda internationally. Gunningham & Johnstone (1999) comment that: “The low hanging fruit has all been picked”. Essentially, the legislation of the 1970s and early 1980s was designed to address the OHS issues of that era, and is increasingly ill-suited to deal with important changes that have taken place since that time. In addition to the work pressures applied by the six-pack regulations introduced to deliver to EU Directives, the implementation of the first revision of the EA Regulations, that is the EA Regulations 1989, shifted the balance of enforcement allocation from HSE toward LAs. Typically, during 1992/93 LAs gained responsibility for an additional 80,000 premises nationally (HELA, 1994a, 1994b). Against pressure toward additional enforcement responsibilities, the government were committed to lessening the regulatory burden on business, enforcement consistency being a particular concern (HELA, 1994a; Wakely *et al.*, 1994):

“Larger companies which operate or sell in several local authority areas place great emphasis on the need for consistency of enforcement, and for co-ordinated enforcement systems that will minimise the obligation to clear the same products or practices in every local authority enforcement area and for existing co-ordinated enforcement systems to be extended into all areas of local authority enforcement”

(Wakely *et al.*, 1994: p10)

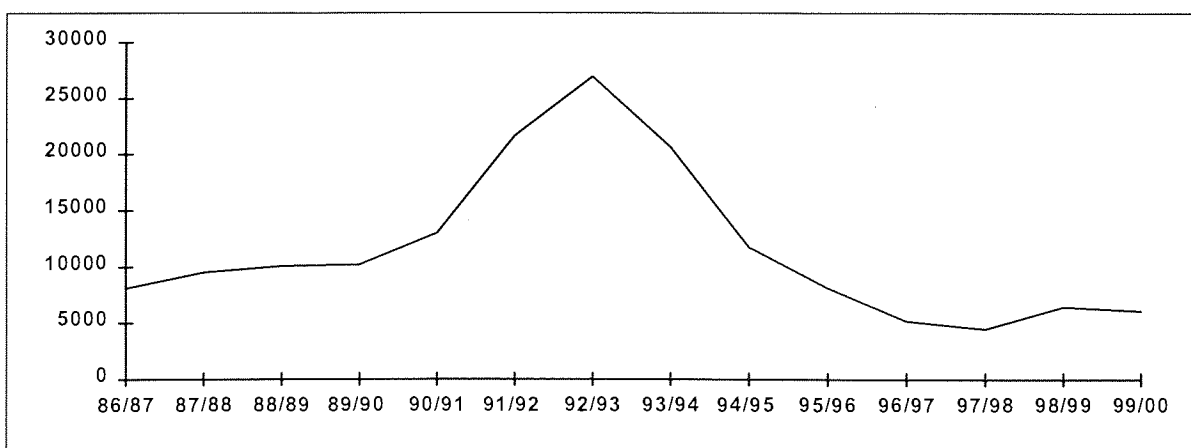
Wakely *et al.* (1994) also found consistency of enforcement to be an issue for small businesses, with half (51%) of the small businesses surveyed complaining that LA

enforcement officers acted inconsistently. Whilst these concerns were real and comprised inconsistency at authority and individual inspector level, it was not possible to back them up statistically. Notwithstanding this, Alliston *et al.* (1993) reported that the Government introduced procedures aimed at reducing what were seen to be regulatory burdens on business. Increasingly, the role of the EHO was seen to be one of consultant and adviser to business and not just as enforcer (Prince *et al.*, 1994).

Performance Indicators (PIs) heralded an increase in statistical monitoring and enforcement action. Earlier in this chapter, Table 2.1 (at page 33) showed the number of formal enforcement notices served by LA inspectors rose steadily from 8,100 Notices (improvement and prohibition) in 1986/87 to 13,030 Notices in 1990/91, an overall increase of 61%. In 1992/93 there was a dramatic rise in formal enforcement notice action, with 21,680 Notices served, up 66% on the previous year (HELA, 1994b; Maryon, 1994a). A further rise of 24% in Notices served for 1992/93 has been followed by a substantial fall each year since that time to an overall total of 6,100 Notices for 1999/00.

A number of explanations have been offered for the dramatic rise in enforcement notice action seen in the early 1990s. Some considered there to be a halo effect from the performance indicators arising from the Audit Commission report (1991) and subsequent increase in statistical monitoring (Maryon, 1994a). This may have been reinforced by Code of Practice No. 5 issued under Section 40 of the Food Safety Act 1990 that, when first issued, advised that food safety improvement notices should be considered the “first option” where defects were found (MAFF, 1991). Figure 2.2 illustrates the trend in enforcement notices.

Figure 2.2: Total notices served 1986/87-1999/2000



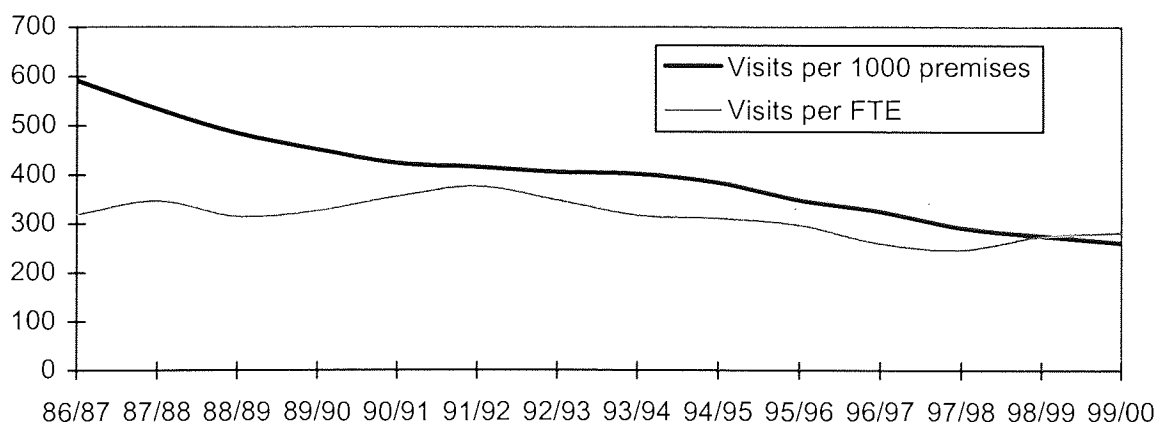
Source: HELA Annual Reports from 1988 through to 2001

2.3.9 The national decline in formal enforcement action

The rise in formal enforcement action coincided with criticism of EHOs for being overzealous in their enforcement practices. The profession responded, but in the absence of formal guidance did so mainly at local level, which led to claims of inconsistency. To promote uniformity, a model enforcement policy was published in the HELA annual report to promote uniformity (HELA, 1993). This approach advocated was one of education and co-operation, based on an understanding of the law and consequences of non-compliance. This policy was consistent with the Government's general position at the time, to deregulate and ease burdens on industry (Randall, 1994a). An apparent change in LA enforcement culture resulted very quickly. Nationally the number of Improvement Notices fell 43% in 1994/95. The trend continued into 1995/96 with the number of all notices falling to a third of the previous year (Maryon, 1997b) and Prohibition Notices being the lowest for 8 years. By 1996, the level of formal enforcement notice action had returned to the level as seen a decade earlier (HELA, 1997a). The fall in 1995/96 was some 36% down on the previous year (HELA, 1996a). The HSE explanation for the decline was is that in 1994/95 a 57% increase in proactive, educational visits resulted in inspections taking much longer (HELA, 1996a). To support his opinion that UK firms perceived that detection and prosecution is low, Wright (1998) cited HSE research that found the probability of a British firm being prosecuted for failure to comply with health and safety legislation was 1 in 800.

Figure 2.3 shows that since the early nineties the number of visits by inspectors has also declined, particularly the number carried out by each full time equivalent member of staff engaged on health and safety enforcement.

Figure 2.3: Visits carried out by LA inspectors 1991/92-1999/2000



Source: HELA Annual Reports from 1988 through to 2001

In an examination of the “philosophy” of the HSW Act in practice, Walters & James (1998b) show how easy it is to lose sight of Roben’s intentions in respect of goal setting and self-regulation. In October 1995, the Conservative Government required the HSC take action to ensure that Health and Safety enforcement procedures accorded with the principles of the Deregulation and Contracting Out Act 1994 (DCOA). This flowed from the Government initiative of the early nineties to reduce the burden on industry. As a result, the HSC issued guidance to HSE and LA inspectors introducing a new ‘notice of intention’ (NOI) procedure giving businesses a right of representation before an improvement notice could be served (HSC, 1996b). Certain aspects LA enforcement and some clues as to the preferred enforcement style of LA inspectors were revealed when, in April 1996, the HSE commissioned a review of these NOI procedures. The researchers undertook 824 telephone interviews with business and 180 telephone interviews with inspectors, 100 of these being with LA inspectors (Wiseman, 1996). The review, which resulted in the NOI procedure being withdrawn, indicated that whilst LA inspectors spend a considerable amount of their time enforcing health and safety law, much of their time is devoted to other environmental health priorities. One third (34%) of LA respondents spent more than three quarters of their time enforcing health and safety law, just over half (56%) spent less than half their time on this. Also, LA inspectors were significantly more likely than HSE inspectors to consider it important to formalise health and safety enforcement practice (59% against 34%). Those inspectors who considered it important to have health and safety enforcement practice formalised believed it brought consistency across the board (58%), and that it made business aware of health and safety regulations (16%). Comments included: “It helps the consistency, especially where you have larger businesses with different branches”. This is consistent with the finding that, on average, LAs inspect premises twice as often as HSE and issue 50% more improvement notices per inspector, even though LAs are responsible for the lower risk premises (Walters, 1996b).

Since the HSW Act, there has been a progressive move away from prescriptive legal requirements toward an approach relying upon duty holders accepting responsibility for undertaking risk assessments to determine the measures necessary to comply with the legislation. This accords with Robens’ (1972) conclusion that:

“The most fundamental conclusion to which our investigations have lead us to is this. There are severe practical limits on the extent to which progressively better standards of safety and health at work can be brought about through negative regulation by external agencies. We need a more effectively self-regulating system.”

(Robens, 1972: p12)

The 1990s have seen an acceleration of the culture shift toward the deregulatory approach where health and safety regulation is “mostly based on the partially mandated self compliance model” Wright (1998). In an attempt to encourage LAs to adopt a common local approach to health and safety enforcement, a model policy was included with HELA 1993. In 1996 this was issued as HSC s.18 mandatory guidance (HSC(G)2) which developed the theme that enforcement should be characterised by four principles, namely, proportionality, consistency, transparency, and targeting. HSC(G)2 was subsequently used as a basis for the Enforcement Concordat, issued by the Cabinet Office Better Regulation Unit (Cabinet Office, 1998c; Etheridge, 1997a).

In the next section, having described the enforcement approach adopted by LAs, I move on to consider the particular training and competence issues for LA inspectors. The chapter is concluded with a consideration of the various other external factors that have operated on the field of study which have not been covered earlier.

2.4 Training Issues

2.4.1 Training and competence of LA inspectors

Recommendation 23 of the HSC report on the review of regulation (HSC, 1994a) proposed that new guidance on the competencies and training of health and safety inspectors should be developed. In October 1996, HSC issued guidance on standards of competence and training for inspectors and clarified the duty on LAs to make adequate arrangements for enforcement (HSC, 1996a). This reflected the standards developed for the Occupational Health and Safety Lead Body for a Vocational Qualification for health and safety regulators (OHSLB, 1995). This approach was reinforced by HELA's Training Strategy, published in March 1997, which set the framework for ensuring the standard of training received by all LA inspectors was adequate, appropriate and consistent (HELA, 1997b, 1998e, 1998g). More recently, as a result of an evaluation of training provision for LA inspectors, training has been delivered through a National Training Coordination website (Casstles *et al.*, 1999; Williams *et al.*, 2001; Buchan, 2001).

2.4.2 Consistency of Training

Until the mid 1990s, apart from degree courses, the training of LA inspectors was largely undertaken at individual LA level with no structured central guidance or information sources from the HSE or Local Authority Associations (LAAs). There was only very

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limited commercially available health and safety training material directed at health and safety regulators.

In June 1995 a project was initiated by LAU to improve accessibility of HSE training materials to LAs (Thomas, 1996a). The project was conceived as a way of aiding consistency of approach to health and safety enforcement. The aims of the project were to search out relevant HSE training material and explore ways of adapting or making that material accessible to LA inspectors. The main outcomes were video packages and distance learning packages. More recently, LAU has commissioned peer review videos, which were aimed at LA inspectors and businesses, examples being builder's merchants, charities, and tyre & exhaust. Partner businesses from all three industries are represented within LAPS. Evaluation has demonstrated that these videos have helped deliver consistency of approach by LAs for the sectors concerned (Thomas, 1996b)

As will be shown later from the present research study, LAPS offers participating inspectors the opportunity of proactive personal development and training within a business environment. Analoui (1993) examined on-the-job and off-the-job training methods. From this study he concludes that by bringing training activities closer to the workplace, the individual trainee is provided with the opportunity to become involved in the social and working culture of the workplace that leads to an increase in the effective transfer of the learnt material. On-the-job training provides the opportunity to become familiar with the norms, values and cultural system of the work organisation (Handy, 1995). Cooper (1998) comments that one of the complexities of health and safety training is that it is difficult to separate the effects of training from other factors that influence behaviour. He goes on to make the point that training is a dynamic event that takes place over a period of time, and that the behaviours learnt during formal periods of training, in this case the SMR training course, must be practised.

Kolb (1984) proposed that the process of learning from experience shapes and actualises potential development. Experiential learning is a cyclical process, immediate concrete experience being the basis of observations and reflection that leads to the creation of new experiences; or, put simply: feeling, watching, thinking and doing (Sheehan & Kearns, 1995). Action learning has been described as a problem centred approach to personal and organisational development that intensifies the learning and improves problem solving

(Pedler, 1991). It has also been described as a continuous process of learning and reflection, supported by colleagues with the intention of getting things done (McGill & Beaty, 1995). I consider LAPS to be a cocktail of on-the job, experiential and action based approaches.

2.5 Other factors impacting on the research field

In the remainder of this chapter, I flag up those external factors that have operated on the field of study during the life of the research project. These factors included new initiatives that are likely to have impacted on consistency of LA enforcement and health and safety performance of businesses.

2.5.1 HELA Dialogue with Business

The findings of the 1994 HSC Review of Health and Safety Regulation concluded there was a need to identify opportunities for improving communications between regulators and business (Allan, 1996a). This was reinforced more recently at the LACOTS HAP conference for regulators (LACOTS, 2000, 2001). A further outcome of the HSC's Review of Regulation was the suggestion that HELA should consider setting up a forum at which business representatives could discuss general matters relating to LA enforcement of health and safety with HELA members. The first HELA 'Dialogue with Business' meeting on 26 April 1996 included a very broad cross section of business organisations. It is anticipated that a number of the lead authority business partners, e.g. retail, finance and the licensed trade, will have received some central input of information, advice, and guidance via the 'Dialogue with Business' route.

2.5.2 Good Health is Good Business (GHGB)

HSE's Management of Health Risks Campaign 'Good Health is Good Business' was launched in May 1995 with the objective of raising employers' awareness of occupational health and its effective management. The key messages to employers were that managing health risks is fairly simple; they could do most of it themselves; the result being a healthy workforce contributing to a healthy business. The costs of occupational ill health to employers in terms of sickness pay, retraining and production loss were also highlighted. HSE guidance book HS(G)137 *Health Risk Management: A practical guide for managers in small and medium-sized enterprises* was produced in support of the initiative (HSE, 1995e).

GHGB was a national campaign that highlighted the importance of good occupational health management and lasted for the duration of my field research, focusing on a number of specific risks. HSC viewed LA involvement in the campaign as essential to its success (HELA, 1996c). Thus, the GHGB campaign may well have impinged on consistency of enforcement and business awareness of occupational health and safety awareness more generally.

2.5.3 Peer Review

HELA encouraged LAs to engage in peer review and in March 1996 published guidance in the form of a Peer Review Facilities Pack issued to all LAs (HELA, 1996d). This pack gives examples of peer review exercises and evaluation methods to help LAs identify good practice, improve consistency and obtain feedback on their performance. The HELA workplan 1999/2000 targeted those LAs not embracing such peer review techniques. The scope of the technique was wide ranging and has not been applied uniformly. The impact on consistency of enforcement is therefore difficult to quantify. HSE's Internal Audit Unit asked LAU to evaluate the effectiveness of its guidance on peer review and to judge whether it has lead to improvements in consistency (HSE, 1998a). HELA's research into the management of enforcement in LAs was intended to assist with this process (York, 1998).

2.5.4 Auditing of LAs

In July 2000, HELA, aware that many LAs were anxious to see arrangement in place that would ensure an appropriate position for health and safety enforcement within each LA, introduced an auditing framework (Parkyn Smith, 1999a, 1999b; HELA, 2000e). This has been developed to incorporate the needs of the best value initiative and the requirements of LAs (O'Donnell, 2000, 2001). The first step in this process was to understand more about benchmarking and what its application might entail. This was achieved by research into the management of enforcement by LAs that considered the application of quality assurance within LAs, the implementation of HSC guidance, the application of benchmarking, and how the process might be audited (York, 1998). This research also looked at LAPS in the context of the management of the LA enforcement function; I give detailed consideration to this aspect of the York study at Chapter 8.

In September 2001, the HSC introduced two completely new elements to their suite of Section 18 guidance to significantly strengthen the position of health and safety enforcement

within the environmental health function. The first was that every LA must undergo an inter-authority audit at least once every five years (HSC, 2001c). The second was that LAs were required to publish service plans that make specific reference to health and safety enforcement and implementation of the HELA Strategy (HSC, 2001d).

2.5.5 Prioritised planning system for LA inspection

In August 1996, the HSC issued guidance to all LAs on inspection programmes and an inspection rating system (HSC, 1996d). This guidance introduced, from April 1998, arrangements providing a nationally consistent framework for inspection and rating of all premises where LAs enforce health and safety law. These arrangements replaced an earlier rating system that had been adopted piecemeal fashion across the LA enforcement world (Hammond, 2000a).

The new priority planning system was subject to further minor revision in November 2000 to improve its clarity and remove anomalies (Hammond, 2000b; HELA, 2000b); this followed an evaluation of its application (Wildsmith *et al.*, 2000). The system was based on risk assessment and provided for a more consistent targeting of LA resources toward those employers and activities, which pose the greatest risk to health and safety. A key feature of the system was a clear distinction between hazard and risk and guidance on making hazard and risk judgements about occupational health and safety issues (HSC, 2001e). The system included scoring arrangements, which allow LA inspectors to differentiate between higher and lower risk premises and thus determined more consistently the frequency of planned inspections. As part of my current research, I have attempted to determine the part that LAPS could play within the priority planning system (Hammond, 2000a). This is reported in Chapter 13, which deals with the implications of the research.

2.5.6 HSE's Enforcement Management Model

Studies of both HSE and LAs have shown a variance in enforcement activity that cannot be fully explained by the differences that might be expected from the complexity of the enforcement process or from regional factors (Murray, 1998). The HSC Enforcement Policy statement (EPS) was first published in October 1995 (HSC, 1995) and fully revised and expanded in January 2002 (HSC, 2002a). The EPS sets down the key principles by which

duty holders can expect HSE and LAs to operate when enforcing health and safety law. The HSC (2002b) states its belief in firm but fair enforcement of health and safety law and that:

“This should be informed by the principles of *proportionality* in applying the law and securing compliance; *consistency* of approach; *targeting* of enforcement action; *transparency* about how the regulator operates and what those regulated may expect; and *accountability* for the regulator’s actions.”

(HSC, 2002b: p6)

Based upon the principles set out in HSC’s EPS, the HSE developed its Enforcement Management Model (EMM) as part of a framework to demonstrate accountability (HSE, 2002a). EMM was first reported to HELA in November 1998 (Murray, 1998) and along with associated Enforcement Management Arrangements provided an auditable quality process. They work on the principle of enforcement judgements being based on a “compliance gap”, i.e. the difference between where the company is now in terms of health and safety standards and performance and where they can realistically be expected to be. HELA’s consideration of the EMM process included the testing of EMM by a number of LAs with full LA testing and calibration of the EMM process through a research project commissioned by LAU (Plom, 2001a, 2001b). Some of the LAs involved in this HELA research project were also already participating in LAPS as a Lead Authority partner.

2.5.7 HSC Section 18 Guidance

The revised HSC Section 18 guidance to LAs (HSC, 2001a) makes the point that Section 18(4) of the HSW Act states:

“It shall be the duty of every local authority –

(a) to make **adequate arrangements** for the enforcement within their area of the relevant statutory provisions to the extent that they by any of those provisions or by regulations under subsection (2) above made responsible for their enforcement;

(b) to perform the duty imposed upon them by the preceding paragraph and of any other functions conferred on them by any of the relevant statutory provisions in accordance with such guidance as the Commission may give them.”

(HSC, 2001a: p1)

This revised HSC mandatory guidance extended and strengthened its earlier fragmentary guidance previously published as separate guidance documents in the HSC (G) series (HSC, 1996a, 1996b, 1997; Parkyn Smith, 1999e; Etheridge, 2001; Plom, 2001c). Through six guidance notes which form part of their section 18 guidance, the HSC (2001a) define the

following elements as essential for an LA to adequately discharge its duty as an enforcing authority:

- a clear published statement of enforcement policy and practice;
- a system for prioritised planned inspection activity according to risk;
- a service plan detailing the LA's priorities and its aims and objectives for the enforcement of health and safety;
- the capacity to investigate workplace accidents and to respond to complaints by employees and others;
- arrangements for benchmarking performance with peer LAs;
- provision of a trained and competent inspectorate; and
- arrangements for liaison and co-operation in respect of LAPS.

The HSC also used the revised guidance as the opportunity to remind LAs that if an LA fails to meet its legal obligations under section 18 of the HSW Act then the Secretary of State can cause a local enquiry to be held and make an order under section 45 of the HSW Act declaring the LA to be in default. If the defaulting LA then fails to comply with such directions as may be made then the Secretary of State may enforce the order, or make an order transferring enforcement functions to the HSE. In such a case, the HSE's expenses are payable by the defaulting authority.

2.5.8 Revitalising Health and Safety

Following the Government consultation to mark the 25th anniversary of the HSW Act, the *Revitalising Health and Safety Strategy Statement* was published in June 2000 (DETR & HSC, 1999, 2000). The approach the Government is seeking with *Revitalising* can be likened to voluntarism, which

“... is based on the individual firm undertaking to do the right thing unilaterally, without any basis in coercion. Commonly, voluntarism is initiated by government, and may involve government playing the role of co-ordinator and facilitator.”

(Gunningham & Sinclair, 1998: p322)

The model of enforced self-regulation described by Ayers and Braithwaite (1992) also has relevance. As the term implies, it combines state and company regulation. The government lays down broad standards with the company monitoring whether compliance is being achieved and having procedures in place to deal with non-compliance. This form of

regulation thus attempts to harness the regulatory resources of the company. But the system is not entirely self-regulatory as regulatory officials oversee the process and undertake monitoring themselves.

It is increasingly argued that it is in business's own self-interest to move *beyond compliance* with existing legislative requirements and adopt a 'proactive' stance on the environment, voluntarily exceeding mandated minimum performance standards. However, despite the apparent benefits of improved profitability, enhanced corporate image, the majority of enterprises have not adopted this position due to an emphasis on short-term profitability, and bounded rationality (Gunningham, Grabosky & Sinclair, 1998). This fact will be of particular concern to those in HSE charged with making sure that the Government's *revitalising* targets are met.

Earlier in this chapter, mention was made of the fact that the *Revitalising* Strategy Statement does not adequately recognise the contribution of LA enforcers. Notwithstanding this, the *Revitalising* Agenda has precipitated a new HELA Strategy 2001/2004 reflecting new HSC and HELA priorities aimed at delivering to outcome targets for reduction of occupational accidents and ill health (HELA, 2001c; Etheridge, 2000b, 2000c; HSC, 2001f). Operational detail to underpin the HELA Strategy and focus the LA contribution was provided by my production of HELA circular 40/5 (HELA, 2001d). In support of *Revitalising*, HELA has been informed of the Government's 'challenge' to the top 350 companies to include health and safety information in their annual reports (Stone, 2001, 2002). In addition, a new topic based inspection approach has been developed to focus attention upon what HSC has stated as its priorities for action (Hammond & Reuben, 2002).

2.6 Concluding Remarks

This chapter has comprised a literature review concentrating on the role of LAs within the health and safety regulatory framework, providing detail of the factors impinging upon the field of study. Additionally, there has been consideration of those factors impacting on the research field. In the next chapter, I look at the various intervention strategies applied by health and safety regulators, and I position LAPS within the broader framework of modern responsive regulation.

CHAPTER THREE

Inspection intervention

“Accidents will occur in the best-regulated families.”

Mr Micawber in *David Copperfield*, Charles Dickens (1850)

3.1 Introduction

Traditionally the HSE and LAs have discharged their responsibilities for enforcing health and safety law across GB by inspections of individual industrial and commercial premises respectively. The 1990s have been characterised by unprecedented global economic change that has impacted upon the governance of occupational health and safety at work and has required different approaches to the regulation and governance of risks (Walters, 1999a; 1999b). The changing nature of work and its associated hazards has caused regulators to explore alternative intervention strategies, over and above the traditional inspection. Until recently, there has been little scientific evaluation of these various alternative intervention techniques.

This chapter sets out the findings of my literature review on the subject of inspection by HSE and other regulatory bodies. The review focused on studies relating to the evaluation of inspection and other intervention strategies in an attempt to establish their effectiveness and impact. Recently published articles, plus some thirty internal HSE reports, were reviewed in an attempt to provide answers to key questions concerning the status and impact of LAPS. The methodology for the conduct of this literature review is described at Chapter 6.

3.2 The emergence of modern responsive regulation

The last chapter referred to what Gunningham & Johnstone (1999) describe as:

“perhaps the biggest shift of the last decade in OHS internationally – from a prescriptive or performance-based approach to regulation to one on the use of process-based regulation and, more particularly, upon the use of SMSs (a form of reflective regulation).”

(Gunningham & Johnstone, 1999: p15)

They contend that, increasingly, it is realised that the ‘command-and-control’ model has failed to have the desired impact on the level of workplace injury and disease. Traditional command-and-control regulation (a form of ‘material law’) is seen as unresponsive to the

demands of the enterprise and unable to generate sufficient knowledge to function efficiently (Gunningham & Sinclair, 2002).

Keith Hawkins (1984) adopted a binary model of enforcement in his research into the work of staff in two Regional Water Authorities in England in the 1980s, analysing the enforcement of regulation in terms of two major systems or strategies of enforcement, which he calls *compliance* and *sanctioning*. What he refers to as ‘compliance’ strategies represent an informal style of regulation. In summarising 35 studies of regulatory agencies, he concluded that compliance strategies were by far the most common. A compliance strategy, also described as an accommodative model by Bridget Hutter (1988), emphasises cooperation rather than confrontation, conciliation rather than coercion. Its aim is:

“to secure compliance through the remedy of existing problems and, above all, the prevention of others. Where compliance is less than complete the preferred methods of achieving full compliance are persuasive and educative.”

(Hutter, 1988: p6)

Compliance strategy, in general, has a preventive and remedial character. Its concern is with the future. Sanctioning systems or strategies, in contrast, are concerned with punishing a breach of rule, for whatever purpose. While compliance strategy tends to operate proactively, sanctioning strategy works primarily reactively, and tends to be associated with the discovery of actual violations and the detection of violators (Hawkins, 1992).

Gunningham & Johnstone (1999) argue that the current system of regulation practice has not kept pace with changes in workplace and employment practices. They conclude that there is a case for a ‘two-track’ system of regulation; one involving traditional regulation, and another involving a systems-based approach intended to encourage enterprises to go ‘beyond compliance’ with existing regulatory standards. A two-track policy is one in which traditional regulatory methods are allied with a systems-based approach that seeks to surpass existing standards.

Braithwaite (1985) developed the concept of an enforcement pyramid, having seen from his studies of Australian coal mining that it is advantageous to have the capability of escalating a regulatory strategy from self-regulation, to enforced self-regulation, to command regulation. The trick of successful regulation is that of imposing punishment when needed, without undermining the capacity of inspectors to persuade. Compulsion can be achieved

without jettisoning all the advantages of self-regulation for detailed government ‘command and control’.

The model of a regulatory enforcement pyramid has been extended and refined since its inception (Ayres & Braithwaite, 1992; Braithwaite, 1998), with three types of actors and three strategies, hierarchically ordered from the virtuous actor and an approach of dialogue and persuasion at the base of the pyramid; the development of ‘circles of guardianship’ offer assurance. Most valuable at the base may be those approaches which actively encourage duty holders to regulate themselves, and which give them a positive incentive to do so. But this approach is limited to the minority of enterprises that are willing ready and able to embrace a SMS approach.

Braithwaite’s regulatory pyramid and circles of guardianship are designed not only to detect the abuse of trust but also to punish, with sanctions escalating in severity for those who act with persistent disregard for cooperation in the trust game (Braithwaite.& Levi, 1998). The Lead Authority, when operating within LAPS partnerships, firmly focuses its activity at the base of the pyramid. Other LAs that play their part in the LAPS arrangement can escalate their action up the pyramid depending upon the circumstances locally.

3.3 The growth of evaluation studies

Evaluation was stimulated across UK government by the HM Treasury (1988) guide, which sets out the framework by which managers should evaluate policies and programmes. This was followed up in 1992 with a further guide for setting targets and managing performance in executive agencies, seeking to set a link between operations and policy (HM Treasury, 1992). One review of the impact of this publication revealed that targets tended to be set against that which was measurable and not necessarily for the most important areas of activity (Trosa, 1994).

Since its inception the HSE sought to monitor its performance. But often this evaluation has been performed in an *ad hoc* or *post hoc* fashion with scant regard to appropriate sampling or data collection. Systematic evaluation requires the use of more rigorous scientific-based studies and some researchers consider the development of a well-defined impact model as essential for programme design and subsequent evaluation (Rakel *et al.*, 1999). In comparison to ‘activity-led’ models for evaluation, impact models attempt to translate

conceptual ideas regarding the regulation and modification of behaviour and conditions into hypotheses upon which action can be based (Rutman, 1977; Rossi & Freeman, 1999). The model usually takes the form of a statement of the expected relationship between a programme and its goal.

The shift in emphasis from activity measured by ‘time spent’ to performance measured as levels of compliance represents a move towards combination of the quantity and quality of change. This encompasses not only measurement of the level of resources expended contacting companies but also measurement of the change that such contacts stimulate (Scott, 1996). In practice, data on measurements of the quality of change are fragmentary.

The effect of the contact technique intervention can easily be masked by the impact of external factors. Rossi & Freeman (1999) make a critical distinction between *gross outcomes* and *net outcomes*, more aptly called *net effects*.

“Gross outcomes are usually easily measured and ordinarily consist of the differences between pre- and post-program values on outcome measures. ... Net effects are much more difficult to measure. Net effects are the changes on outcome measures that can be reasonably attributed to the intervention, free and clear of the influence effects of any other causal factors that may also influence outcomes.”

Rossi & Freeman, 1999: p240

Over recent years, there has been a shift within the HSE from an emphasis on how much activity has taken place (outputs) to one of considering what this activity has achieved (outcomes). This reflects a general trend in Government towards evidence-based policymaking. From the outset, HSE has grappled with the question of how to measure the *effect* of what it does. Indeed, references dating back to 1974 reveal that HM Factory Inspectorate (HMFI), was asking how it could “deploy limited inspection resources to effectively achieve the goals of HMFI” (CSD, 1974).

Booth (1987), in calling for the HSE to consider with urgency the establishment of an ‘Operational Research’ Unit commented that:

“The secret of the effective use of scarce resources is to reinforce success. Unless resources are devoted to determine which activities really do work (and which don’t) the future of HSE’s field activities are in double jeopardy.”

(Booth, 1987:p2)

The principles of systematic evaluation dictate that evaluation is planned to link closely with programme design (Rakel *et al.*, 1999). It is necessary to know whether a particular activity has been successful and the reasons for this. Without this information, research cannot contribute with any certainty to the direction of new policy.

3.4 Nature of the studies identified

Three studies were particularly significant in informing and reinforcing this literature review of evaluation studies. The first by Hillage *et al* (2001) resulted directly from HSE's desire to review evidence of its impact. The broad aim of their review was to provide a 'stock take' of the evidence base and examine both the reliability and validity of the methodologies selected and the conclusions drawn. A total of 66 studies made up the evidence base, offering many differences in approach. The most frequently used methodology amongst these studies was surveys (54% of studies) and interviews (34% of studies). In common with the present literature review, only around 40 % of studies were based on time lapsed data (i.e. before and after design). This has implications for the strength of the conclusions that can be drawn from the data, as systematic evaluation requires the evaluation of progress against baseline data. The other two studies that have been particularly influential upon the present study are a recent internal HSE review intended to prove inspection works (Cosman, 1999), and the earlier HSE publication *Measuring the effectiveness of HSE's field activities* (HSE, 1985) which signaled the future direction of HSE's efforts to monitor effectiveness.

The literature search identified two main categories of study, those dealing with the direct impact of specific regulatory activities, others looking at the process of regulation and the nature of the interaction between regulator and duty holder. An example of the latter was the study of HSE by Hawkins (1992) that explored the interpretive behaviour of inspectors and the responses of those regulated. The implication for evaluation work is that how the individual inspector conducts the particular intervention is a further variable to the process.

Similarly, Niewoehner & Gerrard (1999) characterised companies as "The 4 Cs", that is to say, the Committed (15%), the Compliant (50%), the Convertible (25%), and the Careless (10%). Cosman (1999) suggests inspectors make unconscious decisions early on in their intervention as to which of these categories the employer falls into and amend their approach and enforcement strategy accordingly.

Almost all the identified studies have concluded that inspection was effective but many were limited in scope and considered interventions in isolation. With surveys, qualitative responses have been analysed to reveal information about perceived effectiveness and to gain better understanding of complex issues. Around half of the 50 or so studies on how inspection or other interventions work applied statistical analysis. Relatively few of the studies had a systematic approach to gathering evidence, applied analysis to a recognised standard, or were triangulated. Evaluations based on time lapsed or longitudinal data were the exception. This is most likely a reflection of the ‘real world’ nature of much of the research, which makes these kind of methodological considerations more difficult than in a more controlled environment. Also, it is not seen as being ethical to exclude businesses from inspection regimes to provide a control group (Cosman, 1999). Statistical modeling techniques have the potential to overcome this by discriminating improvements due to inspection without the use of control groups.

From their review, Hillage *et al.* (2001) developed an ‘Impact Model’ based on the way that HSE aims to influence health and safety practice. The model used an impact chain to examine relationships between hazard recognition, understanding of risk, implementation of control measures, and any resulting health and safety improvement. HSE activity influences various points on this impact chain. The indicators to assess the impact of these interventions included employer health and safety practices and data on intermediate indicators. Other researchers have also made the link between hazard identification, risk assessment and risk control, implicit in the ‘Impact Model’ (Emmet & Hickling, 1995).

Rakel *et al.* (1998, 1999), in reporting the development of an evaluation methodology for assessing the effectiveness of seminars and mass mailing, concluded that specific aims and objectives for an intervention needed to be developed prior to the exercise if there was to be any meaningful subsequent assessment of effectiveness. They proposed a risk management cycle for evaluating the impact of contact techniques employed by FOD, which has similarities to the model of Hillage *et al.* Contact techniques such as inspection, seminars, and mail shots were risk communication activities that sought to influence each point of the cycle. Their study demonstrated a strong association between what they termed ‘knowledge, arrangements and precautions’, *i.e.* the more knowledgeable the employer, the

more likely they were to have put in place appropriate health and safety arrangements and precautions.

“So, for example, if the inspector assessed an improvement in knowledge at the company, it was almost always coupled with an improvement in arrangements and precautions”.

(Rakel *et al.*, 1999: p39)

Rakel *et al.* (1999), in developing their Generic Impact Model, placed evaluation at the centre of a series of iterative steps leading from data on causal factors to the eventual outcome.

3.5 Awareness of legislation

In one study, only 30 % of employers had heard of the Manual Handling Regulations, the lowest levels of awareness being for small employers (Tesh *et al.*, 1997). A wider ranging study of the 'Six-Pack' regulations, particularly the Manual Handling Regulations, found a higher level of awareness, but not all those aware of the regulations understood what they were about (Hanson *et al.*, 1998). Both the review of the Manual Handling Regulations (Tesh *et al.*, 1997) and the Display Screen Regulations (Honey *et al.*, 1997a) found misconceptions among employers about the nature of risk and how best way to control it. Honey *et al.* (1997a) found that awareness was a more important factor than understanding when it comes to explaining why employers had taken control measures.

3.6 The impact of legislation

Occupational health and safety law in the UK is based upon the principle of self-regulation as proposed by Robens (1972). Dawson *et al.* (1988) in their strategic study of several business types found that a number of factors could reduce the willingness and capacity of employers to self-regulate. These factors included competing demands for the manager's time. They also concluded that an appropriate management organisation is a fundamental prerequisite for self-regulation at local level. Most evaluation studies of legislation found that the majority of employers believed there were health and safety benefits associated with the regulations that outweighed any costs involved. For example, six out of ten employers undertaking health surveillance thought that the benefits outweighed the costs (Honey *et al.*, 1996a). Lancaster *et al.* (2001) found that five out of ten employers felt the benefits of the Manual Handling Regulations outweighed the cost of taking action. Similarly, employers perceived the Construction (Design and Management) Regulations (CDM) as providing a

range of benefits including better health and safety procedures and better understanding (Consultancy Company, 1997; Brabazon *et al.*, 2000). This is important because, ultimately, it is the dutyholder's resources that are used to achieve health and safety at work (Kingston-Howlett, 2001).

One in five employers in a survey conducted for the first evaluation of the manual handling regulations (Tesh *et al.*, 1997) reported that 'lost time' accidents and sickness absence had decreased as a result of the Regulations. By the time of the second evaluation by Lancaster *et al* (2001) 37% of the employers taking action felt it had reduced the overall time lost through sickness absence.

Companies surveyed for an evaluation of the Offshore Safety Legislative Regime expressed concern at its complexity, but the 'overwhelming majority' of respondents felt that the regulations had improved their ability to manage safety (AUPEC, 1999). In a wider study of the offshore oil and gas industry, Crawley (1999) argued that since the introduction of a new legislative regime in 1990, indicators of major accidents and three-day lost-time accidents had shown a downward trend. He concluded that while the new regime could not be judged with complete confidence, there appeared to be a reduction in fatalities and general improvement in safety standards.

3.7 Evaluation of Regulations

Studies to evaluate the "six-pack" regulations concluded that the regulations appeared to have a generally positive impact on health and safety despite some problems in fully understanding and implementing them, particularly in large organisations (Honey *et al.*, 1997a; Hanson *et al.*, 1998). An evaluation of HSE's Infoline found that most callers had taken some form of action as a result of their contact, mainly to ensure they complied with legislation (Wiseman & Gilbert, 1999).

Ashby & Diacon (1996) concluded from a postal questionnaire survey of corporate risk managers that the primary factors motivating companies to take action were compliance with government health and safety regulations and limiting the possible legal liabilities. These were found to be far more influential than business factors such as reducing wage costs or improving productivity. This appears to support the observations of others that the motivation to achieve good health and safety standards is linked with regulatory

requirements. Their conclusion from analysis of the questionnaire returns was that health and safety regulation is given greater emphasis in capital intensive firms and less in labour intensive ones because capital intensive firms are more concerned at the prospect of financial penalties as imposed by the courts. Other evaluations of specific legislation have generally concluded that compliance with the law was the most important reason for employers taking action to improve health and safety practices and procedures (e.g. Honey *et al.*, 1996b; Lancaster *et al.*, 2001). The two most influential factors identified by Lancaster *et al.* in their examination of what motivated practical safety management were the fear of loss of credibility and the belief that it is morally correct to comply with health and safety regulations. The evidence seems to suggest at least two related factors here, namely, the fear of being taken to court and receiving claims for compensation, and the acceptance that the law is an expression of what should be done and that there is a moral duty to meet it.

Wright (1998), from his review of research of what motivates managers to proactively manage health and safety, concluded that no single regulatory strategy is ideally suited to all sectors or sizes or organisations. His research suggested there were two main factors that motivated SMEs and large organisations to initiate health and safety improvements, namely the fear of loss of corporate credibility and a belief that it is necessary and morally correct to comply with safety regulations. An earlier qualitative study by Genn (1993) concluded that self-regulation only worked under a specific set of circumstances and that there was a need for a greater understanding of the way companies worked to enable a differentiated response by HSE.

3.8 Compliance with legislation

New regulations are generally associated with a change in employer practice. Hanson *et al.* (1998) reviewed the ‘Six Pack’ Regulations to reveal a steady increase in the proportion of employers conducting risk assessments from 30 per cent before the regulations were introduced in 1992 to more than 80 per cent at the time of their study in 1998. The evaluation of the Noise at Work Regulations (Honey *et al.*, 1996b) and other studies (Lancaster *et al.*, 2001) found a similar effect. However, Swan *et al.* (1998) found that while there was a high general awareness of COSHH, there was low compliance with the Approved Code of Practice (ACoP). Other studies found that while employers met some aspects of the regulations, they often did not fully take the required action. In their review

of the Manual Handling Regulations (Lancaster *et al.*, 2001) found that while the most common actions taken involved conducting risk assessments, less than one in six employers took action in terms of risk reduction.

3.9 Intervention approaches

3.9.1 Health and safety campaigns

Wren (1995) surveyed the attitudes of 73 New Zealand occupational safety and health practitioners asking them to identify the most important factors to influence the way that occupational safety and health has been managed by industry. The practitioners were unanimous in identifying government promotion and enforcement of occupational safety and health laws as the key issue.

‘Good Health is Good Business’ (GHGB) and ‘Breathe Freely’ are examples of campaigns to raise the level of knowledge and understanding of risks in the workplace and to publicise effective control measures. The five-year GHGB campaign has been one of the largest HSE campaigns in recent years. This multi-faceted effort was aimed at raising awareness of occupational health and improving employers’ competence in managing occupational health risks. Activities included publicity, publications, conferences and compliance initiatives involving HSE and LA inspectors. In their evaluation of the GHGB campaign, Wright *et al.* (2000), found that improved understanding of health and safety issues and the management of health risks was a stronger ‘driver’ for change than business considerations. They also determined that ‘aware’ organisations displayed a more positive attitude towards occupational health and a more comprehensive approach to the application of risk assessment and auditing. A study of occupational health and safety in the construction industry (Brabazon *et al.*, 2000) found that 40% of respondents thought that the GHGB campaign yielded benefit, albeit the nature of the benefit was not quantified.

The ‘Breathe Freely’ campaign, like GHGB, achieved a lower penetration among the smaller companies than the medium sized businesses (Honey *et al.*, 1997b). People who had heard of the campaign and received the materials liked what they saw, but there was little evidence that this had led to action – in part because it was ‘preaching to the converted’. Other campaign evaluations have shown a similar picture of variable penetration and limited success in reaching the real target audience, with little evidence that being ‘reached’ by the campaign actually translated into action (Bunt, 1993; Hillage *et al.*, 2001).

Some studies provided case study evidence indicating that individual businesses had secured real health and safety benefits from introducing new procedures or working processes as a result of a piece of legislation. Tesh *et al.* (1997) in their review of the Manual Handling Operations Regulations reported that one organisation achieved a 50% fall in lost time accidents as a direct result of measures introduced to comply with the law. The number and rate of fatal injuries in construction is reported to have declined by around 10% since the introduction of the CDM Regulations, although data on major injury statistics do not show a similar trend (Brabazon *et al.*, 2000).

3.9.2 Inspection

The objectives of inspection are ultimately to deliver to the HSC mission statement “Reducing Risks Protecting People” (HSC, 1995). In practice, there are many indicators, both proxy and direct, that help measure the effect of inspection. Two main types of outcome indicator have been identified, namely, ‘hard’, e.g. accident rates or sickness absence levels, and ‘soft’, e.g. the views of employers or employees.

In 1985, HSE published Occasional Paper OP11: *Measuring the effectiveness of HSE’s field activities* that mapped a number of evaluation exercises (HSE, 1985). OP11 noted the difficulties with measuring what inspectors do, concluding that: “Data on these real measures are often fragmentary or non existent” and “*proxy* measures have to be used which can reasonably be assumed to be related to the real objectives.” Examples of such measures included awareness of legal requirements and compliance with the law. OP11 also looked at the effectiveness of Notices and special campaigns and the relationship between accidents and inspection. Notices were found to be an effective way of securing compliance with long-term effect. Overall some 94% of Notices were complied with by the expiry date and similar levels of compliance with the specific measure seem to persist for several years. Whilst reinforcing the views expressed earlier by Eves (1984), OP11 acknowledged that:

“...it should not be assumed that any improvements achieved in health and safety are a *direct* outcome of HSE’s activities. On the contrary, HSE’s activities - even when effective- can only act indirectly, as a stimulus to industry to take any action necessary.”

(HSE, 1985: p5)

The effectiveness of inspection was also looked at in a study of HSE inspection visits (HSE, 1987). Normal enforcement measures, ranging from advice to prosecution, were applied at a sample of 538 general inspection visits and check visits were paid to all the firms in the sample. 3,292 matters requiring attention were noted covering the full range of health, safety and welfare issues. Overall compliance levels at the check visit were 71%. Baird (1996), in a small study of an HSE construction group, questioned whether a broader effect on the management of health and safety was achieved if the notice only addressed a specific hardware defect. The HSC survey (1996c) of small firms confirmed the finding that employers favour a system of proactive inspection; at a time of significant challenge to HSE's *raison d'être*, so did the Review of Regulation (HSC, 1994a) and the Quinquennial Review of HSE (DETR, 1998b).

In a second summary report, HSE (1991a) looked at a total of 42 different studies covering inspection, special initiatives, and investigations. Taking a more scientific approach, the following criteria for valid judgements were identified: cause should precede effect; effect should be related to the activity; association should be consistent with established facts; and there should be consistency, specificity and strength of the observed association. Only a limited number of the studies met these criteria, many studies failed to produce sound evidence of effectiveness because they did not set out by defining what impact they expected to observe. The strongest correlations were in relation to Notices and central approaches. The Impact Report (HSE, 1991b) looked at inspection approaches for effectiveness and appropriateness. The elements of FOD's work that needed change were identified as intelligence, planning, and the inspection techniques themselves.

Slapper & Tombs (1999), in providing a methodology for estimating corporate crime, concluded that stiffer penalties are only effective if an adequate detection and enforcement method is employed. Cosman (1999) reviewed a number of studies looking at the effectiveness of the HSE's inspection regime. Many showed that employers valued the advice and guidance inspectors provide, with most of the required improvements being implemented. However, few looked at whether inspection was causally associated with improvements in health and safety.

Morris (1981) concluded from a qualitative questionnaire survey that the opinions of employers and employees are a valid measure of "effectiveness" of HSE inspectors and that

inspectors are regarded as a ‘good thing’. Rakel *et al.* (1999), from comparing the effectiveness of mail shots, seminars and inspections, showed that personal contact through inspection was a far more effective technique than mail shots for stimulating change in the workplace. The value of personal contacts by HSE inspectors as a means of effecting workplace change also emerged from the GHGB evaluation (Wright *et al.*, 2000).

In a study of performance measurement for the US drugs industry, Klimberg *et al.* (1992) reported that the Food and Drugs Administration (FDA) developed industry performance indicators based on variations in the manufacture, storage, distribution and quality of drug products being marketed. Their methodology used compliance data from over 4,000 companies to build a picture of the relationship between a company’s regulatory history and their state of compliance. A statistical technique of ‘multiple logistic regressions’ was applied to help the FDA plan and evaluate the effectiveness of their drug inspection regime. The FDA approach, whilst attractive, had inherent weaknesses. It assumed that non-compliance to regulation was the cause of poor performance; it did not consider the direct impact of regulatory intervention regime on duty holders, and introduced biases due to the non-random frequency of FDA drug inspections.

Studies of the Occupational Safety and Health Administration (OSHA) in the United States of America found statistically significant reductions in injury rates attributable to inspections. Gray & Jones (1991) examined the impact of occupational safety and health administration (OSHA) inspections on regulatory compliance in the manufacturing sector. Reviewing inspection and compliance data for the first twelve years of OSHA enforcement to 1984, they concluded that first inspection has the strongest impact and the number of contraventions identified decreases with additional inspections. Gray & Scholz (1993) analysed data on injuries and OSHA inspections for almost 7,000 large manufacturing plants over a six-year period to 1985. Applying ‘regression techniques’, they established a correlation between the number of inspections, with and without penalty, and the number of lost workdays and injuries. They concluded that, after allowing for bias, inspections imposing a penalty reduced injuries by 22% over three years and that enforcement promotes expenditure on both safety equipment and safety training. McQuiston *et al.* (1998), in reviewing the evidence from earlier studies, concluded that OSHA inspections with penalties and citations are effective in reducing occupational ill health. The effects of such inspection extend beyond the particular areas of enforcement, focusing the companies’

attention on health and safety more generally. The greater involvement of workers, including devolved inspection powers, is the suggested way of strengthening OSHA's impact.

Magat & Viscusi (1990) in reviewing the regulatory efforts of the EPA on water pollution the cost benefit analysis (CBA) for the benefits of effluent reduction to the full cost of inspection. The CBA included the out-of-pocket expenses and opportunity costs for fishermen but not the aesthetic benefit of cleaner waters. Using empirical analysis, the researchers found the benefits of inspections exceeded their cost, but not necessarily the cost of regulatory compliance. Laplante & Rilstone (1996) analysed the impact of environmental inspections on the Quebec pulp and paper industry. Applying the empirical framework developed by Magat & Viscusi (1990), their results suggest that inspections and the threat of inspection have a strong impact in reducing pollution emissions.

Ringquist (1993) studied the effects of state air pollution programs for air quality. Applying 'multiple regression and path analysis', he concluded that it is necessary to put in place, adequately fund and enforce stringent regulatory control measures in order to secure a positive effect on environmental problems. Cohen (2000) reviewed the empirical research on the effectiveness of enforcement US environmental policy both in encouraging business to achieve an improved level of environmental performance and deterring them from contravening environmental laws. From his review of theories that explained deterrence, Cohen believed that potential offenders respond to the probability of detection and the severity of punishment. The perceived risk of punishment determined the level of deterrence, and other factors, e.g. reputation, may also have operated in deterring offenders. Reporting on a series of studies focusing on the US coastguard agency and industrial pollution from pulp and paper mills, Cohen concluded that the direct monitoring of all transfer operations and random port patrols had a general deterrent effect as they increased the probability of detection of contravention. With regard to cost benefit analysis (CBA), Cohen concluded that the coastguard's enforcement policy for oil spills met a CBA test.

Mathias *et al.* (1995) studied randomly selected restaurants to conclude that their record of food safety contraventions worsened when the regulators inspection interval exceeded twelve months. From a systematic review of 15 studies of food safety interventions in restaurants, institutions, and care homes, Campbell *et al.* (1998) concluded that frequent

routine inspection of food service premises is effective in reducing the risk of food borne illnesses.

That preventive inspection is a ‘good thing’ has been a fundamental tenet for inspectors, a cornerstone of work programmes of HM Factory Inspectorate since 1833, and reinforced by Robens (1972); that belief has rarely been questioned. Bell *et al.* (2001) studied the impact of a two-year FOD inspection campaign to improve the provision of welfare facilities at work. Significant improvements were identified in welfare provision over the two years. Although the improvements could not be directly related to the inspection campaign, it was concluded that there was at least an association.

Cordner (1989) explored the relationship between US police agency size and their investigative effectiveness. They identified that during the 1970s the proliferation of small police departments was seen as an obstacle to efficient and effective operation. However, from their study they concluded that police agency investigative effectiveness is most strongly related to the type of region within which the agency is located. State wide multivariate analysis suggested that environment level variables have more influence than organisational level variables on police agency investigative effectiveness.

3.9.3 SMS based central approaches and LAPS

Gunningham & Johnstone (1999) argue that enterprises should be offered a choice between a continuation of traditional forms of regulation and the adoption of SMS. They consider that the best strategy is to reward the efforts of good OHS performers and that evidence suggests the best results are likely to be achieved by those who adopt a SMS. By implication, those doing so commit themselves to continuous improvement, to going beyond compliance with existing regulation, and to establishing a safety culture within the enterprise. Such an approach is intended to achieve a partnership between business and government. In this way, because SMS passes responsibility back to the regulated, the regulators can adopt an oversight role that only changes to a punitive one if the regulated demonstrably fail to live up to their own commitments.

At the start of this chapter, the concept of a ‘two-track’ system of regulation (Gunningham & Johnstone, 1999) and of a ‘regulatory enforcement pyramid’ (Braithwaite, 1985; Ayres & Braithwaite, 1992) were described and discussed. The regulatory activities of a Lead

Authority can be seen to reside for the main part within Track Two, with an enforcement style characterised by those at the base of the enforcement pyramid. The findings of Gunningham & Johnstone (1999) are encouraging in terms of the potential of LAPS, as they conclude that:

“Most valuable at the base of the enforcement pyramid may be those approaches which actively encourage duty holders to regulate themselves, and which give them a positive incentive to do so. Of course the most developed strategy designed to achieve this result is the one we advocate under Track Two.”

(Gunningham & Johnstone, 1999: p117)

A review of management, organisational and human factors in the construction industry by Whittington *et al.* (1992) found that safety failures resulting in accidents could be traced back to management failures such as lack of supervision and inadequate training. This suggested a link between inputs (workplace practices) and outcomes (incidence of harm). Others have shown that there is a linkage between employer awareness and action. The more that people were aware of a piece of legislation and understood the health and safety rationale behind it, the more likely they were to implement relevant control measures (Honey *et al.*, 1997a).

Duff *et al.* (1993) reports the impact of procedures designed to change safety behaviour on construction sites based on the principles of behaviour change and goal setting. These procedures were tested on several sites, observations of working practices were set against a proportional rating scale of safety, and found to produce marked improvements in safety performance. Robertson *et al.* (1999) in a follow-up study found a significant increase in average safety performance across all categories of behaviour for all completed sites. The key driving force behind the improvement in safety performance was increased management and operative commitment to a safe working environment. Variation in safety performance between sites was almost entirely explained by the variation in management commitment. The research demonstrated that an approach based on goal setting and an effective measure of safety behaviour would, if properly applied by a committed management, improve safety performance.

Scherer & Brodzinski (1997) compared inspections by US state and by US federal agencies. Randomly generated state inspections (n=4,755) and federal inspections (n=4,590) were compared. Overall, the researchers found that whilst federal programmes operated across all

states, more businesses employed state consultation programmes than federal ones. The study concluded that greater take-up of state programmes was due to the state programmes having a closer relationship to the industry and businesses regulated than the federal ones. Evidence from one element of the study, involved a population of 142 companies who had used the state's consultation programme and had achieved a 22% reduction in reported injuries over a one-year period.

Keene (1995) considered the OSHA consultation programme that in 1994 alone provided over 23,000 free on-site safety and health consultations to the smaller higher hazard employers and dealt with over 135,000 serious hazards. The aim of the project was to collaborate with employers to improve health and safety management systems as opposed to adopting a more traditional hazard identification and 'numbers-oriented' consultation. Despite the impressive statistics, consultants routinely found themselves visiting some companies on a regular basis and finding essentially the same hazards because most often employers were simply correcting the cited hazards and not putting into place continuing systems for managing health and safety.

Jones (1997b) studied five corporate health and safety management audits carried out by HSE inspectors by examining the audit documentation and conducting semi-structured interviews with the company and HSE personnel involved. They concluded that employers and most HSE inspectors strongly supported the use of auditing, that the audits were well executed, but that HSE made insufficient use of audits to direct subsequent field activity. Some studies have provided evidence that bodies regulating for a relative small number of companies or for companies drawn from a single industry use legal action less frequently and resort to less formal means of achieving compliance (Grabosky & Braithwaite, 1986)

Hurst *et al.* (1996) studied the influence of safety management and safety attitudes on major hazard risk using a method of measuring safety attitudes developed by Donald & Canter (1993). Self-reported accident rates were used as a measure of safety, and workers were asked by confidential questionnaire whether they had personally experienced an accident in the last 12 months. Both the scores from an SMS audit and the results of safety attitude questionnaires were found to correlate well with accident rates at 6 major hazard sites. SMS audits and safety attitudes were therefore seen as possible surrogates for accident rates in evaluating inspection effectiveness. Indeed, it has been argued that accident data as the sole

basis for measuring health and safety performance can provide an incomplete and often misleading measure of health and safety performance (Booth, 1992, 1993).

Horbury & Bottomley (1998) provided a methodology of statistical modeling to predict the relationship of safety culture and safety management systems to accident rates. Through an analytical model, using expert judgement based upon an audit methodology involving a series of interviews, a relationship between accident rates and safety culture, safety management systems and technological risk was evidenced. These could be seen as possible surrogate performance measures for health and safety performance rather than being external factors that influence it.

Through empirically based studies, embracing the regulatory systems of Northern America, Western Europe and Australia, Gunningham (1998) explored the adoption of safety management system (SMS) based regulation. The SMS approach was applied as an alternative to an approach where the emphasis was on traditional inspection and on compliance with specification and performance standards. A theme permeating their work was the attempt to establish how the law could influence the internal self-regulation of organisations to make them more responsive to occupational health and safety concerns. In this context a management audit based approach to occupational health and safety systems was considered to have the greatest potential. However, it was concluded that for smaller employers there was little point in conducting an audit based approach as there was often little by way of company documentation to audit. Thus, for smaller employers, inspection might be one of the few credible strategies available. Also, checking whether an enterprise had genuinely and successfully adopted and implemented the SMS approach not only required greater and different skills on the part of the inspectors, but also was extremely demanding of inspectors' time. The use of third party auditors as surrogate regulators was proposed.

Gunningham & Johnstone (1999) identify the core problem in enforcing a systems-based approach as being one of resources.

“Checking whether an enterprise has genuinely and successfully adopted and implemented this approach not only greater and different skills on the part of the inspectors, but is also extremely demanding of inspectors' time. These demands may be particularly intense during the period when the new system is being introduced, where the dangers of implementation failure are greatest.”

(Gunningham & Johnstone, 1999: p143)

They also conclude that a shift from inspection to audit based on the SMS requires professionally qualified and technically skilled inspectors of whom far more is required than has been the case in the past.

Hutter (1986) examined the significance of proactive enforcement strategies in the regulation of business and industry by observing and questioning inspectors. She concluded that inspectors undertook a multiplicity of roles during such visits and that they were an essential part of the process of building a working relationship between the regulator and the regulated. She likened this role to community policing, building a rapport with the target population so that when accidents occurred and the regulator had to assume a more inquisitorial role, there was a greater understanding of the rationale. The inspector or police officer as a source of advice and support was less threatening than someone who simply descended on the workplace to investigate and enforce.

Bentley (1995) in an internal HSE report looked at some 800 preventive inspections, comparing the inspector's findings with the recollections of a significant number of the employers concerned. He concluded that the vast majority of employers supported a system of routine, unannounced visits and in over 90% of cases found the inspector's advice to be practical. Also, positive action was taken, at least in the short term, in a large number of cases. In common with most other internal HSE studies, this work was not subject to peer review and thus there is the possibility of bias.

Haines (1997) used occupational safety in Australia as the basis for exploring the extent to which regulatory regimes can be designed to encourage 'virtue' in the business community whilst retaining the ability to act more stringently when this approach failed. He concluded that there were two distinct ideologies for the notion of 'good business', the blinkered culture and the virtuous culture. The choice of a virtuous approach was considered to arise out of the assessment of future benefits, i.e. whether safety was seen as being integral to future success. Large organisations were identified as being sensitive to public image. Small organisations were little affected by the public perception of their activities, but they may be more responsive to punitive sanctions since it was simpler for the regulator to ascertain culpability than was the case within larger organisations.

3.10 Concluding remarks

I now draw together the evidence from my review of the literature, supplementing this with information from recent reviews by others (Cosman, 1999; Hussain & Wilday, 2000; Hillage *et al.*, 2001). The studies identified are drawn from both the published literature and those internal to the HSE. Whilst the robustness of some studies can be challenged, this is to some extent balanced by triangulation across the literature.

This chapter has covered much ground and it is appropriate that some key conclusions relevant to the present LAPS study are drawn from this chapter. My ten key conclusions from the literature review are summarised below.

1. Over the past decade there has been a progressive shift in OHS regulation from a prescriptive approach of ‘command-and-control’ to a compliance strategy that is accommodative and emphasises cooperation rather than confrontation, conciliation rather than coercion.
2. The concept of a ‘two-track’ system of regulation (Gunningham & Johnstone, 1999) and of a ‘regulatory enforcement pyramid’ has relevance to LAPS. The regulatory activities of a Lead Authority reside for the main part within Track Two, with an enforcement style characterised by those at the base of the enforcement pyramid.
3. Legislation and associated guidance affords strong leverage over employers; most being motivated to change policies to comply with the law.
4. Compliance with the law is generally a bigger motivator for employers than achieving business benefits.
5. Different employers require different approaches, *i.e.* ‘horses for courses’ rather than ‘one size fits all’.
6. Personal contact by inspectors is more effective in influencing employer behaviour than mass marketing techniques; targeted approaches differently tailored to meet individual needs are the best way of reaching key groups of employers and getting them to change their behaviour.
7. Inspection is key in securing employer compliance and can bring about major improvements in health and safety performance.

8. Whilst control measures may appear to be in place, there can be a dissonance between policy and practice such that measures are not implemented at the operational level.
9. Lack of awareness is a key indicator of lack of impact.
10. Central interventions and SMS approaches are demanding of an inspector's time and require new and different skills.

In reviewing the literature on the subject of inspection by HSE and other regulatory bodies, this chapter has focused on the emerging trends in modern OHS regulation. The regulation and evaluation of the various inspection and intervention strategies applied by various enforcement agencies has been explored to build on the theme of LA enforcement covered in Chapter 2. Having drawn some key conclusions relevant to the present LAPS study, the focus of the next chapter is the history of LAPS and its development prior to the start of the present research study.

CHAPTER FOUR

The Lead Authority Partnership Scheme

“I am committed to cutting red tape. Over-regulation is deeply damaging. It costs profits and investment, efficiency and jobs.”

Rt Hon John Major MP (Cabinet Office, 1995)

4.1 Introduction

This chapter sets out the background to the introduction of the lead authority approach and offers an overview of the scheme up to the time when, as Head of LAU’s Compliance and Training Branch, I assumed responsibility for its management and development. The analysis and interpretation of the data obtained from the LAPS pilot trials and of the evaluation carried out by BPRI in 1996 is reserved for Chapter Eight. Indeed, these studies form the basis of my own research of evaluating the scheme as it was, when I joined LAU, in 1996 (HELA, 1996e).

LAPS started life as an idea that a central health and safety liaison regime should be put in place for the larger multiple outlet businesses within the LA enforced sector (HELA, 1994c). One of the main drivers to HELA progressing this scheme was that they saw it as a key element of a sound HSC response to comments in the national media by Michael Heseltine, Secretary of State for the Department of Trade and Industry, about lack of enforcement consistency. The scheme was established principally to improve consistency of LA enforcement of health and safety law in relation to national companies. In his HELA papers reviewing the scheme, Allen (1995, 1996b) reveals that the second aim, to enable LAs to influence and improve the health and safety management of participating companies, was added a short time later. This acknowledged earlier comment in the HELA Annual Report for 1993/94:

“While the primary objective of the scheme is to improve consistency of enforcement, another major benefit has been improvement in health and safety management of many participating companies and a reduction in accident rates has been achieved by several”

(HELA 1995a: p5)

4.2 Background

As previously mentioned in Chapter One, during the late 1980s APAU carried out a number of central approaches to large organisations in the LA enforced sector, reviewing the way

they manage occupational health and safety and reporting on how they could improve their performance. LAs assisted in this work through a programme of secondments of LA inspectors to the APAU (HELA, 1986, 1992b). The retail and finance sector were the main focus for companies receiving such central approaches. At that time, APAU central approaches were perceived by HELA as having a proven track record of achieving improvements in the health and safety management of large companies (Foster, 1989, 1992a, 1993; HELA 1989b). They were therefore seen as providing a basis for further development aimed at improving occupational health and safety standards in the LA enforced sector.

The development of a Central Health and Safety Liaison Authority Policy, later renamed Lead Authority Partnership Scheme (LAPS), was included in the LAU's long term aims and objectives paper which was agreed by HELA at its meeting in November 1990 (Barnett, 1990). HELA's LA members presented this long term aims paper to the HSC meeting of 23 April 1991. The HSC expressed their support for the idea of a lead authority approach and, like HELA, viewed this work as a priority. The British Retailer Association, now the British Retail Consortium (BRC), was known to support this initiative and some of their members had already volunteered to participate in the scheme.

4.3 Reasons for a Lead Authority policy

The original arguments for putting a Lead Authority policy in place were stated in 1991 (Bullock, 1991; Foster, 1992b, 1993). These are summarised:

- Many large companies within the LA enforced sector are directed from a central office and their business activities conducted through a number of outlets regionally or nationwide. They have a common health and safety policy and common safe systems of work. In some cases they also use buildings and premises built to a common design and to a uniform standard. However, health and safety enforcement is carried out by a number of different LAs, around 500 in 1990, tackling the same health and safety enforcement issues arising in the various company outlets across Britain. This can produce uneconomic and ineffective use of LA resources, duplication of effort, and lack of consistency of treatment and enforcement.

- LAPS was seen as a means of promoting greater consistency of advice by LAs to larger companies. With a lead authority, it was envisaged that a company would have a centre of knowledge and one LA liaison point for general policy procedural and national operational issues.
- A lead authority was seen as being capable of dealing with health and safety management and operational issues that have a national consequence for a company. It was to be identifiable to, and recognised by, other LAs and a company would be able to rely on the advice obtained through its liaison with the lead authority. It was considered that this would lead to quicker and more certain resolution of problems at local level.

The LAPS concept was initially tested by means of five Lead Authority Pilot Trials that were well publicised across all LAs and the trade/business representative bodies for the LA enforced sector (HELA, 1992c; Greenwood, 1992a, 1993; Bell, 1994a)

4.4 Roles and responsibilities of key players in LAPS

The roles and responsibilities of the key players in LAPS, as originally conceived for the pilot trials, were first set out for HELA in 1991 (Foster 1992a; Greenwood, 1992b, 1992c; HELA 1996f) and are summarised below. These roles and responsibilities set down the protocol for the operation of LAPS during the 1992 pilot trial period.

4.4.1 The lead authority - role and responsibilities

The lead authority was required to:

- liaise with the company on general health and safety issues, including health and safety policy and arrangement for implementation, technical issues with national implications;
- liaise with other LAs and carry out an initial SMR of the company to familiarise themselves with the company and its performance;
- ensure that the company is aware of the liaison procedures;
- provide feedback to any LA requesting information on the company.
- maintain a day to day record of visits, referrals etc; and
- provide feedback on lead authority procedures to the LAU who will report significant problems to HELA during the pilot phase.

4.4.2 LAU - role and responsibilities

LAU was required to:

- co-ordinate all lead authority work; this is necessary so that:
 - other LAs could check what the lead authority had been doing or how the company was performing; and
 - consistent advice was given to companies of a similar type;
- produce a work programme for lead authority developments;
- keep a database of LAPS activity; and
- offer a regular update on developments for all LAs.

At the outset LAU recognised the need for effective capture of feedback on how the procedure was working at an operational level and that contacts might be needed at both local and national level. Putting arrangements in place to secure this feedback proved problematic.

4.4.3 APAU - role and responsibilities

APAU was required to:

- lead on selected central approaches and safety auditing of companies; and
- develop guidance on the conduct of SMRs.

The APAU through its conduct of central approaches across all sectors of enforcement was to provide the experience and expertise needed to provide a lead in setting standards of health and safety management. The central approach audits conducted by the APAU were to serve as a benchmark for central approaches in LA enforced premises and as a reference standard between HSE and LA enforced premises.

4.4.4 The enforcing authority (EA) - role and responsibilities

All enforcing authorities were required to:

- notify problems which raised wider issues to the lead authority.
- draw to the attention of the lead authority any accidents that had wider policy ramifications or national implications.

LAPS was not intended to inhibit an enforcing authority's discretion to take enforcing action in cases where this was justified. However, the enforcing authority was to advise the lead authority of notices served, informations laid, and the result of any prosecution taken.

4.5 Lead Authority Pilot Trials

The pilot trials are considered in detail at Chapter 8. In summary, five partnerships were selected in June 1992 to undertake pilot trials of the scheme (Greenwood, 1992b). HELA, following regular updates and consideration of an evaluation that showed strong support for the scheme, agreed to its limited expansion in February 1994 (Bell, 1993a, 1994a; Land, 1993, 1994a).

In 1995, from information collected in relation to LAPS activity, LAU concluded that there had been a significant take up of LAPS, with approximately 17% of all LAs being involved in the full SMR based scheme within the three years since its launch (Allen, 1995). Those LAs involved were not limited by size or geographical location. However, it was clear that a number of regions were under represented.

The information on businesses involved indicated that there were representatives of most of the sectors enforced by LAs. These included retail, finance, consumer services, hotel and catering, leisure and wholesale distribution. LAU believed that there was a 'market leader' aspect to involvement and, particularly where trade associations existed, peer pressure for competitors to participate. LAU considered this to be particularly evident for the finance and the retail sector.

4.6 The emerging role for LAU

By 1995 the LAU role emerged as being one that was more hands off than for the pilots, but there was still a strict formalised structure to the scheme and LAU's responsibilities included:

- **administering the scheme** - registering partnerships and arranging signing of the partnership agreements;
- **general enquiries** - solving any problems which may be preventing participation;
- **information** - providing participants with practical guidance on the scheme;

- **training** - providing an input to the SMR training courses;
- **monitoring** the development of the scheme.
- **Co-ordinating** the information provided from returns of monthly liaison figures; and
- **Updating** LAs on developments, by Partnership Register and quarterly newsletter.

4.7 Review of Lead Authority Scheme

LAU planned a review of all aspects of the scheme for 1995. Their objective was to evaluate the scheme and to make some recommendations on its future direction. This evaluation was intended to determine whether the initial benefits identified during the review of the pilot trials had been demonstrated in subsequent partnerships, and also to consider the resource implications for LAs.

The review was carried out by an external contractor (BPRI) to a tender specification drafted by the LAU, the work being reported in April 1996 (Barnett, 1996). The evaluation involved contact with existing partners, survey of enforcing authorities on their views, to establish any barriers to participation, and analysis of information from the liaison figures/statistics. At Chapter 8, the author reports on his own review and analysis of the Pilot Trials and of the BPRI study.

4.8 Concluding remarks

Having used this Chapter to describe the early life of the lead authority approach, I now consider it timely to cover other similar partnership schemes in the next chapter. Particular attention will be given to the LA schemes for food and product safety and the HSE scheme for occupational health and safety.

CHAPTER FIVE

Comparable Partnership Schemes

“Where ignorance is bliss. 'Tis folly to be wise.”

Ode on a Distant Prospect of Eton College, Thomas Gray (1747)

5.1 Introduction

The significance of Thomas Gray’s words above is that prior to the author’s study of these other schemes, LAU had not considered them in any detail. There are a number of schemes covering various enforcement fields that promote working with customers through a single enforcing authority taking the lead for a business partner (LGMB, 1996). The Local Government Association (LGA) operates Link Authority for Air Pollution, and Partner Authority schemes for Building Control and Fire Services. However, it is the Home Authority Principle (HAP) coordinated by the Local Authorities Coordinating Body for Food and Trading Standards (LACOTS¹), and HSE’s Lead Principal Inspector (Lead PI) scheme that offer the closest parallels to LAPS. As will be seen from later Chapters, in developing LAPS I have taken account of the experiences of these other schemes, HAP and Lead PI. This chapter reviews the relevant issues that have emerged from these two partnership schemes.

5.2 The Home Authority Principle

5.2.1 Background

In 1976, the Methven Review of the Trade Descriptions Act 1968 expressed concern that multiple traders encounter operational difficulties as a result of inconsistencies between trading standards enforcement officers operating in different areas (OFT, 1976). In 1980, LACOTS established the HAP with the claim that this was an aid to good enforcement practice based on consistency and commonsense (LACOTS, 1990, 1993a, 1993b). The idea behind the scheme was that businesses with multiple outlets should be able to depend on one LA for advice on legal compliance. For the next decade it was applied as a central strategy in the co-ordination of LA trading standards enforcement.

¹ on 1 April 2002 LACOTS was renamed LACORS, Local Authorities Coordinators of Regulatory Services.

CHAPTER FIVE – COMPARABLE PARTNERSHIP SCHEMES

In 1990 an Audit Commission report recommended that food hygiene enforcement should accommodate a national dimension as well as the local view (Audit Commission, 1990). In 1991 the local authority associations (LAAs) resolved that the LACOTS remit should be extended beyond trading standards enforcement to deal with food safety (LACOTS, 1993b; Du Val, 1994). The DTI 'Interdepartmental Review of Local Government Enforcement' advocated the widespread adoption of HAPS. Accordingly, the government departments responsible for Codes of Practice under the Food Safety Act 1990 introduced a statutory duty on food authorities to "have regard" to HAP and to the interpretation given by a home authority. By Autumn 1995, all but one of 483 LAs across the UK committed their support to HAP and a new HAP database contained details of 7980 Home Authority companies (LACOTS, 1996). A subsequent survey of business in 1996 showed business awareness and understanding of HAP to be high, at 85% for trading Standards and 58% for Environmental Health. Business confirmed that they regularly and actively sought the advice of their Home Authority. However the majority of businesses (69%) said they would resist any formal or 'over-formalised' relationship between business and the Home Authority (LACOTS, 1997a)

The primary aims of HAP are better compliance with the law, less duplication of effort, and reduced public expenditure. This is achieved by the Home Authority offering advice at source and by authorities and businesses being encouraged to work in liaison with the Home Authority. Whilst participation in the scheme does not remove the onus of compliance from a business, it is designed to assist businesses to comply with the law in a spirit of consultation.

5.2.2 Home Authority – the detail

LACOTS (1997b) offer the following definitions in relation to their Home Authority Principle (HAP):

5.2.2.1 The Home Authority is the authority where the decision-making base of an enterprise is located. It may be the head office, factory, service centre, or place of importation. In decentralised businesses the role and location of the home authority is a matter that may require discussion with other authorities taking into consideration the views of the enterprise. The role of the home authority is to offer counsel and guidance to their partner businesses on policy issues, compliance with the law, adherence to recognised standards, codes and good practice and advice on remedial actions. The home authority is

also the primary regulatory link between enforcing authorities and businesses that are based in the home authority's area. LA enforcement officers can seek advice and assistance in the resolution of complaints and enquiries by contacting the responsible officer within the home authority.

5.2.2.2 The Enforcing Authority is any LA undertaking inspections, receiving complaints, making enquiries or detecting infringements. It most commonly relates to enforcement in the "market place". Whilst each LA retains its statutory responsibility for enforcement of the law, it is usually appropriate for the enforcing authority to liaise with the home authority before embarking upon detailed investigations or legal actions. This procedure helps avoid unnecessary duplication and provides the investigating officer with the essential background information to take account of previous history.

5.2.3 LACOTS consultation on the development of HAP

A LACOTS (1999a) consultation paper explained that the LACOTS Business Agenda of June 1998 had identified HAP as a key element of enforcement coordination and promised a comprehensive review with a commitment to enhance HAP.

In June 1999 the review was initiated with the Consultation Paper being widely distributed across LAs, businesses, government, professional bodies and consumer groups. LACOTS invited comments on the Home Authority Principles, particularly:

- benefits to LAs, businesses and others and how these could be improved;
- perceived problems and deficiencies, and possible mechanisms and strategies that might address and resolve these issues; and
- future development and priorities for action, particularly LACOTS' ongoing stewardship.

LACOTS used the Consultation Paper and a Consultation Conference on 18 June 1999 to seek answers to specific questions on a number of key issues that had emerged over recent years (LACOTS, 1999a, 1999b). LAU responded to this consultation, their response being based upon my present study of the Lead Authority approach and the emerging findings at that time.

5.2.3.1 Home Authority role and responsibilities

In the Consultation Paper, LACOTS identified a need to recognise the extent of the role of the home authority. They argued that there might be advantages in promoting consistency in such arrangements, but HAP needed to maintain some flexibility to take into account an LA's policies and priorities and the expectations of business.

The Report of the Consultation (LACOTS 1999c, 2000, 2001) revealed that a clear majority of respondents favoured having agreed minimum standards of service defining a home authority's role and responsibilities. It was considered that any minimum standards should be just that, so as to specifically avoid creating unnecessary and unhelpful bureaucracy. A number of respondents wanted to ensure that the standards retained some flexibility to both reflect individual LA policies and priorities and the views of businesses. They considered minimum service standards for home, originating and enforcing authorities were a good place to start but required further detailed consideration.

Some LAs questioned the ability of all authorities to deliver to the proposed standards given the variability of resources for appropriate services. They felt that minimum standards agreed by all relevant parties and receiving the support of local government at policy level, might assist in ensuring local resources were appropriately allocated.

5.2.3.2 New approaches

LACOTS reported that certain businesses and sectors were beginning to suggest more radically different HAP approaches, for example, home authorities having greater responsibility for in-depth analysis of a business's policies and management systems (more akin to LAPS). These included local implementation strategies, with the home authority coordinating local inspections and sample testing by enforcing authorities.

LA respondents did not generally support this proposed enhanced approach, some considered there were problems with legal purview. However, there was a desire to see to test innovative approaches thoroughly, and openly tested. LAU suggested that guidance could be issued to participants within the principle illustrating the different levels of activity that can take place under the HAP umbrella. It would then be left to the participants to negotiate what they intended to do and how they intended to do it.

5.2.3.3 Reactive home authority responsibility

In the Discussion Document, LACOTS identified that increasingly there appeared to be two sorts of Home Authority business relationship, proactive and reactive. Where a business was well known and a significant trading concern the tendency was for the home authority to act more proactively, developing and maintaining its relationship with the business. Where a business might only come to light following a referral from another LA the action by the home authority was more a reactive response than part of a strategy.

Respondents generally considered that both proactive and reactive partnerships were an acceptable reality that would need to be reflected in any minimum service standards. A multi-tiered approach was supported. That is to say, if in a particular case local resources dictated that reactive partnership was the only type of sustainable relationship, participation was arranged at that level.

5.2.3.4 Local authority liaison

In the Discussion Document, LACOTS identified the following ongoing concerns:

- some LAs either deal with a business directly in inappropriate circumstances or simply did not liaise with the Home Authority at all during investigations;
- some LAs appeared to have no regard to home authority advice they had received.

These concerns, and other similar comments detailed later in this chapter, reflected a situation that was not restricted to the HAP. My analysis of the earlier LAPS studies, reported at Chapter 8, show that these same concerns were apparent with the Lead Authority approach. LAU therefore commented that their experience with LAPS indicated that these issues could be dealt with by restating when liaison was appropriate and the underpinning values of the Home Authority Principle. For LAPS, the principles are enshrined in HSC's mandatory guidance to LAs (HSC, 1997, 2001b). LAU suggested that LACOTS might wish to take a view on whether similar guidance is needed for Home Authority Principle.

5.2.3.5 Resolving disagreements

LACOTS recognised that whilst differences of view between LAs might be fully justified, business should not be disproportionately or unjustifiably affected. LACOTS asked whether administrative arrangements including peer review of an issue could be used to resolve these differences. LAU commented that before the Home Authority advises their partner

company they should have sought to obtain the best information possible in reaching their opinion as to the way forward. Having reached a decision and given advice, the Home Authority should stand or fall by it. The business can take or leave the advice in the knowledge that they may be found wanting in court. In view of this, a dispute procedure may not be required.

5.2.3.6 Objectivity

LACOTS identified that concern was regularly expressed that some home authorities appear protectionist of a business rather than part of an enforcement structure. They sought views as to how this could be addressed more robustly and transparently in the future. Whilst accepting that lack of objectivity may occur, LAU commented that it did not see this as an issue. In the face of similar complaints even the most resolute of LAs would have to admit the failings of its partner business. Maintaining an open-minded attitude is a matter for the LA and the professionalism of its officers. LAU suggested that LACOTS could consider making more information on the activities of Home Authorities more widely available.

5.2.3.7 Sector Co-ordination and geographic location

LACOTS suggested the good sense of increasing sector liaison between home authorities acting in particular business sectors (e.g. multiple food retailers, financial services). They highlighted the fact that some had suggested a home authority might assume lead responsibility for a number of businesses in the same sector. There are some parallels to be drawn here with the work of LAU on LAPS, establishing 'User groups' which reflected a more geographical spread of partnerships (HELA, 1995a, 1995b). The recent developments in LAPS, initiated as part of the present study, have sought to embrace representative bodies such as Trade Associations. LAU suggested that this could be the way forward to enable home authorities to deal with large numbers of businesses in the same industry sector which individually would not make for a viable partnership.

LACOTS indicated that some LAs argued that there should be less reliance on the geographic location of a business's head office in determining a home authority. They suggested that the home authority might be more appropriately identified having regard to both a local commitment, particularly in relation to resources allocated by an authority, and acknowledged competence of the authority in the business's sector. The introduction of new technologies may make it possible for some home authorities to be other than the

geographical home of the company. The success or otherwise of being a remote partner depends on the amount of face-to-face work envisaged. That said, LAPS has never been constrained by geographic location and yet in the case of every full SMR partnership the LA with the company's head office in its area has initiated the partnership.

5.2.4 Home Authority Partnership Relationships

LACOTS state that the HAP is essentially a set of relationships between pairs of organisations. Whilst LACOTS produced *Guidelines for Home Authorities* (LACOTS 1997b), the loose arrangements contrast sharply with HELA's established full SMR Lead Authority scheme where partners operate within a closely structured framework underpinned by a partnership agreement signed by the senior manager of each partner organisation. In their Discussion Document, LACOTS argued that it was timely to set down clear minimum service standards for HAP that could be the subject of peer review or third party audit. It was stated that the relationship between home authority and business was flexible; the imposition of rigorous service level agreements upon participants appears to undermine that assertion.

LACOTS stated that a frequently expressed concern about the HAP was a general perception that some home authorities were 'too close' to their local businesses. Similar criticisms have been levelled at some lead authorities. However, LAU commented that the professionalism of the officers concerned should ensure that the home authority/business relationship operated in an open and honest manner. Peer review might identify those occasions where an over sympathetic view could prevail. Where businesses do not cooperate within the spirit of HAP then the LA should have the right to withdraw from the partnership.

5.2.5 Charging

LACOTS stated that a recurring question asked of them was whether Home Authorities should be able to charge their partner business for their service. LACOTS has generally been against the practice on the grounds that such payments might seem inappropriate for what was essentially an enforcement strategy. Also, this might compromise the perceived objectivity and independence of the home authority. Based on their own experience with

LAPS, LAU agreed with this stance on charging. There should not be an opportunity for others to question the impartiality of the home authority.

5.2.6 Non-participation

LACOTS stated their belief that the HAP could only be fully effective when all players participated. It proposed a range of mechanisms to monitor participation and commitment, these included:

- an annual LACOTS report on the operation of HAP based on views of LAs, liaison groups, and the relevant trade bodies; and
- the development and acceptance of HAP-related performance measures, monitored by peer review, inter-authority auditing, and third parties.

5.2.7 Outcome of LACOTS consultation exercise

The LACOTS (1999c, 2000) reports of the 1999 Consultation Exercise identified a range of issues to be addressed, these included:

- communicating and promoting the benefits of the HAP more effectively;
- improved guidance on the standards expected of LAs in delivering effective HAP, including acceptance of the use of agreed dispute resolution mechanisms; and
- more effective home authority collaboration through the creation of sector groups and consideration as to how business expertise might also be involved in such groups;

5.2.8 Conclusions from the Home Authority Consultation

From their Consultation Exercise, LACOTS (1999c, 2000) concluded that:

- broad support existed for the principle and its continuation;
- there was strong support from all the trade associations that responded;
- commanding adequate resources locally presented a challenge to HAP;
- there was potential conflict of Home Authority roles as both adviser and enforcer;
- better analysis of the levels of participation and satisfaction was required; and
- revised guidance must be supported by appropriate promotion and training strategies.

5.2.9 Summary of Links

This review of HAP reveals there to be considerable commonality with LAPS, and revealed implications for its further development. The earlier LAPS evaluation studies, which will be reviewed in detail at Chapter 8, support the view that the comments captured by the LACOTS consultation exercise represent more than just the situation with this particular scheme. The concerns and comments expressed tell us about the culture of LA enforcement. The finding that some LAs have no regard for Home Authority advice, a feature also apparent within the established LAPS, leave it open to question as to how far LAPS on its own can resolve the way that such organisations have historically worked.

HAP afforded the author the opportunity of exploring partnership working within another area of LA enforcement, that of food and trading standards law. The issues relating to minimum service standards, objectivity, funding, and non-participation confirm that such partnerships may be part of the way that LAs work, but probably not the predominant part. HAP has revealed some LA beliefs about the world and has caused the author to recognise that any recommendations to develop LAPS must take account of the fundamentals apparent from the way in which LAs operate in other comparable areas. The remainder of this chapter is devoted to a consideration of HSE's Lead PI scheme, this being an opportunity to look at a similar scheme operating outside of the LA enforcement arena.

5.3 HSE's Lead Principal Inspector system

5.3.1 Background

In 1994, following a recommendation in the Impact Report (HSE, 1991b) the senior management forum of FOD decided to implement the Lead PI system (HSE, 1995d). Priority was given to major hazard and food sector businesses and throughout 1996, FOD carried out a Lead PI trial with a limited number of these (2001a).

HSE's Lead Principal Inspector system is aimed at providing national co-ordination of the interventions of HSE's Field Operations Division with multi-site organisations. In essence, the system is based around a protocol of a nominated Lead Principal Inspector (Lead PI) drawing up a three-year inspection plan for a selected multi-site organisation. This plan identifies the company sites to be visited, and the key topics and issues to be assessed. This approach, which is more directive than LAPS, draws heavily on the inspection strategy

contained in the *FOD Guide to inspection of health and safety management*, which outlines a range of intervention techniques available and focuses on safety management systems (HSE, 1995a). The results of the trial showed:

- HSE inspectors liked the approach and considered it professional and defensible;
- employers appreciated the consistent, coordinated, and planned approach which reduced duplication of time and effort;
- HSE obtained better intelligence and a more detailed knowledge of management structures and health and safety management systems;
- HSE's resources were used more efficiently and effectively - inspection resource saved by not visiting sites excluded from the plan could be re-directed to other priorities.

It was decided that the trial would be continued and extended in 1996 across HSE's newly created Chemicals and Hazardous Division (CHID, renamed HID), and that the approach would be introduced across other sectors of industry covered by FOD. An Operational Circular (HSE, 1995d) was drawn up to explain the arrangements that should be followed to put a Lead PI system in place.

5.3.2 The Lead PI System

5.3.2.1 Selection of candidates. The trials had indicated that most benefit arises from application of the approach to organisations:

- where similar operations are carried out at a number of sites across the country and where those operations are centrally or corporately managed;
- where an uncoordinated approach by FOD would be readily apparent and open to criticism.

5.3.2.2 Selection of Lead PI. A number of factors are considered when selecting a Lead PI:

- location of main site or activities;
- location of poorly performing sites;
- location of head office;
- number and clusters of locations.

5.3.2.3 The Inspection Plan

The starting point for generating the inspection plan is the obtaining of accurate information about an organisation's structures, activities and locations as well as hazard profile and performance history. In some cases this is obtained through a management systems audit of a major site. The information gained then informs the Lead PI's three-year plan.

The Inspection Plan is arrived at through consultation with other interested PIs, Specialist Inspectors, and other divisions where necessary. The plan identifies:

- topics to be assessed;
- sites to be inspected;
- timetable of inspections.

Primarily a plan deals with proactive work but may additionally set criteria for reactive work. It provides for liaison and openness with the organisation and includes arrangements for communication with inspectors. The plan is monitored and reviewed and subsequently updated where necessary.

5.3.3 Current position

By December 1999, the Lead PI approach was being taken forward with around 70 organisations that had sites in more than one FOD region. These companies ranged from major food companies, vehicle production, utility companies, chemicals, through to construction. In some cases a 3-year plan of interventions had being actively pursued and in others the arrangements consisted of no more than a nominated lead inspector monitoring contacts with the company (Denness, 1998). Currently, the potential of the Lead PI approach is being tested against the HSC's initiative for the 'top 350' companies. The belief being that the new arrangements based on the Lead PI approach offered the future basis for a strategic approach to major employers. The protocol proposed and currently being tested is intended to coordinate HSE's interventions with multi-site organisations in line with HSC's Enforcement Policy without stifling innovation and novel ways of working (HSE, 2002b).

5.3.4 Comparison with LAPS

Some interest has been expressed in coordinating FOD's Lead PI approach and the Lead Authority Partnership Scheme. FOD has proposed there be an exchange of lists of inspectors who have Lead PI or Lead Authority responsibilities, to facilitate information sharing, particularly where FOD and LAs jointly inspect industries. There are a number of features for comparison between LAPS as originally conceived and the Lead PI scheme, these include:

- LAPS so far has not engaged enforcing LAs in any strategic inspection of a business;
- LAPS has required more front end intervention on the part of the Lead LA; and
- LAPS is a voluntary scheme whereas Lead PIs have been required to take matters forward and the scheme is imposed on the company concerned.

5.4 Concluding Remarks

This chapter has considered the Home Authority approach and the Lead PI scheme and identified both the commonality and differences with LAPS. These other schemes offer an insight as to the extent to which the principles of LAPS might be extended beyond LA health and safety enforcement. The chapters to date have set the context for LA enforcement, inspection intervention strategies, and partnership working. I now turn to the detail of my present study, using the next two chapters to describe the methodology and procedural aspects of my research.

CHAPTER SIX

Evolution of the Methodology

“It takes little talent to see clearly what lies under one’s nose, a good deal of it to know in which direction to point that organ”

Dyer’s Hand, WH Auden (1963)

6.1 Introduction

The methodology section spans the next two chapters and describes the various elements of my research, attempting to justify the approaches adopted in the conduct of this study. In this, the first of the two chapters, the philosophical justifications for conducting this research (the “why” factors) are described. In the next chapter the research processes and procedures for conducting this study (the “how” factors) are covered.

6.2 Systematic study and analysis

My desire to understand and refine LAPS was one of trying to understand the human action within the scheme through systematic study and analysis. At the outset this required me to make a fundamental assumption that human action is “characterized by relatively consistent patterns of understanding and conduct that we can recognize and understand” (Palys, 1997).

In the quest for reliable and valid information, a mix of evaluation and explorative work was applied. By *reliable* information I mean that repeated observations of the same phenomenon should give similar results and that other researchers following the same procedures should arrive at the same conclusions. By *valid* information I mean what has been measured is that which I set out to measure.

My initial evaluation extended across the previous studies and available documentary evidence from over four years of full operation of LAPS. This was used to inform and underpin the explorative research that has been integral to the development of the scheme. Alongside my recent work, exploring the potential of the flexible development of the scheme, I further studied the existing partnerships, many of these by this time having been in existence for eight years.

Four main epistemologies or “ways of knowing” have been suggested and reaffirmed over the years, namely, authority, intuition, logic and observation (Buchler, 1955; Kerlinger, 1964; Wallace, 1971). Of these, Labovitz and Hagendorn (1981), join the above authors in suggesting that observation comes closest to being “the method of science”. My chosen epistemology was that of observation but the opportunities for direct observation at partnership level were limited. Therefore, a primary means for observation was through “key informants” (Gilchrist, 1992). That said, authority, logic and intuition have each played their part in shaping this study.

The authority of HELA’s wishes determined that I try to uncover the facts and understand the principles that account for the facts. Thus, for part of this study the expectation of the client and sponsor was that I should adopt a positivist approach and apply nomothetic analysis of aggregated data to reveal trends or patterns across participants, people and organisations within the scheme. There was a conscious effort on my part to avoid the epistemology of intuition introducing undue bias.

My initial intention was that the research should follow two discrete phases. The first being the collection and evaluation of all available evidence from the existing scheme. The second being to put in place new approaches to the scheme and test these. This testing was through the recruitment of new partnerships prepared to pilot these new arrangements. In the event, it was not possible for me to progress things in such neat and distinct phases. The study quickly became more of a mixed research process than one of discrete and defined phases. Time constraints dictated that the new flexible arrangements be established and testing started before the full data collection and analysis for the original scheme could be completed. Notwithstanding this, the introduction of the new partnership approaches was informed by some findings from evaluation of the existing scheme. However, it was a deliberate action on my part not to allow this evaluation to constrain the development of the new approaches. This freedom of their development was reinforced by the fact that new approach partnerships progressed in their own way and pace that was, often frustratingly, beyond my control. Given that the partners themselves dictated the direction and speed of their partnership development, the research processes had to evolve within a framework of complex interactions with false starts and shifts in emphasis being commonplace when seen across the entirety of the study.

6.3 Rationale

This thesis is based upon one element of my work with LAU, namely LAPS. The scheme is, in essence, a central intervention strategy built upon voluntary partnership working between enforcing authorities and multiple-outlet businesses. I adopted, as a central strand of my research, an embedded case study approach to evaluation of the scheme, focusing particularly on the interactions and perceptions of individual participants. Yin (1994) explains that even though a case study might be about a single public programme, in this instance LAPS, the analysis might include outcomes from individual projects within the programme. A multiple-case design (two cases) was chosen. It was felt that evidence from the individual partnerships (embedded units) of both traditional partnerships (first case) and new flexible approach partnerships (second case) would be more compelling, more robust, and offer the potential for conclusions tied together by a practical policy-oriented theory (Herriot & Firestone, 1983; Hooks, 1990). This approach also allowed a specific phenomenon, the Lead Authority concept, to be examined in operational detail.

6.3.1 Origin of the research idea

The idea for this research started out from an investigation of a problem presented to the researcher by HELA. In essence, the problem was to determine the extent to which LAPS could:

- deliver enforcement consistency across LAs for a particular business or sector;
- improve health and safety performance across multiple-outlet organisations; and
- be developed to capture a wider spectrum of businesses.

From this supplied problem the research study was developed, to clarify and build upon the findings of earlier studies and to explore the underlying issues and processes.

6.3.2 Suitability for a research project

LAU first put the scheme in place in 1992 primarily to address allegations of inconsistent enforcement. My reasons for considering the scheme suitable for a research study include:

- uniqueness of the scheme in that it is based upon long term voluntary partnerships between an enforcing authority and a business;

- maturity of the scheme and richness of archived materials; LAPS had been in operation for over five years at the start of the research study and embraced some seventy partnerships;
- the availability of a substantial body of relevant detailed data on the activity of five initial pilot partnerships, plus four subsequent shadow partnerships, that had operated to a strict protocol;
- the existence of records and results from an early internal review of the scheme in 1994 that provided a potentially rich source of data where there had been little by way of previous rigorous analysis or application of original thinking;
- the availability of findings from an independent research study in 1996 that offered a valuable snapshot of perceptions from LAs and businesses at that time.
- HELA's desire to develop the scheme to more closely reflect present day business needs and to secure the engagement of small and medium sized enterprises (SMEs);
- HELA's agreement to flexible partnership approaches, informed by the author's evaluation of the existing established scheme; and
- the perceived potential the scheme for brigading the efforts of over 400 LAs responsible for health and safety enforcement across the retail, finance and leisure sectors.

6.3.3 Access to information and organisations

I was in the fortunate position of being the person within HSE with overall responsibility for the scheme, i.e. the gatekeeper (Forster, 1994). This brought with it the unfettered ability to access HSE's extensive files and information systems in relation to LAPS, and in respect of central intervention strategies more generally. As a researcher, I was presented with and took the opportunity to immerse myself in the scheme. My position as HSE manager responsible for LAPS also afforded unique access to both key participants within LAPS and those people responsible for the development and management of other similar schemes run by central and local government.

6.3.4 An early shift in starting position

At the outset of this study my intention had been to measure the impact of the scheme in terms of the consistency of LA enforcement and the health and safety performance of partner businesses. These findings were then to be used to construct a robust research methodology that could measure the potential for development within the scheme. In the

event, I soon judged the historical accident data to be scant and there to be significant interference factors that meant end accident data had to be considered too remote to be used as a reliable outcome measure isolated from uncontrolled variables. There were also seemingly insurmountable difficulties in collecting front line enforcement intervention data, both historical and current, across some 410 LAs in a form that would afford the author the opportunity to make meaningful comparisons. Hence, fairly early on, the research study shifted to an approach of capturing whatever information wherever it could found. This resulted in information being secured across a wide range. To increase the validity of the findings, and the conclusions to be drawn from these, I applied the technique of triangulation.

6.3.5 The application of triangulation

The overall approach was one of using a range of methodologies based on questionnaires and semi-structured interviews and on collections of historical data and analyses. This has secured a high level of triangulation within the study. This was done in an attempt to strengthen both the findings and the conclusions that could be drawn. My role was one of bricoleur, that is to say a “Jack of all trades or a kind of professional do-it-yourself person” (Levi-Strauss, 1966). I also used the available tools of my methodological trade, deploying whatever strategies, methods, or empirical materials were at hand (Becker, 1989). The intention was that the emergent construction would be a bricolage or pieced-together, close-knit set of perceptions and practices providing the prospect of answers to the research questions.

Denzin (1978) describes the process of triangulation in research terms as being the use of different sets of data, different types of analysis, different researchers, and different theoretical perspectives to study one particular phenomenon. In the present study, the author has applied a broad range of triangulation in an attempt to secure an in-depth understanding of the phenomenon in question. Denzin & Lincoln (1998) comment that:

“Triangulation is not a tool or a strategy of validation, but an alternative to validation. The combination of multiple methods, empirical materials, perspectives and observers in a single study is best understood, then as a strategy that adds rigor, breadth, and depth to any investigation.”

(Denzin & Lincoln, 1998: p4)

At times there was a tendency for the projects comprising my overall study to drift out of alignment. Chenail (1997) comments that when qualitative projects are conceptualised and conducted they can:

“become muddled and do get out of line because, when the richness of our curiosities meets the richness of qualitative data, researchers can easily become overwhelmed with the choices they have to make. This embarrassment of richness can be brought to an even higher level when researchers study phenomena with which they have previous, direct experience, as is the case when practitioners study what they also practice”.

(Chenail, 1997: p2)

Chenail goes on to stress that the important part of being in a muddle is to recognise it and work to tidy it up. Following Chenail’s lead, I adopted an approach of using triangulation as a research “plumb line” to keep track of my study and to see if things were beginning to drift from my line of enquiry or if the research was staying on course. This approach was found to be invaluable in pulling things back on track; particularly at times when the study was being pulled by my interest in topics that could only be considered to be peripheral to the main thrust of the study.

6.3.6 Justifications for the methodology applied

The research design and methodology for this study was eclectic in that a number of procedures, rather than one discrete research model or method, were employed. I also drew upon the variety of sources available to me within the overall context of LAPS. The research was carried out in a merge of several stages using a structured mix of investigative techniques that comprised the overall research process.

My starting point was to apply a mix of quantitative and qualitative methodologies appropriately matched to the various elements of the study. I believed that one of the early tasks was to make a quantitative analysis of the records of partnership and liaison activity and of such accident data as existed in archived HSE files. These files related to the early days of LAPS. However, as will be seen from those sections dealing with the results of this study, even the most detailed of the historical information available, that relating to the pilot and shadow partnerships, did not offer sufficiency of data to make for a substantial or meaningful application of quantitative research methodologies. This early belief, gained from an initial review of HELA papers, that quantitative methodologies might be widely applied was similarly thwarted in other elements of the study and the main focus therefore shifted to a qualitative approach.

6.3.7 A primarily qualitative methodology

Over and above my early identification of difficulties with quantitative methodologies, qualitative methodologies were independently considered and deemed more appropriate for the most part in this study. There are a number of reasons for this, namely:

- the questionnaire survey of lead authority inspectors was geared to secure subjective comment and opinion from respondents, primarily “key informants”, that reflected their perceptions of the scheme;
- the number of respondents was small, the largest sample size being 102 in the case of responses to the consultation exercise on LAPS;
- things do not stand still for long in the LA and business worlds; the structure of LAs and many of the business partners has seen significant change over the ten years since the original scheme was first conceived; this lent itself more closely to an exploratory research regime which could also accommodate the requirement that the study should not constrain the development of flexible approaches within LAPS; and
- the recording by lead authorities of detailed quantitative data on their activities, e.g. time spent and enquiries received, did not continue in any consistent structured format beyond that of the initial twelve month SMR pilot exercise.

The qualitative research methodologies adopted for certain elements of this study were considered particularly well suited in view of the range of organisations involved in LAPS. Each organisation, and the perceptions of individuals within it, was seen to be a more or less complex mix of environmental, organisational, and cultural factors.

At first I was troubled by the fact that my early readings were of polemical papers and writings on qualitative and quantitative approaches and yet I was trying to apply both methodologies within the research study. However, I drew some comfort from the words of Becker (1996) who suggests:

“practitioners of qualitative and quantitative methods may seem to have different philosophies of science, but they really just work in different situations and ask different questions. The politics of social science can seduce us into magnifying the differences. But it needn’t and shouldn’t.”

(Becker, 1996: p65)

Becker's suggestion supports the earlier comments of Turner (1981) who, in his consideration of some practical aspects of qualitative data analysis, states that:

“ The quantitative and qualitative modes of research, however, are not polar opposites, and there is no need to pursue one to the exclusion of the other, for at any stage, emerging questions may be quantified by the use of survey-based techniques, if this is thought appropriate.”

(Turner, 1981: p243)

Indeed, Turner supports earlier advocates (Trend, 1978) of multiple methods for the study of a single phenomenon to develop a composite or “triangulated” outcome, after any conflicting observations arising from different approaches have been resolved.

6.3.8 An inductive and constructive approach

Having previously stated that HELA were seeking a positivist outlook, the approach to the majority of studies within this research project extended to one that can be described as both inductive and constructive. On the basis of the findings from his investigation of earlier studies, I started from a position informed by some theory. I also worked on the assumption that further theory was something to be built from my experiences within the research study. Schwandt (1994) in describing the perspective known as constructionism states that:

“constructivists are deeply committed to ...the view that what we take to be objective knowledge and truth is the result of perspective. Knowledge and truth are created, not discovered by mind.”

(Schwandt, 1994: p125)

6.4 The primary research tools

The primary research tools applied in this study were:

- methodical study of the detailed historical information on the scheme;
- a close review and critique of the aims, methodology, findings and conclusions of an independent research study of LAPS undertaken in 1996;
- postal questionnaires to survey LAPS partners, LAs and others more widely;
- the semi-structured exploratory research interview;
- observation as an active participant within LAPS; and
- opportunistic collection of other information and data relevant to the LAPS.

6.4.1 Archival and unobtrusive methods

The thinking behind the methodical study of the detailed archived information was derived from my initial review of the archived papers. It was apparent from this cursory review of historical records and archived files that, in common with other government agencies and public bodies, LAU held substantial archival materials. This provided a rich field of detailed information that had not previously been the subject of any substantive scrutiny or analysis. I recognised there to be a real potential to learn new things from old data and to apply original thinking and interpretation in the development of the scheme. Many archives allow longitudinal analysis, at least within the context of past events. Furthermore, archival data are less influenced by reactivity than are interactive techniques. However, I recognised that I must not be seduced into believing that all available data is important or relevant. Archives provide secondary data, prepared by someone else and for some other purpose than for supplying evidence that might be useful to a researcher (Palys, 1997).

6.4.2 An earlier research study

The independent research study of LAPS undertaken by BPRI in 1996 offered a good snapshot of views and perceptions of key players in the scheme at that time. This study was used, with caution, as a reference point to inform the development of the new approaches and of the projects needed to investigate these new approaches and the existing scheme.

6.4.3 Interactive methods

Questionnaires and interviews are “interactive” and share the advantage of providing the researcher the opportunity to hear from a respondent directly.

“This is the one set of techniques where people can tell us their thoughts (instead of our guessing about them) and where they can explain themselves (instead of our speculating about what their motives might be).”

(Palys, 1997: p228)

The purpose of the semi-structured exploratory interview was to probe the perceptions of “key informants” by means of open questioning and to collect some quantifiable information on the way (Gilchrist, 1992; Morse, 1994). Whilst the quantifiable information was the minority holding within this element of the research, it gave valuable background information and insight as to the nature type and geography of relevant organisations - those within and considering joining LAPS. These interviews, when taken with the geographical spread of LAs and businesses involved were relatively time consuming. The timetabling of

these coincided with the fuel crisis of Autumn 2000, which further increased the time expended on this element of the project.

A postal questionnaire was applied in March 1999 as a powerful tool to secure both quantitative data and opinions from the lead officers of the local authority partner to each of the LAPS partnerships believed to be current at that time. The Consultation Exercise of December 2000 was similarly used to secure the perceptions and the opinions of LAs (lead authorities and others), businesses, professional bodies, trades unions and other stakeholders.

6.4.4 Observation

Whilst observation in its broadest sense was important as a data collection technique, there were only limited opportunities for direct observation at operational partnership level. Attendance at four two-day SMR training courses did afford the researcher some valuable, albeit limited, opportunities to collect data through direct observation. This was reinforced through involvement in the syndicate sessions of the LAPS national conference in February 2001, and a number of workshops and seminars involving LA inspectors and safety professionals from organisations participating in the scheme, and also from non-participant organisations.

At the outset, I considered my involvement would for the main part to be a composite of arms length studies of the LAs and businesses involved in the scheme. In the event, my detailed analyses of the workings of LAPS and his work on its development brought a closeness with the participants in the scheme. My position in LAU brought daily contact and dialogue with participants and the wider LA audience. In all cases of direct observation, my role was one of participant observer, even in situations where the intention was to be seen as a passive observer (Bogdewic, 1992). This was largely a result of the delegates to the SMR training courses, to the national conference, and to the various workshops and seminars, seeing me in the role of HSE manager for the scheme. Despite best endeavours to be seen as a passive observer, it is considered that my perceived position has impacted upon this element of the research. That is to say, my position as an observer may itself have had an affect, in the research context, to an extent that may compromise the validity of this element of the data collection.

The literature review at Chapter 3 showed that there has been little by way of previous robust research where the primary objective has been to evaluate the impact of a central intervention approach based on partnership between a regulatory body and the key organisations within a business sector. Notwithstanding this, I consider that my approach of using a mix of methodologies, primarily qualitative in nature, has enabled me to maximise data capture. I am supported in this belief in the writings of well known researchers on the culture of organisations where data capture is often dependant on applying a flexible mix of qualitative methodologies (Nash, 1989; Schein, 1992).

6.4.5 Application of the grounded theory approach

In the background reading to develop my thinking as to how to deal with data collected, the “grounded theory” approach for the handling of qualitative data proved attractive (Glazer & Strauss, 1968). The approach, in a nutshell, was the discovery of theory from data. I concluded, from his reading of considerations by Turner (1981), that the grounded theory approach was likely to be of maximum use for those parts of the research where he had to deal with qualitative data collected from semi-structured interviews and from certain types of documentary sources. Whilst the author did not apply all nine stages that Turner describes for grounded theory, he did find it helpful to approach the already existing body of theory on LAPS with questions and propositions arising from his own detailed examination of the body of data. This contrasts with the alternative approach trying to squeeze the data into a form that fits the theory. Of these two contrasting approaches, Turner (1981) states:

“In the first approach, we already have criteria for deciding whether or not existing *theory* has anything useful to contribute to our problem, and the suitability of the theory is assessed by these criteria, whereas, by contrast, the second approach weighs the suitability and admissibility of *data* by reference to criteria developed from theory, and this second path is not one which is likely to lead to discoveries about the world”.

(Turner, 1981: p239)

Turner goes on to conclude that:

“Good survey research does not spring into existence in a vacuum, but depends on the researcher being able to ask the “right” questions, questions which are of theoretical relevance, and questions which are understandable in and crucial to the substantive area under investigation.”

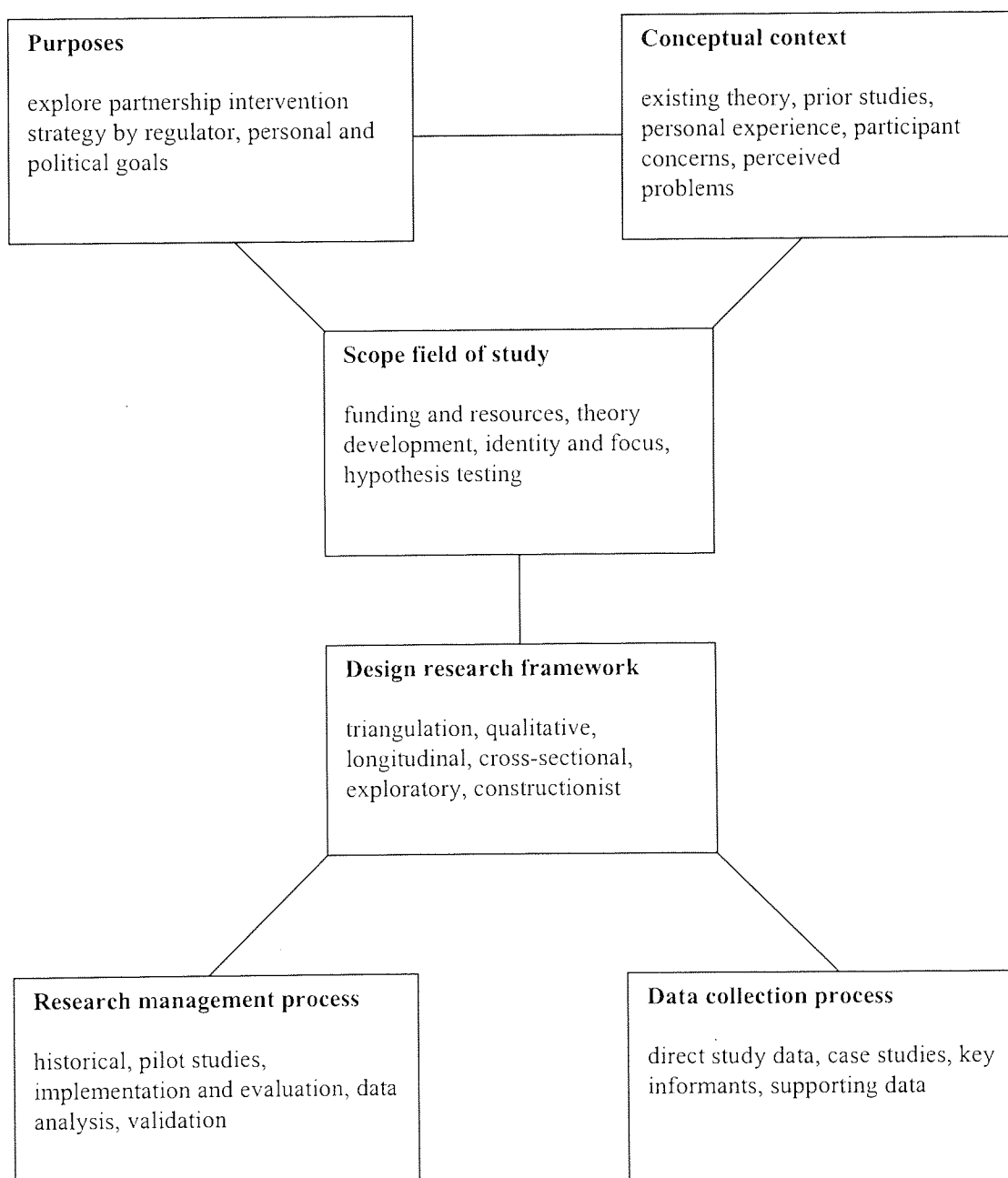
(Turner, 1981: p242)

6.5 Development of the research design

Figure 6.1 depicts the development of the research framework for this study. This framework was built from the overarching HELA objective of developing LAPS to embrace a broader church of LAs and business (HELA, 1998f).

Research objectives informed the development of this framework, which is based upon the interactive model of Research Design proposed by Maxwell (1996). At the macro level, the field of study was a given; that is to say, the potential of voluntary partnerships between regulator and duty holder as a central intervention strategy.

Figure 6.1: developing the research framework



In setting out the research design here, I am stating the game plan through which I believe information can be gathered to address the research purpose in a simple, elegant and systematic way (Palys, 1997). In devising the research design, I have attempted to include everything from the very general considerations – such as priorities and objectives – to the very specific decisions regarding who, what, where, when, and how.

Denzin & Lincoln (1994) state that:

“A research design describes a flexible set of guidelines that connects theoretical paradigms to strategies of enquiry and methods for collecting empirical material. A research design situates researchers in the empirical world and connects them to specific sites, persons, groups, institutions, and bodies of relevant interpretive material, including documents and archives. A research design also specifies how the investigator will address the two critical issues of representation and legitimation”

(Denzin & Lincoln, 1994: p14)

Yin (1994) describes a research design, colloquially, as

“an action plan for getting from *here* to *there*, where *here* may be defined as the initial set of questions to be answered, and *there* is some set of conclusions (answers) about these questions”.

(Yin, 1994: p19)

Turning to the research objectives that I was to decide upon, Sellitz *et al.* (1976) offered a typology with four main categories of research objective:

Exploratory (formulative). To gain familiarity with or gain new insights into a phenomenon, often in order to formulate a more precise research question or to develop a hypothesis.

Descriptive. To accurately portray the characteristics of a particular individual, situation, group, sample, or population.

Relational. To determine how two or more variables are related within a given sample or population.

Explanatory. To investigate causal relationships or other patterned conduct that is thought to characterise social processes.

The thrust of the present research falls within the exploratory and descriptive categories, with some endeavour to move toward the explanatory end of the scale. Two works have been particularly influential in shaping the research design of my study. The first, *Case Study Research: Design and Methods* (1994) by Robert K. Yin, defined the elements of case

study research clearly and with attention to the pitfalls of case design. The second, Miles & Huberman's *Qualitative Data Analysis: An Expanded Sourcebook*, was a useful text in the early stages for design techniques and later for research methods, and analysis strategies.

Miles & Huberman (1994, p34) offer six key questions that need to be considered when devising research sampling plans so as to focus and set boundaries for the collection of data. These questions relate to relevance, appearance, generalisability, believability, feasibility, and ethics. Each of these questions is now considered in turn:

6.5.1 Is sampling *relevant* to your conceptual frame and research questions?

Part of my deliberations on data collection related to decisions of from whom and from what the data would be gathered. I had to identify the sample of people and other sources best suited to my quest to achieve the research objectives. As Gorden (1980) has indicated, it was of crucial importance to establish who had access to the information the author seeking. During the familiarisation phase of the study the lead officers of the lead authorities revealed themselves to be the most appropriate “people” sources for the major part of the research. The lead officers proved to be my “key informants”, that is to say, the people with the knowledge of or the best access to the information he was seeking. Morse (1994) states that

“A good informant ... has the knowledge and experience the researcher requires, has the ability to reflect, is articulate, and is willing to participate in the study.”

(Morse, 1994: p228)

The situation of the sample for the various elements of the study was

“... determined according to the needs of the study, and not according to external criteria, such as random selection. Participants are representative of the same experience or knowledge; they are not selected because of their demographic reflection of the general population.”

(Morse, 1994: 229)

For the questionnaire survey of lead authorities the LAU wrote out to 70 lead authorities representing, at that time, the entire LAPS population. It was considered important, if at all possible, to secure a response from all active partnerships. The population size was small enough to make this a feasible proposition and such an outcome would, in part, serve as a basis for the construction of an accurate LAPS database and for informing the more detailed (interview) studies to follow. It was believed that, by use of a reminder letter, a high response rate could be secured. In the event, returns were received from 62 of 70

partnerships, a response rate of 89%. The sample was limited to lead authorities rather than being extended to include their business partners. The reasons for this were twofold:

- it was felt that the information being sought could be adequately provided by the lead authorities – if they could not provide the requested information this fact, in itself, said something about the partnership: and
- informal soundings made of lead authorities at the outset revealed some concern at the prospect of me making direct contact with business partners.

For the longitudinal study of the new approach partnerships a population of ten partnerships comprised the interview sample at the outset of the study. A significant challenge in this instance related to the processes involved in establishing an appropriate mix of new voluntary partnerships. These partnerships needed to be representative of the range of new flexible approaches to partnership working that we were looking to explore. The procedures and processes for establishing the new partnerships for study are described within the narrative account of this study at Chapter 10. Both LA and business partners were included in the qualitative interviews conducted by ‘independent’ researchers working on my behalf.

For the cross sectional study of existing partnerships, a non-probabilistic sampling of a purposive type was applied. A sample size of twelve partnerships was selected from the population of 70 existing partnerships. This selection was informed by an initial analysis of the data and lead officer comments on the returns to the Spring 1999 questionnaire survey of existing partnerships. Further detail of the selection criteria comprising this purposive sampling process is given within the narrative section of the next chapter that deals with the procedure for the study. Purposive sampling was also applied in the approach to archival material and official files offering running records – in this way I focused on the hundred or so files from a total of several thousand files.

For the consultation exercise the sample to whom the consultation paper and questionnaire was sent was intended to capture all key stakeholders players and potential players. It is accepted therefore that this was not, nor intended to be, a representative sample of the LA enforced universe; the small business sector was certainly under-represented in the sample. Convenience sampling was applied for the pilot research to pre-test the research instruments for each study.

6.5.2 Will the phenomena you are interested in *appear*? In principle *can* they appear?

The literature review at Chapter 3 revealed the difficulty associated with evaluating intervention strategies for health and safety and the measurement of safety performance. Therefore, rather than attempt to measure changes in safety performance or consistency at the global level, I focused upon the changes perceived by participants at partnership level. In the event, these changes related to health and safety performance, consistency, and personal development.

6.5.3 Does your plan enhance the *generalizability* of your findings, either through conceptual power or representativeness?

In the pursuit of representative findings, I attempted to seek out all possible triangulation routes to strengthen the reliability and validity of the data across the entire GB wide spectrum of health and safety regulation. The research extended across the divide between HSE and LA enforcement. The research studies also extended beyond the world of health and safety enforcement, into the wider world of LA enforcement that embraced petroleum, fire, food, and product safety legislation.

For the detailed research studies, both those that I managed and those undertaken directly by me, the empirical data have been reduced and displayed as a series of tables and matrices. This was done to ease comparison, identify linkages and patterns, and consequently to draw generalisations that have the capacity to extend well beyond the relatively narrow environment of the Lead Authority partnerships studied.

6.5.4 Can *believable* descriptions and explanations be produced, ones that are true to real life?

I consider that the sampling methodologies applied have secured descriptions and explanations true to real life. A high level of triangulation has been achieved through separate but related projects comprising the overall study. The approach adopted offered a reasonable degree of confidence of capturing empirical materials true to the real life of LAPS and to health and safety enforcement by LAs more generally.

6.5.5 Is the sampling plan *feasible*, in terms of time, money, access to people, and your own work style?

There have been two significant events within the life of this research study that have caused me to step back, take stock, and realign my work. The first event was the recognition that something more than simply data was needed to carry out a reliable research study. This study of the world of Lead Authority partnerships resulted from a false start with my initial studies that were focused on researching the factors important to making HSE inspectors competent and confident on occupational health issues. In the course of some early but extensive field studies there was the realisation that I had actually failed to define a researchable question. I briefly considered abandoning the project. However, my internal supervisor, Professor Richard Booth, wisely recommended shifting the focus to LAPS as it offered unique potential for a long-term study of a central intervention strategy by the health and safety regulator. Hence, the idea of historical, horizontal, and follow-up studies with LAPS participants, and the piloting of a flexible development of the scheme. The present study took the place of the relevant, but unrelated, earlier occupational health enforcement study.

The second event of significance was the realisation, albeit a progressive one, that the study could not embrace all that I might wish due to constraints of both time and a proper work life balance. It was of significant benefit that I could broaden my personal coverage and resource by engaging others, namely seconded EHOs and independent researchers, onto my extended research team. But this advantage brought with it serious drawbacks relating to scale of operation. The study had the potential to grow to a size bounded only by the imagination of the research team. Fairly quickly I realised that difficult and sometimes ruthless decisions had to be made in respect of the leads to pursue. This approach was crucial to avoid the study becoming a 'life's work'. The bottom line to be kept sharply in focus was that this study had to be completed and submitted to meet the very real, and rapidly approaching, six-year deadline set for an external student pursuing a PhD on part time basis.

6.5.6 Is the sampling plan *ethical*, in terms of such issues as informed consent, potential benefits and risks and the relationship with the informants?

Two now infamous studies in the USA, the first relating to obedience to an apparently legitimate authority (Milgram, 1963), the second a study of intimate personal behaviour (Humphreys, 1970), precipitated an interest in the codification of ethical principles for research, for example, by the American Psychological Association (APA) in 1973. From my reading of the APA Ethical Principles it became clear to me that this study had the potential to impact on the individuals involved, be they inspector or safety professional (APA, 1990). Whilst the potential impact was not seen to be to anything of the order for the aforementioned studies that had caused such an outcry, I determined that the research should be conducted in the best way I knew how having regard to the need to minimise any impingement on people's rights. Particular attention was paid to the principles of informed consent, confidentiality, and ensuring a positive learning experience for all participants.

6.6 Research constraints

This section deals with the challenges arising from timing and the environmental context within which the research was conducted. My position and role as researcher and LAU manager are also covered. Fieldwork issues, and the difficulties more generally with research of this type centred upon impact evaluation are also explored. These issues are now taken in order, showing how each has been taken into account in an attempt to mitigate their consequence.

6.6.1 Timing of the research study

Time constraints limited this study. When the research project first focused on LAPS in 1996 I had envisaged that the evaluation of the existing scheme would be completed within a year, whereupon, pilot trials to test new approaches within the scheme would operate over a period of two years before their review and evaluation. In the event, the process of evaluation and that of establishing the new pilot trials proved far more challenging than had initially anticipated. This caused the start of the pilot trials to be delayed until July 1999. Furthermore, these pilots had to be evaluated after a little over twelve months of full operation to meet an overall deadline for both reporting to HELA and informing the development of a national Consultation Exercise. The purpose of the consultation being to seek a sector wide input of opinions and comments on LAPS.

6.6.2 Environmental context

This study was conducted at a time when I was Head of the Enforcement Policy and Guidance Branch, and subsequently Head of LAU. There was a careful balance to strike between the role as LAPS manager with that of researcher. Whenever appropriate, I created opportunities to observe and experience the various elements of the scheme as a participant. Along with the advantages of access to businesses and HSE's knowledge base, my position within the LAU and as a civil servant more generally, brought with it particular problems and limitations. These fall into two broad categories, the first relating to etiquette and probity, the second relating to the interference effect that my position might have on the findings. The reference to etiquette and probity relates to the fact that, over and above the issues every researcher has to grapple, I perceived there to be particular restrictions placed upon me by virtue of the funding of his work. There were also implications, more generally, of me being a civil servant and hence having to take account of the Civil Service Code of conduct.

The HSE funded this study. It was therefore appropriate that I demonstrate a clear and ongoing link between my research and the key priorities and objectives of the LAU business plan and to the successive HELA Strategies (HELA, 1995c, 1996e, 1998f, 1999c). Also, any interview or survey based approach had to conform to prescriptive government guidelines. The previous Government, because of concerns expressed, imposed a requirement that any research that involved a survey of business or LAs should be subject to stringent survey control requirements. As a result, in 1994 HSE introduced survey control procedures to meet standing instructions from the Prime Minister's Office (PMO) to all Government Departments and Agencies (HSE, 1996; PMO, 1994). These instructions stressed the need to minimise the burden placed on businesses and LAs by "Government form filling and enquiry". New Instructions issued by the Prime Minister's office in May 1999 represented a major change in emphasis in that they focused on the burdens imposed by large regular surveys and removed the requirement for all surveys involving 25 or more business or LA respondents to be approved by Ministers (PMO, 1999). Thus, in contrast to the 1996 BPRI study of LAPS, the three research projects and the Consultation Exercise forming part of the present research study did not require Ministerial approval. Notwithstanding this, I was required to comply with revised government guidelines on the conduct of research involving surveys of business and LAs.

6.6.3 Government Guidelines on survey and questionnaire practice

In 2000 the HSE, released from the need to obtain Ministerial approval, considered it important to demonstrate that its officers continued to follow good survey practice that minimised compliance costs for business (McGuinness, 1999). As a result, the HSE (2000) issued new instructions, GAP5 (Version2), aimed at all staff conducting any survey of business or LAs. These instructions, based upon guidance from the Office for National Statistics, directed that due account be taken of HSE's *Guiding Principles for good survey practice*, published as an Annex to GAP5 (version 2), when developing the research methodology (ONS, 1998). These *Guiding Principles* required consideration of a set of standard questions in relation to the study. The guidelines had the generally positive effect of making me think again about what was being asked and why. Certain questions introduced constraints and these are now considered.

Are smaller firms excluded or sampled as lightly as possible?

The inference in this question is that smaller firms should be sampled lightly, yet it was clear from my scoping work that smaller firms were underrepresented in LAPS and that HELA wished to see them have a higher profile.

Is the questionnaire as short and simple as possible?

Postal questionnaires and surveys were not always constructed and conducted for the sole purpose of this study. In some cases, they were designed to secure data collection over and above that strictly required to address the research questions, an example of this being the Consultation Exercise of December 2000. Also, there were instances where a single question formed a minor part of a much larger enquiry, e.g. the 1998/99 annual returns of enforcement activity (on form LAE1) from all LAs throughout GB. I had to both make and seize my opportunities for sound data collection where and when I could. The overriding government requirement for brevity and simplicity of questionnaires has meant that in some instances the question as originally devised and tested has had to be modified to retain its place within the particular questionnaire.

Are tick boxes used?

Tick boxes were only used to a minor extent for example in the Consultation Exercise. Within the Consultation Document, the statements or elements informing this research had to conform to the requirement for a three-point scale, albeit they had been developed as five

point scaled Likert items. Whilst this is discussed in the next Chapter, it is worth flagging here that what in theory was a deficiency, in practice brought some unexpected benefits in terms of the extent and richness of qualitative freestyle comments.

Has the number of questions been kept to the minimum?

This did not manifest itself as a constraint upon the questionnaires and surveys comprising this study, these having been designed and constructed upon principles set out by Oppenheim (1992). However, the use of the LAE1 annual return (Chapter 9, Study 2, Project 5) was an example of a situation where a suite of LAPS based questions had to make way for a single mention, opportunistically squeezed in very much as a minor part of a much larger enquiry. The enquiry was riding on a questionnaire developed for a wider and different purpose and the principle applied was that it was better to have a minor place at the table than none at all.

Are potential respondents content with the proposals?

This consideration only really impacted on the Consultation Document, as the earlier studies largely developed both the thinking and proposals. The detail of the Consultation Document was informed by the earlier studies and it was therefore logical to test out those proposals for change that had received a positive response or were constructed on the findings. In the event, there were several questions that were included for policy development purposes that did not receive the anticipated positive response.

6.6.4 Position and role as a researcher

Doing research involves making decisions. The way in which I went about this research study, the questions asked, and the way in which they were asked revealed as much about me as they did to constrain the answers I could find. The research decisions allowed the world of LAPS to reveal some aspects of itself. I tried to make decisions that allowed this world to tell its fullest story. Morgan (1983) acknowledges that:

“Scientists engage a subject of study by interacting with it through means of a particular frame of reference, and what is observed and discovered in the object (i.e. its objectivity) is as much a product of this interaction and the protocol and technique through which it is operationalised as it is of the object itself. Moreover, since it is possible to engage an object of study in different ways – just as we might engage an apple by looking at it, feeling it, or eating it – we can see that the same object is capable of yielding many different forms of knowledge.”

(Morgan, 1983: p11)

I was also acutely aware of the words of Palys (1997):

“Researchers are people, too, after all: like everyone, they bring certain understandings and values along on their voyage of discovery. If that baggage goes unacknowledged, social scientists risk becoming “knowledge lobbyists” whose “truths” reflect little more than personal biases.”

(Palys, 1997: p273)

I first came to this research from the position of a layperson closely involved in LAPS. Labovitz & Hagendorn (1981) conclude that there are systematic differences in the way lay people observe and how scientists do so. Lay people, for example, are said to rarely observe anything approaching a representative sample, to typically base conclusions on very small samples and observations, and to have entrenched belief systems that are not likely to be shaken by observations contradicting these beliefs. Therefore, throughout this study I have worked hard to keep an open mind to ensure that any data gathered had the potential to change my thinking and to influence my perceptions and beliefs. I became committed to being empirical, that is to say, ensuring my conclusions took full account of my personal interaction with the ‘real world’ evidence of LAPS.

Over almost four years of fieldwork I was immersed in all aspects of LAPS. Hagan (1989) argues that in situations such as these the researcher should adopt a role of studied neutrality otherwise there is the potential for a problem commonly experienced in fieldwork, one of ‘going native’.

“ ‘Going native’ is a situation in which the researcher identifies with and becomes a member of the study group, and in the process abandons his or her role as an objective researcher.”

(Hagan 1989: p156)

I balanced this positivist view with that of researchers who believe in adopting a more human-centred methodology where the researcher is part of the very entity they are seeking to understand (Schutz, 1970), this view is expressed in the qualitative philosophy of phenomenology. Qualitative researchers tend to reject the concept that a set of statistical criterion could ever define understanding or explanation. They prefer to embrace an approach that involves a more intimate understanding of human action where the researcher empathises with the participants, interpreting the meaning to them - the concept of ‘verstehen’ (Weber, 1958).

The outcome of my deliberations on how closely I should relate to the participants in my study was largely resolved by the fact that my position in LAU set a level of distance by virtue of the wide range of issues and organisations I had to deal with on a day-to-day basis. Only a relatively small proportion of my LAU work time could be devoted to LAPS. I therefore set about working closely with the people that make up the scheme to secure their trust and to avoid being seen as aloof, safe in the knowledge that the operational distance imposed by my other work priorities would afford me the appropriate degree of objectivity when interpreting their expressed perceptions and opinions.

6.7 Fieldwork challenges

There were a number of challenges to my conducting the fieldwork:

- HELA's desire for clearly demonstrable independence in their research;
- the lack of control that I, as a researcher, had over both organisational events and the pace of development of the partnerships that comprise LAPS;
- the political nature of research based upon programme evaluation; and
- the difficulties with research centred on impact evaluation.

6.7.1 Demonstrable independence

From my early soundings of HELA members and the wider Environmental Health profession it was clear that this study would not receive general acceptance across the LA enforced sector were it to be perceived that the manager of LAPS was the sole person researching, evaluating and making recommendations for revisions to the scheme. HELA considered that the appropriate level of distance and independence could only be demonstrated by commissioning an independent research organisation to take forward certain elements of the overall research study. Consequently, researchers from The Centre for Hazard and Risk Management (CHaRM) of Loughborough University were engaged, in particular, to undertake the interviews of partnership organisations. I was granted access to the empirical materials, that is to say, the paraphrased notes taken at the time of the interview (raw data). This access enabled me to undertake my own analysis of the empirical materials and to carefully review the Loughborough findings. I was then in a position to be able to present to HELA the findings from all the elements of my study as part of "the bigger picture".

6.7.2 Political nature of programmes

In common with most other government programmes, LAPS is a political animal. Weiss (1975) notes that

“programs have typically emerged from the rough-and-tumble world of political support, opposition and bargaining; and attached to them are the reputations of legislative sponsors, the careers of administrators, the jobs of program staff, and the expectations of clients.”

(Weiss, 1975:p14)

Hence, there are political dynamics to the process of programme development and implementation. This made it all the more difficult but important for me to avoid being co-opted by political considerations and be seen as an independent evaluator realistically examining the programme or phenomenon from the perspective of multiple constituencies.

6.7.3 Research centered upon impact evaluation

From my review of the literature in respect of inspection interventions, I was acutely aware of the difficulties associated with research that attempts to evaluate the impact of a programme. This has already been dealt with at some length in Chapter 3.

6.8 Concluding remarks

This chapter has described the evolution of my study and the philosophical methodology behind it. The next chapter makes explicit the various procedures used in conducting the research. Together, the two chapters are intended to clearly define the full research methodology. The methodology sections contained within each study complete the detailed picture.

CHAPTER SEVEN

Procedure

“The whole of science is nothing more than a refinement of everyday thinking.”
Physics & Reality, Albert Einstein (1936)

7.1 Introduction

Two main types of approach were adopted in this research study. The first, described as passive research, involved the capture of all relevant existing information arising from the operation of the scheme, and the application of original analysis to this data. The second, described as active research, involved constructing a series of research projects geared to capturing new information and insights on the existing scheme and to the development, piloting and evaluation of a revised Lead Authority approach.

The passive research, based on the earlier work of others, included capturing, analysing, and evaluating all relevant available information arising from:

- early pilots and shadow pilots;
- documentary and archival data captured on LAU files over period 1994 to 2001;
- the BPRI evaluation of LAPS in 1996; and
- other studies with non LAPS focus which have adduced information on LAPS.

My active research included:

- evaluating the scheme through the initiation of flexible pilots addressing issues identified by the review and analysis of earlier evaluations of the scheme;
- observation and participation at LAPS training courses;
- the project development and management of an evaluation study into the ‘full SMR’ scheme undertaken by researchers from Loughborough University;
- the baseline study of flexible pilots and subsequent evaluation study of flexible pilots one year after initiation, the interviews for both being undertaken by Loughborough University;
- my personal analysis, presentation and interpretation of data from narrative records of interviews of lead authority personnel; and
- the development and management of HSE’s national consultation exercise on LAPS in December 2000.

The remainder of this chapter is devoted to setting out the processes and procedures of my research. This chapter should be read in conjunction with the previous chapter to provide a full picture of the research methodology.

7.2 Research Plan

My description of the procedure for conducting this research may lead the reader to believe the research was conducted as a sequence of discrete steps with distinct self-contained projects. If this is the conclusion drawn then the description belies the truth, that is to say, the time and operational boundaries between the individual projects comprising the study were blurred and there was a significant level of interaction across the study. The research study can best be considered a matrix of interacting projects that comprise an overall research programme.

This study has its starting point in December 1996, and follows a false start for my intended study on the enforcement of occupational health issues by HSE inspectors. In respect of this earlier work, I had collected a substantial volume of data relevant to my research into the competence and confidence of HSE inspectors before realising that something more than simply data was needed to carry out a reliable research study. I had failed to define a researchable question before launching into the field studies. By now, I had changed jobs within HSE and seriously considered abandoning my research studies. Fortunately, Professor Richard Booth wisely recommended a shift of focus to LAPS as the basis for a longer-term study of a central intervention strategy by a health and safety regulator. Thus, the idea of a detailed review of LAPS, follow-up studies with participants, and piloting the flexible development of the scheme was born.

The flexible Lead Authority project was initially planned to run from January 1997 to December 1999. This was extended to December 2001 to accommodate the greater than expected time taken to establish the flexible partnerships, the timing of HELA meetings, and the delays and interruptions in data collection due to the fuel shortage of Autumn 2000. The six phases of research were:

- familiarisation;
- review of relevant previous research studies;
- pilot studies within each element of active research;
- a study relating to SMR partnerships;
- benchmark and follow-up studies for the flexible partnership approach; and

- a national consultation exercise.

The intention was to secure a high degree of triangulation of data from these various stages and studies. The key elements and stages of the research are shown in Figure 7.1 on page 125. Each stage of the research and each particular study impacted upon and influenced the stages and studies that followed. Information and intelligence from each of these stages and studies informed the entire research process.

Figure 7.2 at page 126 shows the timeline for the research. As the total timeframe for the research was five years, the timeline is depicted as complete years with the start and finish of particular projects plotted against this timeline. Figure 7.2 illustrates the following points:

- my familiarisation with the world of LAs in general, and with LAPS in particular; took almost two years;
- the data collection phase for each element of the study was significantly less time consuming than the data analysis stage;
- the start of study 3, the flexible LAPS pilot study, was delayed because it took longer than anticipated to establish the flexible pilots;
- due to the range of studies and the spread of time, it was necessary to implement a consolidated analysis stage at the conclusion of the study; and
- for the three elements of study 1, and for the various elements of studies 2,3, and 4, concurrency of the data analysis and data collection phases was such that the research process was akin to the grounded theory approach of Glaser & Straus (1968) which has been described in the previous chapter (at section 6.4.5, page 108).

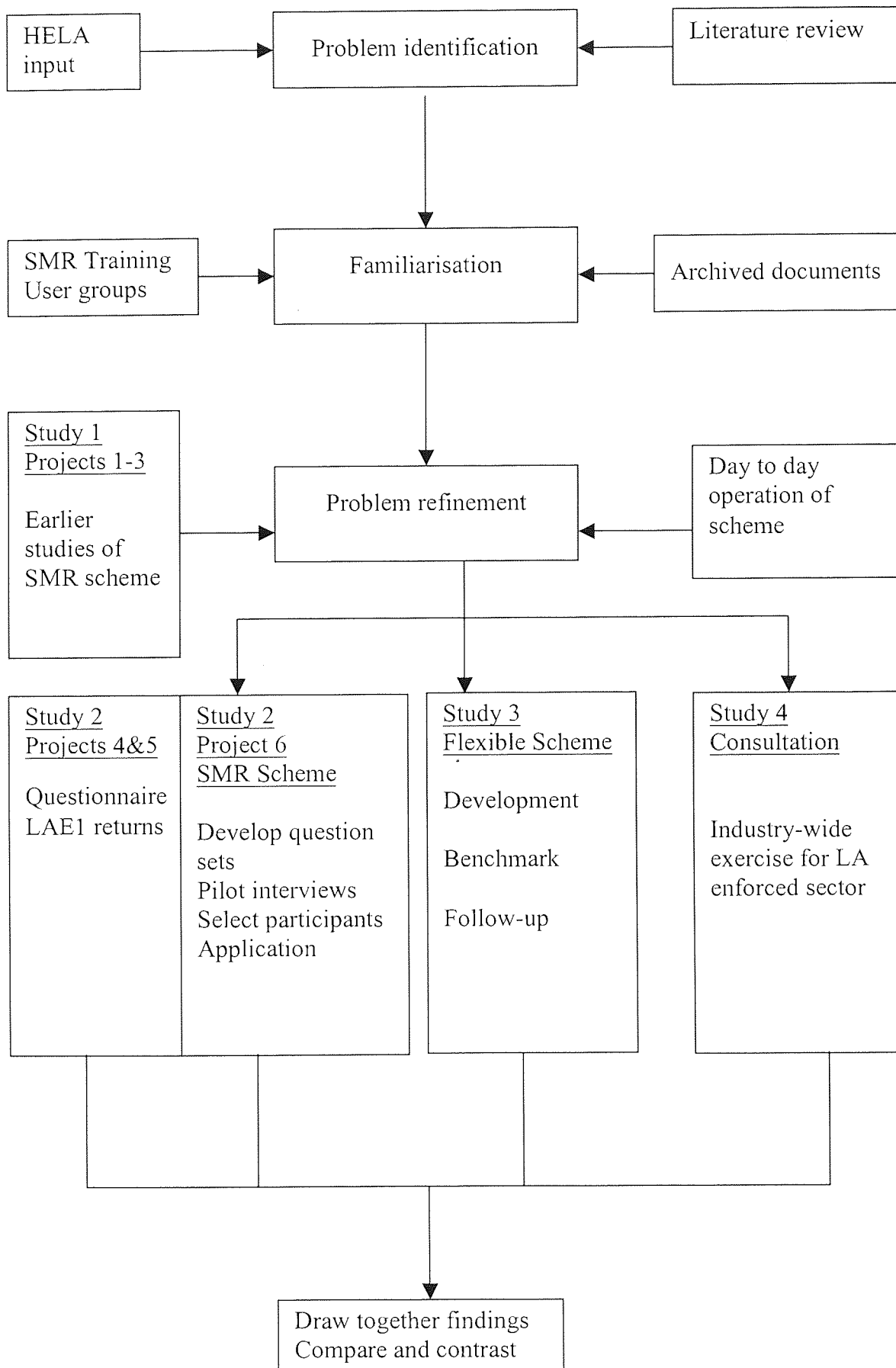
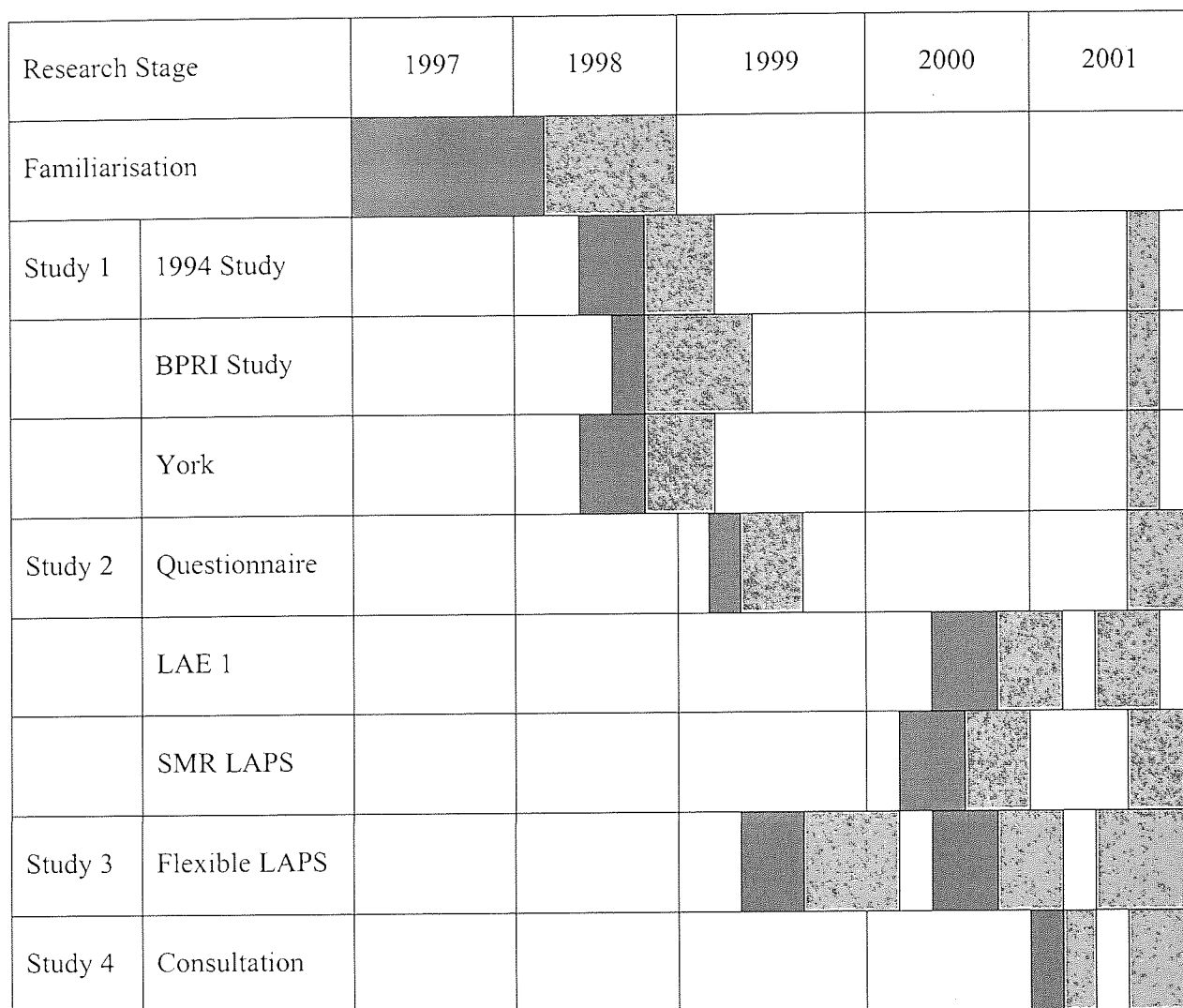


Figure 7.1: Stages of Research

Figure 7.2: Research Timeline

Key:	
Data Collection	
Data Analysis	

7.2.2 Confidentiality, anonymity and referencing

For those parts of the study involving face-to-face interviews, the research aims and objectives were explained to the participants, who were also given the appropriate assurance of confidentiality and details of how the research findings would be used. For all studies where the participant, LA or business was known, this was converted to a unique codified reference using common abbreviations for the participants' job title and a consecutive numbering system based upon the ten LA categories contained in the Annex at pages 68 to 72 of the HELA National Picture (HELA, 2001b). In this way it was felt that any patterns or themes in the responses would be apparent, and that the study could provide the basis for future research. The codings applied are shown at Table 7.1.

Table 7.1: Coding of LAs and business

LA categories and reference numbers			
Code	LA Category	Reference No.	No. in category
LB	London Borough	1 - 33	33
MD	Metropolitan District	34 - 69	36
U&I	Urban and Industrial	70 - 137	68
Su	Suburban	138 - 262	125
R&R	Resort and Retirement	263 - 292	30
Ru	Rural	293 - 353	61
ScU	Scottish Urban	354 - 371	18
ScRu	Scottish Rural	372 - 385	14
WU	Welsh Urban	386 - 398	13
WRu	Welsh Rural	399 - 407	9
Business categories and reference numbers			
Business category		Example of code	Meaning of code
Restaurant (fast food)		B2	Business partner of LB2
Retail (department store)		B360	Business partner of ScU360
Hospitality (pubs).		B144	Business partner of Su144
Leisure (fitness clubs)		B130	Business partner of U&I130
Finance (building society)		B156	Business partner of Su156

7.2.3 The data collection process

As part of the data collection process, the following were made explicit:

- the context or setting within which the research was to be conducted;
- the people to be surveyed or interviewed in pursuit of the study; and
- the topics to be interrogated as part of the research process.

7.2.4 The context or setting for the research

The research was conducted primarily within the LA enforcing authorities who had voluntarily signed up to participate in LAPS. A minority holding of the research was set within the health and safety management function of the businesses participating in LAPS. The research frame extended from January 1997 to December 2001, the study being undertaken on a part-time basis alongside my other day-to-day LAU work. The organisational context of the research was that of a range of LAs, each with their own distinctive structure, culture, and political imperatives. The LAs had over the preceding decade seen an increase in both premises and responsibilities falling to their enforcement. Alongside this, there has been a steady downward trend in the number of LA inspectors appointed to enforce the relevant health and safety legislation. As a result, LAs were seen as being under considerable pressure to meet the reactive demands of accident and complaint investigation and the preventive inspection of those premises within their area which they had determined as a priority through the mandatory priority planning system (HELA, 1998d). Therefore, the voluntary participation of LAs, as lead authorities in LAPS, was set against the background of increasing local demands on a contracting inspectorate. In addition, local government had been the subject of ongoing change, by virtue of its reorganisation with the creation of unitary authorities, the introduction of the Citizens' Charter initiative and performance indicators, and the concept of Best Value.

7.2.5 Participants in this study

The overall study is a matrix of distinct, but interrelated, elements. Based on my experiences during the familiarisation stage, along with my analysis of data from three earlier studies (Study 1), it was decided that participants would primarily be selected from the lead officers of the LAs that had signed up to participate in LAPS. The lead authority participants were, in the main, frontline operational inspectors, that is to say, EHOs at principal, senior, or main grade level. Environmental health (EH) managers were represented in the study. For certain of the projects, for example SMR LAPS (Study 2, Project 3) and flexible LAPS

(Study 3) the participants included the lead individuals, primarily the safety professionals, from the partner businesses of the lead authorities selected for the particular study. The questionnaire (Study 2, Project 1) embraced the lead inspectors from all lead authorities actively participating or previously having participated in the scheme. The consultation exercise (Study 4) was a survey embracing all lead authority partners (lead authority and business), all other LAs, and a range of other organisations and representative bodies active within the LA enforced sector. The particular sampling strategy adopted for each of the projects comprising the overall research study is described within the appropriate methodology sections within chapters 9, 10 and 11. The participants in the various elements in this study are shown at Table 7.2.

Table 7.2: Research participants - organisations and individuals

Study	Project	Organisations (numbers)	Functions (numbers)
Study 1	Project 1: 1994 Study	Lead Authority (5)	EHO (5)
	Project 2: BPRI Study	Lead Authority (20) Partner Business (20) Other LAs (40) Other Business (20)	EHO (60) H&S Officer (40)
	Project 3: York Study	Local authority (20)	EH Manager (20) SEHO/EHO (20)
Study 2	Project 1: Questionnaire	Lead authorities (70)	EHO/manager (50)
	Project 2: LAE1 returns	Local authority (410)	EHO/admin. (410)
	Project 3: SMR LAPS	Lead Authority (10) Partner Business (10)	PEHO/(S)EHO (10) H&S Officer (10)
Study 3	Flexible LAPS	Lead Authority (10) Partner Business (10)	PEHO/(S)EHO (10) H&S Officer (10)
Study 4	Consultation	Lead Authority (30) local authority (42) Business (23) Other (7)	various

7.3 Research Stages

7.3.1 Familiarisation

The familiarisation exercise involved a literature review and analysis of archived and current documents relating to LAPS. I also participated in four residential SMR training courses for lead officers (LA and businesses) of LAPS partnerships. The focus of my involvement at these training courses was as participant observer, extending to informal working and discussion with other participants.

7.3.2 Literature review

The topics included within the literature review were:

- the culture of LAs;
- the impact of inspection;
- inspector training and competence; and
- partnership working.

In the first instance, an overall boundary was set for the review, this being that the literature should relate to a health and safety context. In the event, this constraint was lifted as such an approach revealed little by way of relevant literature and was also found to be unduly restrictive.

The literature review served to demonstrate that my present research study would be original work; structured within a broader framework of other research relating to the impact of inspection strategies; have the benefit of insights from earlier relevant research; be built from a base which included all key references; and take account of the potential pitfalls and difficulties associated with the evaluation of a government programme. The core of the literature review is contained in Chapters 2 and 3 of this thesis, with some dispersal throughout the remainder of the thesis where this is seen to be more appropriate.

7.3.3 Analysis of archival material

HSE, in common with other government departments, keeps running records of activities, issues and projects within a structured framework of registered topic files. LAU currently operates 408 active files, with a further 3120 "closed" files retained within the government archives. Archived files come up for review after five years and every five years thereafter. Archive storage space is at a premium and therefore it is policy to destroy files at review unless they are considered to be of future relevance or historical value. It is therefore fortunate that prior to me taking up appointment with LAU in December 1996, few of the archived records had come up for first review. Interrogation of the archive database revealed 45 archived files relating to LAPS, of which 43 had been retained. I established that all the significant archive records tracking the historical development of the scheme had been retained and thus offered a rich and suitable source of empirical materials. Archived files selected for detailed study included: LAPS pilot project; User group minutes; LAPS correspondence; internal and external evaluation studies; 88 files relating to individual partnerships; and Annual files for LAE1 returns and HELA annual report.

Of the detailed studies of the files, four were deemed to merit promotion to full and separate study status by virtue of the opportunity they offered for data analysis, interpretation and new knowledge. The four files were: LAPS pilot project (Study 1, Project 1), BPRI evaluation (Study 1, Project 2), York report (Study 1, Project 3), and LAE1 annual returns (Study 2, Project 5). Significant time and effort was dedicated to these elements within the context of the overall study.

7.3.4 Other partnership schemes

As part of the familiarisation phase of the overall research study, the author identified other similar partnership schemes operated by regulatory bodies and took a detailed look at these. The methodology applied was one of collecting information from published literature on the respective schemes and, where practicable and appropriate, retrospective participant observation (Lead PI scheme), and empirical materials from key informants (Home Authority). These other partnership schemes have previously been described at Chapter 5.

7.3.5 Attendance at SMR training course

During the familiarisation phase of this study, I attended four SMR training courses during Autumn 1997 and Summer 1998 at Loughborough University's Centre for Hazard and Risk Management (CHaRM). After welcoming the delegates to the course and giving a short presentation on the background and history to LAPS, I adopted the role of participant observer. At these courses I conducted informal interviews on a one-to-one basis as opportunities presented outside of the formal sessions. On the second occasion these informal interviews were informed by an interview guide drawn up by me and based around the interview guides used in the BPRI study of 1996. The use of the interview guide, whilst introducing a common approach, tended to reduce the informality of discussion and with this the freedom and frankness of views expressed. Results from these interviews are not displayed as part of this thesis, the purpose being more to gain an early appreciation of the scheme and the people participating in it than to collect robust data.

7.3.6 Study One

Study 1 comprised three separate projects reviewing other earlier studies of LAPS by different researchers. The first of these, the 1994 study, was an internal evaluation of a pilot scheme of five partnerships initiated by HELA to test the concept before deciding upon its wider introduction. This was the first evaluation of LAPS and was undertaken by LAU staff. Whilst much detailed data was collected, this was not the subject of rigorous consideration

or analysis. I was able to access all previously collected data for application of my own detailed analysis. The methodology applied and results obtained are covered in Chapter 8 as Project 1 of Study 1.

In February 1996 Business Planning and Research International (BPRI) conducted the first independent study into the operation of LAPS. Their research on the attitudes of existing and potential participants towards LAPS was reported to HELA in June 1996. I was able to carry out my own analysis of BPRI anonymised results. This informed the development and conduct of my own research (Study 2, Project 6) on the established full SMR Partnership Scheme. The methodology and results for this analysis of the BPRI study are detailed at Chapter 8 as Study 1, Project 2.

The third review study undertaken resulted from the interrogation of LAU archived files and detailed document analysis. These revealed that recent study undertaken by York Consulting into the management of health and safety enforcement in LAs included specific enquiries in relation to LAPS. The York study offered me the opportunity to analyse data collected in relation to LAPS from participants who had signed up to a study where the main focus of the research was other than LAPS. The methodology and results in this case are reported at Chapter 8 as Study 1, Project 3.

7.3.7 Study Two

Study 2 comprised three original studies devised by me. The first of these studies, a questionnaire survey of lead authorities, is reported in Chapter 9 as Study 2 Project 4. This study informed the development of the first of the two major projects undertaken within this study, namely the review of SMR based partnerships.

The second project within Study 2 was a detailed review and analysis of information provided on annual enforcement returns from LAs. As was the case for the York study, the document analysis of the familiarisation stage revealed that the annual returns from LAs contained information that could be analysed to build a picture of local authority work, and in particular, the lead authority element and factors relating to it. The annual returns by LAs are made on a prescribed form, form LAE1, which contains both numerical data for statistical analysis, and narrative information for executive analysis. The returns for a three year period were studied. For each year 364 of the 410 LAs (89%) made a return on form LAE1. The methodology adopted and results obtained from the study of a total of 1092 LAE1 forms are set out at chapter 9 as Study 2, Project 5.

The third study was a review of the SMR based partnerships. This study of 12 existing partnerships was undertaken to provide a comprehensive review of all aspects of SMR based partnerships, along with participants' views on the efficacy of the flexible partnership approach. This study involved interviews with the lead officers from the lead authorities and from the partner businesses, such interviews being guided by a semi-structured questionnaire appropriate to the two groups. The interviews for this study were conducted by researchers from Loughborough University and provided me with summaries of transcribed material for analysis. The methodology and results of this element of the study are shown at Chapter 9, under the section dealing with Study 2, Project 6. The reasons for engaging independent researchers to conduct the interviews for this, and for study 4 (an evaluation of the new flexible partnerships) relate to the need for demonstrable independence and have already been covered at section 6.7.1 on page 120 of the previous chapter, which deals with the philosophical methodology.

7.3.8 Study Three

The initial stage of this study was the establishment of a pool of new approach partnerships. In establishing these new partnerships, the LAs and businesses were offered flexibility of approach for those elements of the scheme where my earlier studies, particularly familiarisation studies and Project 4 of Study 2, had indicated difficulties or barriers. Establishing these new partnerships took significantly longer than anticipated and delayed the overall research programme by some 18 months. Having established the partnerships, there were essentially two further stages to this research, the first being a benchmark study to determine the aims and expectations of participants at the outset. The research was then concluded with a follow up study to reveal the actual experiences and outcomes within the 10 participating partnerships after approximately 15 months of operation. The methodology and detailed results of this study are covered in Chapter 10 of this thesis.

7.3.9 Consultation exercise

The final study in this research programme was a national Consultation Exercise, surveying the views of lead authorities, LAs, partner businesses, and others. The consultation list was drawn up to include small businesses and business organisations identified as having an interest. The methodology and results of this study are detailed in Chapter 11 of this thesis.

7.4 Development of question sets

The development of questions sets was a feature common to all the active research elements of this study. Question sets were developed for the two surveys, that is to say, for the postal questionnaire to all lead authorities and for the national consultation exercise. Question sets were also developed as part of the interview guides for the face-to-face interviews of lead authorities and business partners, that is to say, for the review of the full SMR partnership scheme and for the evaluation of the new flexible partnerships. The development of the question sets was informed by intelligence gained from the familiarisation stage, from earlier studies by others, and from the question sets applied for the 1994 HELA and 1996 BPRI studies. Whilst the detail of the question sets differed in that each was tailored to the particular study and method of application, the development principles were common to all. These principles can be summarised as intelligence based, iteration, tests, and peer review. The intelligence base developed from earlier studies was further informed by the guidance of Oppenheim (1994) on the development of question sets. The iteration was one of all members of my research team, be they EHOs or professional researchers, offering comment and recommendation that were incorporated into a revised version of the question set. The people upon whom the question set was piloted were selected such that they closely approximated to the end target audience. The peer review process included LA inspectors, safety professionals and academics. The development of the final question set normally required several iterations of the above procedure. Specific detail in relation to the development of particular question sets is contained in the respective methodology section for each individual study or project.

7.5 Qualitative data analysis

The majority of the data collected in this research study was qualitative in nature. The material was based on interview transcripts and written narrative responses to postal questionnaires and surveys. Whilst some quantitative data was collected, the population size was small, at around 20 individuals for most studies, and 100 individuals in the case of respondents to the national consultation exercise. The data analysis can be described as a four stage process, namely: data reduction, data display, data comparison, and verification of conclusions.

Data reduction was a slow and painstaking process that I undertook on a personal executive basis rather than by a computer based means. The data contained in the interview transcripts and in the original copies of questionnaire and consultation responses were selected and

simplified so that it could be focused and abstracted into a manageable and meaningful format.

7.6 Data display

The data display process, that is to say the organisation, compression, and assembly of information into an arrangement that permits conclusions to be drawn, was again undertaken on a personal executive basis with only limited use of Microsoft Word processing and Excel software packages. This process was informed by the academic and applied literature, Miles & Huberman (1994) being particularly influential. Matrices of selected comments and narratives were used to help explain, compare and contrast what was happening and to reduce complex findings to their components parts. This simplified the task of comparing and contrasting the findings from different studies and eased the process of drawing meaningful conclusions.

7.7 Drawing and verifying conclusions

The use of a mixed methodology, different researchers and multiple projects, afforded a high degree of triangulation of the data and thus it is considered that sufficient evidence can be collected from these various routes that will point to the same conclusion. Such an approach should enable well argued conclusions to be developed. The benefits of triangulation were considered in some detail at section 6.3.5 (page 102) of Chapter 6, which dealt with the philosophical methodology.

7.8 Concluding remarks

This chapter has described my research plan and procedures. The research comprises four main studies and these have been outlined in this chapter. The development of question sets, data analysis, and data display have been described. The methodology sections for each of the studies will give further detail. The next chapter is the first of three chapters covering the detail of the studies and the results. My consideration of the earlier studies of LAPS is covered next as this sets the scene for the present research study.

CHAPTER EIGHT

Earlier LAPS studies

“Beware lest you lose the substance by grasping at the shadow.”

Aesop Fables (c. 550BC)

8.1 Introduction

This chapter is devoted to my review and analysis of the results from three previous evaluation studies relating to LAPS. Referred to collectively as Study 1, the three studies are: the LAPS Pilot Trials; the BPRI Evaluation; and the York Study.

I now consider each of the above studies in turn. For each, the methodology is described and the results detailed. Comparison and discussion of the results is reserved for Chapter 12. Common to all three studies is the fact that the researchers conducted their work free of my influence. In the case of the first two studies, the research predates me joining LAU. For the third, the York Study, the focus of the research was the management of the health and safety enforcement function by LAs. The researchers explored LAPS as an aspect of this, devising their questions without reference to me.

I encountered difficulties when attempting to analyse the data from the studies of other researchers. In particular, the researchers tended to address questions that were close to those I needed, but not the same. Therefore, on occasions, I had to infer from answers from ‘not quite the right’ questions what the answers to my questions were. Also, the objectives of their research covered a much wider compass than mine. I consider the above issues later at Chapter 13 and when drawing together the overall conclusions from my study.

8.2 Study 1, Project 1: LAPS pilot trials

8.2.1 Background

For this study I describe in some detail the aims, objectives, and methodology behind the LAPS pilot trials, my intention being to build on the picture of LAPS outlined in Chapter 4. This is considered important as it provides a context for results from other projects that comprise my overall study.

To evaluate the proposal to introduce LAPS, the principles were tested in a limited pilot trial. LAU selected the pilots using set criteria to provide a representative cross-section of companies and LAs. In this way, it was felt that results of the pilot trials could provide a sound basis for consideration of any national developments of lead authority work. The selection of the businesses for the pilot trial was recognised as being a difficult issue. LAU struck a balance between selecting a business whose size or work activity would make a pilot trial easy to run, against the need to test all the issues that a lead authority scheme might raise. The trials were intended to produce information and experience that could be used to identify problems and evaluate the cost effectiveness of the approach. A pilot exercise was seen as helping to:

- assess the advantages and disadvantages of lead authority work;
- identify and review the problems of implementation; and
- indicate how extensively the lead authority principle could be implemented.

8.2.2 Aims and objectives

The initial aims and objectives for the trial were drawn up after consultation with HELA and other key stakeholders. The aim of the pilot trials was to establish whether lead authorities were an efficient, effective and viable means of enforcing health and safety standards among larger multiple-site businesses in the LA enforced sector. In particular, LAPS was to be tested as a means of improving consistency of enforcement, resolving issues of national consequence, and improving safety performance. Objectives for LAU staff coordinating the pilot trials included:

- develop a training course to give inspectors a methodology for the SMR;
- evaluate effectiveness of the SMR methodology for improving a business's health and safety management performance; and
- evaluate the pilot trials to identify the potential costs and benefits of such a system.

8.2.3 Methodology

An article on the lead authority trials was published in the CIEH publication *Environmental Health News* (CIEH, 1992b). The article outlined the proposed approach and invited LAs to volunteer to become lead authorities. Initially eleven LAs and businesses volunteered to take part. However, due to the level of HSE support and advice envisaged as necessary whilst the pilot trials progressed, it was decided that these trials be restricted to the five partnerships shown in Table 8.1.

Table 8.1: The five partnerships selected for the pilot trials

Local authority*		Business partner	
MD35	Metropolitan City	B35	Hospitality (Public Houses)
ScU356	Scottish Urban	B356	Retail (regional supermarket chain)
LB15	London Borough (Outer)	B15	Retail (DIY stores)
MD44	Metropolitan Borough	B44	Contract cleaners
Su215	Suburban District	B215	Hospitality (tenpin bowling alleys)

*LAs and businesses coded to the protocol set out in Chapter 7

Prior to the selection of the five partnerships, each of the volunteer businesses was asked to complete a questionnaire. Replies were considered against a number of criteria, to ensure as far as possible that the results of the trials would be representative of LA enforced sector businesses and LAs as a whole. The criteria considered whether the business was:

- representative of LA enforced sector activities;
- of a manageable size for completion of the SMR within timeframe for trials;
- representative of Scotland, Wales; and English regions;
- a business which operated in both LA and HSE enforced sectors; and
- a business having a poor health and safety record;

In relation to these criteria, all businesses chosen were representative of LA enforced sector activities and considered to be of a manageable size in terms of numbers of premises. Business B44 provided operated as cleaners to businesses in both the LA and HSE enforced sectors. Several businesses were divisions of larger organisations e.g. B35 and B215. Two businesses were considered to have poor health and safety records based on their accident and enforcement notice history. The five LAs chosen were from different tiers of the local government structure and intended to be representative of all LAs. However, there was only one volunteer LA from Scotland (ScU 356) and Wales was not represented.

Prior to the trials starting the head offices were asked to distribute questionnaires to a sample of their outlets. This was to provide baseline information for the businesses selected. LAU requested that the outlets selected should include a range of sizes, geographical locations, and some that had received an LA inspection in the previous year. Figure 8.1 shows the timetable for the pilot trials, largely determined by the report back to scheduled HELA meetings.

Figure 8.1: Timetable for the LAPS pilot trials

Month	Activity
11/92	Safety Management Review (SMR) training course for participants.
12/92 and 01/93	Gather background information and plan the SMR.
02/93 and 03/93	Conduct SMR.
04/93	Complete SMR report and presentation to company.
05/93	Business's response and action plan.
07/93	HELA circulars to communication findings to other LAs. Lead authorities take on liaison role.
10/93	Evaluation of scheme starts.
02/94	Report to HELA committee for decision on expansion of scheme.
06/94	Progress review with the business.

It was agreed that the lead authority's first task should be to undertake a SMR of their partner in order to become familiar with policies and procedures and to determine the existing standard of safety management. The lead authority would then produce for their partner a report detailing the strengths and weaknesses of their safety management system. Where weaknesses were found, the lead authority would make recommendations to the business. Once the lead authority had built a relationship with its partner business by carrying out an SMR, and was sufficiently familiar with its organisational structure, policy and procedures, it could then take on a liaison role. It was envisaged that the lead authority would, on behalf of all LAs, liaise with the business on general health and safety issues. This extended to the health and safety policy and implementation arrangements, and any risk control issues that had national implications. In addition, the lead authority would liaise with other LAs on day-to-day reactive issues of general concern and provide information on their partner business if requested.

The SMR training course was to provide a methodology for carrying out SMRs and a format for reporting the review findings back to the company. Additionally, it was considered that an ‘Evaluation Tool’ would be required to assess the effectiveness of SMR interventions in improving their partner’s performance in managing health and safety. Without such a tool to reduce subjective bias, it was thought that HELA would have difficulty in determining the success of the pilot trials and deciding the future of the scheme.

All LAs were asked to send the lead authority details of formal enforcement action against participating businesses during the trials. This information would contribute to the national perspective of the business gained by the lead authority from its SMR and would help them monitor trends occurring throughout the business. By May 1993, the lead authorities had completed their fieldwork, submitted their report on the SMR, and were waiting for a formal response from their partner business. All LAs were therefore informed that lead authorities were taking their liaison role with other LAs. For evaluation of the trials, lead authorities recorded details of visits to their partner business, the number of enquiries received from other LAs, and the staff time involved. This information was collated by LAU to provide feedback to all LAs.

8.2.3.1 SMR training course

It was agreed that the enforcement officers of the pilot trial LAs would need a training course on how to undertake SMRs. There were a number of reasons for this decision. Ordinarily LA inspectors receive little or no instruction in auditing methods, their in-house training tending to

focus on reactive inspection techniques. One of the underlying principles of the LAPS pilot project was to promote consistency between inspectors of different LAs. Therefore, it seemed important for them to be offered a methodology that they could all apply. The training course was based upon the then recent HSE publication HSG 65 *Successful Health and Safety Management* that proposed a framework model of the key elements considered essential for effective management of health and safety (HSE 1991c; HSE, 1997). At the time of the pilot trials this framework model was being recommended to HSE inspectorates as one they could use to develop auditing methodologies. The course comprised three distinct parts:

- an overview of the pilot trials and of the roles of the various participants;
- training on the conduct of an SMR, and
- consideration of participants’ information needs and evaluation.

8.2.3.2 Shadow lead authority arrangement

As the pilot trials progressed, there was increasing industry support for the further development of the lead authority approach. LAs and businesses were kept informed of progress through articles in the trade and professional journals (Bell, 1993b; Maryon, 1993; Foster, 1993a, 1993b). In March 1993, a major national retailer (B360) approached the LAU with proposals for a "shadow" lead authority arrangement. The LAU had already been considering ways of maintaining the momentum of the approach and, having examined the proposals, decided that "shadow partnerships" would be a positive development.

For the shadow partnership arrangements, the lead authorities undertook only the first stage of the LAPS process, i.e. an SMR of their partner business. It was envisaged that this would occupy the lead authorities up until the February 1994 meeting of HELA at which time the evaluation of the approach would be considered and its future decided. It was reasoned that if the evaluation indicated that the lead authority approach should continue, then shadow lead authorities would also be in a position to take on their liaison role soon after that date effectively doubling the number of lead authorities at what would be seen as the national launch of the approach.

The potential risks of initiating "shadow pilots" were recognised, these included:

- could be seen as prejudging the evaluation of the pilot trials;
- smaller companies might believe larger companies had taken over the scheme; and
- LAs might see the proposals as industry taking over the scheme.

Despite the concerns expressed, a decision was made to proceed with a shadow lead authority exercise. Businesses and LAs who had originally volunteered for the pilot trials were contacted, informed about the proposed shadow arrangements, and volunteers were sought. Table 8.2 shows the four partnerships chosen by HELA to shadow the original pilot trial partnerships.

Table 8.2: Shadow Lead Authority partnerships

LB 28	London Borough (Inner)	B28	Retail (supermarket chain)
ScU 363	Scottish Urban	B363	Hotel Chain
ScU 360	Scottish Urban	B360a	Retail (department stores)
ScU 360	Scottish Urban	B360b	Bank.

As the shadow partnerships progressed through the training course and the SMR audits, LAU concluded that the potential benefits envisaged were being realised, and the fears regarding the potential risks were unfounded.

RESULTS

8.2.4 Evaluation of the lead authority pilot trials

APAU staff in consultation with HSE statisticians had formulated the questionnaires used for pilot trial evaluation. The draft questionnaires for the LAs were trialed during face-to-face meetings with LA inspectors. The overall evaluation of the pilot trial was in two parts. The first, a postal questionnaire, was sent to the pilot trial participants and to all LAs with pilot trial company outlets in their area. The second part was face-to-face interviews, primarily with lead authority inspectors who had undertaken the SMR. Additional interviews were conducted with a randomly selected sample of LAs with outlets of participating businesses in their areas to test the wider LA reactions to the pilot trials. Interviews with safety professionals of the businesses and with a randomly selected sample of outlet managers complemented interviews undertaken with the lead authority and other LAs.

At the end of the pilot trial in February 1994, overall evaluation reports were presented to HELA, HSE Board, and HSC to decide the future of the approach (Bell, 1994a, 1994b, 1994c). It was recognised that a clearer picture of the effectiveness of lead authorities could take longer to emerge than the short timeframe of the pilot trials. Notwithstanding this, HELA wished to decide whether to develop and extend the lead authority approach and evaluation arrangements.

8.2.5 Summary of the main evaluation findings for each group

Generally, there was strong support from the pilot lead authorities and businesses both for the principle of the approach and for their own participation (Dudley, 1994; Wood, 1995). All the businesses wished their partner to continue as a lead authority after the evaluation of the pilot trials regardless of whether HELA endorsed further development of the approach. They believed that this would continue to improve their health and safety procedures and that the Lead Authority's liaison role would initiate wider benefits. Lead authorities also wished to continue in their role, four of the five indicating that it was likely that they would continue to act as a lead authority irrespective of the decision made by HELA. The main findings from each of the groups are summarised below.

8.2.5.1 Lead Authorities

All lead authority inspectors agreed that the SMR exercise had been advantageous. They felt it had increased awareness of health and safety issues in their partner companies and had resulted in a number of specific improvements to the safety management systems under scrutiny. Most thought that participation of their LA had improved the professionalism of the inspectors involved and raised their awareness of the importance of the management of health and safety. Because of the timing of the evaluation there was little expectation of finding evidence about the liaison role of the lead authority. However, instances were claimed of lead authorities giving advice to LAs to help resolve issues. One lead authority indicated that they had twice been able to avert potentially inaccurate interpretations of the law.

8.2.5.2 Businesses

All of the pilot trial businesses were very positive about the expertise of the lead authority inspectors and found the recommendations from the SMRs either "very helpful" or "helpful". As a result of the SMR recommendations, some businesses had made specific changes to their safety procedures. Four out of the five businesses had a higher opinion of how their partner lead authority carried out health and safety inspections at the time of the evaluation than they had at the beginning of the pilot trials. Whilst it had not been anticipated that inspections undertaken by other LAs would change over the life of the pilot trials, two businesses indicated that there was a more consistent approach in the standards that different LAs were seeking of them.

8.2.5.3 Other local authorities

LAU realised that quantitative information on the effects of the lead authority approach on the actions of other LAs was inevitably limited when evaluation took place; lead authorities had only operated in their liaison role for three months. However, LAU considered that the responses showed a good degree of consistency and were supported by subsequent evidence relating to the impact of the approach on other LAs. Therefore, LAU and HSE statisticians regarded the results of the evaluation as broadly representative of the views of the LA enforced sector.

Of the 216 LAs with outlets of the pilot trial companies in their area, 151 (70%) returned the questionnaires. LAU judged that this high rate of return limited any response bias. Of the 151 respondents 131 (87%) thought that the LAPS would result in a more consistent approach to enforcement of health and safety. The evaluation findings also indicated wide

support from LAs for the approach, with 124 (82%) expressing an interest in future participation. 121 (80%) of respondents thought that a lead authority approach would result in future savings in time and resources. Only two LAs thought there were no benefits to be gained by taking part in the approach.

As stated above, it was not anticipated that in the time available the approach would have had an effect on the actions of other LAs. However, LAU noted that seven LAs reported that the business having a lead authority had affected the way they carried out their inspections. Of these, six said that it had saved time and the seventh said that it had increased time spent. Ten (7%) LAs said that having a lead authority had affected the effectiveness of their inspections, nine of these thought it had been helpful. Decisions in relation to enforcement action had been affected by having a lead authority in eight (5%) of the LAs. LAU claimed that the indications were that notices had not been issued at a local level since LAs had been made aware of national action by the lead authority.

8.2.6 Evaluation of the SMR

A separate evaluation was undertaken to measure the effectiveness of the SMR approach in improving health and safety management systems. The approach was similar to that adopted by APAU for earlier central approaches which they followed up in-depth looking for, and finding, long term improvements in company health and safety management performance (HSE, 1985).

To carry out a long term evaluation of the health and safety record of pilot trial businesses, participants were asked to provide information about average levels of employment and injuries in the two years preceding implementation of the lead authority trial. Injury and employment information was requested in March 1993. However, only four out of the five businesses replied, and only one was able to provide sufficient viable data. Therefore, using this method to assess health and safety performance did not appear feasible and an "Evaluation Tool" was developed as an alternative means of measuring the health and safety performance of pilot trial businesses.

For each business, the "Evaluation Tool" (Appendix 1, p349) was developed to measure the level of health and safety management system at the pre-SMR and post-SMR stages. The tool consisted of a set of 20 questions to test the health and safety management system against key elements of the framework set out in the publication HSG65 *Successful Health and Safety Management* (HSE, 1991c). Since this framework had been the basis of the

SMR methodology, the key elements, if present, should have been found during the course of the review process.

Lead authority inspectors completed the question set. Each question had four potential answers scored 1 - 4, the better the company's systems the higher the score. The answers had been worded so as to reduce the subjectivity of the response. Half scores were introduced where an answer truly lay between two answers. Initially the businesses were scored during February and March 1993 after the lead authority had completed the initial stages of the SMR methodology, i.e. when they were in a position to be familiar with the company and its systems. These initial scores ranged from 30 to 54.5 out of a potential total of 80.

The lead authorities were re-visited in November/December 1993, the same evaluation tool again being applied to score the business. The results are shown at Table 8.3.

Table 8.3: SMR evaluation scores

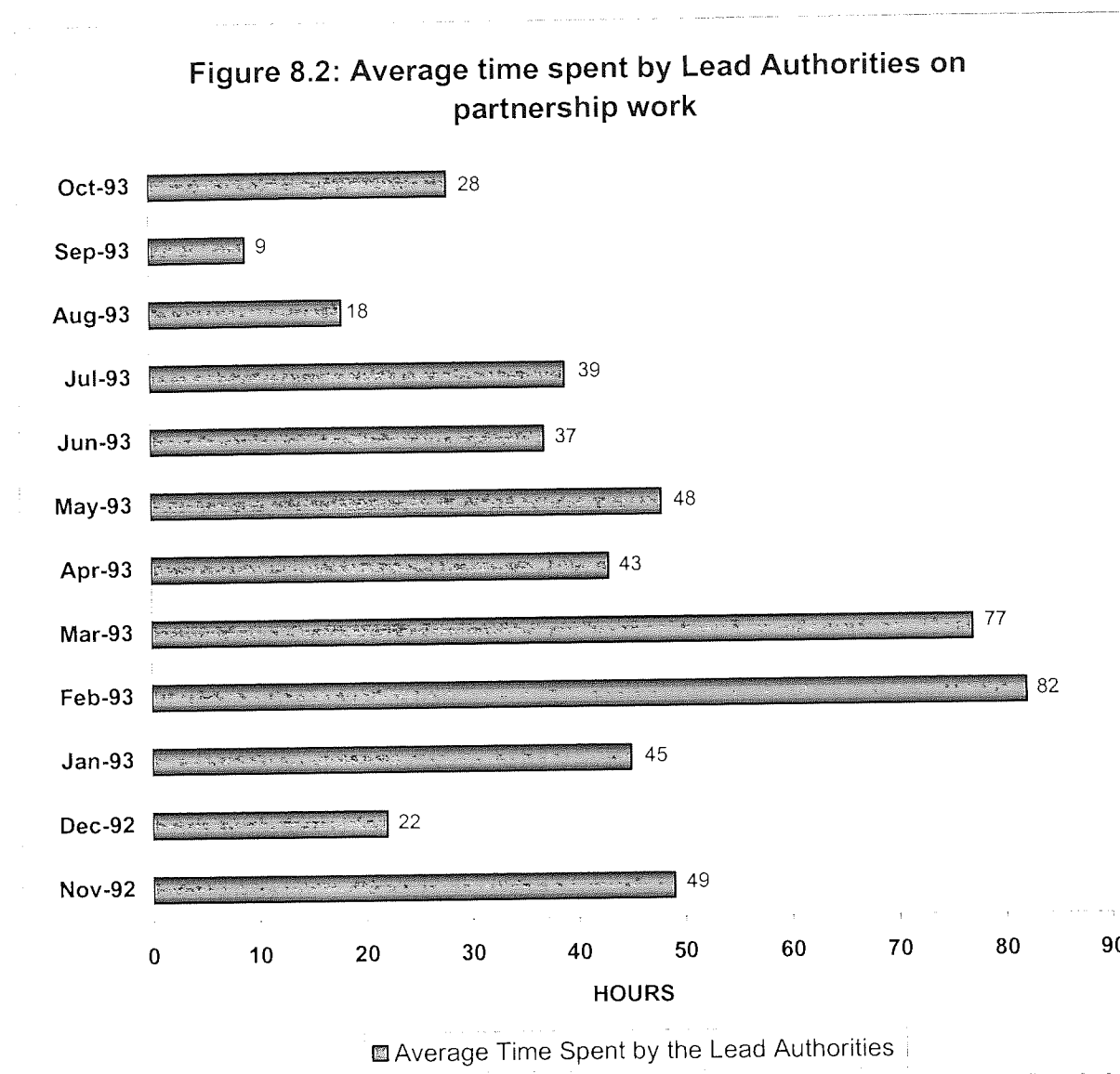
	Initial score	Second score	'improvement'
B35	54.5	64.0	9.5
B356	46.0	65.5	19.5
B15	41.0	58.0	17.0
B44	35.0	52.0	17.0
B215	30.0	49.0	19.0

By the time of the revisit each lead authority had presented its report to the partner business and had received an action plan. In addition, the businesses had started to implement the SMR recommendations. Despite the short time involved since receiving their lead authority's report, all businesses received higher scores. The lowest score was 49 and the highest 65.5 with an average increase of 16 points. As a consequence, it was recommended that this methodology be maintained as an integral part of the lead authority approach for undertaking reviews of company safety management systems.

8.2.7 Review of the lead authority pilot trials

From their consideration of the above evaluation results, HELA decided the lead authority approach should continue. Meetings with trade associations revealed strong industry support for expansion of the approach, with 40 to 50 businesses wishing to join as soon practicable. It was judged that in global terms the approach would be suitable for 150 to 200 businesses, this being the estimated number of medium and large multiple-outlet businesses within the overall LA enforced sector.

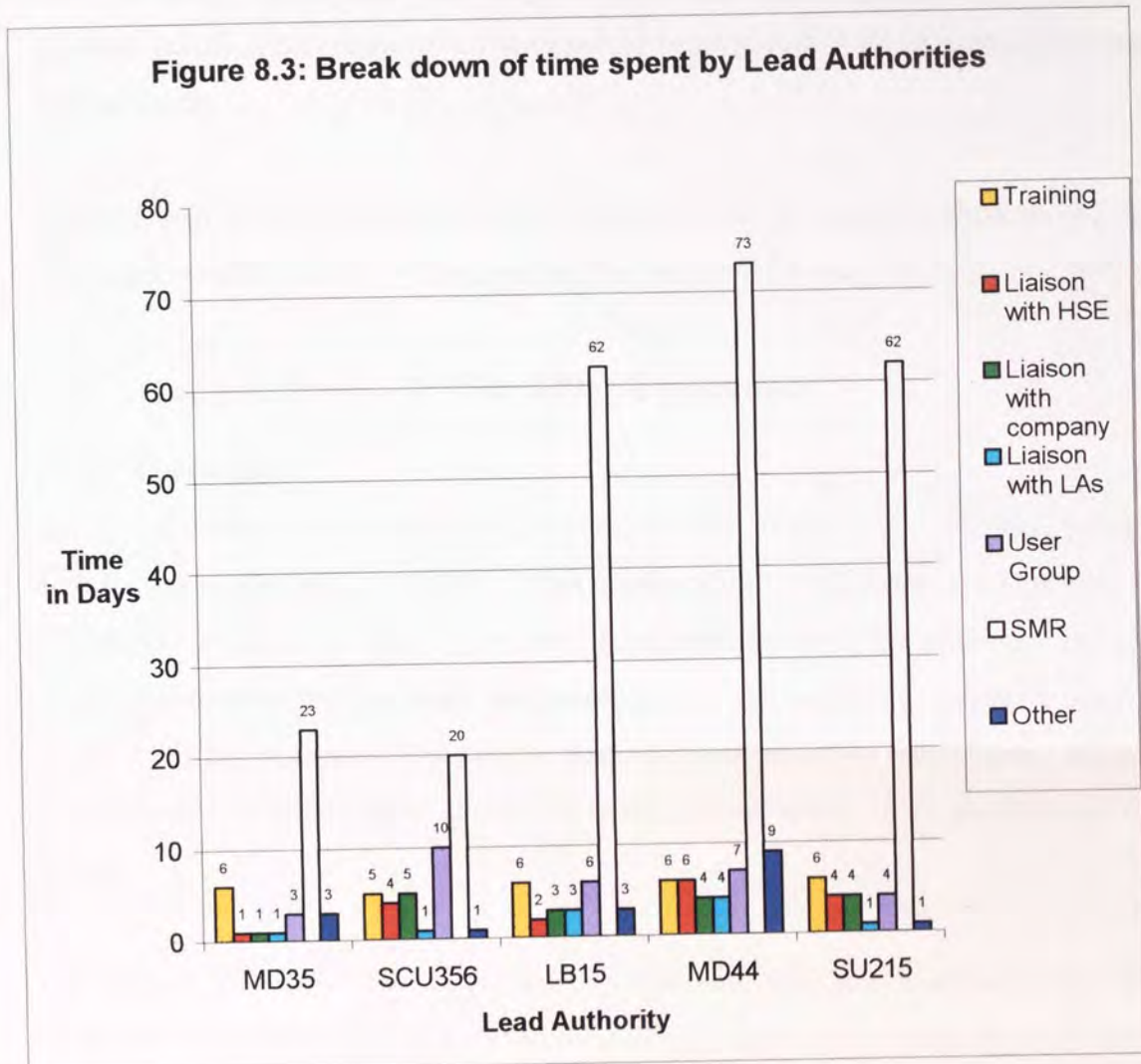
Whilst LAs supported the inclusion of the SMR in the lead authority approach, a number expressed concern at the resource implications of the initial SMR fieldwork. Figure 8.2 shows the average time (days/month) spent by the pilot authorities on lead authority work over the period November 1992 to October 1993



The SMR was an integral part of the pilot trials and the shadow arrangements. LAU claimed that the advantages were demonstrated by the positive responses in the evaluation questionnaires and by the use of the Evaluation Tool to measure the effectiveness of the SMR methodology. From the use of the Evaluation Tool, LAU concluded that the five pilot trial participants had made measurable improvements to their health and safety management systems as a direct result of their lead authority carrying out an SMR (Hammond, 2001). On this basis, some Lead Authorities have extended the SMR approach to their inspection of smaller local companies (Sandhu, 2001). Figure 8.3 shows a breakdown of the total time spent by each lead authority against various categories of lead authority work, e.g. training,

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SMR, and liaison. It can be seen that the major part of the time spent by Lead Authorities related to the SMR work. This appeared to be related more to how the lead authority decided to conduct the SMR than to the size of the business.



LAU considered inspector training to be essential to ensure that the SMRs were carried out in a consistent and effective way. In view of the advantages of the approach for LA enforcement, LAU proposed that responsibility for the management of the training courses should pass to the LAAs. The core material required for SMR training was therefore incorporated into a training manual (HSE, 1995b) so that it would be readily accessible to external training providers. Also, the scheme was promoted to businesses through the wide distribution of a new HSE leaflet explaining the scheme and highlighting the benefits to business (HSE, 1994).

LAU reported that the evaluation had revealed a small minority of LAs to be negative towards the approach. Face-to-face interviews with these authorities identified two main issues of concern. Firstly, that lead authorities could become too closely associated with their partner companies and feel obliged to defend its decisions and actions. Secondly, that the time saved on company-wide issues would be outweighed by time spent liaising with the lead authority.

The first part of this chapter has described the initial ‘in house’ evaluation of LAPS. The next section builds on this by considering the independent research study of LAPS by BPRI.

8.3 Study 1, Project 2: The BPRI Evaluation

8.3.1 Background

In January 1997, upon joining LAU, I became chair of the HELA working group charged with reviewing the BPRI research and its implications for the future development of LAPS. This work formed a key part of my early familiarisation with the scheme; I believed that a close consideration of the study methodology and the empirical materials derived would inform both my research study and the further development of the scheme. It also offered the prospect of a longitudinal dimension to my present study of the established ‘full SMR’ scheme.

The account that follows is based upon my detailed study and analysis of the BPRI final report (Wright, 1996a), of the LAU files relating to the work leading up to the tendering of this research, and of the LAU files relating to the associated work in direct connection with, and in response to, the BPRI final report.

8.3.2 Original purpose, aims and objectives of the BPRI study

As a precursor to the BPRI study, the requisite Submission to Minister for Approval of Survey stated that: “a comprehensive review of the scheme is now necessary after two years of operation to enable HSE to make recommendations on its future development” (HSE, 1986). The LAU’s purpose, aims and objectives for this research were set out in detail in the original tender specification (HSE, 1995c). Essentially, the purpose was to review the operation of the scheme, identify whether the component parts were effective and efficient and make recommendations for improvement.

The aims and objectives, as stated, were:

- Evaluate the component parts of the Lead Authority process. Identify whether there are significant barriers to potential participants and whether these can be overcome.
- Establish the costs of LAPS participation for LAs, companies and HSE.

Evaluate whether company and LA expectations of the scheme have been realised and whether there have been improvements in consistency.

Compare and contrast LAPS with similar schemes, e.g. HAP.

The relevance of the above aims and objectives to those of the present study offer good reason why I considered this earlier study offered much in terms of relevant empirical data.

8.3.3 Revised Objectives resulting from BPRI proposed approach

In December 1995, LAU commissioned BPRI to undertake the study as a direct consequence of their research proposal (Wright, 1996b) being successful in a limited tender exercise. Their proposed approach had refined the overall objective of the study from that in the original tender specification. Thus, the overall objective had evolved to become “the review all aspects of LAPS by investigating the experiences and perceptions of the scheme among those already participating and those who had expressed an interest in the scheme”.

More specifically, the objectives of particular relevance to my study were the assessment of attitudes towards participating in the scheme in terms of:

- benefits and drawbacks of participating;
- perceived usefulness of the scheme;
- what prompted participants to join; and
- whether participation had been worthwhile and effective.

8.3.4 Study methodology

The BPRI study was undertaken in two concurrent phases throughout February and March 1996. For all interviews, both personal and by telephone, HSE was identified as sponsor of the research to encourage participation. The researchers describe their study as a mix of qualitative and quantitative research. For the first (personal interview) phase of the study, little by way of precise quantitative measurement was recorded in the final report. Rather than record numbers of respondents, descriptors such as “most” and “many” were used.

For the second (telephone interview) phase, the respondents' unprompted free response answers were categorised according to the closest match to one of a pre-coded series of responses. The results were shown in percentage terms but the population sizes were small, the largest total population size being 60.

8.3.4.1 First Phase: personal interviews

The first phase took the form of open-response personal interviews with 40 existing participants (lead individuals) in the scheme (20 from LAs, 20 from businesses). These interviews lasted around one hour and were based on an interview discussion guide drawn up in advance of the interviews (Appendix 2 at page 354). The BPRI project manager and two other senior executive interviewers conducted interviews. Subject to the permission of respondents, all interviews were tape recorded and transcribed. Analysis of the results was by in-depth executive interpretation of each transcript by the BPRI project manager.

The discussion guide for the personal interviews took account of the fact that the respondents would be at different stages of development in their partnership and that some questions needed to be adjusted accordingly. The discussion guide was set out as a number of questions to the interviewer as prompts for the topics to be covered, the issues to be addressed, and the probes to be applied. Each interview opened with an introduction giving the background and purpose of the research, BPRI's role, the objectives of the personal interview, and an assurance of confidentiality and anonymity. This assurance of confidentiality and anonymity quite properly restricted the raw data obtained at interview and effectively meant that I could only review the respondents' comments at the aggregated level.

8.3.4.2 Second Phase: telephone interviews of non-participants

The second phase comprised 60 structured telephone interviews with potential participants who had in the past expressed an interest in the scheme (40 from LAs, 20 from businesses). Trained executive telephone interviewers conducted telephone interviews and each member of the team received briefing in the use of the semi-structured questionnaire for this phase of the study. The questionnaire comprised 22 questions, almost one-third (seven) of these being open-response questions (Appendix 3, at page 358). Each interview generally lasted for 20 to 30 minutes.

8.3.5 An analysis of BPRI study results

8.3.5.1 Personal interviews. The approach taken to the reporting of the BPRI study did not provide information that could be attributed at individual partnership level. However, from an examination of the LAU file papers relating to the survey control clearance procedures and the day-to-day management of this research project, I was able to identify the selection pool of 32 partnerships from a total population of 54 partnerships in place at that time. The 20 lead authorities and their 20 partner businesses were selected for interview from this identified pool of 32 partnerships. Similarly, for the LAs and businesses that had previously expressed an interest in the scheme, but had not as yet joined, it was possible to identify the pool of 40 LAs and 40 businesses from which the selection for telephone interviews had been made.

A closer scrutiny of the above file records revealed that the population of lead authorities and partner businesses interviewed in the first phase of this study was broadly similar to the LAPS population for my study, 28 of the 32 partnerships from the BPRI study being represented. However, at the level of individual inspector and safety professional, only nine LA inspectors and five company safety professionals from the original population of 64 individuals remain as the lead individuals at the time of the present study.

From the detailed study of file records described in the preceding two paragraphs, I judged that the first phase of the BPRI study offered the prospect of a suitable base for a longitudinal dimension to specific elements of his present study, and some triangulation. These elements, described in Chapter 9, are the postal questionnaire survey of all lead authorities in 1999 (Study 2, Project 4) and the study of full SMR partnerships in 2000 (Study 2, Project 6). Whilst the BPRI study provided an early reference point for the scheme at the holistic level, it did not offer any clear opportunity to track any shifts in perception at individual partnership level.

8.3.5.2 Telephone interviews. Of the 40 LAs and 40 businesses forming the population pool for the second phase of the BPRI study, only one LA and five businesses (two retail, two finance, one charity) have subsequently entered the scheme. The one LA and two businesses (one finance, one retail) entered the scheme as a result of business takeovers or mergers. Thus, from a total population of 80 LAs and businesses, only three businesses have freely progressed from expression of interest to participation. One of these (retail) was a new approach flexible partnership. There was a total population of 461 LAs at the time of

the BPRI study and given that 54 LAs were participating in the scheme, the 40 LAs in this telephone survey equates to a sample of approximately 10% (40 of 407) of all LAs that were not already participating in the scheme as lead authorities. These LAs, in contrast to the remainder of non-lead authorities, had expressed their interest in the scheme prior to the study by requesting information on the scheme from the LAU. This second phase of the BPRI study offered some measure of how enforcement officers and safety advisers within non-participating LAs and businesses perceived the scheme.

Analysis of the findings of the BPRI study has proven problematic as I had access only to the final report that summarised the views of the participants interviewed. The original narrative notes of the researcher conducting the personal interviews of the first phase of the BPRI study were not available. The empirical materials had therefore already been subject to the filter of executive decision by the original researcher reviewing the narrative accounts of the interviews that she and her research team had undertaken. The qualitative information provided in the final report covering the personal interviews was not backed up by precise quantitative measurement and it was therefore often difficult to determine whether a particular view or perception recorded was widely held within the population interviewed. I therefore sought to establish whether a reported view was widely held by searching the text of the report for qualifying terms such as: many, most, dominating, primarily, in general.

In 1998 an independent evaluation of the LAU's research portfolio was undertaken (Harrap, 1999). Individual projects were assessed using an evaluation methodology that analysed and scored pre-determined features. The evaluation included a project assessment of the BPRI review of LAPS. Harrap concluded that, whilst the BPRI study was undertaken effectively and delivered relevant outputs, it was not innovative work conceptually or research in the accepted scientific sense of creation of new knowledge. The essence of the BPRI study project was "one of survey and assembly of information". Harrap's comments serve to confirm my view that the findings of the BPRI project merited further analysis and interpretation within his overall study and that there was potential for the application of original thinking and interpretation.

8.3.6 Results

The results of my analysis of the BPRI study and related LAU files are shown as two matrices providing a summary of all significant findings. These matrices are considered representative of responses derived from personal interviews of LAPS participants (Table

8.4) and from telephone interviews with those not participating at the time of the study (Table 8.5 on page 155). These matrices serve to highlight both similarities and differences in the perceptions and views of individuals from LAs compared to those from businesses. I have taken some trouble to set out these tables to ensure they speak to the reader. Detailed discussion of the results contained in these tables is reserved for Chapter 12.

Table 8.4: Participants' views on LAPS (personal interviews)

Phase one: Personal interview topics	Response: LA participants (Population size: 20)	Response: business participants (Population size: 20)
Reasons for joining LAPS.	<p>A closer relationship with the private sector.</p> <p>Enhance reputation of the LA.</p> <p>Training and development of individuals.</p>	<p>Raise profile and understanding of H&S issues within their organisations.</p> <p>Corporate image benefits.</p> <p>Obtain an external H&S audit of their H&S management systems.</p> <p>Achieve greater consistency in enforcement practices from LAs.</p>
Perceived purpose of LAPS.	<p>Method of promoting a more consistent and uniform approach to enforcement among LAs.</p> <p>Encourage companies to look at H&S in a more proactive way.</p> <p>Improve LA/business relations.</p>	<p>Promote more uniform approach to H&S enforcement.</p> <p>Encourage companies to take a more proactive approach to H&S.</p> <p>Promote cooperation and the LA sector.</p>
Benefits of participating in LAPS.	<p>Better understanding of H&S management in companies.</p> <p>Access to senior Company management.</p> <p>Enhanced image of the LA.</p> <p>Training and development of individuals.</p>	<p>Thought to have improved H&S systems of companies involved.</p> <p>An ally in EH Dept who they could always go to for advice/expertise.</p> <p>Participation conveys image of a company that takes H&S seriously.</p>
Drawbacks to participating in LAPS.	<p>Cost: staff resource and financial</p> <p>Free consultancy to companies.</p> <p>Disappointing use of liaison network by non-lead authorities.</p> <p>Companies did not always enter the scheme in the "<i>right spirit</i>"</p> <p>Legal implications of the scheme.</p>	<p>Potential cost implications of recommendations from SMR report.</p> <p>Slightly disappointed with non-lead authorities use of liaison network.</p> <p>Slow progress in establishing the partnership due to resource problems faced by some LAs.</p>
Has participation been worthwhile?	<p>Despite resourcing difficulties, benefits outweigh drawbacks.</p> <p>Seen as an overwhelmingly positive learning experience.</p>	<p>Participation in the scheme has undoubtedly benefited companies and there appear to be few regrets about taking part.</p>

Table 8.4 (Cont'd): Participants' views on LAPS (personal interviews)

Phase one: Personal interview topics	LA and business responses combined. (Population size: 40)
Views of participants on the procedural elements of LAPS.	
Drawbacks to participating in LAPS	<p>SMR took longer to complete than anticipated (3-6 months).</p> <p>More advice on what to cover in SMR to help LAs determine they were “going down the right track”.</p> <p>Clear necessity for partners to decide up front the nature of the SMR.</p>
SMR report	<p>Concern (both) at length of time taken to write the report.</p> <p>Lack of resources to write the report.</p> <p>Would have liked more guidance on how to write report.</p> <p>HSE had set too rigid a structure for the report.</p> <p>Should be more flexibility in how LAs wrote the reports.</p>
Views of participants on the support networks.	
Perceived effectiveness of LAU.	<p>Has not promoted or publicised the scheme very effectively.</p> <p>Should more aggressively promote LAPS and increase its exposure among potential participants.</p> <p>Concern expressed that LAU has not thought about the long term.</p>
User Groups	<p>Useful for those setting up partnerships but “limited shelf life”.</p> <p>With no set agenda they tend to ramble and lack focus.</p> <p>Established partners prepared to offer advice but wanted something back.</p> <p>Sector User Groups not a viable option.</p> <p>A national annual forum would be more useful</p>
Views of participants on the future direction that LAPS should take	
Promotion	<p>To attract new businesses: highlight that there are many more benefits than just increased enforcement consistency; for smaller companies LAPS should provide help in a mutually supportive environment.</p> <p>To attract new Lead Authorities: provide for informed decision.</p>
Support	<p>Longer term guidance for established partnerships.</p> <p>Annual national forum.</p> <p>Some form of central funding (for Lead LAs).</p>
Expansion	<p>Danger of attracting only blue chip companies with good H&S safety record.</p> <p>Include smaller companies and those with less developed H&S systems.</p> <p>Redesign SMR process to better suit smaller businesses.</p>

Table 8.5: Potential participants' views on LAPS (telephone interviews)

Phase Two: Telephone interview topics	non-participant LA response (population size: 40)	non-participant business response (population size: 20)
Knowledge of LAPS	93% of LAs familiar/very familiar with scheme.	35% of businesses familiar/very familiar with scheme.
Provision of information (spontaneous mention)	90% of all respondents (LA + business) identified HSE as the preferred source of information on LAPS.	
Perceived aims (spontaneous mention)	From all respondents: - promotion of consistent enforcement (54%) - introduction of continuity and a uniform approach to H&S (38%) - centralisation of advice on health and safety (25%)	
Whether considered entering a partnership before	50% of LAs had considered entering a LAPS partnership.	55% of businesses had considered entering a LAPS partnership.
Perceived advantages (spontaneous mention)	consistency of enforcement (23%) greater business understanding (30%) good working relationship (18%) outside check on systems (5%) save time; be more efficient (15%)	consistency of enforcement (50%); greater business understanding (0%) good working relationship (15%) outside check on systems (20%) save time; be more efficient (15%)
Perceived disadvantages (spontaneous mention)	extra cost/resources (65%); extra bureaucracy/paperwork (15%) amount of work involved (13%)	extra cost/resources (25%); extra bureaucracy/paperwork (15%) amount of work involved (0%)
Barriers to participation	cost/resources (75%) no/few HQs in area (20%) extra paperwork/bureaucracy (5%)	cost/resources (25%) [no/few HQs in area (0%)] extra paperwork/bureaucracy (15%)
Motivators to join	If convinced of real benefits (13%) If knew resources available (28%)	If convinced of real benefits (40%) If knew resources available (0%)
Methods by which LAU should be promoting the scheme (spontaneous mention)	Seminars (43%) Correspondence (41%) personal visits/meetings (41%) media coverage in appropriate journals (30%)	

8.4 Study 1, Project 3: The York study

8.4.1 Background

In July 1998, York Consulting was commissioned by LAU carry out research into the management of health and safety enforcement by LAs. The study objectives included the identification of factors that drive inconsistency in LAs and the review of existing measures and work in hand to improve consistency (York, 1998).

The methodology adopted in the study involved the selection of a sample of 23 case study LAs, approximately 5% of total, using the criteria of LA type and geographic location. Three of these LAs were used to pilot the case study methodology.

Each of the case studies involved separate interviews with the main tiers of EH staff within the LA. Interviews were conducted during August and September 1998 and for each LA included: an EH manager and operational inspectors. Discussions were wide ranging within a semi-structured interview format provided by three separate but related checklists of issues which formed an interview guide rather than a script for the case study interviews. The interview guides for the EH manager and for the H&S inspector each included a section on consistency that covered links with other authorities.

8.4.2 Relevance to Lead Authority Partnership Scheme

The following prompts regarding LAPS were contained in the interview guide (of 57 prompts/questions) for the EH manager:

- Do you currently participate in LAPS?
- Do you have any plans to participate? If not, why not?
- What would encourage you to participate?
- Where relevant, do you always/generally speak to your lead authority before taking informal/formal enforcement action?

York's final report was wide ranging and therefore contained only limited reference to LAPS. However, an extensive Annex to the report contained detailed unused material on the scheme for each of the twenty case studies reported. Recognising the potential of this Annex for my own research, I studied each of the twenty reports contained therein, extracting Lead Authority data for analysis and comparison with data from my other studies.

8.4.3 Results

Set out below are my findings based on those of the researchers and from his own distillation of the transcribed narrative responses relevant to LAPS. The narrative responses of inspectors interviewed within the York study, sifted and brigaded me, are shown at Table 8.6 (on pages 158 to 160).

LAPS has had varying impact upon the case study LAs. Few of the smaller LAs are actively involved in LAPS, many citing the inspector time required to carry out the SMR as the key barrier to participation. A Metropolitan City (MD48) considers that resource requirements are one of the key barriers to their involvement in the scheme and also expresses a suspicion that “not many of the current partnerships are very active”. An Outer London Borough (LB9) sees little demand for proactive work in respect of LAPS, stating: “interest in the Lead Authority initiative is low and has influenced the decision not to pursue other opportunities with companies located in the Borough”.

Two Metropolitan Authorities (MD35 and MD44) act as the lead authority for two companies. Both report benefits to inspectors by virtue of their increased awareness of the difficulties faced by companies. However, most benefits are perceived as going to the companies through free consultancy and advice.

Comments from participants indicate that, at the time of the York study, LAPS was not having a major impact on health and safety enforcement by LAs. The businesses involved were seen as being predominantly large, well managed, service sector employers where there were perceived to be few major health and safety issues. However, it was believed that real benefits could be gained from participation, both on the part of the LA and the business. Further, if these benefits were to be widespread, LAPS needed to be revised to facilitate greater involvement of both LAs and businesses, and not just the high profile large national employers.

LAPS was seen to contribute to consistency in enforcement in some of the larger national businesses. Two stakeholders consulted indicated that LAPS had a positive impact on consistency, especially in the retail sector. However, LAPS was also seen as very limited in its coverage and not wholeheartedly accepted by LAs. York concluded that LAPS had achieved only limited impact to date and needed extending plus an effective re-launch if it was to have a major impact. It was considered possible that a revised LAPS with more extensive coverage could play a significant part in improving inter-authority consistency.

Table 8.6: Profile of LAPS within LA H&S Enforcement Regime

Local Authority	Premises ('000s)	FTEs (total)	Narrative
London Borough (Inner) LB 33	38-40	8.75	<i>The authority does not act as 'Lead Authority' in any formal sense, however, the inspectors feel that their 'portfolio' of premises inevitably puts them in that position in an informal sense. A number of major companies have approached the team as a result of the planned inspection programme to take on this role.</i>
London Borough (Outer) LB 9	6-12	8.5	<i>The area contains the corporate headquarters of national companies and the Authority has adopted a Lead Authority role in respect of food stores and a major catering contractor. More would be possible. Interest in the Lead Authority initiative was reported as low and had influenced the decision not to pursue other opportunities with companies located in the Borough.</i>
Metropolitan City MD 35 (lead authority)	42	9.5	<i>The authority acts as Lead Authority for a Department store chain and for a national wholesale and beverage group and are thus familiar with many issues arising in these trades. Also utilise the Lead Authority system operated by other LAs and have generally satisfactory experiences with this.</i>
Metropolitan City MD 48	8.6	10	<i>Whilst the Team supports the LAPS, it does not currently participate. There are no plans to participate because of the resource implication in doing so. There is a suspicion that not many of the current partnerships are very 'active'.</i>
Metropolitan City MD62	5.1	7.5 (16)	<i>The Section is currently in the process of developing a Lead Authority Partnership, although this has been held up by proposed changes in the EA Regulations which may lead to a transfer of the enforcing authority for this business. The Section would consult a Lead Authority as a matter of course if they were proposing to take enforcement action against a business involved in LAPS.</i>
Metropolitan Borough MD44	8	6.5	<i>The authority is lead partner for 2 companies. Significant no. of phonecalls received from other LAs for one of the companies, mostly on formal enforcement action. This company perceived to have made substantial progress on H&S since being part of the scheme, although it has a long way to go. Being a Lead Partner has brought benefits for staff of the H&S Section in terms of being more aware of the difficulties faced by other companies.</i>

Table 8.6 (Cont'd): Profile of LAPS within LA H&S Enforcement Regime

Local Authority	Premises ('000s)	FTEs (total)	Narrative
Resort & Retirement Borough R&R 282	4	NK	<i>The Authority does not currently participate in LAPS. A local department store was approached but it declined to participate. In order to increase consistency of approach and continuity of contact the Section operates a lead officer scheme for larger businesses. The nominated officer will be responsible for all inspections in the company's premises across all districts and will also be the first point of contact for any reactive work in relation to the business.</i>
Resort & Retirement Unitary R&R 288	4	2.5	<i>The section does not participate in LAPS. There was a possibility of a partnership but the company decided to employ a private consultant, as this was more cost effective.</i>
Rural District Ru 321	2-3	2.2	<i>The authority has not taken a Lead Authority role although this would be possible as it does have some corporate headquarters. Given the demands of inspection and the need to respond to requests for service or reports, it is difficult to adopt a proactive approach to the function.</i>
Welsh Rural WRu 404	5.6	2	<i>The Authority does not participate in LAPS. The Authority did approach a large holiday company that owns a number of holiday parks in the area, but they refused.</i>
Scottish Urban SCU363 (lead authority)	12	14	<i>The council is the Lead Partner for two companies. Few other authorities have contacted the Council regarding the companies, but the benefits of the Scheme are perceived to be:</i> <ul style="list-style-type: none"> <i>increased profile for H&S issues in the two companies</i> <i>prestige for the Authority and a greater knowledge of the two businesses amongst staff of the Unit.</i>
Scottish Rural ScRu 380	3.9	2.7	No mention of LAPS
Suburban District Su 193 (Flexible LAP)	1.9	2.5	<i>The Authority is not currently involved in the LAPS. It does not have the resources to be a full lead authority, but is considering possibility of "second tier" activities.</i>
Suburban District Su 246	3.0	3.75	<i>The authority does not have a positive view of the Lead Authority initiative and do not intend to pursue it as a home authority although they do liaise with nominated Lead Authorities with mixed experience.</i>
Suburban Borough Su 226	1.46	3.75	No mention of LAPS

Table 8.6 (Cont'd): Profile of LAPS within LA H&S Enforcement Regime

Local Authority	Premises ('000s)	FTEs (total)	Narrative
Urban & Industrial Unitary U&I 106	8	4.5	<i>The authority does not have sufficient resources to participate in the LAPS.</i>
Welsh Urban WU 389 (Lead Authority)	7	10	<i>The decision to be the Lead Authority for a locally based retailing group has had a positive impact on H&S enforcement practice. Two EHOs worked on the SMR, more or less full time for three months. The result was to re-focus the way in which inspections were conducted and reported. Inspections are now more in depth with time spent on critical areas such as management systems rather than just 'hazard spotting'. The reporting style reflects this change in emphasis rather than reporting by exception. Larger companies in the City have responded favourably to this more detailed reporting format and have now come to expect it as a matter of course. Releasing EHOs to participate in the LAPS has had a positive impact on enforcement practice.</i>
Urban & Industrial Borough U&I 136	2.0	2	<i>The Authority does not currently participate in LAPS. The Scheme is resource intensive, especially at the 'front end'. In order for take up to increase, it may be necessary to refine the process to enable a more staged approach.</i>
Urban & Industrial Unitary U&I 110	2.76	4	No mention of LAPS.
Urban & Industrial Borough U&I 123	4.27	3	No mention of LAPS.

My conclusion from the findings shown at Table 8.6 is that the general level of activity on LAPS across LAs is low, the general perception being that LAPS is resource intensive.

8.5 Summary of findings

Based on participants' perceptions, key findings from these three earlier studies are that:

- there was strong support from pilot lead authorities and businesses both for the principle of the approach and for their own participation;
- the SMR exercise improved the professionalism, standing and business awareness of the inspectors involved, and resulted in a number of specific improvements to the SMS of partner companies;
- measurement using the "Evaluation Tool", indicated that all five pilot trial companies had made measurable improvements to their H&S management systems as a result of the SMR process;

- the benefits of participating in LAPS were seen as a better understanding of H&S management in companies, an enhanced image for the participating organisations, and the training and development of individuals;
- the main drawback to participating in LAPS was one of cost, both in staff resource and financial terms, particularly in respect of the SMR report;
- benefits were seen to outweigh drawbacks, there appeared few regrets about taking part in what was seen as a positive learning experience; and
- the general level of activity on LAPS is low when viewed across all LAs.

The three studies examined in this chapter represent the collective knowledge available on LAPS at the start of the active research studies covered in the next chapter.

CHAPTER NINE

Current LAPS Studies

“Genius is one per cent inspiration and ninety-nine per cent perspiration.”

Interview reported in Life magazine, Thomas Alva Edison (1932)

9.1 Introduction

Alongside the piloting of the new flexible approach described in the next chapter, I considered it appropriate to study the existing LAPS partnerships. He felt that such a study of these established partnerships was fundamental to informing the future development of the scheme.

This chapter comprises three related studies into the operation of the established full SMR partnerships. Referred to collectively as Study 2, the three studies are: the Questionnaire Survey of Lead Authorities; the Review of LAE1 annual returns from LAs; and an in-depth review of SMR partnerships. The author conducted the first two of these studies ‘in house’ within LAU. For the third study, the in-depth review of 12 SMR partnerships, it was necessary to undertake the study in collaboration with independent researchers. There were sound reasons and arguments for adopting this approach and these are given within the methodology section for that study.

As for the previous chapter each study is considered in turn, with a description of the methodology before the results are detailed. There is some consideration of the results in this chapter but comparison and discussion is reserved for Chapter 12. The scale of each study, and, for example, the particular challenge presented in reviewing over 1,100 annual returns from LAs, are issues that will be considered later within the discussion chapters.

9.2 Study 2, Project 4: Survey of Lead Authorities

9.2.1 Background

All known lead authorities were surveyed in March 1999 to establish the status of existing partnerships and to identify current levels of activity. This study, the only structured survey of the scheme since the BPRI study in 1996, took the form of a short postal questionnaire sent with covering letter (Appendix 4, p362). The business partners were not contacted as part of the survey.

The questionnaire was developed through a series of iterations the objective being to obtain information on the following topics:

- contact between partners;
- views of success;
- liaison with other LAs;
- time spent;
- main issues raised by other LAs; and
- summary views of LAPS “in a sentence”.

The approach adopted for the construction of the questionnaire was described in Chapter 7 at ‘Development of question sets’. The questionnaire was tested against the two EHOs seconded to LAU and was subsequently piloted with four volunteer EHOs. This resulted in Likert scaling being removed from the questionnaire, promoting both freestyle and open narrative responses to each of the various questions posed.

9.2.2 Results

A total of 70 questionnaires were dispatched, one to each lead authority registered on the electronic database held by LAU. There were 62 returns and eight non-returns. In 22 of the cases where a return had been made the partnership was reported as having dissolved, in a further two cases the partnership was on hold.

9.2.3 Frequency of partnership meetings

Lead authorities were asked to say how frequently they met with their partner company. The first three columns of Table 9.1 on page 164 show their responses to this question. The most common periodicity of meeting was quarterly (39.5%). Meetings held twice a year

and at monthly intervals were reported as being the next most popular frequency (at 18.4% and 15.8% respectively). Four respondents (10.5%) replied that meetings were held “infrequently” with no further indication as to the actual timeframe involved. However, the supporting narrative comment in two cases indicated that such meetings were convened in response to a particular issue or need, suggesting that this response could be brigaded with the response “ad hoc” (four respondents, 10.5%).

Table 9.1: Partnership activity (1)

Frequency of Partnership meetings			“Dealing with issues”		
(1) Timeframe	(2) No Partnerships	(3) %	(4) Time/week	(5) No Partnerships	(6) %
Monthly	6	15.8	None	10	20.4
Quarterly	15	39.5	Negligible	4	8.2
Twice/year	7	18.4	Insignificant	4	8.2
Annually	2	5.3	Very minimal	3	6.1
Infrequently	4	10.5	Minimal	8	16.3
Ad hoc	4	10.5	Very small	3	6.1
Total	38	100	15 - 20 minutes	4	8.2
			30 minutes	3	6.1
			1 hour	7	14.3
			1 ½ to 2 hours	2	4.1
			3 ½ hours	1	2.0
			Total	49	100

9.2.4 Time spent dealing with enquiries

Lead authorities were asked to indicate the amount of time spent per week dealing with enquiries from other LAs concerning the partnership. The last three columns of Table 9.1 show their responses to this question. The respondents offered descriptive or quantitative terminology to describe the amount of time per week being spent dealing with matters relating to the partnership. A number of respondents indicated that they had used the term “insignificant”, “minimal”, or “very small” where the time spent per week was too small to offer a meaningful quantification. A total of 49 responses were received to this question, this included 11 responses offering historical information in respect of dissolved partnerships. Only ten of the 49 respondents (20.4%) indicated that an hour or more per

week was spent dealing with issues relating to the partnership. Of these, only three spent more than an hour a week on partnership work. In respect of the two respondents that report spending 1 ½ - 2 hours per week on partnership, one was in respect of a dissolved partnership with a national pizza chain, the other (WU390) dealt with the UK's largest frozen food retailer. The lead authority (ScU356) that reported spending 3½ hours per week on partnership work is responsible for the UK's largest supermarket chain employing around 200,000 staff across 750 stores, 22 distribution warehouses, and a call centre.

9.2.5 Contact by other LAs

For the years 1997 and 1998, lead authorities were asked how many times other LAs had contacted them regarding the partnership. Table 9.2 shows their responses to this question. The vast majority of respondents reported receiving less than ten contacts per annum from other LAs. Only two lead authorities reported partnership activity of greater than 30 contacts per annum. Not surprisingly, these were the Scottish Urban Unitary (ScU356) and the London Borough (LB2) that reported spending the most time on partnership work. For 1997 they received 83 and 57 contacts respectively; for 1998 the figures were 61 and 70 contacts respectively. Across the 46 partnerships responding to this question, when comparing 1997 and 1998, 14 showed increased contact activity, 15 showed the same level of activity, and 17 showed a lower level of activity.

Table 9.2: Partnership activity (2)

Frequency of contact by other LAs:		
Contacts/year	No. of Lead Authorities receiving contacts at (1)	
	1997	1998
0	7	7
1 - 10	32	31
11 - 20	4	4
21 - 30	1	2
>30	2	2
Total	46	46

9.2.6 Issues raised by other LAs

Lead authorities were asked to outline the main issues that other LAs have raised with them. 38 respondents answered this question. Their responses are shown at Table 9.3. Most respondents offered a number of issues that had been raised by other LAs. The predominant issue was one of risk assessment, in particular whether the risk assessment documentation should be kept available at each outlet of the business. The next most popular issue related to accident reporting and investigation. The RIDDOR reportability of accidents to members

of the public, and the accident history in respect of the particular type of accident being investigated, accounted for most of this category of enquiries.

Table 9.3: Issues raised by other LAs

Issue raised	Number of Lead Authorities reporting
Attitude of company	10
Accident reporting/RIDDOR	9
Accident investigation	6
Risk assessment	18
Safe systems and procedures	9
Safety policy	4
Manual handling	10
Training	9
Local management failings	7
Public/child safety	5
Warehouse safety	4
Slips and trips	4
PPE policy	3
COSHH	3
Violence	3
Other national issues (raised by one LA)	7
Local issues	10
Total	122

Seven lead authorities (18.4% of respondents answering this question) report having been contacted by an LA trying to establish the company attitude to a particular incident or enforcement approach, e.g. improvement notice or prosecution. Three lead authorities report being contacted due to the poor attitude of company management toward them. For example, one lead authority, in partnership with a national retailer reported their main reason for contact from other LAs as being “the antagonistic, arrogant attitude of the company (possibly just the Fire/H&S Manager himself) to letter and criticism”.

9.2.7 Success of the partnership

Lead authorities were asked to say how successful they considered their partnership was. Of the 41 lead authorities answering this question (66.1% of all respondents), only two lead authorities responsible for recently established partnerships felt unable to offer a rating of success, giving their reason as “too early to say”. 32 partnerships (78% of respondents answering this question) were considered to be very successful, successful or fairly successful. Only four respondents indicated that they considered that their partnership was not successful.

Table 9.4: Success of the partnership

Rating descriptor (unprompted)	No. Lead Authorities
Very successful (excellent; very good)	15
Successful (good; constructive)	9
Fairly successful (reasonably/quite; fairly good)	8
Limited success	3
Not successful	4
Too early to say	2
Total	41

9.2.8 Lead Authorities offering detailed narrative comments

Of the 62 lead authorities making a return, 44 offered a detailed narrative response to one or more of the questions. Table 9.5 shows a breakdown of the respondents by LA category, and for each, the respective business partner. Each lead authority was referenced by a unique LA Code and this code was used to identify the respondents whose comments are contained in the six narrative matrices (Tables 9.6 to 9.11) that form the remainder of this chapter. The respondents by LA category are: 5 London Boroughs; 12 Metropolitans; 6 Urban & Industrials; 12 Suburbans; 1 Resort & Retirement; 1 Rural; 6 Scottish Urban; and 1 Welsh Urban.

Table 9.5: Lead Authorities contributing narrative comment

LA Code	LA Category	Business Partner
LB 2	London Borough (Outer)	Fast Food Restaurant
LB 8	London Borough (Outer)	Contract Catering
LB 10	London Borough (Outer)	Hair & Beauty Salon
LB 24	London Borough (Outer)	Supermarket
LB 28	London Borough (Inner)	Charity
MD 35	Metropolitan City	Pub & off-license
MD 35b	Metropolitan City	Department Store
MD 37	Metropolitan City	Supermarket
MD 39	Metropolitan Borough	Bank
MD 41	Metropolitan Borough	Electrical Retailer
MD 41b	Metropolitan Borough	Estate Agent
MD 44	Metropolitan Borough	Contract Cleaner
MD 44b	Metropolitan Borough	Builders Merchant
MD 49	Metropolitan City	Building Society
MD 61	Metropolitan Borough	Tyre & Exhaust Centre
MD 65	Metropolitan City	Foodstore
MD 69	Metropolitan Borough	Pub & Restaurant
U&I 73	Urban & Industrial District	Building Society
U&I 76	Urban & Industrial Unitary	Credit Card & Travel Agent
U&I 86	Urban & Industrial Borough	AG Stanley
U&I 97	Urban & Industrial District	Shoe Shop
U&I 113	Urban & Industrial Borough	Retail Grocer

Table 9.5 (continued): Lead Authorities contributing narrative comment

LA Code	LA Category	Business Partner
U&I 117	Urban & Industrial Unitary	Distribution Centres
Su 139	Suburban District	Residential Care
Su 141	Suburban District	Windscreen replacement
Su 142	Suburban Borough	Roadside recovery, Insurance
Su 143	Suburban Unitary	DIY superstore
Su 155	Suburban Borough	Soft drink mfr. & distribution
Su 156	Suburban District	Building Society
Su 156b	Suburban District	Discount Electrical Retailer
Su 196	Suburban Unitary	Restaurant (Pizza)
Su 203	Suburban Borough	Bank
Su 229	Suburban District	Motor Factors
Su 245	Suburban Unitary	Children's Play Areas
Su 260	Suburban District	Wholesale Distribution
R&R264	Resort & Retirement District	Body Care & Cosmetics
Ru 314	Rural Unitary	Adventure/Activity Holidays
ScU 356	Scottish Urban	Supermarket
ScU 356b	Scottish Urban	Cash & Carry and Foodstore
ScU 360	Scottish Urban	Department Store
ScU 360b	Scottish Urban	Tyre & Exhaust Centre
ScU 363	Scottish Urban	Hotel
ScU 363b	Scottish Urban	Bank
WU 390	Welsh Urban	Frozen Foods Retailer

9.2.8.1 Success of the Partnership – narrative responses

Lead authorities were asked to say how successful they considered their partnership with the company to be, 28 lead authorities offered a narrative response. Table 9.6 shows all the narrative responses, set against the rating descriptors offered by the participant.

Table 9.6: Success of the partnerships

How successful is your partnership with the company?	
Rating descriptor	Narrative comments of lead authority inspectors
Very successful	<p><i>Very successful and very busy. EHO ScU356</i></p> <p><i>Initially very successful. Success of company managing own H&S made partnership less meaningful. EHM U&I73</i></p> <p><i>This is a very open relationship between the partners. EHM MD37</i></p> <p><i>The company has high regard for the scheme - several practical solutions since completion of SMR. EMM Su155</i></p> <p><i>We've worked system between us in way that suits both parties. EHM WU390</i></p> <p><i>In terms of knowledge shared and understanding of attempts by partner to improve H&S performance – excellent. BUT in terms of awareness/use of Lead Authority by others – not so. EHM R&R264</i></p>
Successful	<p><i>Depends how you judge success. We have a good working relationship and liaise effectively over issues affecting or affected by Policy. EHO Ru314</i></p> <p><i>Constructive relationship, but sometimes feel like the arbiter with other LAs. PEHO MD65</i></p> <p><i>We have developed a good working relationship and the benefits of SMR are already apparent. PEHO Su141</i></p>

Rating descriptor	Narrative comments of lead authority inspectors
Reasonably successful	<p><i>[company] has been “kick started” by way of the partnership and are now developing their safety culture. EHM MD35b</i></p> <p><i>Good working relationship has been established with the company's management team. PEHO Su 245</i></p> <p><i>Substantial improvements have been made to company procedures as a result of Lead Authority. There is a two-way communication channel. Our recent formal caution to company for a local issue hasn't had any detrimental effect on the scheme. SEHO MD69</i></p> <p><i>Level of partnership suits both partners. EHM MD35</i></p> <p><i>Resulted in company employing own specialist safety team. EHO MD44</i></p> <p><i>Works reasonably well when LA used as source for information or consultation. Feedback on results could be better perhaps generally. EHO MD39</i></p> <p><i>Some officers are not aware of the LAP principle. PEHO LB28</i></p> <p><i>We've developed good working relationship and the consultation process appears to have been of benefit to both the company and ourselves. SEHO Su229</i></p>
Limited Success	<p><i>SMR identified deficiencies. Action plan devised by company but not fully implemented. EHO ScU356b</i></p> <p><i>What measure of success? If <u>consistency</u> then this is not possible to evaluate. Standards in safety management have improved but personally I believe our resources could be allocated to more effect addressing 'non-blue chip companies'. However, good partnership has developed. EHM U&I117</i></p> <p><i>Under-utilised by other LAs which limits the success of the scheme. SEHO MD41</i></p>
Not successful	<p><i>Our partner had a detailed H&S audit carried out (by us) for free – then used to further their own cause. Process was a useful learning exercise. PEHO LB8</i></p> <p><i>Not all LAs are signed up, causes the burden to fall on a few. PEHO LB8</i></p> <p><i>Initially it was a success. It broke down due to poor commitment from [company]. I am however trying to revive the partnership. EHO Su156b</i></p> <p><i>We have found it a waste of time. PEHO Su203</i></p>
Too early to say	<p><i>Difficult to say until our report and recommendations fully considered and responded to by [company]. EHM ScU360b</i></p> <p><i>Working relationship is very good. Too early to be able to comment on success of partnership. PEHO MD41b</i></p> <p><i>System has not yet been adequately tested to answer! EHM Su142</i></p>
Comment without rating	<p><i>It has taken time, but a change in culture has been achieved. New documentation and risk assessment systems are being rolled out at present. PEHO U&I97</i></p>

Overall, the weight and content of responses indicate that lead inspectors considered the scheme was a success. A good working relationship was seen as the basis for successful partnership, this was lacking in those partnerships judged as not successful.

9.2.8.2 Other comments by lead authorities

Lead authorities were asked for any comments they wished to make about the scheme to enable it to evolve. Positive and negative feedback was invited. Participants were also asked to summarise their view of LAPS “in one short sentence”. I applied executive analysis to the responses and determined that significant comment had been made on the aims, focus, and benefits of the scheme. Participants also commented on resources and inspector development.

9.2.8.3 Meeting the aims of the scheme

Table 9.7 shows a hierarchy of narrative responses offering the views of lead authority participants on the extent to which the scheme met its aims.

Table 9.7: Extent to which scheme meets aims

Narrative comments of lead authority inspectors
<i>A worthwhile exercise for both parties.</i> PEHO Su141
<i>A useful relationship to improve the health and safety culture of an organisation.</i> PEHO Su139
<i>LAPS enabled this authority to get the ‘safety management’ message across to our partner.</i> EHM Su155
<i>Along with Home Authority, we have to make this approach work. The pressures on local government are such that this is one way we can demonstrate our ability to provide a service that is local with a national dimension.</i> EHM MD37
<i>Assists in achieving a common goal.</i> EHO MD39
<i>An essential efficient way of ensuring major employer's attention to H&S matters.</i> EHO MD61
<i>Necessary and effective.</i> EHO Su143
<i>Essential, it is the way forward.</i> EHO LB24
<i>Essential.</i> EHM MD37
<i>It is an excellent idea but needs commitment from both sides.</i> EHO Su156b
<i>Good idea, but in present form will not meet aims of HELA.</i> EHM MD35
<i>Good idea in principal.</i> SEHO U&I113
<i>A lot of effort for LA undertaking scheme who only reap rewards if other LAs take part too.</i> EHM Su196
<i>Other LAs should be more ready to accept advice of Lead Authority.</i> PEHO MD65
<i>Underutilised by other LAs which limits the success of the scheme.</i> SEHO MD41
<i>Overcomplicated, poorly publicised and under used by the LAs who have partner companies in their area (ourselves included).</i> SEHO MD41b
<i>Has not worked well for us due to changes in personnel. I'm hopeful for the future however!</i> EHM U&I76
<i>At present a minority of LAs are working to the benefit of the majority, which will eventually undermine the Scheme.</i> PEHO Su260
<i>Our partner company received a thorough and inexpensive health and safety audit and then failed to act on our findings.</i> ScU356b
<i>The company tried to use the scheme as a shield.</i> PEHO U&I86
<i>I think my answers so far make it very difficult for me to reply sensibly.</i> PEHO Su203

Generally, inspectors felt LAPS was an essential and worthwhile approach that assisted in achieving a common goal, provided there was commitment from both sides. There was also a feeling that greater participation was needed from other LAs and that they should be more ready to accept the advice of the Lead Authority. Some felt LAPS was overcomplicated and underutilised by other LAs and that this limited the success of the scheme.

9.2.8.4 Benefits of LAPS

Table 9.8 shows the comments on benefits of the partnership. Lead authorities were generally positive about LAPS but most felt that the company got more out of the partnership than the LA.

Table 9.8: Benefits of the partnership

Narrative comments of lead authority inspectors
<i>LAPS valuable in forming and maintaining good working knowledge/rapport between partners</i> EHM R&R264
<i>The main benefits of the scheme are enjoyed by the participating company.</i> PEHO MD49
<i>Business gets more out of it than local authorities.</i> EHM ScU360
<i>Valuable exercise – company gets greater benefits.</i> PEHO U&I86
<i>The main benefits of the scheme are enjoyed by the participating company, although there is also the enhancement of the personal development of the LA officers.</i> PEHO MD49
<i>Sometimes feels like offering free consultancy for the company.</i> PEHO LB28
<i>The LA probably gets more out of the relationship than the company.</i> EHM U&I73
<i>This is an exercise that all LAs should be compelled to commit resources to as I'm sure the benefits of the scheme will be reaped by all.</i> SEHO Su229

9.2.8.5 Focus of LAPS

Table 9.9 shows comments offered in respect of focus of the scheme. Lead authorities felt that the scheme was targeting the wrong companies and that those that needed it most were ineligible. A need for redirecting of the scheme was the general feeling.

Table 9.9: Focus of the Scheme

Narrative comments of lead authority inspectors
<i>Needs redirecting to smaller businesses.</i> PEHO Su245
<i>LAPS has clearly addressed the wrong target – 'Blue Chip' companies.</i> EHM U&I117
<i>We missed the boat, instead of assisting the large companies that should know better, should be for small and medium sized companies who really need our help.</i> PEHO LB8
<i>Good idea, needs more non 'blue chip' participation.</i> EHM Su142
<i>It works up to a point but companies who need it most are ineligible.</i> EHM ScU363
<i>In some ways the scheme is preaching to the converted – companies who wish to take part in the scheme are probably already forward thinking with regard to H&S.</i> EHM U&I73
<i>It would perhaps be more beneficial to target companies with poorer health and safety record.</i> EHM U&I73

9.2.8.6 Resources

Table 9.10 shows the comments of lead authorities on the subject of resources. LAPS was seen to be time consuming. Whilst LAPS was seen to be of value, most lead authorities commented to the effect that time spent by the lead authority is not repaid by the benefits.

Table 9.10: Resources

Narrative comments of lead authority inspectors
<i>A Useful means of getting the safety culture 'off the ground', but does not merit the amount of time some local authorities are devoting to it. EHO MD 44</i>
<i>A time consuming process that will eventually benefit both local authorities and the company. SEHO Su229</i>
<i>Working together will bring results – it takes time however. PEHO U&I97</i>
<i>Full SMR gives most benefit, but the effort – time/trouble/money, is disproportionate to the benefits. Change-over of staff also reduces the maximum benefits of full SMR. EHO MD39</i>
<i>Don't underestimate the amount of time needed for the SMR. PEHO Su139</i>
<i>Time and effort put into the scheme and carrying out the SMR far outweigh the benefits. EHM U&I117</i>
<i>The time spent by Lead Authority is not repaid in benefits obtained. Good in principle however. PEHO MD65</i>
<i>An unbalanced extremely time consuming scheme." "Don't underestimate the amount of time needed for the SMR! EHM U&I117</i>
<i>The partnership is cooperative and successful but is time intensive for the LA. EHO ScU356</i>
<i>A considerable amount of time was devoted to the scheme at the conception which, on reflection, may have been disproportionate to any time recently spent acting as a source of information to other LAs. PEHO LB10</i>
<i>Very resource intensive – difficult for small authorities. PEHO U&I86</i>
<i>Excellent idea if resources are available in the LA. SEHO Ru314</i>
<i>They take resources away from risk-prioritised inspections. PEHO LB2</i>
<i>A more streamlined SMR process is required. EHO Su143</i>
<i>The development of a more streamlined version is a good idea. EHM Su196</i>

9.2.8.7 Inspector development

Table 9.11 shows comments on inspector learning and development aspects of partnership.

Table 9.11: Learning and development

Narrative comments of Lead Authority inspectors
<i>Useful in familiarising partners in problems associated with each area: Business v. Enforcement. EHO MD39</i>
<i>It is a very good learning exercise for both parties. EHO Su156b</i>
<i>Invaluable means for LA inspectors to learn about workings of private companies. EHM U&I73</i>
<i>An excellent insight into the operation of a national company. PEHO U&I86</i>
<i>There is also the enhancement of the personal development of the LA officers. PEHO MD49</i>
<i>Useful exercise giving experience to officers of H&S in the business world. EHO Su156</i>
<i>The partnership allowed officers to develop auditing skills, however in terms of providing a more level playing field for [the business partner] the value has clearly been limited. EHM Su142</i>

LAPS was seen as giving LA inspectors an excellent insight into the operation of a national company (U&I86) and also a good learning experience for both parties (Su156).

The last study described in this chapter, a review of SMR based partnerships, builds on the finding of this questionnaire survey of lead authorities. Having considered the responses of the current lead authorities to this survey, I now turn my attention to a review of the annual returns that LAs are required to make to HELA in respect their enforcement activity. These returns are studied for the three-year period 1997 to 2000.

9.3 Study 2, Project 5: LAE1 annual returns

9.3.1 Introduction

In Chapter 2, I have explained that the HSC's mandatory Section 18 guidance imposes certain requirements upon LAs in their capacity as enforcing authorities. One of these requirements is that each LA should make an annual return of enforcement activity on the prescribed form (LAE1). HELA (2000d) describes these LAE1 forms as the HSC's sole source of information about the staff resources, premises, visits, complaints, and enforcement activity of each LA.

The LAE1 form is in two parts: Part A gives background information such as number of LA enforced premises and visits, and number of staff; Part B gives details of enforcement action and provides additional narrative information to inform the annual report. I was afforded access to original LAE1 forms and considered that the narrative information provided at Part B of these forms offered potential for measuring activity on LAPS across all LAs. This is because, since 1997, the LAE1 has asked that LAs report on any activities in support of the HELA Strategy and LAPS has consistently appeared in each HELA Strategy since the first HELA Strategy in 1996.

9.3.2 Background

The HELA Strategy sets out priority objectives for action and indicates the action required of HELA and the LAs. It also states the relationship between any priority objectives for LAPS and the relevant HSC priorities. Actions upon HELA and LAs that directly relate to LAPS are summarised below for successive years.

For 1996/7 (HELA, 1995c):

- to develop further the programme of LAPS amongst larger companies (HELA); and
- to increase participation in the LAPS to at least 60 partnerships by 31/1/97 (LAs).

For 1997/98 (HELA, 1996e):

- to develop further the programme of LAP schemes amongst larger companies; and
- to increase participation in the LAPS to at least 100 partnerships (LAs).

For 1998/99 (HELA, 1998f):

- implement the findings of the review of LAPS and further develop its applicability to small and medium-sized firms (HELA); and
- identify lead authority partners and participate in pilot studies to test the flexibility of the scheme and its applicability to different business situations (LAs).

For 1999/02 (HELA, 1999c):

- encourage commitment to the LAPS (HELA).

For 2001/04 (HELA, 2001c):

- develop their involvement in the LAP principle to develop sector type arrangements to engage business and consumer interests in strategic dialogue (LAs).

9.3.3 Methodology

First, all the LAE1 returns from LAs for 1998/99 were looked at. Each return comprised three pages of numerical information followed by one of narrative comment. My analysis focused on the narrative comments, in particular Part B (Item 8) which states: “please provide as much information as possible about your LA’s activities during the last year against each of the [five] headings below.” One of the headings was “Projects relating to the HELA Annual Strategy for 1998/99 (for example: work with small firms, LAPS, and promotion of occupational health and safety).” A further heading was “other issues you would like to draw to the attention of HELA or LAU”.

The following was recorded in respect of the returns:

- no. referring to LAPS and relevant LA comments;
- no. reporting inadequate resources and relevant LA comment;
- no. with narrative return but without comments against HELA strategy section; and
- no. of returns without any narrative comment.

Next, the LAE1 returns for 1997/98 were studied by adopting a similar approach to that for the 1998/99 returns. The 1997/98 LAE1 return contained two items seeking a narrative response, namely:

“12. Please give a brief report of any particular Health and Safety problems, trends or items of interest in your authority.

13. Please also give details of initiatives you developed in response to objectives for LAs, as set out in the HELA Strategy 1997/98.”

Finally, the LAE1 returns for 1999/00 were studied by adopting a similar approach to that previously described for 1997/98 and 1998/99. For 1999/00 the number of LAs reporting other partnership work with relevant details was also recorded. The 1999/00 LAE1 return contained two items under item 8 (Additional information), namely:

“Please give details of projects/initiatives relating to the HELA Strategy for 1999/2002.

Please provide details of any other issues which you would like to draw to the attention of HELA or the LAU.”

9.3.4 Results

The results in chronological order of reporting year are now detailed. There is some discussion of the results within each section of the results that follow. The key findings from comparison across the reporting years are summarised in section 9.3.8 at page 190.

9.3.5 LAE1 returns for 1997/98

Some 364 LAE1 returns from LAs for 1997/98 were studied. This being the number of returns received for that year from a total of 413 LAs in GB, a rate of return of 88%.

Work relating to the HELA Strategy was reported in 151 (42%) of the returns, 18 of these (5% of total returns) reported activity on LAPS. There were a further 107 returns (29%) providing narrative on health and safety problems, trends, or items of interest (item 12), and a nil response to the request for information on projects relating to the HELA Strategy (item 13). Of these, 25 LAs (7% of total returns; 23% of returns with narrative on problems etc.) reported inadequate resource to undertake project work such as LAPS. 106 replies (29% of the total returns) offered no narrative comment.

The HELA National Picture 1999 lists each of the 413 LAs that existed on 31 March 1998 following reorganisation of 1 April 1997. Each LA is allocated to one of eight categories. Using these categories, the 18 LAs reporting activity on LAPS can be broken down: London Borough (4); Metropolitan (7); Urban & Industrial (2); Suburban (4); and Scottish Urban (1). The 25 LAs reporting inadequate resource to undertake project work such as LAPS were: London Borough (2); Metropolitan (2); Urban & Industrial (6); Suburban (7); Resort and Retirement (2); Rural (2); Scottish Urban (3); and Scottish Rural (1).

9.3.5.1 Comments on LAPS

Table 9.12 shows the detailed comments from the 18 LAE1 (1997/1998) returns that contained narrative on LAPS.

Table 9.12: Detail from 97/98 LAE1 returns where LA provided comment on LAPS

Response of LAs to Item 13 of the LAE1 form: Please give details of initiatives that you have developed in response to objectives for LAs, as set out in the HELA Strategy 97/98.	
LA category	Narrative comment as provided on form LAE1
London Borough (outer) LB18	<i>The Group held discussions with a potential partner for the LAPS.</i>
London Borough (Inner) LB19	<i>Beginning a Lead Authority Partnership with Scope, the charity for people with cerebral palsy. Includes shops, offices and nursing homes.</i>
London Borough (outer) LB24	<p><i>An SMR was carried out by this division of [food retailer], which is a German based company that have over 90 discount retail food stores across the country. The exercise started in October 1996 and the final report was sent to the Director of [company] in June 1997. A response was received in July.</i></p> <p><i>There were many benefits in carrying out this exercise but the main drawback for us was the amount of staff resource that the project consumed. In total, the management review took 56 Officer days to complete and this total does reflect staff time lost by other officers who covered for those carrying out the review.</i></p>
London Borough (Inner) LB28	<i>Continuation of Lead Authority Partnership with [supermarket] and [charity].</i>
Metropolitan City MD35	<i>Continued supporting two LAPS.</i>
Metropolitan City MD37	<p><i>The SMR of [supermarket] was completed and the report submitted to the board of directors. The company has responded positively to a wide variety of recommendations contained in the report.</i></p> <p><i>A partnership has been formed this year with [footwear retailer]. Our limited resources precluded a full-blown SMR but we are working closely with the company and the HSE has agreed to accept the partnership within the LAP scheme.</i></p>
Metropolitan Borough MD43	<i>SMR for Lead Authority Partnership for [food retailer] completed.</i>
Metropolitan Borough MD44	<i>Second Lead Authority Partnership established – SMR completed.</i>

LA category	Narrative comment as provided on form LAE1
Metropolitan Borough MD61	<i>Lead Authority work with National tyres.</i>
Metropolitan City MD65	<i>November 1997 – commenced Lead Authority Partnership with [Foodstore].</i>
Metropolitan Borough MD69	<i>Another problem is that other LAs are not contacting [this LA] when they have problems with our lead authority partner, [pub & restaurant]. However, we do contact these authorities once we are aware of the problem.</i>
Urban & Industrial Unitary U&I117	<i>LAPS – [retail chemist distribution centres]. A formal review meeting was held in March '98 to discuss the SMR and implement further recommendations. The section continues to respond to LA enquiries for Boots Logistics contacts as a fulcrum to promote consistency.</i>
Urban & Industrial Unitary U&I122	<i>Lead Authority Partnership with [B122, computer supplier].</i>
Suburban District Su141	<i>We are already participating in a Lead Authority Partnership.</i>
Suburban Borough Su183	<i>Discussion with local company with countrywide outlets on possibility of Lead Authority Partnership.</i>
Suburban District Su193	<i>Entered into negotiations with the [charity] with a view to establishing a Lead Authority Partnership.</i>
Suburban District Su229	<i>We have commenced the SMR of [motor factors] with whom we have joined in LAPS.</i>
Scottish Urban ScU368	<i>There is a possibility of entering into a Lead Authority Partnership with [department store] – a decision from the company is expected soon.</i>

Three LAs held initial discussions with a potential partner (LB18, Su183 and ScU368). Six LAs started a partnership (LB19, MD37, MD43, MD44, MD65, and Su229); this was the second partnership for two Metropolitans (MD37 and MD44). Three LAs completed the SMR (LB24, MD37 and MD44). One Urban & Industrial Unitary reported a formal review meeting to “discuss the SMR and implement further recommendations” (U&I117). Five LAs (LB28, MD35, MD61, U&I122 and Su141) simply reported continued activity or support for LAPS.

A Metropolitan Borough (MD 69) identified a problem in that “other LAs are not contacting [this LA] when they have problems with our lead authority partner, [pub & restaurant]. However, we do contact these authorities once we are aware of the problem”. A London Borough (LB 24) reported there were many benefits in carrying out the SMR but that “the main drawback for us was the amount of staff resource that the project consumed. In total, the management review took **56 Officer days** to complete and this total does reflect staff time lost by other officers who covered for those carrying out the review”.

9.3.5.2 Comments on Resources

Table 9.13 shows the detailed comments from the 25 LAE1 (1997/1998) returns that contained comments on resources.

Table 9.13: Detail from 97/98 LAE1 returns where LA has commented on resourcing

Response of LAs to Item 12 of the LAE1 form: Please give a brief report of any particular Health and Safety problems, trends or items of interest in your authority.	
LA category	Narrative comment as provided on form LAE1
London Borough (Inner) LB11	<i>This authority does recognise the importance of H&S enforcement but it falls under the same cost centre as food safety and loses out to the latter for the following reasons:</i> <ul style="list-style-type: none"> - <i>food safety inspections are a major component of the Audit Commission's Performance Indicators for Environmental Health whilst the only PI regarding H&S enforcement is the response times to complaints.</i> - <i>the EC requires the LA to submit Food Safety statistics via MAFF who quite rightly raise the failure to meet the required inspection targets with LAs on a quarterly basis.</i>
London Borough (Inner) LB33	<i>None (insufficient resources).</i>
Metropolitan Borough MD53	<i>Due to staff being seconded to deal with a large national fraud investigation in conjunction with the CPS, routine inspections and other functions were suspended.</i>
Metropolitan Borough MD59	<i>Due to staff changes and Departmental reorganization only premises rated as high risk are now inspected.</i>
Urban & Industrial Borough U&I84	<i>There has been a significant reduction in H&S inspection activity due to an increase in the number of planned food hygiene inspections which had to be undertaken in 1997/98. Due to the Council's limited resources, it was felt that priority must be given these additional food hygiene inspections at the expense of H&S preventative inspections.</i>
Urban & Industrial Borough U&I85	<i>It is hoped that further development work in this area can be carried out in the forthcoming year, if staffing resources allow.</i>
Urban & Industrial District U&I92	<i>Some resources diverted away from health and safety in order to cope with increased inspection requirement for food safety.</i>
Urban & Industrial District U&I109	<i>The staffing resource relating to both food and H&S enforcement was unavoidably reduced for a large part of the year, resulting from serious long-term illness.</i>
Urban & Industrial District U&I115	<i>The reduction in enforcement activity is due entirely to staffing difficulties which are currently being addressed.</i>
Suburban Borough Su144	<i>As a result of staffing shortages and consequent inspection shortfalls in recent years, the inspection programme has been disrupted.</i>

LA category	Narrative comment as provided on form LAE1
Suburban District Su145	<i>Concern is being expressed generally over the need to direct more staff resource toward food premise inspections at the expense of H&S inspections in order to improve the Audit Commission's performance indicators for food premise inspections.</i>
Suburban Borough Su175	<i>During the last quarter of 1997/8 inspection resources were redirected towards food hygiene enforcement, following the direction of Dept of Health/MAFF in the light of the Pennington report into E coli 157.</i>
Suburban Borough Su 178	<i>The number of FTE officers engaged on health and safety work has decreased this year due to an increase in the amount of food safety inspections required as a result of revised Food Safety Act Code of Practice No. 9.</i>
Suburban District Su208	<i>Resources are still being targeted to fund work at the expense of health and safety in an attempt to keep up with national minimum inspection frequencies and Audit Commission targets.</i>
Suburban District Su217	<i>The demands on EHOs due to the Pennington Committee recommendations following the E. coli outbreak has resulted in less inspection time on non-food premises for H&S purposes.</i>
Suburban District Su225	<i>The environmental technician post (health & safety) was vacant for 11 months due to problems recruiting a suitably qualified officer.</i>
Rural & Resort Unitary R&R276	<i>An increased workload on general environmental protection, particularly noise complaints, has reduced the manpower available for health and safety enforcement.</i>
Rural District Ru333	<i>Owing to limited staff resources the response has been making businesses aware during inspections of HELA initiatives.</i>
Scottish Urban ScU356	<i>Due to the lack of Local Government resources the Department no longer has a Health Promotion Team. Therefore HELA's Small Firms Strategy has not been fully implemented.</i>
Scottish Urban ScU371	<i>Loss of H&S staff due to Corporate Services 'in house' Management Risk Assessment. Major focus on food safety.</i>
Scottish Rural ScRu383	<i>We will have fewer staff resources to devote to health and safety in the coming year.</i>
Welsh Urban WU 391	<i>Nil. Too busy following local government reorganization in Wales.</i>
Welsh Rural WRu404	<i>Increased demands in respect of public health resources and food safety again resulted in inadequate inspection resources devoted to health and safety. Budget cuts (again!) for 98/99 give little prospect for improvement, especially as there are no external pressures for increased H&S inspection activity, unlike food safety (Welsh Office/MAFF) and nuisances/pollution (public/councillors).</i>

The profile of food safety issues was seen to be the most significant factor in terms of allocation of resources. Ten LAs reported having to devote resources to food safety enforcement at the expense of health and safety enforcement. National minimum inspection frequencies for food were the stated reason for this. The comment from one Suburban District (Su208) captured a widely held view that “Resources are still being targeted to fund

work at the expense of health and safety in an attempt to keep up with national minimum inspection frequencies and Audit Commission targets”.

A number of LAs specifically identified the Pennington Report into the E coli 157 outbreak and the resulting Code of Practice as triggers for the shift of resource toward food enforcement. One Suburban Borough (Su175) commented: “During the last quarter of 1997/8 inspection resources were redirected towards food hygiene enforcement, following the direction of Dept of Health/MAFF in the light of the Pennington report into E coli 157.” Another (Su178) commented: “The number of FTE officers engaged on health and safety work has decreased this year due to an increase in the amount of food safety inspections required as a result of revised Food Safety Act Code of Practice No. 9”. This view was reflected across the range of LA categories, one Welsh Rural Unitary (Wru404) capturing a more general sentiment with their comment: “Increased demands in respect of public health resources and food safety again resulted in inadequate inspection resources devoted to health and safety. Budget cuts (again!) for 98/99 give little prospect for improvement, especially as there are no external pressures for increased H&S inspection activity.

Eight LAs specifically identified staffing difficulties or shortage as presenting particular health and safety problems; reorganisation (MD59, WU391, ScU371), recruitment (Su225), and staff sickness (U&I109) being among the reasons given.

9.3.6 LAE1 returns for 1998/99

The researcher looked at some 364 annual health and safety returns from LAs for 1998/99. This being the number of returns received for that year from a possible total of 410 LAs in GB. This represents a rate of return of 89%.

Work relating to the HELA Strategy was reported in 133 (37%) of the returns, 24 of these (7% of the total returns) reported activity on the LAPS. There were 144 returns (40%) providing a narrative reply to item 8 of the LAE1 but a nil response to the request for information on projects relating to the HELA Strategy. Thirteen LAs (4% of total returns) reported inadequate resource as an issue they wished to draw to the attention of HELA/LAU. The detail of these responses is shown at Table 9.13. There were 73 replies (20% of the total returns) offering no narrative comment at item 8 of the LAE1.

The HELA National Picture 2000 lists each of the 410 LAs that existed on 31 March 1999 following the reorganisation of 1 April 1998. Each LA is allocated to one of ten categories. The 24 LAs reporting activity on LAPS can be broken down: London Borough (2); Metropolitan (7); Urban and Industrial (4); Suburban (6); Scottish Urban (2); Welsh Urban (2); and Welsh Rural (1).

The 13 LAs reporting inadequate resources as an issue they wished to bring to the attention of HELA can be broken down: London Borough (2); Metropolitan (2); Urban and Industrial (1); Suburban (5); Resort and Retirement (1); Rural (1); Scottish Rural (1); and Welsh Urban (1).

9.3.6.1 Comments on LAPS

Table 9.14 on page 182 shows the detailed comments from the 24 LAE1 (1998/1999) returns that contained narrative on LAPS against the heading: “Projects relating to the HELA Annual Strategy for 1998/99 (for example: work with small firms, LAPS, and promotion of occupational health and safety).”

Two LAs held initial discussions or reached tentative arrangements with potential partners (WRu405 and U&I114). Three Metropolitans (MD35, MD46, MD69) and one Suburban Borough (Su144) reported they were in the process of establishing a partnership; this being the third partnership for one Metropolitan City (MD35). One Welsh Urban had recently started a second partnership (WU390). Two Suburbans have recently completed, or were about to complete the SMR (Su229, Su245). Two LAs reported their partnerships became “live” for liaison with other LAs (Su141 and WU389). Four LAs reported on new approach partnerships that were the subject of the flexible approach pilot study reported at Chapter 10 (MD69, U&I188, U&I108, and Su144). Seven LAs reported continued activity, development or support for LAPS (LB19, MD37, MD65, U&I117, Su139, LB28, ScU356). Seven LAs reported their involvement as lead authority in two (and in one case three) partnerships (LB28, MD37, MD69, U&I114, ScU356, WU389 (and MD35)).

One Urban & Industrial Unitary (U&I88), having attended the SMR course, were reviewing their participation in LAPS as they “still have mixed feelings about the true benefits of the scheme”. They were “investigating ways of improving the actual partnership concept of the scheme with our partner”. A Metropolitan Borough (MD58) reported problems with LAPS

in terms of clarity, rules and protocols etc. A Scottish Urban (ScU356) commented: “it should be noted that the involvement with [a supermarket chain employing 200,000] has proved to be very time consuming”. Another Scottish Urban (ScU354), with earlier experience of having dissolved their own LAP partnership with a regional bank, commented: “essentially we recognised that great effort was required to establish lead authorities....”. This LA goes on to explain how they had progressed an alternative approach to multiple site businesses operating within their area. A Rural District (Ru325), whilst no longer involved in LAPS as a lead authority, had incorporated LAPS into departmental procedures to ensure that enforcement officers properly consulted with the lead authorities responsible for multiple outlet companies operating in their area.

Table 9.14: Detail from 98/99 LAE1 returns where LA provided comment on LAPS

Response of LAs to Item 8 of the LAE1 form: Please provide as much information as possible about your LA's activities during the last year against each of the headings below- attaching separate sheets as necessary. Projects relating to the HELA Annual Strategy for 1998/99 (for example: work with small firms, LAPS and promotion of occupational health and safety.	
LA category	Narrative comment as provided on form LAE1
London Borough (Inner) LB28	<i>We continue with our two lead authority partnerships. [Supermarket chain] and [charity]. This year we undertook our second SMR of [supermarket chain].</i>
Metropolitan City MD35	<i>The City Council is presently establishing its third LAPS and extending its original LAPS with [off-licence chain] to include its retail inns. A further SMR is being carried out with the [department store chain] following its successful implementation of its 3 year plan following the original.</i>
Metropolitan City MD37	<i>The two Lead Authority Partnerships are working well and continue to develop.</i>
Metropolitan City MD46	<i>Progressing towards agreement on a LAPS with one employer.</i>
Metropolitan Borough MD58	<i>Problems with LAPS (clarity, rules, protocols etc).</i>
Metropolitan Borough MD69	<i>Have established a steel safety working group with local steel stockholders - this is being developed into a Lead Authority type role. We are looking at establishing another Lead Authority Partnership.</i>
Urban & Industrial Unitary U&I88	<i>We are still reviewing our participation in the LAPS with a national distributor of car parts. We have attended the SMR course, but still have mixed feelings about the true benefits of the scheme. At the moment we are investigating ways of improving the actual partnership concept of the scheme with our partner.</i>
Urban & Industrial Unitary U&I108	<i>Initial work on 'fast track' LAPS with [department store chain].</i>

LA category	Narrative comment as provided on form LAE1
Urban and Industrial Borough U&I114	<i>Tentative arrangements for two LAPs schemes (resources providing).</i>
Suburban District Su139	<i>Ongoing work with our LAPS partner, residential care provider with 50 homes.</i>
Suburban District Su141	<i>Our LAP with [windscreen replacement company] became “live”. To date we have had few approaches from other LAs with respect to enforcement issues. We hope to maintain an active role in the partnership.</i>
Suburban Borough Su144	<i>The authority is entering into a liaison LAP with a locally based brewery and public house owner.</i>
Suburban District Su229	<i>LAPS Partnership with [Finelist Group] continues and has now progressed to draft report writing stage.</i>
Suburban Unitary Su245	<i>SMR of partner company well underway, hoping to complete by Autumn.</i>
Rural District Ru325	<i>Incorporating LAPS into departmental procedures.</i>
Scottish Urban ScU354	<i>Over the past 3 years we have been attempting to implement a more coherent approach to dealing with businesses. Essentially we recognised that great effort was required to establish lead authorities but that there were many businesses operating at multiple sites within the authority which were being inspected by as many different officers as there were sites. In an attempt to address this problem we reconfigured our information systems to link the business units with their corporate entries and rationalised the manner of officers involved with each.</i>
Scottish Urban ScU 356	<i>Continued participation in LAPS. We are Lead Authority for both [convenience store] and [supermarket chain] but it should be noted that the involvement with [supermarket chain] has proved to be very time consuming.</i>
Welsh Urban WU389	<i>The department has become a lead authority for the [hotel group]. It remains the lead authority for [discount clothing retailer].</i>
Welsh Urban WU390	<i>Partnership with [frozen food retailer] went “live” in May 1999.</i>
Welsh Rural WRu405	<i>On LAPS - an initial meeting has been held with [Builders Merchant] with a view to taking the partnership forward in 99/00.</i>

9.3.6.2 Comments on Resources

Table 9.15 on page 184 shows the detailed comments from the 13 LAE1 (1998/1999) returns that contained comment on resources against the heading: “other issues you would like to draw to the attention of HELA or LAU”.

LAs across the range reported that limited or insufficient resources had resulted in them undertaking only very limited, project or promotional work relating to the HELA Strategy. One Resort & Retirement District (R&R286) reported that vacancies in their health and safety team “meant that priority was given to inspections and enforcement”. Another Urban

& Industrial Borough (U&I85) comments that “Due to staffing resource constraints over the last year activity on this area [projects] has been restricted to awareness raising and the distribution of leaflets on key topic areas of the strategy during routine inspections”. In contrast to the LAE1 returns for 1997/98, the profile of food safety issues was not offered as the main reason for the limited staff resources devoted to health and safety enforcement.

Table 9.15: Detail from 98/99 LAE1 returns where LA has commented on resourcing

Response of LAs to Item 8 of the LAE1 form: Other issues which you would like to draw to the attention of HELA or the LAU.	
LA category	Narrative comment as provided on form LAE1
London Borough (Inner) LB12	<i>Unable to resource proactive small firms partnership work.</i>
London Borough (Inner) LB32	<i>Reorganisation of division to form specialist H&S/Licensing team and Food/H&S team resulted in minimal project work in 1998/99.</i>
Metropolitan Borough MD50	<i>None [projects]. Limited resources.</i>
Metropolitan Borough MD68	<i>No projects undertaken.</i>
Urban & Industrial Borough U&I85	<i>Due to staffing resource constraints over the last year activity on this area [projects] has been restricted to awareness raising and the distribution of leaflets on key topic areas of the strategy during routine inspections.</i>
Suburban District Su158	<i>Very limited activity [on projects] owing to staffing difficulties and lack of response from businesses.</i>
Suburban Unitary Su233	<i>Insufficient resources to carry out any project work – unfortunately.</i>
Suburban Borough Su238	<i>None [projects] due to staffing levels.</i>
Suburban Borough Su241	<i>No promotional activities.</i>
Resort & Retirement District R&R286	<i>Vacancies in H&S team meant that priority was given to inspections and enforcement. Unfortunately, little time left for projects.</i>
Rural District Ru303	<i>Loss of staff and recruitment difficulty caused disruption of all but essential work, delaying new project work.</i>
Scottish Rural ScRu380	<i>Insufficient resources prevent pro-active work on promotional and LAPS activities.</i>
Welsh Urban WU392	<i>Due to limited staff resources we were unable to make measurable progress in this regard [projects].</i>

9.3.7 LAE1 returns for 1999/00

Some 375 annual health and safety returns from LAs for 1999/00 were studied. This being the number of returns received for that year from a possible total of 410 local authorities in GB. This represents a rate of return of 92%.

Work relating to the HELA Strategy was reported in 229 (61%) of the returns, 21 of these (6% of the total returns) reported activity on the LAPS. The detail of these responses is shown at Table 9.16 on page 186. There were 33 returns (9%) providing a narrative reply to

item 8 of the LAE1 but a nil response to the request for information on projects relating to the HELA Strategy. 34 LAs (9% of total returns) reported inadequate resource as an issue they wished to draw to the attention of HELA/LAU. The detail of these responses is shown at Table 9.17. There were 87 replies (23% of the total returns) offering no narrative comment at item 8 of the LAE1.

The HELA National Picture 2001 lists each of the 410 LAs that existed on 31 March 2000. Each LA is allocated to one of ten categories. The 22 LAs reporting activity on LAPS can be broken down: London Borough (2); Metropolitan (6); Urban & Industrial (3); Suburban (5); Rural (1) Scottish Urban (2); Welsh Urban (2); and Welsh Rural (1).

By comparison, 35 LAs reported active involvement in local partnerships (health, HImPS, Business, Chamber of Commerce), 33 organised seminars or workshops, and 49 produced business packs, leaflets or mailshots.

There were 34 LAs reporting inadequate resource to undertake project work such as LAPS. These can be broken down: London Borough (5); Metropolitan (2); Urban & Industrial (8); Suburban (5); Resort & Retirement (5); Rural (6); Scottish Urban (1); Scottish Rural (1); and Welsh Urban (1).

9.3.7.1 Comments on LAPS

Table 9.16 on page 186 shows the detailed comments from the 24 LAE1 (1999/2000) returns that contained narrative on LAPS against the heading: "Please give details of projects/initiatives relating to the HELA Strategy for 1999/2002.

A Welsh Rural (WRu405) had approached two businesses with a view to forming a LAP and anticipated one would be taken forward; a Rural District (Ru345) was investigating the possibility of a LAP with [Tyre & Exhaust Centres]. Three LAs had recently completed the SMR (MD40, MD41, and WU389). Six LAs reported their participation in the new flexible approach pilot partnerships, one of these being the first Trade Association Partnership (MD69). An Urban & Industrial Unitary (U&I133) commented: "On the positive side we would wish to draw attention to the successful lead authority partnership with [car and cycle accessory retailer] set up under the liaison based type of agreement". Four LAs reported

their continued participation in two partnerships (LB28, Su196, WU389 and ScU356), three reported participation in three (MD35, MD46 and ScU360).

Two LAs cited examples of collaborative working with their partner beyond the remit of LAPS. A Welsh Urban (WU390) commented “We are planning a joint initiative to coincide with this year’s European H&S week in October”. Through their partnership with a national building society, a Suburban District (Su156) was “able to secure [building society] sponsorship for an initiative on health and safety of young people employed to deliver newspapers”. The comment from an Inner London Borough (LB28) made explicit the link between their work with [children’s charity] and HSC’s Continuing Aim 3. One Suburban Borough (Su153) left little doubt as to their view on LAPS with the comment: “No, local partnership!”.

Table 9.16: Detail from 99/00 LAE1 returns where LA provided comment on LAPS

Response of LAs to Item 8 of the LAE1 form: Please provide as much information as possible about your LAs activities during the last year in response to each of the following questions attaching additional sheets as necessary. Please give details of projects/initiatives relating to the HELA Strategy for 1999/2002.	
LA category	Narrative comment as provided on form LAE1
London Borough (Inner) LB19	<i>Progressing towards Lead Authority status with [charity].</i>
London Borough (Inner) LB28	<i>Lead Authority Partnership – continuation of partnership with [supermarket chain] and [charity]. Also undertook SMR of [supermarket chain]. Work with [charity] also contributes to Continuing Aim 3.</i>
Metropolitan City MD35	[An extract from the H&S Annual Report for 1999/00 to the Public Protection Advisory Team (attached to the LAE 1) confirms the LA’s continued support and development of three Lead Authority partnerships.]
Metropolitan City MD40	<i>The team is currently working towards Lead Authority status with [holding company], who own [retail chemists] and [retail chemists]. Officers currently writing the SMR report which will be presented to the Board of Directors in August.</i>
Metropolitan Borough MD41	<i>Lead Authority partnership with [insurance co.] – review of [regional] estate agencies completed.</i>
Metropolitan City MD46	<i>We have developed two Lead Authority Partnerships and are participating in the pilots for the liaison based LAPS.</i>
Metropolitan Borough MD69	<i>The local steel stockholding group continues to be successful and has developed into the first trade Association LAP and is currently developing an HSG series Guidance Note – other LAs continue to contact us for advice.</i>
Urban & Industrial Borough U&I94	<i>Have approached two businesses with a view to forming Lead Authority Partnership. Anticipate one will be taken forward.</i>

LA category	Narrative comment as provided on form LAE1
Urban & Industrial Unitary U&I130	<i>Inspection of gyms and health clubs as part of lead authority partnership.</i>
Urban & Industrial Unitary U&I133	<i>On the positive side we would wish to draw attention to the successful lead authority partnership with [car and cycle accessory retailer] set up under the liaison based type of agreement.</i>
Suburban Borough Su144	<i>The authority is taking part in the pilot of the liaison based partnership scheme with a local employer.</i>
Suburban Borough Su153	<i>No, local partnership!</i>
Suburban District Su156	<i>Through our Lead Authority Partnership with [Building Society] we were able to secure their sponsorship for an initiative on health and safety of young people employed to deliver newspapers.</i>
Suburban District Su193	<i>Continued work on SMR in connection with Lead Authority Partnership with the [charity].</i>
Suburban Unitary Su196	<i>The Authority fully supports the 'lead authority principle' having major involvement with [catalogue retailer] and [restaurant group].</i>
Rural District Ru345	<i>Investigating the possibility of a Local Authority Partnership with a national tyre & exhaust fitting company.</i>
Scottish Urban ScU356	<i>Continuation of participation in the LAPS, this Council being the Lead Authority for two companies.</i>
Scottish Urban ScU360	<i>This authority has partnerships with three major companies: [bank], [department store], [tyre & exhaust].</i>
Welsh Urban WU389	<i>The SMR of [hotel chain] has been completed and the authority remains the lead authority for the company and the [clothing retailer].</i>
Welsh Urban WU390	<i>We operate the LAPS with [frozen foods retailer]. Issues surrounding workplace transport, both in and around distribution depots and also deliveries to their retail stores have been highlighted in the past year. Manual handling is also a significant factor in such food distribution activities and we are planning a joint initiative to coincide with this year's European H&S week in October.</i>
Welsh Rural WRu 405	<i>Contact with locally based builders merchant with intention of developing LAPS (information gathering at this stage).</i>

9.3.7.2 Comments on Resources

Table 9.17 on page 188 shows the detailed comments from the 34 LAE1 (2000/2001) returns that reported inadequate resource as an issue they wished to draw to the attention of HELA/LAU.

Twelve LAs (35%) of those commenting on resources) made detailed observations to the effect that food safety received resources at the expense of health and safety enforcement. A Suburban Borough (Su206) suggested that: "Current performance indicators and statutory guidance for food safety are drawing resources from H&S". An Urban & Industrial District (U&I116) commented that: "due to the absence of clear enforcement targets, the H&S

enforcement function loses out to the food enforcement side”. A Suburban Unitary (Su200) reported “frustration at the lack of national guidelines, as exist for food safety, for health and safety - which would require local authorities to prioritise health and safety”. A London Borough (LB18) “welcome the proposed introduction of national performance indicators for health and safety enforcement. They should help ensure that all LAs put sufficient and consistent resources into this activity”. An Urban & Industrial Unitary (U&I132) took the pessimistic view that “There is pressure to desert our H&S activities in favour of food safety. This is going to get worse with the introduction of the Food Standards Agency and their active auditing framework”.

Table 9.17: Detail from 99/00 LAE1 returns where LA has commented on resourcing

Response of LAs to Item 8 of the LAE1 form: Please provide details of any other issues which you would like to draw to the attention of HELA or the LAU.	
LA category	Narrative comment as provided on form LAE1
London Borough (outer) LB2	<i>A specialist H&S enforcement team is to be established in the near future. This will enable us to be more active in health and safety.</i>
London Borough (Inner) LB11	<i>Whilst this authority recognises the importance of H&S enforcement it does, as a commercial activity falling under the same cost centre as food safety, lose out to the latter for the following reasons: (a) Food Safety Inspections are a major component of the Audit Commission's Performance Indicators for Environmental Health whilst the only indicator regarding H&S enforcement is the response times to complaints. (b) The EC requires LAs to submit Food Safety statistics via the FSA who quite rightly raise the failure to meet the required targets with LAs on a quarterly basis. These factors seriously affect the way in which this Authority (and presumably many others) prioritise H&S enforcement work. There is little hope of changing this situation unless the above points are addressed.</i>
London Borough (Inner) LB12	<i>We are aware that our programme is skewed towards H&S inspections of food premises and as a consequence our impact on non food premises/activities is less than we would wish. We are unable to carry out business partnership work aimed at small businesses.</i>
London Borough (Outer) LB18	<i>We welcome the proposed introduction of national performance indicators for health and safety enforcement. They should help ensure that all LAs put sufficient and consistent resources into this activity.</i>
London Borough (Inner) LB23	<i>At present there are no planned inspections due to restricted staff resources.</i>
Metropolitan Borough MD55	<i>Again Food Safety is driving force (external performance indicators) to the detriment of H&S.</i>
Metropolitan Borough MD60	<i>No project work carried out because of staff shortage.</i>

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LA category	Narrative comment as provided on form LAE1
Urban and Industrial Unitary U&I74	<i>The service has been affected by a unique situation which has resulted in significant long term sickness.</i>
Urban & Industrial Unitary U&I76	<i>Owing to departmental restructuring, specific initiatives are on hold at present.</i>
Urban & Industrial Unitary U&I77	<i>Insufficient resource allocated to H&S due to absence of minimum inspection figures for H&S as compared to those set by Food Standards so priority goes to food <u>not</u> H&S.</i>
Urban & Industrial District U&I97	<i>No special projects. Fluctuating staff position has required this approach.</i>
Urban & Industrial District U&I116	<i>I am still concerned that due to the absence of clear enforcement targets, the H&S enforcement function loses out to the food enforcement side. Whilst requesting clear targets this does not necessarily mean just inspection targets, although this would be useful. The targets must be clear and capable of achieving the targets laid down in the document Revitalising Health and Safety. The promotion of issues rather than premises goes along way towards this. Should we blindly follow food just to get resources or is there a better way to achieve the national targets?</i>
Urban & Industrial Unitary U&I132	<i>There is pressure to desert our H&S activities in favour of food safety. This is going to get worse with the introduction of the Food Standards Agency and their active auditing framework.</i>
Suburban Unitary Su200	<i>Frustration at the lack of national guidelines, as exist for food safety, for health and safety - which would require local authorities to prioritise health and safety.</i>
Suburban Borough Su205	<i>Lack of resources to meet all objectives.</i>
Suburban Borough Su206	<i>Current performance indicators and statutory guidance for food safety are drawing resources from H&S and will continue to do so unless similar rigorous standards are established for H&S services. However, any establishment of PIs needs to consider quality interfaces with businesses, not just based on numbers of inspections.</i>
Suburban Borough Su224	<i>We find that being a Commercial team dealing with food safety, health and safety at work as well as licencing and communicable disease, and particularly with food safety having a high profile in terms of performance targets and indicators, H&S tends not to receive as many resources.</i>
Resort & Retirement District R&R267	<i>The organisation of the team has now been changed and it is anticipated that more time will be devoted to H&S work.</i>
Resort & Retirement Unitary R&R276	<i>...effective use of our very limited resources for H&S could be made easier by the adoption of national performance indicators for H&S enforcement.</i>
Resort & Retirement District R&R279	<i>Due to pressures from government to achieve target figures for food hygiene the numbers of inspections are down again this year.</i>
Resort & Retirement District R&R289	<i>Due to staff shortages, HELA Strategy items were only covered during normal inspections of premises.</i>

LA category	Narrative comment as provided on form LAE1
Rural Borough Ru295	<i>Reports have been made to members regarding the lack of resources being used to undertake H&S inspections. No direction to reallocate resources has been forthcoming and no additional resources have been provided.</i>
Resort & Retirement District Ru307	<i>At a time of considerable pressure on staff resources we also</i>
Rural District Ru310	<i>It is increasingly difficult to ensure that health and safety resources do not get diverted into food safety. Elected members do not recognise their role while HSE continues to get a higher profile. A performance indicator....would help.</i>
Rural Borough Ru338	<i>Continued disparity between demand and resources due to the higher profile given to food hygiene and statutory inspection targets in that service.</i>
Rural District Ru344	<i>No other specific initiatives – difficulty in completing work due to long term sickness of officers.</i>
Scottish Urban ScU368	<i>Resources in terms of staffing often make it extremely difficult for smaller authorities to promote health and safety issues at the level officers would like. Demands for PI targets to be met impose limits on extra health and safety initiatives and education within the commercial sector.</i>
Scottish Rural ScRu380	<i>Lack of resources restricts developing other methods/techniques in raising issues with duty holders.</i>
Welsh Urban WU390	<i>Effectiveness has also been reduced by staff reductions due to maternity and long term sick.</i>

Thirteen LAs (38% of those commenting on resources) made various observations to the effect that the lack of staff resource had caused them to reduce or cease project work (MD60; U&I197), special initiatives (U&I176; Ru344) and planned inspections (LB2; Ru295). Three LAs (U&I174; Ru344; and WU390) identified long-term staff sickness as a problem. Some LAs perceived HELA Strategy items and non-traditional inspection techniques to be of second order priority. A Scottish Rural (ScRu 380) considered that “Lack of resources restricts developing other methods/techniques in raising issues with duty holders”. A Resort and Retirement District (R&R289) stated that: “Due to staff shortages, HELA Strategy items were only covered during normal inspections of premises”. Three LAs were in the process of restructuring, in two cases it was anticipated that this would enable them to “be more active on in health and safety” (LB2) and that “more time will be devoted to H&S work” (R&R267).

9.3.8 Concluding remarks

In summary, the key findings from this review of LAE1 returns covering the three-year period 1997/2000 are:

- the relative level of LA activity on LAPS and other HELA project work was low;

- in times of limited resources LAs focus on traditional inspection interventions;
- LAPS and other HELA initiatives are seen as additional requirements rather than integral to an LA's enforcement function;
- food safety takes priority over health and safety for resource allocation.

The last two studies have enabled me to build upon the findings of earlier studies described in Chapter 8. The next and final section of this chapter is set aside for my detailed study of twelve LAPS partnerships active at the time of his study.

9.4 Study 2 Project 6: Review of SMR based partnerships

9.4.1 Introduction

From the studies described so far, the author believed that a detailed investigation of the workings of traditional SMR based partnerships would inform the policy development of the scheme. Hence, the present study comprised an in-depth review of 12 established SMR based partnerships. The study was based on interviews with key staff from partnerships that had completed a formal SMR or had set out to do so, its objectives being to explore:

- experiences and opinions of participants in an SMR based partnership; and
- participants' views on the value and efficacy of the "flexible" approach.

9.4.2 Methodology

The study was progressed as a three-stage project:

- (a) construction of a semi-structured questionnaire designed to the two groups, namely, lead authorities and businesses;
- (b) selection and interview of key personnel from each partnership; and
- (c) data collection, analysis, and presentation as tables and matrices.

(a) **Stage 1** was the construction of two semi-structured interview guides that formed the basis for interviewing. Questions were included to cover the following:

- SMR details;
- liaison with other LAs;
- resource implications;
- benefits and barriers to partnership
- comparison of the full SMR with the flexible approach; and

- future plans for the partnership;

Two researchers from Loughborough University were enlisted to help develop the research protocol and to conduct the interviews for this study. These researchers were engaged in response to concerns expressed by some members of the HELA working group that any evaluation of LAPS for HELA should be capable of demonstrating an appropriate level of independence from the people responsible for the development and management of the scheme, in this case a seconded principal EHO and myself. Whilst this study of scheme had to accommodate this HELA requirement in order to proceed, this was turned to advantage in that it brought with it the benefit of a team approach to this element of the study. Furthermore, the two new ‘independent’ members of the team were selected for being particularly experienced in qualitative interview techniques within the context of health and safety and for having unrivalled independent knowledge of the development of the scheme.

I discussed the interview guide with the researchers prior to the start of the programme of interviews. As a result of this iteration, a question about the need to define the boundaries of the partnership was added. Copies of the two interview guides are shown at Appendix 5 on page 365.

(b) **Stage 2** was the selection of partnerships and the conduct of interviews. Data held on the LAU’s electronic database, and early findings from the 1999 postal questionnaire survey of lead authorities (the first study described in this chapter), were used to develop the following selection criteria:

- perceived success (or otherwise) of the partnership;
- business sector;
- size/geographical spread of the business;
- lifespan of the partnership;
- volume of liaison activity; and
- partners’ view of LAPS “in a sentence”.

Twelve partnerships, shown at Table 9.18 on page 193, were contacted by telephone and all agreed to participate in the research. As a result of an LAU Newsletter article (LAU, 2000) describing this research, interviews were also conducted with two lead authorities (MD37 and Su156) that volunteered to participate. The semi-structured interviews were carried out

between mid March and mid June 2000. The participants interviewed were the lead officers for LAPS, that is, the LA inspector and the safety professional for the business. The questionnaires were piloted against the first two partnerships interviewed, some very minor changes being made as a result. In the majority of cases the interviews took place separately on the LA or business premises. Two of the partnerships were interviewed by telephone.

Table 9.18: The participating SMR partnerships

LA Code	Lead Authority	Business Code	Business Partner
LB2	London Borough (Outer)	B2	Fast Food Restaurant
MD39	Metropolitan Borough	B39	Bank
MD44	Metropolitan Borough	B44	Contract Cleaner
MD61	Metropolitan Borough	B61	Tyre & Exhaust Centre
MD65	Metropolitan City	B65	Foodstore
Su139	Suburban District	B139	Residential Care
U&I73	Urban & Industrial District	B73	Discount Retailer
ScU360	Scottish Urban	B360	Department Store
U&I97	Urban & Industrial City	B97	Shoe Shop
WU390	Welsh Urban	B390	Frozen Foods Retailer
U&I117	Urban & Industrial Unitary	B117	Retail Chemist's Warehouses
Su245	Suburban Unitary	B245	Children's play areas
MD37	Metropolitan City		Supermarket
Su156	Suburban District		Building Society

(c) **Stage 3** was the analysis and display of data. The approach adopted was similar to that for the benchmark and follow up studies of the flexible approach partnerships that will be described in detail at Chapter 10. The benchmark study of the flexible approach partnerships was commenced prior to the present SMR study and thus I took full account of lessons learned from the process. The researchers reduced the material transcribed at interview through a mix of executive content analysis and editing (Walker & Tait, 2000a). I separately repeated this procedure overlaying his work on that of the researchers to offer a thematic analysis of the issues raised by participants. As will also be seen for flexible pilots study, I took account of the advice of Miles & Huberman (1994) to decide the display of data best suited to the drawing of conclusions. As a result, I assembled, compressed, and organised the information from this study into a series of numerical tables and narrative matrices with the intention of providing the clearest representation of what was happening in the SMR based partnerships.

9.4.3 Results

The findings and results that follow are based on the findings from the 12 partnerships and two additional lead authorities studied; they are shown under the following headings.

- Reasons for participating.
- The SMR.
- Partnership development and liaison.
- Performance of the partnership.
- Benefits and barriers to partnership.
- Viability of flexible scheme.

9.4.4 Reasons for participating in LAPS

The participants were asked why their organisation originally decided to take part in LAPS. Some participants had no direct knowledge of this due to staff changes since the partnership started. A summary of the range of participant comments is shown at Table 9.19. Two thirds of the businesses offered improved consistency of enforcement as the reason for their participation. A significant number of both LA and Business participants believed that the prospect of improvement in health and safety standards was the reason for their joining. Many LAs joined the scheme simply because it was seen as a valid concept to try out and was being heavily promoted at the time.

Table 9.19: Summary of reasons for LAPS participation

Comment	No. Lead Authority responses	No. business responses
Improve consistency of enforcement		8
Improve health and safety standards	5	3
Suggested by the LA	-	2
Centralise enforcement activity	-	2
A valid concept/good idea to try out	5	1
Being actively promoted at the time	4	1
Formalised existing informal partnership	2	1
Natural progression from HAPS	2	-
Access to health and safety expertise	-	1
Demonstrate local business commitment	1	-
Appropriate to the Chartermark scheme	1	-
Political reasons	1	-

The matrix of qualitative participant comments shown at Table 9.20 on page 195 offers further detail on the reasons for joining LAPS. A Welsh Urban Unitary (WU390) saw the partnership as a way of reducing the significant effort involved in visiting a company where the accident record was not good. Their business partner, a frozen foods retailer, recognised

that their health and safety systems at that time were relatively unsophisticated and entered partnership hoping to gain access to health and safety information. A Metropolitan Borough (MD44) decided on the partnership route rather than prosecution following a serious accident in the business. A Suburban District (Su139), approached by a national provider of residential care, saw this as an opportunity to create a partnership with a local business.

Table 9.20: The decision to participate in LAPS

Question; items evidenced	Lead Authority participant comments	Comments of business participants
<p>Why did LA and business decide to participate in LAPS?</p> <p>Local partnership opportunity. Politically correct. Valid concept. New and exciting. Business efficiency.</p>	<p><i>Approached by the business, seen as an opportunity to create a partnership with a local business.</i> Asst. PEHO, Su139</p> <p><i>Not involved in the partnership when established. Probably the right thing to do for political reasons.</i> PEHO, LB2</p> <p><i>The details have been forgotten, cannot remember who approached who.</i> PEHO, U&I73</p> <p><i>Already had good links with this largest local employer. Business approached LA. Wanted to develop their good relationship.</i> EHO, MD39</p> <p><i>LA considered concept valid and pleased to take the work on.</i> Head of H&S, ScU360</p> <p><i>The PEHO was keen to participate in this 'new and exciting' scheme.</i> Asst. PEHO U&I97</p>	<p><i>Do not know the reason, not in post at the time.</i> Director, B139 (care homes)</p> <p><i>Saw it as an opportunity to improve consistency, approached the LA as their HQ is there.</i> H&S Manager, B2 (fast food)</p> <p><i>Read about pilot schemes and decided to contact LA.</i> H&S Adviser, B73 (retail)</p> <p><i>Wanted to continue and formalise an already good working relationship rather than have LA as enforcers.</i> Group H&S Manager, B39 (finance)</p> <p><i>Felt it was an efficient way of doing business.</i> Group H&S Adviser, B360 (retail)</p> <p><i>Not in post at the time but believe the reason was a desire to improve H&S standards.</i> H&S Manager, B97 (retail)</p>
<p>Poor performance. Heavily promoted. Unsophisticated H&S Access to experts.</p>	<p><i>Business's accident record not good and significant effort involved in visiting them following accidents.</i> HSW Manager, WU390</p> <p><i>Serious accident at the business showed they weren't managing H&S very well. LA decided to go down the partnership route rather than to prosecute.</i> H&S Manager, MD44</p> <p><i>Approached by the business but immediately attracted to the scheme as a component of their business plan.</i> Team Leader, H&S U&I117</p> <p><i>Took the initiative and targeted 3 or 4 national businesses based in the area.</i> EHO, MD61</p> <p><i>It was being heavily promoted.</i> PEHO, MD65</p>	<p><i>H&S at the time was relatively unsophisticated and the business entered the partnership hoping to obtain access to H&S information.</i> Group H&S Manager, B390 (retail)</p> <p><i>Access to experts who understand the company and pass this knowledge on to other LAs.</i> Safety Officer B44(builders merchant)</p> <p><i>Improve standards and consistency of enforcement. Help centralise enforcement activities into partner LA.</i> Support Mgr., B117 (retail chemist)</p> <p><i>Differences of EHO approach at different sites undermined site confidence of Safety Manager.</i> Safety Manager, B61 (tyre & exhaust)</p> <p><i>No knowledge other than suggested by LA.</i> H&S Manager, B65 (food retail)</p>

A Metropolitan Borough (MD39) used LAPS to develop their already good links with their largest local employer, a national bank. Their business partner held a similar view in that they wanted to continue and formalise an already good working relationship rather than have the LA as enforcers. A Metropolitan Borough (MD61) took the initiative and approached several national businesses in the area. One of these, a tyre & exhaust business, joined as a means of combating the differences in enforcement approach at different sites that tended to undermine the site confidence in their safety manager. A London based national department store felt that LAPS was an efficient way of doing business and formed a partnership with a Scottish Urban Unitary (ScU360) who considered the concept valid and were pleased to take the work on.

9.4.5 The safety management review (SMR)

A set of questions was used to explore the participants' experiences of the SMR. Their responses are summarised below.

9.4.5.1 Scope of the SMR

Participants were asked to describe the business activities and the aspects of the health and safety management covered in the review. Many were vague on the detail because the SMR had been undertaken some years prior or the people directly involved had moved on. In the majority of cases all aspects of the business's activities were covered by the SMR. In all cases HSG65 *Successful Health and Safety Management* had been used as the basis for the SMR (HSE 1991c). Half of the partnerships covered all aspects of health and safety management in the SMR; others selected a range of topics for their reviews, e.g. training and risk assessment.

9.4.5.2 Practical Steps of the SMR

Participants were asked to describe the practical steps of the SMR. Participants often did not have detailed knowledge of the process. None-the-less, it was established that all partnerships followed similar steps in carrying out the SMR. The procedures adopted were closely aligned to the methodology promoted at the longstanding SMR training courses provided at Loughborough University. The main elements were: assessing documents; interviews and inspections; producing draft report; discussing draft report with business partner; and receiving the response/preparing the final report.

In ten of the partnerships, two inspectors from the lead authority undertook the SMR. Across the partnerships, there was wide variation in the number of premises visited and no obvious correlation with the size or complexity of the business. In two instances the scheme was terminated. In the first case, this followed a change of Principal Officer that resulted in a change of attitude towards LAPS. In the second, the lead inspector left the LA before the report had been written.

Participants were asked whether any barriers were encountered during the course of the SMR. The majority of partnerships experienced no significant difficulties. However, some lead authorities had to overcome geographical constraints, conflicting work priorities, and lack of trust.

9.4.5.3 Resourcing for the SMR

Participants were asked for information about the time taken to complete the SMR process. The average time to produce a draft SMR report was 12 months, the range being from six to 24 months. On average, the response by the business took ten months. In 11 cases the business took positive action on recommendations, in one case no report was produced as the LA withdrew funding for the project, and in two cases the business did not respond. For the two businesses failing to respond, one was due to staff changes, the other saw the report as overly negative with the potential to create conflict within the business.

Recommendations contained in the SMR report ranged from less than ten in number to over 50. Differing levels of intervention were seen, from helping businesses to establish their health and safety systems through to fine-tuning in businesses where good standards of health and safety management were already in evidence.

9.4.5.4 Resources involved in carrying out the SMR

Participants were asked to provide details of resources used in carrying out the SMR. Most lead authorities were unclear as to the amount of staff time spent on the SMR; those who felt able to estimate the resource commitment offered figures ranging from seven weeks to six months, this averaged out at three inspector months. None of the business participants could estimate the staff time they had committed to the SMR process.

9.4.6 Partnership development and liaison

A series of questions were asked in relation to maintenance of the partnership, liaison, measurement of success, and future plans. Their responses are summarised below.

9.4.6.1 Staff changes

Table 9.21 shows that the partnerships participating in this study had been established for a number of years, most for between four and six years. Generally, there had been changes in the staff with primary responsibility for the scheme, both within the lead authority and the business. This had not caused difficulties, other than to slow progress with the SMR process. A number of participants commented that their partnerships had been proactive in identifying potential problems of such change and provided official ‘handovers’ to ensure continuity.

Table 9.21: Length of time partnership established

Years established	No. partnerships
1	1*
2	1
3	-
4	3
5	5
6	3
7	1

* Partnership dissolved

A matrix of participant comments on staff change is shown at Table 9.22 on page 199. One business participant, the health and safety manager of a fast food restaurant chain (B2), perceived staff change as positive in terms ‘new eyes’. The EHO from their partner London Borough (LB2) commented that staff changes “often relate to the priority decided by the council at that time” and that for someone fairly inexperienced in health and safety, this partnership was helpful in developing expertise.

Staff change had proven to be a positive benefit in the case of a national frozen food retailer (B390) where the safety manager responsible for LAPS was promoted to Company Secretary and, in the words of the lead officer of their Welsh Urban partner “remains strongly committed to the partnership”. One Urban and Industrial District identified “a personality clash with some of the staff of our partner, but no mention was made of this by the partner, a national retail chain, who simply commented: “the whole process took a long time to complete”.

Table 9.22: The impact of staff changes on the partnership

Question; items evidenced	Lead Authority participant comments	Comments of business participants
What staff changes took place, did any problems arise from this?	<i>Just slowed everything down, but that did not matter as there is always other work to do!</i> Asst. PEHO, Su139	<i>Changes caused lack of continuity and slowed the process down because some people more enthusiastic than others.</i> H&S Adviser, B73 (retail)
'Fresh eyes'. Training ground. Slowed things down. Lack of continuity. Partnership strengthened.	<i>The changes often relate to the priority decided by the council at that time. I'm fairly inexperienced in H&S and this partnership is helping me develop my expertise.</i> EHO, LB2 <i>Changes slowed everything down and some recommendations not implemented because of lack of resource.</i> EHO, MD 39 (PEHO, MD65) <i>There was a personality clash with some of the staff of our partner.</i> Asst. PEHO, U&I 97 <i>Person originally involved became Company Secretary CS) and remains strongly committed to the partnership.</i> HSW Manager, WU390	<i>These changes have had the advantage of "fresh eyes" considering an issue. The SMR report has been useful in bringing new LA officers up to speed.</i> H&S Manager, B2 (fast food) <i>Everything was delayed, probably took twice as long as planned.</i> Group H&S Manager, B39 (finance) <i>The whole process took a long time to complete.</i> H&S Manager, B97 (retail) <i>Partnership initiated by the present company secretary before I was recruited. The CS remains supportive so continuity has been maintained.</i> Group H&S Manager, B390 (retail)

9.4.6.2 Maintaining the partnership

Participants were asked if they had encountered any problems with maintaining the impetus of the partnership after completion of the SMR. No serious problems were identified, although some had encountered difficulties as a result of an overall reduction in LA staffing levels. Many participants identified a good working relationship between the people directly involved in the partnership as a key feature of maintaining the partnership. It was generally noted that the company representative usually initiated the contact with their lead authority after which the partnership tended to be 'one way' in favour of the company. In one partnership the lead officer now works for the business. This initially caused problems, the Chief EHO of the lead authority (Su156) being sufficiently concerned to write to LAU to suggest a "no poaching" clause be built into a generic partnership agreement.

Participants were asked to describe the practical ways in which their partnership was maintained. This was generally by means of update meetings. The responses are summarised at Table 9.23 on page 200.

Table 9.23: Maintaining contact with partner

Type of contact	No. of partnerships
Regular meetings	10
- Quarterly	5
- 3/year	3
- 6/year	2
Occasional meetings	3
To deal with contentious issues	2
New partnership – routine not established	1
Minutes taken	3
Combined with Home Authority	2
Additional phone contact	12

The subjects discussed during meetings and other contacts included:

- contact from other LAs on matters of national significance;
- implementation of the action plan;
- the formulation new policies and procedures;
- interpretation/implications of new legislation;
- help with specific H&S topics; and
- accident data.

9.4.6.3 Liaison with other LAs

All participants were asked about the amount and type of liaison with other LAs. From feedback at the update meetings with their lead authority, the business participants were generally aware that some liaison was occurring but they were unclear as to the detail or any trend in the amount of liaison. The lead authorities frequently kept a log of the number of queries which was generally low at around one or two contacts per month. One London Borough (LB2) reported a higher contact rate of 40 per year, this possibly being explained by their partner business being the largest fast food restaurant chain in the UK.

Some participants suggested the number of queries might be correlated to characteristics such as size of business, number of outlets, and risk rating of the work activity. Others suggested that some businesses were targeted because of their profile, image, or the perception of their activities. Participants made the following observations concerning the nature of the enquiries:

- generally reactive in nature, e.g. following an incident;
- provide helpful feedback on business activity; and
- often not issues of national significance;

A Welsh Urban Unitary (WU390), in partnership with a frozen food retailer for six years, commented that the number of enquiries had fallen off in recent times and that this “may be due to a tailing off of interest, but could be due to improved local management awareness at the various premises of the business, leading to fewer queries to the lead authority following EHO visits”. A Suburban District (Su156) observed that all the queries received had been redirected from its partner, a building society with outlets nationally.

A matrix of participant comments on liaison is shown at Table 9.24. The director of a residential care home group (B139) reported: “no real improvement in consistency – issues still come up”. The lead authority partner, a Suburban District (Su139), commented that there were a small number of queries with no apparent trends and that “many queries are not relevant – specific to local premises”. A Principal EHO from a London Borough (LB2) commented: “EHOs make contact because they think they have to rather than because it is necessary”. The Health and Safety Manager of their business partner reported an improvement in consistency in that “the majority of LAs will take notice of the advice provided by the Lead Authority”. Whilst the Group Health and Safety Adviser of a frozen food retailer (B360) reported “the amount of trivia raised by other LAs had reduced over the life of the partnership”, the view of the director of a national shoe retail chain (B97) that “consistency of enforcement has not improved” reflected that of businesses more generally.

Table 9.24: Liaison aspects of the partnership

Question; items evidenced	Lead Authority participant comments	Comments of business participants
Have you identified any particular trends in the type of liaison? (to both)	<i>With such a small number, no apparent trends. Many queries are not relevant – specific to local premises.</i> Asst. PEHO, Su 139	<i>No real improvement in consistency – issues still come up.</i> Director, B139 (care homes)
Has there been improvement in consistency of enforcement? (to business)	<i>Many contacts are related to accidents. Often queries are not policy related. EHOs make contact because they think they have to rather because it is necessary.</i> PEHO, LB2	<i>Improvement in consistency in that the majority of LAs will take notice of the advice provided by the Lead Authority.</i> H&S Manager, B2 (fast food) [SO, B44]
Local issues.	<i>Liaison is not working.</i> PEHO, U&I 73	<i>Still enormous variation in approach. Some LAs look at management issues, others hazard spot.</i> H&S Adviser, B73 (retail)
Variation in approach.	<i>Some common queries identified, e.g. stocktaking.</i> Asst. PEHO, U&I 97	<i>Consistency of enforcement has not improved. Visits vary from hazard spotting to in-depth inspections.</i> Director, B97 (retail)
Some trends.	<i>Risk assessment matters have come to the fore in recent times.</i> HSW Manager, WU 390	<i>The amount of trivia raised by other LAs has reduced over the life of the partnership.</i> H&S Adviser, B360 (retail)
Less trivia.		

9.4.6.4 Role of the business in ensuring liaison

The business participants were asked if they played a role in ensuring liaison between other LAs and the lead authority. The majority of business respondents said they would inform an EHO about the partnership when appropriate. Some business participants went further by promoting their partnership more actively e.g. all their letters to LAs carried the information.

9.4.6.5 Increasing the amount of liaison

Participants were asked if more liaison needed to be encouraged and were asked to provide suggestions as to how this might be done. Eleven of the businesses felt that more liaison needed to take place. The lead authority participants were less sure and more divided in their views. Six lead authorities felt that more liaison should be encouraged, five thought not, and two were unsure. Some were particularly conscious of the resource implications for their own LA. One participant (Su139) advised that the partner business refers many minor issues to the lead authority that could be easily resolved at the local level. Many of the lead authority participants who believed that liaison needed to be encouraged suggested increased publicity as an approach. Three participants felt that the requirements for liaison should be more explicitly expressed and that such guidance might be modelled on HAP with a link made to the Enforcement Concordat (Cabinet Office, 1998c). Those taking the opposite view felt that the amount of liaison was sufficient and more might create resource difficulties in the lead authorities.

9.4.6.6 Lead authority attitude to liaison

Lead authority participants were asked if their experience of running a partnership had influenced their own view of liaison. Six were very positive about liaison; three felt it had made no difference because the principle of partnership had been in existence for a long time. One partnership felt it could be seen as an extra hurdle in the enforcement process and therefore a hindrance. Two participants were negative about liaison, as they had not always received satisfactory information from the lead authority. Several participants mentioned keeping up to date on all the partnerships as being problematic. Some LAs ensured that LAPS business files were 'tagged' or had an office notice board that showed all the partnerships.

9.4.7 Performance of the partnership

9.4.7.1 Improvement in consistency of enforcement

The business participants were asked if consistency of enforcement had improved since their participation in the scheme. The results are shown at Table 9.25.

Table 9.25: Business views on improvement in consistency of enforcement

View	No. responses	Comments
No	5	• Still enormous enforcement variation ranging from management review to hazard spotting
Yes	3	• Most LAs take the advice of the lead authority, but some continue to ignore it. • The number of trivial queries has reduced.
Not sure	2	• No serious disputes or prosecutions recently
Too soon	1	• Not been in a partnership long enough

9.4.7.2 Improvements in the company health and safety management system

The business participants were asked to describe any improvements in their health and safety management systems resulting from their partnership. All agreed that improvements had taken place, these included:

- speedier implementation process;
- lever for funding;
- improved communication and company safety culture;
- improved policies and procedures; and
- integration with other aspects of risk management.

The narrative comments of the business participants on their health and safety systems are shown as a themed matrix at Table 9.26 on page 204. The Health and Safety Manager of a shoe retailer (B97) commented that: “many outputs have happened more quickly, if they had happened at all”. The Health and Safety Manager of a national bank (B39) considered that the process has speeded up outcomes. The Group Health and Safety Adviser of a department store (B360) considered that the lead authority “helped maintain high health and safety standards, particularly during hard times”. The Health and Safety Manager of a food store (B65) commented that: “LAPS has provided a leverage for funding”.

Other business participants report a variety of other favourable outcomes, including:

- heightened staff awareness of health and safety (B139);
- improved communication and safety culture (B44)

- improved health and safety management system through the SMR (B2)

Table 9.26: The health and safety management system of business partner

Questions; items emerging	Comments of business participants
Has there been improvement in your health and safety management system?	<i>Recommended actions carried out; heightened awareness of H&S in the staff.</i> Director, B139 (care homes)
How?	<i>The system has improved through the SMR.</i> H&S Manager, B2 (fast food) <i>The process has speeded up outcomes.</i> Group H&S Manager, B39 (finance)
Speeded outcomes.	<i>LA helped maintain high standards especially in hard times.</i> Group H&S Adviser, B360 (retail)
Maintain standards.	
Improved communications.	<i>Many outputs which have happened more quickly, if they had happened at all.</i> H&S Manager, B97 (retail)
Leverage for funding.	<i>Better overall management of H&S and integration with food/fire safety.</i> Group H&S Manager, B390 (retail) <i>Improved safety communication up the system; improved safety culture, ownership by managers; development of champions.</i> Safety Officer, B44 (builders merchant) <i>Indirectly because LAPS has provided leverage for funding.</i> H&S Manager, B65 (food retail)

9.4.7.3 Measuring performance of the partnership

The participants were asked about the importance of measuring performance and whether the partnership had undertaken any performance measurement. Table 9.27 shows the measurement arrangements suggested by participants.

Table 9.27: Possible performance measures for the scheme

Suggestion	Comment
Decline in accident incident rate or business discontinuity.	<ul style="list-style-type: none"> • Three indicated that this had happened, but could not link this directly with the LAPS intervention. • Two partnerships suggested this, but do not have sufficient data at present.
Based on achievement of outputs following recommendations in SMR.	<ul style="list-style-type: none"> • Five partnerships suggested this - could be achieved by a follow-up audit.
Reduction in insurance premium*.	<ul style="list-style-type: none"> • This had actually occurred in one case.
Lead Authority activity.	<ul style="list-style-type: none"> • Gut feeling from inspection. • Questionnaire to LAs to assess the service provided by the lead authority. • No. enforcement actions. • Not worth effort; low key activity.

* conflicting view expressed at REHIS meeting of 18 April 2002 when ScRu377 explained that their insurers would increase their premium by £3000 per annum should they decide to become lead authority for a national retail chemist.

Nine of the LAs and eight of the businesses considered it important to measure performance. Participants offered a number of suggestions as to possible measures but none had attempted to implement performance indicators in respect of their own partnership. Some participants suggested that such performance measurement was not of practical importance at individual partnership level. The lead authorities were asked for their views about taking on further partnerships. Five participants were in favour although this was usually qualified, three were not keen on further partnerships and two were uncertain.

9.4.8 Benefits and barriers to partnership

9.4.8.1 Benefits to the partnership

The participants were asked to identify any benefits that they had identified as a result of working together. A quantitative breakdown of comments from the business participants is shown at Table 9.28.

Table 9.28: Business comments on benefit from partnership

Comments	No of responses
Increased understanding of how the partner operates	3
Useful source of information	2
Improved safety culture	2
Personal development for the health and safety professional	2
No additional benefits identified	1
Cascade of partnership principle to contractors	1
Job of health and safety professional is made easier	1

Narrative comments from lead authority and business participants on the benefits from partnership are shown as a themed matrix at Table 9.29 on page 206. All lead authority participants identified benefits at a personal level. They saw involvement in LAPS as an enriching experience for the inspectors involved; individuals developed an understanding of how large businesses operate and the constraints upon them. There were additional transferable skills that could be used in other aspects of their work, e.g. benchmarking and work with other large businesses.

Table 9.29: Benefits from the partnership

Questions; items emerging	Lead Authority participant comments	business participant comments
Have you identified any other benefits from the partnership?	<i>Benefited at a personal level by the increased skills and improved business awareness.</i> Asst. PEHO, Su139 (EHO, MD 39)	<i>Increased understanding by company staff of how LAs operate and vice versa.</i> Group H&S Manager, B39 (finance)
Personal development.		
Improved understanding of business/LA partner.	<i>Officers involved gained an appreciation of what health and safety standards can be achieved in an organisation. Other LAs benefit because there is a centre of knowledge that they can call upon.</i> PEHO, LB2	<i>Very useful to understand how local authorities and the pressures they face. Helped in the way we deal with them.</i> H&S Manager, B2 (fast food)
Improved safety culture.	<i>Has been a personal benefit as I've learnt about the workings of a large organisation.</i> PEHO, U&I 73 (Public Health Manager, Su 156)	<i>Personal learning and development of health and safety expertise.</i> H&S officer, B44 (builders merchant)
	<i>The process is an enriching experience for the officers involved and it provides them with additional skills that can be used in other aspects of their work.</i> Asst. PEHO, U&I 97 (PEHO, MD65; H H&S, ScU360; TL H&S U&I 117)	<i>Increased awareness and improvement in safety culture.</i> H&S Manager B97 (retail)
		<i>The LA develops understanding of how big business operates and vice versa.</i> Group H&S Adviser, B360 (retail)
Have you identified any other benefits from the partnership?	<i>Inspection is not the most effective method of enforcement. Other activities, including SMR are more useful.</i> H&S Manager, MD44	<i>A source of information.</i> H&S Manager, B390 (retail)
Health and safety awareness.		
Intermediary function.	<i>It has raised general awareness of H&S in the company.</i> PEHO, Su245	<i>A focus for company awareness of the need for good H&S management.</i> MD, B245
Focus.	<i>Development of the "commercial" imperative.</i> EHO, MD37	<i>The partnership principle has been cascaded down to contractors.</i> H&S Manager, B65 (food retail)

9.4.8.2 Barriers to partnership

Narrative comments from lead authority and business participants concerning barriers to partnership are shown as a themed matrix at Table 9.30 on page 207. The majority of participants did not consider there to be significant difficulties or barriers to partnership working. In the main, the difficulties identified related to the priority given to food safety work, finite LA resources, and the geographical distances that need to be covered by the lead authority.

Table 9.30: Barriers to participation in LAPS

Question; items emerging	Lead Authority participant comments	business participant comments
Did you encounter any barriers during the SMR?	<i>The main problem is allocating time to the work as it was fitted in with routine activities.</i> Asst. PEHO, Su139	<i>No, it was easy administratively.</i> Director, B139 (care homes)
Food safety.	<i>Food hygiene is the priority – driven by local politics.</i> PEHO, LB2	<i>No, very much a joint experience. Consultation is the key.</i> H&S Manager, B2 (fast food)
Extra work.		<i>No – distance has not caused a problem.</i> Group H&S Adviser, B360 (retail)
Distance.	<i>Has been some minor friction since the SMR with the company being sensitive to points raised by EHOs visiting their premises. Head of H&S, ScU 360</i> <i>Distance is a problem.</i> Asst. PEHO, U&I 97	<i>No barriers identified.</i> H&S Manager, B97 (retail)
	<i>No, due to strong commitment on both sides. HSW Manager, WU390</i> <i>The recommendations were contrary to company expectations and so they would not support – taken as a personal criticism.</i> PEHO, MD65	<i>No – however the support from the MD was crucial.</i> SO, B44(builder merchant) <i>PEHO not allowed to interview particular Danish manager, this may have caused some ill feeling.</i> H&S Manager, B65 (food retail)

9.4.9 Views on viability of the flexible scheme

Participants were asked about their knowledge and views of the flexible partnerships (FPs) and trade partnerships (TPs) launched in 1999. Nine of the lead authorities and five of the businesses had heard of one or both the newer schemes. In all these cases the participants were vague on the detail. Only one participant, from a lead authority, had read the HELA circular 44/31 (HELA, 1999d) that announced the scheme in July 1999. Whilst most participants were unaware of the TP approach, a number were attracted by the concept when it was described, and potential partnerships were suggested for distribution, supermarkets, builders merchants, residential care homes, and banks/building societies.

9.4.9.1 Extent to which ‘Flexible’ can achieve same goals as ‘SMR based’ partnership

Participants were asked whether the FPs could achieve the same goals as those based on the SMR approach. The range of responses was broad, no obvious difference between the lead authority and business participants being apparent. Six participants could see no problems with the flexible approach; two lead authorities commented that their own SMRs had not been useful. Some concerns were expressed about the potential lack of consistency, or lack of lead authority credibility due to possible insufficient briefing. Two business participants believed that an effective partnership could only arise from a full and formal SMR.

Several participants acknowledged that although a good understanding of the business's management structure and safety management system was essential, the degree of investigation needed would depend on the particular circumstances. These included the type of business, quality of health and safety management system, and the particular partnership and partners.

9.4.9.2 Information required for an LA to become a Lead Authority

The participants were asked what activities and information would be necessary to provide the basis for an LA to act as a lead authority. There was general agreement across the lead authority participants that a 'scaled down' SMR was required. Most businesses shared the lead authority view, some participants identified key elements such as looking at the business's structure and policies and meetings with key players.

9.4.9.3 The benefits and difficulties of the Flexible approach

The participants were asked to consider the possible benefits and difficulties with a more flexible approach. A number of reservations were expressed, but advantages were also highlighted. Seven lead authority participants and four business participants were attracted by the simplicity and the reduced resource demands. Two lead authority participants said they would find it difficult to attempt a full SMR given their current reduced staffing levels. Two lead authority participants believed that the approach could be used with SMEs. One business participant (B390) thought that it could be appropriate for larger low risk situations. The suggestion was made that businesses should be prepared to pay lead authority staff costs.

Table 9.31 on page 209 shows the consolidated narrative responses of lead authority and business participants on benefits as a themed matrix. Table 9.32 on page 209 shows the consolidated narrative responses of lead authority and business participants on difficulties as a themed matrix.

Table 9.31: The benefits of the flexible approach

Question; items evidenced	Lead Authority participant comments	business participant comments
Can you describe the benefits of the flexible approach (compared with the SMR)?	<i>Being less prescriptive is good and bad.</i> Asst. PEHO, Su139	<i>More relaxed; not do much time and energy required.</i> Director, B139 (care homes)
Less prescriptive.	<i>Similar benefits to those described for the SMR.</i> PEHO, LB2	<i>Big time investment removed; almost immediate return on small investment of time.</i> H&S Manager, B2 (fast food)
Less resources	<i>May save other LAs time.</i> EHO, MD39	<i>Prestige – fits in with Government strategy of partnership.</i> Group H&S Manager, B39 (finance)
Saves time.	<i>Easier to set up; less resources needed.</i> Head of H&S, ScU 360 (Asst. PEHO, U&I 97)	<i>Cost is so small that companies should pay.</i> Group H&S Adviser, B360 (retail)
Simpler.	<i>Possible reduced resource implications.</i> HSW Manager, WU390	<i>Full SMR might not be necessary for some low risk companies.</i> Group H&S Manager, B390 (retail)
Relaxed.	<i>Reduced resource requirements.</i> <i>Simpler approach might allow SMEs to be involved in partnership.</i> Team Leader H&S U&I117	<i>Potentially simpler and requiring fewer resources.</i> Reg. Sppt. Mgr, B117 (retail chemist)
Prestige.	<i>Less resources required.</i> PEHO, MD65	<i>Feel we operate a flexible partnership already and it is very successful.</i> H&S Manager, B65 (food retail)

Table 9.32: Difficulties with the flexible approach

Question; items evidenced	Lead Authority participant comments	business participant comments
What do you think are the difficulties with the flexible approach (compared with SMR)?	<i>A partnership with no structure will be devalued from the beginning. In liaison, Lead Authority might not be able to supply correct answer.</i> Asst. PEHO, Su139	<i>Possible loss of impetus. Lead Authority might give poor advice if it does not know about company.</i> Director, B139 (care homes)
Credibility.	<i>Resources will still be an issue. Potential problem with credibility.</i> PEHO, LB2	<i>Partnership may be difficult for company without H&S structure.</i> H&S Manager, B2 (fast food)
Depth of knowledge.	<i>Not an expert, more an intermediary.</i> EHO, MD39	<i>Cost, particularly for smaller organisations.</i> Gp H&S Manager, B39 (finance)
Resources.	<i>Lack of depth of knowledge.</i> Head of H&S, ScU360	<i>Could drag on. Open to abuse.</i> Gp H&S Adviser, B360 (retail)
Structure.	<i>SMR important in influencing the company.</i> Asst. PEHO, U&I97	<i>If cost is a difficulty then company should pay.</i> H&S Manager, B97 (retail)
Influence	<i>Getting through company self image to find out what is really happening would be difficult without SMR.</i> HSW Manager, WU390	<i>Making recommendations based on insufficient information may be a risk.</i> Gp H&S Manager, B390 (retail)
	<i>No difficulties; credibility issue is irrelevant; Lead Authority is mentor without power.</i> H&S Mgr., MD44	<i>Will not do the job.</i> Safety Officer B44 (builder merchant)

9.4.9.4 Boundaries to be defined for the partnership

The problem of setting boundaries for partnerships was discussed with the participants. The approach adopted by business was a relaxed one. Six business participants did not foresee any significant problems with boundaries; three participants identified some potential problems that could arise if formal enforcement action was initiated. Other possible difficulties offered by participants related to requests made to the lead authority for character references, or that senior staff of a partner business might expect a degree of protection against enforcement. The lead authority participants expressed concern about the partnership becoming too 'cosy', being drawn into court proceedings, or being asked to offer a character reference or a defense submission in court. In the event, when any of the above issues had arisen within the full SMR partnership they had been dealt with in an amicable fashion and on the basis of the trust developed between the partners. Participants felt this would also be true of the flexible partnerships.

9.5 Summary of findings

This chapter has described three studies into the operation of the established full SMR partnerships. The main findings from each study are summarised below.

The questionnaire survey of Lead Authorities

- 80% of lead authorities spend less than 1 hour/week on enquiries from other LAs;
- risk assessment is the issue most commonly raised by other LAs;
- 80% of lead authorities consider their partnership to be successful and worthwhile;
- a good working relationship is seen as essential for successful partnership;
- greater participation of other LAs is needed;
- most lead authorities believe the company gets more from LAPS than the LA;
- some lead authorities feel LAPS targets the wrong companies and needs redirecting;
- some lead authorities feel time spent on LAPS is not repaid by the benefits; and
- LAPS is seen as giving inspectors an excellent insight into the operation of a national company, and as a good learning experience for both parties.

The review of LAE1 annual returns from LAs

- the profile of food safety, with clearly stated inspection targets, results in LAs devoting resources to food safety at the expense of health and safety enforcement;

- the general level of LA activity on LAPS and other project work is low;
- LAs give priority to traditional inspection approaches when resources are limited; and
- LAPS is seen as additional rather than integral to an LA's enforcement function.

The in-depth review of SMR partnerships

- two thirds of partner businesses identify improved consistency of enforcement as their reason for participating;
- many LAs joined LAPS simply because it was being heavily promoted at the time and seen as a valid concept to try out;
- few of the lead authorities and none of the businesses could say how much staff time had been spent on LAPS;
- many participants identified a good working relationship between the people directly involved in the partnership as key to maintaining the partnership;
- few business participants felt consistency of enforcement had improved since participating in LAPS;
- all business participants agreed that their H&S management systems had improved since participating in LAPS;
- at the outset, both LAs and businesses considered it important to measure performance, but none subsequently undertook this in any structured fashion;
- all lead authority participants identified benefits from LAPS at a personal level, with inspectors developing a better understanding of how large businesses operate and the constraints upon them;
- the majority of participants did not consider there to be significant difficulties or barriers to partnership working; and
- there was general agreement across the lead authority and business participants that a 'scaled down' SMR was required, most being attracted by the simplicity and the reduced resource demands of the "flexible approach".

These studies build on the picture of lead authority activity provided by the earlier studies covered in Chapter 8. The next chapter provides a detailed description of the development and testing of the new flexible LAPS approach.

CHAPTER TEN

Flexible partnerships

“It is a wise father that knows his child.”

The Merchant of Venice, William Shakespeare (1582)

10.1 Background and project rationale

The established Lead Authority scheme imposed a mandatory requirement upon a lead authority to carry out an SMR of their partner business. HELA believed that, through the SMR, the lead authority could gain an in-depth understanding of the health and safety policies, systems and procedures of that business. The lead authority could then use this knowledge in an informed liaison role with other LAs acting as enforcing authorities.

I was a member the HELA working group convened to consider the 1996 BPRI evaluation of the scheme described at Chapter 8 (Study 1, Project 2). In essence, the working group recommended that LAPS be refocused to address the key issues reported by BPRI. These issues were seen to be: perceived high cost of participation, limited liaison by other LAs, and disappointing take-up of the lead authority role by LAs in general.

10.2 Methodology

I was asked to refocus the scheme and decided that this would best be progressed as a three stage project.

Stage 1 was the development and publicising of the refocused approach, and the establishment of new partnerships willing to test it. Eighteen pilot partnerships were established and each of these fell into one of two broad types, namely, the ‘flexible partnership’ (FP) or the ‘trade partnership’ (TP). A specific subset of the FP was also developed, namely, the ‘petroleum partnership’ (PP).

Stage 2 was a benchmark evaluation study involving ten of the eighteen new approach partnerships. This study was based upon interviews with the key staff, the lead officers, of each of the participating lead authorities and businesses. The ten partnerships involved in this benchmark study comprised seven FPs between LAs and multiple outlet businesses, two

TPs between LAs and trade associations, and one PP between a petroleum licensing authority (PLA) and a multiple outlet retail petrol sales business. As the title *benchmark* suggests, this study aimed *at the outset* of these partnerships to establish individual attitudes and expectations concerning the partnership, and the practicality of the approach.

Stage 3 was a study of the actual experiences and outcomes within the ten participating partnerships after approximately 12 months of operation. It was believed that the findings at *follow-up* could usefully be compared with the expectations and views expressed at benchmark (Stage 2), that is to say, at or shortly after the partnerships had been formed.

I now describe the processes involved in progressing each of the three stages outlined above and the rationale behind each stage.

10.2.1 Stage 1 – Developing the new approach

I assumed the chair of the HELA working group upon joining LAU in December 1996. Membership of the working group comprised:

- Head of Branch, LAU (myself);
- HELA member from a Metropolitan responsible for two LAPS partnerships;
- three EHOs (lead inspectors) from lead authorities;
- five safety professionals (lead officers) from LAPS business partners

The HELA Working Group met on two occasions, 18 November 1996 and 15 January 1997. The terms of reference for the group were:

- to consider the research which reviewed LAPS;
- to make recommendations for the future development of the scheme; and
- to report back to the next HELA meeting.

The working methods of the group were:

- an initial meeting to discuss proposals;
- clearance of most work by correspondence; and
- a final meeting to prepare feedback to HELA.

I reported the main findings of the working group in a paper to the HELA meeting of 26 February 1997 (Allan & Hammond, 1997a) and presented a progress report to the HELA meeting of 5 November 1997 (Allan & Hammond, 1997b). Between July 1997 and April 1999 I worked with two successive seconded EHOs to develop the new flexible LAPS arrangements (Sumner & Hammond, 1999). Whilst not reported in detail as part of this study, the development of the new approach involved a substantial time commitment on the part of both the seconded EHOs and me. Much of this time was spent “telling and selling” the new approach. This was achieved by drafting suitable articles for the *LAU Newsletter* and through scripted seminars and road shows - primarily to LAs, but also to business groupings such as the BRC. One of these seminars, to the Suffolk Environmental Health Group in November 1998 proved particularly significant in terms of my future approach to data collection. It was here, as a result of feedback during an open forum session, I established that asking participants to offer their views of the scheme “in a sentence” had potential as a neat but powerful tool for capturing an individual’s overall perception of the scheme. As a result, the request to participants to “summarise your views of LAPS in one short sentence” has been included in this study and two other studies (the questionnaire survey of LAPS partners and the evaluation of full SMR Partnerships), both described in the previous chapter.

HELA circular 41/31 *Developments in the Lead Authority Partnership principle* (HELA, 1999d) was the outcome of a research team approach, that is to say close joint working between the author and a seconded Principal EHO, informed by feedback from the various seminars and workshops they led. This circular describes the proposed new approach in detail, an approach that was agreed by the HELA committee following the presentation of papers to them at successive meetings in June and November 1998 (Sumner & Hammond, 1998a, 1998b).

In essence, the FP required no more than that the lead authority be familiar with their partner company’s policies and procedures for health and safety management. The lead authority was free to commence its liaison role with other LAs at a time that best suited that particular partnership. I oversaw the development of HELA circular 41/31, including the model agreement describing the ways in which this could be achieved. There was no longer an explicit requirement to carry out a formal SMR.

My intention in developing the PP was to test the flexible partnership concept beyond the confines of the health and safety enforcement world of LA Environmental Health Departments. Petroleum dispensing is predominantly enforced by the PLAs, as well as by some LA Trading Standards Departments. Three PPs were established, each one being with a PLA. The Petroleum Consolidation Act 1928 and related legislation enforced by PLAs are not relevant statutory provisions under the HSW Act. Thus, the PLAs are not bound by the HSC's mandatory guidance issued under section 18 of the HSW Act (HSC, 2001b). I therefore considered that testing the new partnership approach with PLAs offered a valid opportunity for assessing the application of the concept more widely. The TP arrangements were established to address the issue of under representation of small businesses and provided the participating trade association with the benefit of lead authority advice and assistance on a range of health and safety related issues.

10.2.2 Stage 2 – Benchmark evaluation study

As was the case for the study of full SMR partnerships, researchers from Loughborough University conducted the interviews for this study. The reasons for this approach, i.e. demonstrable independence, and the benefits accruing have been previously discussed in Chapter 9 (at page 192).

The Stage 2 work commenced in April 1999, the ten pilot partnerships having been established over the preceding three-month period. By the time of first interview on 15 July 1999 these partnerships had already begun to define their own framework for action and several had taken some practical steps toward making further progress. Each of the partnerships was at an early, albeit subtly different, stage of development. This Stage 2 work was characterised by three phases, these being detailed:

- (a) construction of semi-structured questionnaires appropriate to the three partnership groupings, namely, the lead authorities, businesses and trade associations; and
- (b) identification, engagement, and interview of key personnel within each of the participating partnerships; and
- (c) analysis and structuring of data collected at benchmark for later comparison with matched data from the follow up study.

It was agreed that the outputs from this benchmark study undertaken by the researchers would include records of interviews with key staff from participating organisations and lead authorities so as to provide the source material for my further analysis.

(a) Construction of questionnaires

Three separate but related questionnaires, one for each partnership grouping, were constructed by means of an iterative cycle involving the researchers, the Principal EHO, and myself. These questionnaires were developed for use by the researchers as an interview guide rather than as a strict protocol. The question sets covered the following broad topics:

- a) demographic information;
- b) knowledge of, and participation in, other types of partnership;
- c) specifics about the particular partnership;
- d) liaison issues;
- e) health and safety performance; and
- f) measurement of success.

The iterative cycle commenced with me, in consultation with the Principal EHO, developing a tender specification for this work. Some broad areas of questioning were developed through discussion with two LA inspectors who had previously acted as lead inspectors within full SMR partnerships. At the initial discussion meeting with the research team, both general and specific areas of enquiry were outlined, from which the more detailed question sets were developed. I used these question sets for use as an interview guide against key personnel involved in three of the eight flexible partnerships not featuring in this part of the study. This pilot of the question sets showed that they seemed to work well in meeting their objective of revealing and exploring the perceptions, views and endeavours of the key personnel. This finding, along with minor comment, was relayed back to the researchers before the first of the interviews was undertaken. The iterative process reduced the differences between the interview guides for the business participants from flexible and trade partnerships, resulting in a single interview guide for both. Interview guides for the LA and business groups are shown at Appendix 6 on page 369.

(b) Identification of key personnel and conduct of the interviews

The Principal EHO and I had, between us, been actively involved in brokering all eighteen of the new approach partnerships. In each case, the process of initiating the partnership brought me into close discussion with the lead officer for the participating LAs and for many of the businesses. Thus, I was able to provide the research team access to the key personnel of the partner organisations. A letter from LAU (dated 6 July 1999) informed potential interviewees of the research and that they might be invited to participate. All of those invited to participate agreed to do so. Table 10.1 lists the participating partnerships.

Table 10.1: The participating flexible partnerships

LA Code	Lead Authority	Business Code	Business Partner
Su144	Suburban District	B144	Hospitality (pubs)
MD46	Metropolitan City	B46	Discount Retailer
PLA1	Petroleum Licensing Authority	B1	Petrol stations
U&I108	Urban & Industrial Unitary	B108	Department Stores
Su196	Suburban Unitary	B196	Discount Catalogue Retailer
Su224/226	Suburban Boroughs*	B226	Hospitality (pubs)
U&I130	Urban & Industrial Unitary	B130	Leisure (fitness clubs)
U&I133	Urban & Industrial Unitary	B133	Car and Cycle Accessories
MD35	Metropolitan City	B35	Trade Association
MD69	Metropolitan Borough	B69	Trade Association

*B226 stated out in partnership with Su224 but formed new partnership with Su226 during life of the study

The semi-structured interviews were carried out with lead officers, the key informants, from each partnership. The purpose of the study was explained at the outset of the interview and appropriate assurances regarding confidentiality were given. In all cases these key informants confirmed that they were pleased to participate. The key informants, who henceforth are referred to as participants, comprised the safety professional from the business, and the lead LA inspector or petroleum officer. All interviews took place on a face-to-face basis, between 15 July and 15 September 1999. To reinforce my earlier independent piloting, the researchers piloted the interview guide against the first four interviews, making a number of minor amendments. Participants were interviewed at their workplace, either in their own office or in a suitable meeting room. With one exception (Su196), the lead authority participants were interviewed separately from the business participants. Whilst there was some individual variation in the length of the interview, depending on the degree of interaction or verbosity, the typical interview duration was around two hours. The researchers made transcript notes at the time of each interview. Tape recording of interviews was not used in this study.

(c) Data analysis

I had intended that the demographic data collected at the outset of each interview would be used to measure the categories of LAs and businesses signing up for the new approach partnerships. In the event, this information was used primarily to inform and cross validate the construction of LAU's lead authority database and is therefore not reported in detail. Aside from the above, all data collected in this Stage 2 (benchmark) study was qualitative in nature, as was the data collected from the subsequent Stage 3 (follow-up) study.

The material transcribed at interview was reduced first by the researchers (Walker & Tait, 2000b), and again, separately by me through a mix of executive content analysis and editing. My second reduction was a painstaking and extremely time-consuming process. In this way, categories of response were iterated to build themes and patterns of response from the empirical materials. A process of peer review was applied throughout this analysis phase. I carefully reviewed the findings of the researchers against the transcribed records of interviews and applied my own detailed study of these transcribed records to further explore individual perceptions of the key informants. This further in depth analysis served to confirm and build upon the researchers' initial findings and ensure that no significant features or trends had been overlooked.

10.2.3 Stage 3 – follow up study after twelve months.

The Stage 3 work commenced in May 2000. The aim being to determine the extent to which expectations had been realised, perceptions had changed, practical steps had been taken, and success had been measured. This Stage 3 work was also intended to identify any new issues and aspects that had become apparent to the participants after approximately twelve months of partnership operation.

Stage 3 was characterised by four phases, these being detailed at (a) to (d) below:

- (a) construction of semi-structured questionnaires appropriate to two the groups namely, the lead authorities and the businesses;
- (b) follow-up interview with LA and business participants from each pilot partnership;
- (c) analysis and structuring of data collected at follow-up and comparison with earlier matched data from the benchmark study; and
- (d) the construction of tables and matrices to build and provide a clear representation of the findings from this study.

(a) Construction of questionnaires

Experience of the earlier benchmark study enabled us to determine that the construction of two questionnaires was appropriate, the TPs being covered by a single questionnaire for business participants. As for Stage 2, these questionnaires were developed for use as an interview guide allowing the interviewer to gently steer and probe rather than direct the interview. Each interview explored the current position with the partnership and focusing particularly on liaison, enforcement consistency, and health and safety performance. The interviews revisited a number of key topics covered at benchmark, namely: aims, benefits, barriers, resources, and measures of success. Issues and themes that had emerged at the benchmark stage were pursued and developed. The follow-up study included questions on the role of LAU, which were introduced to inform LAU operational policy and resource decisions rather than to specifically take forward my study. The question set relating to the role of LAU was in each case asked at the conclusion of the interview to avoid introducing bias.

(b) Conducting the interviews

As at benchmark, the semi-structured interviews were carried out with the lead officers in the LAs and businesses with primary responsibility for the day-to-day operation of the partnership. In all bar three cases, the same people were interviewed at benchmark and follow-up. Of the three interviews that took place with different people, two were from the lead authority (Su226; MD35), and one from the business partner (B108). For the topics revisited from the benchmark study, the researchers made reference to points and themes covered by the participant in the earlier interview.

I independently tested key question sets of the questionnaires with the lead officers of two lead authorities and one business from FPs outside of the population of ten pilot partnerships. This testing indicated that the question sets had the potential to meet their objective of exploring the issues relating to the realisation of expectations and the measurement of success. The researchers piloted the questionnaires against the first two interviews and, as a result, removed a small number of the prompt questions.

With one exception (Su196), all the interviews with lead authority inspectors were conducted separately from their business counterparts. The majority of interviews were

conducted at the offices of the lead authority or business partner, but a number were made by phone due to constraints of time, geography or availability. At the time of arranging the interviews, the participant was asked to consider the resources expended on the partnership; this was done to ensure that any that lack of estimate of resources spent was not simply a reflection of the information not being to hand at interview. The interview guide containing the question sets was not provided in advance of interview unless specifically requested by the participant. The interview guides for the two groups are shown at Appendix 6 on page 369.

(c) Analysis and structuring of data collected

The data analysis process adopted was as described for stage 2 (at section 10.2.2 on page 207). The material transcribed at interview was reduced first by the researchers through a mix of executive content analysis and editing. I separately repeated this procedure using the empirical materials available, overlaying his work upon that of the researchers (Walker & Tait, 2001) to provide for a thematic analysis of the issues raised by participants. Again, this process of reduction and iteration by me was a resource intensive process.

(d) The construction of tables and matrices

I drew particularly upon the advice of Miles & Huberman (1994) when deciding the display of data that best makes for the drawing of conclusions. He assembled, compressed, and organised the information from this study into a series of tables and matrices with the intention of providing a clear narrative representation of what was happening in these pilot partnerships. The majority of data are separately presented as the lead authority view and the business view; for some a consolidated response is presented. The findings from the benchmark and follow-up study are shown against the headings

- Prior experience of partnership working
- Partnership development
- Aims, benefits, barriers
- Measuring Performance
- Viability

10.3 Results

The findings and results from the benchmark study and from the follow up study are shown under the following headings.

Prior experience of partnership working

- experience of other partnerships
- experience of previous LAP scheme

Partnership development

- status of the pilot partnerships
- practical steps taken by the pilot partnerships

Aims, benefits, barriers

- aims of the partnership
- benefits of participating
- barriers to success

Measuring Performance

- health and safety performance
- liaison with other LAs

Viability

- viability of the scheme
- LAPS in a sentence

The majority of data are presented to separately provide the lead authority perspective and the business perspective. For some a consolidated response is presented, e.g. for 'Practical steps taken by the pilot partnerships'. For all responses, comments and vignettes are included within the narrative or as matrices where these are seen to help build a picture of the views and perceptions within the lead authorities and businesses. I considered that such an approach would provide an insight as to how perceptions may have developed.

10.3.1 Prior experience of partnership working

At benchmark, all participants were asked to describe their experience of other partnerships.

10.3.1.1 Experience of other partnerships

Lead Authorities

Table 10.2 summarises the responses of lead authority participants. Seven of the ten lead authorities were already participating as home authorities for food safety within HAP. One Metropolitan Borough (MD69) was running six of these partnerships. For the smaller LAs, the participants interviewed indicated that the same inspectors tended to be involved in both HAP and LAPS. For the larger authorities, the individuals interviewed were not directly involved in HAP and were not conversant with the details of such partnerships.

Table 10.2: Lead Authority experiences of other partnerships

Partnership type	No. of enforcers
Home Authority - Food	7
Home Authority - Trading Standards	3
Unofficial H&S partnerships	3
None	1

Three of the LAs had developed unofficial health and safety partnerships that they considered to be similar in principle to flexible and trade association partnerships. A number of the LA participants interviewed described their collaboration with other agencies and enforcement bodies in partnership terms.

There was a general perception that these other partnership schemes were successful, although none of those interviewed was aware of any measurements applied to verify this. The view of a senior EHO, who had direct experience of HAP, was that the partnership was: “considered successful but has never been measured” (Su144). A similar comment was expressed by an EHO who had no direct experience of HAP, that is, the partnership was: “perceived to be successful but never measured” (U&I108). This same participant also commented: “some companies try to ‘hide behind’ the home authority”. Likewise, another EHO without direct experience of HAP felt that “Food and Trading Standards partnerships are considered successful, but not necessarily measured” (Su196). A senior EHO responsible for six home authority schemes advised that these “have worked and we feel that real improvements have been achieved; no formal monitoring however” (MD69). A senior EHO directly responsible for two HAP schemes described how meetings were held every 3-6 months to discuss any points that had arisen. All complaints received and formal

enforcement actions taken were monitored. He commented “they were pleased with them but realise that reductions observed could be due to other causes” (Su224).

Businesses

Table 10.3 summarises the responses of business participants. Five of the retail businesses were involved in Trading Standards partnerships relating to the sale of goods. Food preparation was a core activity in just two of the participating businesses. Two participants indicated that where a business is expanding, with the development of new premises, partnerships with planning authorities were attractive.

Table 10.3: Business experiences of other partnerships

Partnership	No. of responses
Home Authority: Trading Standards	5
Home Authority: Food	1
Home Authority: Planning (building and fire)	2

Those interviewed who expressed a view considered that these other partnerships were successful but none could provide any definitive measurement of this beyond the fact that the partnerships continued to operate. Of the two planning authority partnerships identified, one was a commercial arrangement where the LA was providing a paid professional service to a multiple outlet business. The H&S Adviser of this same business (B133), a car and cycle accessory retailer, also described a home authority arrangement for Trading Standards where goods were put through quality and technical checks by the Home Authority who then acted as a focus for product information.

The Group H&S Adviser of a Catalogue Retailer (B196) felt their partnership with Trading Standards had worked well and described the partnership as “important in product withdrawal; perceived as successful, the partners meeting on a regular basis”. The Audit Director of a Discount Retailer (B46) described their home authority partnership for product safety as having been very successful, but that this had never been measured. He considered that “fundamentally, the success is based on the trust that develops between the key people involved”.

Three of the participating organisations, a regional pub chain (B144), a national petrol retailer (B1), and a trade association for leisure sport (B35), had each progressed their new approach LAPS partnership from an earlier informal partnership with their enforcing

authority. In the case of the PP, an informal and close working relationship had developed following the investigation by the PLA of two serious incidents that occurred at the company's petrol filling stations a couple of years previous. The HS&E Manager of the petroleum retailer (B1), when considering their partnerships with the PLA and Trading Standards, commented: "Yes, they are successful in that positive actions have happened".

The general feeling was that experience of these various types of partnership created a positive attitude towards partnership working and the opportunities these brought, especially where the arrangements were flexible. The Group H&S Manager for a national brewery and pub chain (B224/226) who had experienced partnership working both as an LA inspector and, more recently, as a safety manager for a national off-license chain commented "the health and safety manager is bound to benefit – a successful partnership can strengthen the role and value of this individual within the organisation". From his experience as an inspector, this same participant concluded that partnership working was very valuable to the LA because "it provides an insight into business pressures and the strategic challenges that face organisations - individual officers gain a lot.

10.3.1.2 Experience of previous LAP scheme

At benchmark the participants were asked to describe their experiences of earlier LAP schemes. Their responses are summarised below.

Lead Authorities

With the exception of a Senior Petroleum Officer (PLA1), all the inspectors interviewed had views on the earlier LAP scheme. Three of the participating LAs (MD35, MD46, and Su196) already had existing partnerships based on the SMR approach. Inspectors from these LAs felt that the partnerships had been successful in varying degrees and had brought benefits to the LA; all considered that involvement in the full SMR approach had been a resource intensive activity. The senior EHO from a Suburban District (Su144) had, with a previous LA, been keen to set up such a partnership. He had tried to do so with a distribution company and with a bakery chain but in each case "the potential partnership never got off the ground". The senior EHO of a Metropolitan Borough (MD69), when speaking of her involvement in a partnership where she considered great improvements had been achieved, felt that "it has been costly in terms of time".

The other inspectors interviewed had formed their opinions indirectly, typically “through attendance at seminars or ‘by word of mouth’ from colleagues”. There was a general perception across the inspectors interviewed that LAPS was “too resource intensive and too complicated” and that it needed “watering down”. Those forming their opinions indirectly had heard that the original scheme was “very onerous or seemed very resource intensive, particularly the compulsory training followed by staff out of the office for a long time whilst carrying out the audit” (U&I108). One inspector from a Metropolitan City (MD46) commented that he “had heard that [MD37] spent six man months on an earlier one [LAPS]”. An inspector from an Urban & Industrial Unitary (U&I133) had formed the view that “companies used partnership to avoid enforcement or that there was a special deal between the partners”, “speak to our lead authority” was typically the kind of remark that made him think this.

Businesses

Details of the earlier LAPS were less well known by the key personnel interviewed from the businesses and trade associations than was the case for the lead authorities. The participants from two of the businesses and from both trade associations had no knowledge of the earlier scheme. Five of the remaining participants had experience from previous jobs; four of these being company safety professionals who had previously been employed as EHOs. The H&S Adviser of a car and cycle accessory retailer (B133) had been involved in the full SMR partnership of the parent company, a high street retail chemist (B117).

Two participants felt that the LAPS was successful, but the majority had formed a view akin to that expressed by the Group H&S Adviser of a discount catalogue retailer (B196) who had learnt of the scheme from the BRC and from talking to colleagues formed the view that “LAPS was too complicated, rigid and resource intensive; the flexible partnership is a more appropriate way forward”. Three businesses considered the SMR requirement unnecessary.

10.3.2 Partnership development

At benchmark a number of questions were posed in relation to the development of the partnerships. This section summaries what practical steps the partnership had achieved by the time of the benchmark interview and the actions they were planning for the future.

10.3.2.1 Status of the pilot partnerships

The majority of partnerships had started meeting during the spring and early summer of 1999; one FP (U&I130) and one TP (MD35) had been meeting for over a year. The interviews for the benchmark evaluation took place between 14 July and 14 September 1999. During that time three of the partnerships had exchanged official agreements. The partners of one of the TPs had signed a MoU before their partnership was launched. The remaining six partnerships were at various stages of negotiation of their official agreements.

10.3.2.2 Planned framework of action

At benchmark, the partnerships had all planned a similar framework of action. Some of these activities had already taken place whilst others were at the planning stage. Details of actions planned by the FPs are summarised at column 2 of Table 10.4. All the partnerships had set out the boundaries for their activity. They normally described what company activities were going to be included in the partnership. Many participants viewed the boundaries agreed at the outset as the starting point and planned to see how the partnership developed.

Table 10.4: Actions planned and taken in the Flexible Partnerships

(1) Action planned/taken	No. partnerships	
	(2) Benchmark	(3) follow-up
Lead Authority assessment of a range of key documents.	8	8
Provide initial feedback on weaknesses, gaps etc.	8	8
Plan to provide further feedback.	8	8
Business has incorporated feedback.	-	8
Lead Authority visits premises within LA area.	4	1
Lead Authority visits premises outside LA area.	4	3
Lead officer obtained feedback from others in LA area.	-	1
Visits still to be arranged.	-	2
Meet on a regular basis.	6	6
Lead Authority obtains further information via company and other LAs.	5	-
Lead Authority identifies key areas for enquiry.	4	-
Lead Authority provides current information on legislation etc.	4	-
Business commits to notify Lead Authority of procedures changes etc.	3	3

Both TPs expressed views rather different from those of the FPs in terms of what they considered could be achieved. The basis the TPs was that the lead authority would review health and safety standards and technical guidance. They felt that the lead authority's role might expand to embrace general health and safety management of the workplace.

The participants confirmed that all ten partnerships would be following very similar practical steps beginning with introductory meetings and the negotiation of an agreement.

The signing of an agreement represented the official starting point for a partnership and provided an important framework of understanding within which the partners could operate. For some, it also provided the opportunity for an official launch of the partnership. The benchmark interviews identified a significant variation in the planned approach to visiting business premises. Participants from four of the eight lead authorities involved with FPs indicated that they would be undertaking a limited number of visits to local premises; four proposed to visit premises outside their own LA area. Five of the lead authorities planned to supplement their inspection visits with information from additional sources e.g. letters and inspection reports from other LAs.

10.3.2.3 Business activity covered by the partnership

At benchmark the partners were asked to describe the areas of the work activity covered by the partnership. At follow-up, in eight of the ten pilots the areas of work activity had remained the same. One partnership had changed as a result of closure of the national distribution centre of the business (B226), which was based within the catchments of their original lead authority (Su224). The business partnered with a new lead authority (Su226), this being the LA for their head office base. This new partnership covered tenanted pubs in addition to managed pubs. Another partnership, a discount retailer (B196) and their Suburban Unitary partner (SU196) had added warehousing to the coverage originally planned.

10.3.2.4 Practical steps for partnership development

At follow-up, the partners were asked to describe the activities undertaken to enable the lead authority to learn how the company managed health and safety. This was compared with the planned strategy they had outlined at benchmark. Reasons for changes from this initial strategy were discussed. The third column of Table 10.4 (on page 226) shows the activities undertaken by the FPs by the time of the follow up study.

10.3.2.5 Activities undertaken during partnership development

At follow-up it was established that all partnerships had adopted a very similar approach. After documentation assessment and feedback, the businesses had incorporated suggestions into their systems. This was frequently achieved through negotiation between individuals at operational level without recourse to senior management; the suggested changes did not

normally require significant expenditure. Following the initial work, variations arose in the detail of follow-up visits. A minority of lead authorities produced formal reports.

10.3.2.6 Changes in strategy

At follow-up, the partners were asked to consider any changes made to their strategy. Five of the eight FPs and both TPs reported there had been no change in strategy from their initial plans. However, comparison of the comments from participants indicates that the inspection and information gathering activities were both much reduced from the level initially planned. Participants from three of the FPs stated that the partnership had not achieved as much as originally planned because of resource limitations within the lead authority. Three partnerships have changed their strategies:

- One partnership was on 'hold' because, due to a number of accidents in the partner business, the lead authority (UI130) was seeking a commitment to the partnership from company senior management before investing further resource.
- One lead authority had planned to use their own routine inspections and those of neighbouring LAs to gather information. From an initial document assessment they judged a strong local influence and therefore conducted a mini SMR and visited a number of outlets across a wider geographical area.
- One lead authority had planned to get feedback by visiting outside their area and from other LAs. In practice, they relied on feedback from local inspectors and the business. Their strategy evolved rather than changed.

10.3.2.7 Practical aspects of maintaining the partnership

At follow-up, the lead authority participants described how they had maintained their partnerships. Their responses were confirmed by descriptions provided by the business participants and are summarised in Table 10.5.

Table 10.5: Maintaining the partnership

Type of contact	No of partnerships
Meetings:	10
regular (quarterly);	7(6)
occasional (as the need arises).	3(2)
Lead authority input to policy development.	10
Discussion of plans, problems and topical issues.	8
Contact by letter, email, phone.	8
Information exchange (accidents, EHO correspondence).	5

Table 10.6 summarises the comments concerning changes within the partnerships over 12 months of operation. Seven of the LAs had undergone changes, whereas the businesses remained largely unchanged.

Table 10.6: Changes in partnerships

Comments	No. of responses	
	Lead Authorities	Businesses
Restructuring has taken place and may have long-term implications.	5	-
Staffing remains unchanged.	3	8
Extra staff involved to ensure coverage.	2	1
Staff will change shortly due to promotion.	-	1

10.3.3 Aims, benefits and barriers

At benchmark, the partners were asked a series of questions about their partnership including: the decision to participate; the aims, scope, benefits and barriers to partnership; and how performance could be measured.

10.3.3.1 Deciding to participate and finding partners

Table 10.7 shows that for the FPs, the business made the first approach to the LA and five of the seven LAs approached showed an initial reluctance to participate.

Table 10.7: Finding partners and deciding to participate

Route for initial approach	No of responses	Knowledge of partnership by those making initial approach
Lead authority approached by business.	5 1 1	<ul style="list-style-type: none"> from previous job; information from BRC; information from CIEH.
Business approached by lead authority.	1 (PP) 1 (TP) 1 (TP)	<ul style="list-style-type: none"> information from HELA meeting; previous LAPS experience; information from LAU.

The H&S Manager of a regional pub chain (B144) reported that he “asked [Suburban, Su144] if they would participate over a year ago; had to wait a while, eventually they agreed”. The Audit Director of a Discount Retailer (B46) “heard about LAPS sometime ago but felt it was too in depth and resource intensive. Asked [Metropolitan, MD46] for their view and they were not keen to participate. The flexible approach is far more suitable”.

Two of the present lead authorities were approached as a result of the LA for the business head office declining their request to participate. The H&S Adviser of a car and cycle accessory retailer (B133) reported: “approached [Suburban, Su205] first but they were

reluctant because of the resource implications. Then approached [Urban & Industrial, U&I133] because of the successful HAP with them on fire and building regulations”. The H&S Officer of a leisure and fitness chain (B130) reported a very similar experience.

Four lead authority participants indicated that the LAs’ reluctance to take part was due to their perception of the scheme. The Principal EHO of a Metropolitan City (MD46) commented that the “main difficulty will be the time needed”. The EHO of a Suburban Unitary (Su196) felt that “within the authority resource may be a problem”. A Senior EHO from a Suburban Borough (Su224) “came to the conclusion that the old LAP scheme was too complicated; particularly concerned about the requirement for SMRs. The Team Leader of an Urban & Industrial (U&I133) felt that “difficulties would arise if the partnership work started taking up too much time”.

Two LA participants referred to their relative work priorities. An EHO from an Urban & Industrial Unitary (U&I130) made the point that “with such a low resource for H&S the LA cannot carry out a normal inspection regime – only deal with complaints and serious accidents. At a personal level there is a large amount of reactive work that must be done first, so this project has to be fitted in between these other activities”. Another, a Group EHO of an Urban & Industrial Unitary (U&I108), concluded that: “LAPS is set against the backdrop of the main activity of EHOs that might be considered as inspections and enforcement”.

10.3.3.2 Aims of the partnership

At benchmark, the participants interviewed were asked to describe what they felt were the aims of the partnership. Their responses are summarised in Table 10.8 (on page 231) for lead authorities and Table 10.12 (on page 235) for partner businesses.

Aims - lead authority views

All LA participants of the flexible partnerships believed consistency of enforcement was a key aim. A crucial part of this process was seen as being the role that the lead authority took in being a focus for other LAs and their partner business. The partnership process was also seen as a means by which the lead authority could actively assist the business improve its management of health and safety. Consistency of enforcement did not emerge as a key aim of trade partnerships. These partnerships focused primarily on improving health and safety guidance and advice to members.

Improved concord of enforcer with business also emerged as a theme. Six of the participants felt the experience of partnership would enhance the lead authority's ability to deal with similar businesses. Three participants expressed the view that as a result of their involvement in the partnership, inspectors had gained a better understanding of business and commerce.

Comparison of benchmark and follow-up responses in Table 10.8 shows that many of the aims outlined by the lead authorities in the benchmark exercise remained unchanged at follow-up. All those interviewed maintained their view that consistency of enforcement was a key aim of the partnership. Three participants doubted whether this had been achieved. Improving health and safety performance of the business had become more important during the life of the partnerships. Two participants felt that improved health and safety performance had been achieved, others were still working towards this goal.

Table 10.8: Summary of partnership aims: Lead Authority view

Aim	No. of responses	
	benchmark	follow-up
Improve consistency of enforcement and advice.	8	9
Act as a focus for other LAs and the business.	4	4
Improve H&S standards or legal compliance in the business.	8	7
Help develop guidance and standards.	3	3
Enhance lead authority's ability to deal with similar businesses.	6	2
Enable lead authority learn how business works.	3	2
Kudos gained by lead authority.	-	2

Two lead authorities felt that “kudos gained” had emerged as an aim because of the importance of partnership working in the present political climate; this was further highlighted when interviewees were asked to consider benefits (see Table 10.18 on page 239).

Table 10.9 at page 232 shows the narrative comments of inspectors on consistency of enforcement. Consistency continued as a partnership aim but there was no evidence of achievement. An H&S Team Leader (U&I133) considered that “the aims have been strengthened by experience, these included consistency of enforcement...”.

An EHO (U&I130) concluded that there whilst improvement in consistency was still a key aim, with the flexible pilots “there has been limited opportunity to assess the success of this”. A senior EHO (Su144) confirmed that they were still working towards achieving the partnership aims but that “improved consistency and management have not been achieved yet”.

Table 10.9: Partnership aims - Lead Authority views on consistency

Aims of the partnership	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Lead authority is a focus for other LAs and the company.	<i>To act as a focus for EHOs throughout the country. Possibly to increase consistency of treatment of branches by other LAs.</i> PEHO/MD46	<i>The aims remain the same i.e. to act as a focus for EHOs throughout the country;.... possibly to increase the consistency of treatment of the business's branches by other LAs. Kudos is also now important as partnership is a 'buzz' word in political circles.</i> PEHO/MD46
A key aim is the consistency of LA enforcement.	<i>A further aim is to help the business and LAs to be consistent; this depends on the business referring queries back to the Lead Authority.</i> SEHO/Su144	<i>Aims remain the same – still working towards these. Improved consistency and management of standards have not been achieved yet.</i> SEHO/Su144 <i>The aims have been strengthened by the experience. These included improved consistency of enforcement, acting as a central resource and providing advice for the company and for other Local Authorities.</i> Team leader (H&S)/U&I133 <i>Improvement in consistency of enforcement is still a key aim but there has been limited opportunity to assess the success of this.</i> EHO/U&I130

Table 10.10 on page 233 shows the narrative comments of inspectors on H&S performance as a partnership aim. Generally, the desire to improve H&S performance appear to have emerged as an aim during the life of the partnerships, but there is only limited evidence of this having been achieved. An EHO (U&I108) confirmed that the improvement of H&S performance remained the first priority. Another two EHOs (Su144 and U&I133) considered at the outset that H&S improvement was a spin off as opposed to an initial aim. In one case the desire to improve health and safety strengthened as the partnership

progressed, in the other the desired improved health and safety standards had not been achieved during the twelve months of the flexible partnership.

Table 10.10: Partnership aims – Lead Authority views on H&S performance

Aims of the partnership	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Partnership process is means by which Lead Authority can actively assist the company to improve management of health and safety.	<i>The overall aim is the same as LAPS, i.e. work as partners to improve health and safety standards in the business.</i> EHO/U&I108	<i>The aims of the partnership have not changed. They remain, first in order of priority, improve H&S within partner company.</i> EHO/U&I108
	<i>Improvement of health and safety standards happen as a result of this process but would not be identified as an initial aim.</i> SEHO/SU144	<i>Cascading the approach and improved H&S standards in the company depend on the success of [improved consistency; management of standards] and have not been achieved yet.</i> SEHO/Su144
	<i>The improvement in health and safety is a spin off.</i> Team Leader(H&S)/U&I133	<i>The aims have been strengthened by the experience. and as a result improve company health and safety performance.</i> Team Leader(H&S)/U&I133
		<i>Improving H&S standards in the organisation is now a key aim of the partnership. This aim was not expressed at the initial interview but has become important because the company is relatively undeveloped in H&S management.</i> EHO/U&I130
		<i>...to maintain and improve health and safety performance at the business.</i> PEHO/MD46

Table 10.11 on page 234 shows the narrative comments of inspectors on concord as a partnership aim. There is evidence that greater concord of enforcer and duty holder was an emerging aim and this has become apparent over the life of the study. This finding is reinforced by participant comments on the benefits (see Table 10.17 on page 238). Involvement in the partnership was seen to enhance the lead authority's ability to deal with similar businesses. Also, lead authority inspectors involved in the study expanded their personal experience and understanding of business and commerce.

Table 10.11: Partnership aims - Lead Authority views on concord

Aims of the partnership	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Improved concord of enforcer with business emerged as a theme. Involvement in the partnership enhances the lead authority's ability to deal with similar businesses. Lead authority inspectors gain a better understanding of business and commerce.	<p><i>Provides an opportunity for the local authority to become more involved in business activity (rather than simply enforcement), so expand personal experience. Opportunity to provide training and increase awareness for other officers, e.g. shadowing in [the business].</i></p> <p>EHO(H&S)/Su196</p>	<p><i>The aims described previously remain the same, but only scratching the surface of them at present.</i></p> <p>EHO(H&S)/Su196</p>
	<p><i>To benefit from the more detailed contact with the partner, including learning more about how they work. To enhance their ability to deal with similar companies.</i></p> <p>SEHO/Su224</p>	<p><i>The partnership enables the local authority sector to speak with one voice. This then links to improved consistency of enforcement. As [Lead Authority] already has a Home Authority partnership with [company], this was a natural extension.</i></p> <p>PEHO/Su226</p>

Aims – business views

At benchmark, the business participants expressed similar views to those of the lead authorities in terms of consistency and improved communication with LAs. All business participants identified consistency of enforcement as an aim. Several businesses did not see consistency as a particular problem for them, others recognised it was difficult to achieve. The view that health and safety performance would improve as a direct result of the partnership was not so strongly held; most participants felt that such improvement would have occurred regardless of the partnership. There was also some evidence of concord being an aim of businesses. Comparison of benchmark and follow-up responses at Table 10.12 at page 235 reveals that many of the key aims outlined by the lead authorities in the benchmark remained the same at follow-up. Whilst improved communication between LAs was an aim at benchmark, it was recognised that this might prove difficult. The number of businesses seeing an opportunity for the improvement in health and safety standards and compliance has increased.

Table 10.12: Summary of partnership aims – the business view

Aim	No. of responses	
	benchmark	follow-up
Improve consistency of enforcement and advice.	9	10
Improve communication with and between LAs.	5	1
To gain an enforcers' view of policies, procedures and legislation.	5	4
To improve company H&S standards/compliance.	4	7
Justification for funding/ act as a lever.	2	2
Educate lead authority in business practice.	1	1
Understand how each other operate.	-	2
Increase openness between members and enforcers.	-	2(TP)

Table 10.13 shows the narrative comments of safety professionals on consistency of enforcement as a partnership aim.

Table 10.13: Partnership aims – Business views on consistency of enforcement

Aims of partnership	Comments at benchmark	Comments at follow-up
Improve consistency of enforcement and advice.	<p><i>The single aim is to improve consistency of enforcement.</i> H&S Officer, Leisure (B130)</p> <p><i>To improve consistency of advice and requirements from enforcers. Building 100 petrol stations in different LAs will get 100 different requirements.</i> SH&E Manager (Petroleum, B1)</p> <p><i>A tool to keep the company out of Court.</i> H&S Manager (Pubs, B226)</p>	<p><i>Much as before – the main aim is to improve the consistency of enforcement of the LAs.</i> H&S Officer, Leisure (B130)</p> <p><i>Improving consistency of enforcement is the more problematic.</i> SHE Manager (Petroleum, B1)</p> <p><i>Very much as before: improve consistency of enforcement, improve H&S management so as to keep themselves 'out of Court' and agree the necessary changes with their partner as a basis for obtaining company funding.</i> H&S Manager (Pubs, B226)</p> <p><i>Not been able to detect improvement in consistency (change in attitude?) from EHOs.</i> H&S Manager, Pubs (B144)</p>
Improve communication with and between LAs.	<p><i>Management of a problem provides a strategy for other LAs.. Improved communication between LAs. Some tend to take adversarial stance; should be reduced by gaining opinion from Lead Authority.</i> Group H&S Adviser (Retail, B196)</p>	<p><i>Aims are as described in the earlier study. Improved communication between LAs does not seem to have been achieved.</i> Group H&S Adviser (Retail, B196)</p>

Consistency of enforcement remained the primary aim of business but there was no clear evidence of improvement over the life of this study. A SH&E Manager of a petroleum retailer felt that of the aims set for the partnership at the outset, “improving consistency of enforcement is the more problematic”. An H&S Adviser (Retail, B196) commented that during the life of the pilot trials “improved communication between LAs does not seem to have been achieved”.

Table 10.14 shows the narrative comments of safety professionals on improving company health and safety performance as a partnership aim. Typical of others, a Group H&S Adviser (Retail/B196) believed that gaining the enforcer’s view of policies and procedures “should lead to an improvement in management standards”. The H&S Manager of a pub chain (B144) found that LAPS provided “a lever that safety officer can use to challenge management”.

Table 10.14: Partnership aims – Business views on health and safety performance

Aims of the partnership	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Improve health and safety performance.	<p><i>Hope that the partnership will improve health and safety standards by acting as a lever that he can use to challenge management.</i> H&S Manager (Pubs, B144)</p> <p><i>To gain access to information and guidance from a senior EHO. Should be very useful as consultants tell you what you want to hear.</i> Audit Director (Retail, B46)</p> <p><i>A valuable way of obtaining the interpretation to be set on new legislation. Someone to “bounce ideas off”.</i> EHS Manager (Retail, B108)</p> <p><i>To gain an enforcers view of policies and procedures, this should lead to an improvement in management standards.</i> Gp H&S Adviser (Retail, B196)</p>	<p><i>The aims remain improving consistency of enforcement and improving health and safety within the company by providing a lever that safety officer can use to challenge management.</i> H&S Manager (Pubs, B144)</p> <p><i>To improve H&S standards for the Company and to get objective help from the partner EHOs. To improve uniformity of enforcement.</i> Audit Director (Retail, B46)</p> <p><i>Improving health and safety standards would not be directly an aim because the company feels the standards are already high.</i> EHS Manager (Retail, B108)</p> <p><i>The aims are as described in the earlier study.</i> Gp H&S Adviser (Retail, B196)</p>

Table 10.15 shows the narrative comments of safety professionals on concord as a partnership aim. The comment of an H&S Adviser (Retail, B133) captures a generally held business view that “educating LAs in the needs of commerce is the first priority followed by developing an understanding of how LAs approach their work”. It was recognised that companies and enforcers looked at topics from different perspectives and that it was important to understand each other’s view. This was seen as the means of giving safety professionals greater confidence to talk openly with LA inspectors.

Table 10.15: Partnership aims – Business views on concord

Aims of the partnership	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Increased concord.	<p><i>To develop a deeper understanding of the way LAs approach their work. To educate LAs in the needs of commerce.</i> H&S Adviser, Retail (B133)</p> <p><i>Enable member businesses to talk more openly to inspectors.</i> Sppt. Services Mgr, Steel (TP69)</p> <p><i>Break down barriers between businesses and EHOs.</i> Proprietor, Leisure (TP35)</p> <p><i>To have an expert look at the system and give meaningful input.</i> SH&E Manager, Petroleum (B1)</p>	<p><i>Educating LAs in the needs of commerce is the first priority followed by developing an understanding of how LAs approach their work. It provides job satisfaction for those involved.</i> H&S Adviser, Retail (B133)</p> <p><i>Give member company staff greater confidence to talk openly with inspectors.</i> Sppt. Services Mgr, Steel (TP69)</p> <p><i>Helping to break down barriers between members and their local EHO.</i> Proprietor, Leisure (TP35)</p> <p><i>Companies and enforcers have different agendas and look at topics from different perspectives, a further aim is to understand each other’s view.</i> SH&E Manager, Petroleum (B1)</p> <p><i>The most important aim (or benefit) is the reality check (including reigning in) that the partner LA provides – someone to bounce ideas off and provide guidance on implementation of new legislation.</i> EH&S Manager, retail (B108)</p>

10.3.3.3 Benefits of participating

Benefits - lead authority view

At benchmark, the lead authority participants were asked to consider the benefits that might result for them, their LA, their partner, and other LAs. The results are summarised quantitatively in Table 10.16 on page 238.

Table 10.16: Summary of benefits – the Lead Authority view

Benefit	No. of responses	
	benchmark	follow-up
Corporate development of business awareness.	9	3
Personal development of individual staff.	7	9
provides resource and/or saves time for other LAs.	10	5
Kudos for the Lead Authority.	3	7
Improve company image.	2	
Improves health and safety standards.	-	3
Company easier to deal with.	-	2
development of partnership potential.	-	2

For inspectors, developing business awareness within their department was described as a key benefit. This was most commonly expressed in terms of personal development for individual staff. There was also a general belief that a well-managed business would demand less inspection resource nationally. The benefits to other LAs were seen to depend on their attitude to the partnership principle.

Table 10.17 shows the narrative comments of inspectors on kudos as a benefit of partnership. All comments on kudos were made at follow-up and it was very much seen as a driver for the scheme.

Table 10.17: Benefits of Participating – Lead Authority view on kudos

Benefits of participating	Comments of individual respondents at follow-up
Improved standing and kudos for lead authority	<p><i>The Kudos gained by the council for working in partnership is still important.</i> Senior EHO/Su144</p> <p><i>The benefits previously described all still apply. Kudos to both partners is still relevant it will only work with reputable companies.</i> Group EHO/U&I108.</p> <p><i>It is good PR for [the Lead Authority].</i> Senior Petroleum Officer/PLA1</p> <p><i>Within the local authority there is some kudos for the Department being in partnership.</i> EHO/U&I130</p> <p><i>There is a certain amount of kudos - demonstrates that they are proactive in health and safety.</i> Team Leader (H&S)/U&I133</p>

Table 10.18 shows the narrative comments of inspectors on business awareness seen as a benefit of partnership.

Table 10.18: Benefits of participation: Lead Authority view on business awareness

Benefits of participating	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Develop business awareness within the department and personal development.	<i>Interesting and should develop a deeper understanding of how a company is managed.</i> SEHO/Su144	<i>A personal benefit concerned with developing a deeper understanding of how the company is managed has not been achieved, because of the time constraints and the existing knowledge of the company.</i> SEHO/Su144
Greater job satisfaction for individual staff.	<i>Having closer contact with a company. The partnership will help in dealing with similar local companies.</i> PEHO(H&S)/MD46 <i>The experience will provide EHOs with a greater understanding of how companies operate. There is a general trend for enforcement officers to educate and advise rather than prosecute. This will improve their ability to provide appropriate assistance.</i> EHO/U&I108 <i>Personal development,, development of business awareness within the department and....</i> EHO(H&S)/Su196 <i>Making the job more varied and learning from other local authorities as well as the company.</i> Team Leader (H&S)/U&I133 <i>Partnership provides challenge for individual officers; their particular project. Should also improve their understanding of problems in large organisations. Provides good opportunity to network with other LAs and obtain views and ideas.</i> EHO/U&I130 <i>Good personal development for the staff involved, they will learn new skills and develop greater business awareness.</i> Senior Petroleum Officer, PLA1 <i>An improved insight into how the trade association functions.</i> EHO/MD69	<i>The benefits remain the same – increasing LA experience of working with a company. This might then be useful when dealing with similar local organisations. It also increases ease of access to Senior Management.</i> PEHO(H&S)/MD46 <i>The benefits previously described all still apply. The experience for EHOs is particularly important.</i> EHO/U&I108 <i>These remain the same [as at benchmark].</i> EHO(H&S)/Su196 <i>Lead Officer learnt both from company and from other LAs. Opportunity to develop best practice. Benefits usually very personal; not much opportunity to transfer benefits to colleagues.</i> Team Leader (H&S)/U&I133 <i>The main benefit has been the personal development for the officers involved. The company can benefit if they have a positive safety culture and are committed to improving H&S standards.</i> EHO/U&I130 <i>Benefits have increased in number. Lead Officer has developed better understanding of how a company operates and of their point of view.</i> Senior Petroleum Officer, PLA1 <i>Still an improved insight into the way the TA functions and an enhanced ability to intervene in a positive way.</i> EHO/MD69

A Senior EHO (Su144) typified the view of others in seeing improved business awareness as “a personal benefit concerned with developing a deeper understanding of how the company is managed”. Whilst this inspector felt that in their particular case this “has not been achieved, because of the time constraints and the existing knowledge of the company”, the more widely held view was that the inspectors involved had gained a better understanding of business. A Principal EHO (MD46) saw it as important to increase the LA experience of working with a company so that LA inspectors could see the detailed operation of a business and considered that: “this might then be useful when dealing with similar local organisations”.

Table 10.19 shows the narrative comments of inspectors on the benefits of LAPS to other LAs. At benchmark, participants suggested that LAPS might reduce the workload of other inspectors.

Table 10.19: Lead Authority view on benefits to other LAs

Benefits of participating	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
The benefits to other LAs were seen to depend on their attitude to the partnership principle.	<p><i>Might decrease the workload of other LAs by reducing frequency of inspection..</i> SEHO/Su144 (PEHO(H&S)/MD46)</p> <p><i>Other Authorities may have less work.</i> Senior Petroleum Officer/PLA I</p> <p><i>For other LAs there is a central contact point, where they are dealing with people who have seen both sides of the coin.</i> EHO/U&I108</p> <p><i>National benefits in terms of time and resources for other Authorities.</i> EHO (H&S)/Su196</p> <p><i>May be benefits in terms of reduced work but only after standardisation achieved. Dangerous for LAs to stop visiting; time required might reduce.</i> EHO (H&S), MD35</p>	<p><i>Benefit to other LAs based on reducing workload by reducing frequency of inspection is a long way off.</i> Senior EHO/Su144 PEHO(H&S)/MD46</p> <p><i>Lead LA now finds dealing with partner easier and more efficient; business is more organised and open. Other LAs should experience this when dealing with the business.</i> Senior Petroleum Officer/PLA I</p> <p><i>Benefits previously described all still apply. The filtering of problems for [partner business] from a consistency perspective has been low.</i> EHO/U&I108</p> <p><i>Not clear if national benefits in terms of time and resources for other LAs is being achieved because low numbers of LAs use the scheme.</i> EHO (H&S)/Su196</p> <p><i>Better support from enforcing EHOs. This is developing but needs more critical decisions.</i> EHO (H&S), MD35</p>

At follow-up it was not clear whether this had been achieved, in part because of the low number of LAs that had used the scheme. A senior petroleum officer (PLA1) found that dealing with the partner was easier and felt that “other LAs should experience this when dealing with the business”. A Senior EHO (Su144) captured the view of several others in the comment that “benefit to other LAs based on reducing workload by reducing frequency of inspection is a long way off”.

Benefits - business view

At benchmark, business participants were asked to consider the benefits that might result for them, their partner, and other LAs. Results are summarised quantitatively in Table 10.20.

Table 10.20: Summary of benefits - the business' view

Benefit	No of responses	
	benchmark	follow-up
Strengthens role of the H&S safety professional – makes more efficient.	5	6
Helps Lead Authority understand business issues.	5	-
Helps lead authority and business understand each other.	-	5
Improved consistency of enforcement.	5	2
Access to LA expertise.	5	-
Reduced work load for other LAs.	4	1
Cascade to similar organizations.	3	-
Improve business image / kudos for the business.	2	1

The benefits to businesses were expressed at a personal level in terms of making the job more efficient and increasing the standing of the safety professional. Businesses also recognised that the lead authority benefited by gaining an understanding of business issues. There was a belief that the partnership would be enhanced and that the business would benefit from inspectors having greater understanding of the business perspective and the safety professional having access to LA expertise. Potential benefits to other LAs included reduced workload through improved communication and access to expertise. Three businesses perceived the opportunity to cascade learning within their sector.

Table 10.21 on page 242 shows the narrative comments of safety professionals on the benefits of LAPS in terms of personal efficiency. Overall, LAPS was seen to cut down the amount of repetitive work covering the same issues across many LAs and improved the standing of the safety professional. One participant (B224) captured the sentiment of many by the comment “it has helped to strengthen my contribution as H&S manager”.

Table 10.21: Benefits of participating - the business' view on efficiency and proactivity

Benefits of participating	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Benefits to businesses at a personal level expressed as increased standing of safety professional and job made more efficient.	<i>A successful partnership can strengthen the role and value of the H&S manager. There is much reactive work (1000 miles/week); hope partnership will make job more efficient.</i> H&S Manager, Pubs (B224/226)	<i>It has helped to strengthen my contribution as H&S manager.</i> H&S Manager, Pubs (B224/226)
	<i>At a personal level the partnership should enable the health and safety adviser to be more efficient by cutting down the number of visits he has to make to deal with EHOs.</i> H&S Adviser, Retail (B133)	<i>As anticipated, [H&S Adviser] makes fewer visits to stores to speak with EHOs. In addition the volume of correspondence from EHOs has reduced.</i> H&S Adviser, Retail (B133)
	<i>There is a certain amount of prestige in being proactive.</i> H&S Manager, Retail (B144)	<i>The partnership demonstrates that the company is proactive in H&S. This has been used for internal marketing and has enabled the managers to understand their responsibilities.</i> H&S Manager, Retail (B144)
	<i>The partnership demonstrates commitment to H&S of employees and this creates a positive attitude – 'centre for excellence'.</i> H&S Adviser, Retail (B133)	<i>The partnership has been good for staff morale.</i> H&S Adviser, Retail (B133)
	<i>Standardisation of approach by different LAs. Added experience for LAs in dealing with large department stores and perhaps a reduction in inspection work resulting from improved standards.</i> EH&S Manager, Retail (B108)	<i>Attitude of EHOs changes when they realise that the partnership exists and that the company takes a positive approach to H&S. This has taken the pressure off H&S professionals at business partner, and relieves workload slightly.</i> EH&S Manager, Retail (B108)

Table 10.22 on page 243 shows the narrative comments of safety professionals on the benefits of LAPS in terms of concord. Typically, there was a strong feeling that LAPS participation had improved mutual awareness of business and LA activities and the respective problems encountered. The Audit Director of a discount retailer (B46) went on to suggest that: "it has helped improve employee involvement and consultation, and achieve higher H&S standards".

Table 10.22: Benefits of participating - the business' view on concord

Benefits of participating	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Businesses recognise that the lead authority benefits by gaining an understanding of business issues.	<i>The Lead Authority should benefit by an improved awareness of business activity and other LAs might be able to carry out their inspections quicker and resolve problems easily.</i> H&S Manager, Retail (B144)	<i>Learning how each other works not been seen as a particular benefit as partners have known each other for such a time.</i> H&S Manager, Retail (B144)
	<i>The Lead Authority will benefit by working with a large business, gaining an understanding of business issues and bringing about improvement.</i> Audit Director, Retail (B46)	<i>Think it has helped the LA to understand how a large company works. It has helped improve employee involvement and consultation, and achieve higher H&S standards.</i> Audit Director, Retail (B46)
	<i>Very valuable to the Lead Authority because it provides an insight into business pressures and the strategic challenges that face organisations. Individual officers gain a lot.</i> H&S Manager, Pubs (B224/226)	<i>The Lead Authority has improved its understanding of how partner approaches H&S, hopefully leading to an increase in consistency of approach to enforcement. There has been an improved awareness within the partnership of the problems encountered.</i> H&S Manager, Pubs (B224/226)
	<i>Partners have a lot to learn from each other. H&S corner cutting by smaller member companies can be curbed.</i> Support Services Manager, TA (B69)	<i>Hoped partnership would aid knowledge and understanding on both sides, increase enforcement uniformity, and improve H&S standards. Progress in all respects, but there is more work to do.</i> Support Services Manager, TA (B69)

Table 10.23 on page 244 shows the narrative comments of safety professionals on the benefits to other LAs. Participants anticipated reduced workload for other LAs through improved communication and access to lead authority expertise. The Safety Health & Environment Manager of a petrol retailer (B1) believed “the lead authority has been able to influence other LAs with their arguments”. However, a more typical view is that “improved feedback from other LAs has only happened to a limited extent” (B130) and that “the Safety Officer has not been able to detect any change in attitude of other EHOs” (B144).

Table 10.23: Benefits of participating - the business' view on other LAs

Benefits of participating	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Potential benefits to other LAs included reduced workload through improved communication and access to expertise.	<p><i>If the scheme is working properly it should free up time for other LAs. This will depend on their confidence in the Lead Authority, the local managers of an organisation and the philosophy of the local authority. Should also improve communication between Authorities.</i> H&S Officer, Leisure (B130)</p> <p><i>The Lead Authority should be able to influence other Authorities by providing the other side of the argument.</i> SHE Manager, Petroleum (B1)</p> <p><i>Other local authorities might be able to carry out their inspections quicker and resolve problems easily.</i> H&S Manager, Retail (B144)</p>	<p><i>They had also hoped for improved feedback from other LAs via [Lead Authority]. This has only happened to a limited extent. The company has certainly benefited from improved standards as expected, aided by the partnership with [the Lead Authority].</i> H&S Officer, Leisure (B130)</p> <p><i>All benefits have been confirmed. The Lead Authority has also been able to influence other LAs with their arguments. There are many examples of practical/technical benefits for the company from being in the partnership.</i> SHE Manager, Petroleum (B1)</p> <p><i>Safety Officer has not been able to detect any improvement in consistency or change in attitude of other EHOs.</i> H&S Manager, Retail (B144)</p>

10.3.3.4 Barriers to success

At benchmark, the participants were asked to consider what difficulties or barriers there might be for their own organisation, their partner, and other LAs. At follow-up, the participants were asked to revisit this topic. The results are summarised in Table 10.24 (for lead authorities) and Table 10.29 on page 248 (for businesses)

Barriers and difficulties - Lead Authority view

At benchmark, there was a general concern that other enforcing authorities might not consult the lead authority. A number of reasons were suggested. Of a wide range of difficulties and barriers expressed at benchmark, few proved valid. The main barriers continued to be the lack of resource within the lead authorities and the lack of liaison between LAs, but these concerns were less strongly expressed at follow-up.

Table 10.24: Potential difficulties or barriers perceived by lead authorities

Barriers	No. of responses	
	benchmark	follow-up
Other LAs may not consult the lead authority.	8	3
Limited resource in the lead authority.	6	4
Lead authority asked to defend partner business.	4	3
Difficulty in distinguishing national from local issues.	2	-
doubt as to commitment of business to improve H&S.	-	2
Lack of resource in company.	-	1
Flexible approach lacked credibility.	-	1

Four inspectors suggested a lack of awareness of the partnership as being a potential difficulty. One had not previously thought of this as a possible issue as his LA had a system for flagging files. Three inspectors suggested that there may be a desire not to consult and that this could be a reflection of individual attitudes or the attitude of the enforcing authority. Six inspectors considered the availability of resource for lead authority activity to be an area of potential concern. Four inspectors believed that being asked to defend the company in a prosecution was significant concern. This issue was being addressed within the formal agreement of some partnerships. Two inspectors believed that difficulty in determining whether an issue is of national significance could limit the liaison from other LAs. Table 10.25 shows narrative comments of inspectors on the awareness of other LAs.

Table 10.25: Consultation by other LAs – Lead Authority view on awareness

Barriers to participation	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Other LAs might not consult the lead authority.	<p><i>Other LAs may not know about the partnership. The company and Lead Authority need to inform other LAs of the partnership.</i> SEHO, Su144</p> <p><i>There will also be difficulties associated with keeping aware of the growing number of partnerships and which organisations associated with them. Computerised system could help greatly.</i> PEHO (H&S), MD46</p> <p><i>Many authorities would not realise the partnership existed.</i> Team Leader (H&S), U&I133</p> <p><i>The communication is very poor between LAs, so they might not be aware the partnership exists.</i> Senior Petroleum Officer, PLA1</p> <p><i>Had not thought of other Authorities not participating. We have system of tagging files to alert an officer to partnership arrangements.</i> EHO, U&I108</p>	<p><i>There continues to be problem related to consistency of enforcement.</i> SEHO, Su144</p> <p><i>He was concerned as to whether other LAs would consult. This was slow to pick up but now seems to be fine.</i> PEHO (H&S), MD46</p> <p><i>I have come across the perception that 'its only a flexible partnership' i.e. a problem with credibility. I have tried to change the perception by demonstrating the amount of time/effort put into the partnership.</i> Team Leader (H&S), U&I133</p> <p><i>There have been no obvious barriers. There were some concerns that other petroleum companies would expect the same treatment as our partner but this has not happened.</i> Senior Petroleum Officer, PLA1</p>

At follow-up, whilst the level of consultation by other LAs appeared low, the study revealed “no obvious barriers” (PLA1). A Principal EHO from a Metropolitan City (MD46) “was concerned as to whether other LAs would consult. This was slow to pick up but now seems to be fine”.

Table 10.26 shows the narrative comments of inspectors on the desire of other LAs to consult the lead authority. At benchmark there was a general perception that other LAs would not consult due to the operational inspectors attitude to the partnership. An EHO specialising in health and safety from a Suburban Borough (Su196) reflected a widely held belief with his comment “the view that there would be low liaison from other LAs has been confirmed”. The study confirmed a low level of liaison by other LAs but the narrative comments did not provide definitive reasons as to why this was.

Table 10.26: Consultation by other LAs – Lead Authority view on desire to consult

Barriers to participation	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
There may be a desire not to consult.	<i>Some other Authorities will not consult as this is not their way of working. This may be at the level of individual or Authority.</i> EHO (H&S), Su196	<i>The view that there would be low liaison from other LAs has been confirmed.</i> EHO (H&S), Su196
	<i>Other Authorities might feel that [the Lead Authority] are 'doing their job' which they would not like.</i> Senior Petroleum Officer, PLA1	<i>There have been no obvious barriers. There were some concerns that other petroleum companies would expect the same treatment as our partners but this has not happened.</i> Senior Petroleum Officer, PLA1
	<i>Might be barriers at other LAs – resources, reluctance, and non-cooperation.</i> EHO, U&I130	<i>As a result of business partner's response to recommendations following three accidents, we are uncertain of their commitment to the partnership. We have therefore written a letter to the MD asking for his commitment and support of the partnership before we invest any more resource.</i> EHO, U&I130

Table 10.27 on page 247 shows the narrative comments of inspectors on the availability of resources for lead authority work. The resources required for lead authority work and the competing demands of other work have proven to be a significant difficulty for most lead authorities. This pressure upon resources has meant that the lead authorities expected to see full commitment from their partners. An EHO from an Urban & Industrial Unitary (U&I130) explained that her lead authority, seeing a lack of commitment from their partner has “written a letter to the MD asking for his commitment and support for the partnership before we invest any more resource”.

Pressure upon resources has also made the partnership vulnerable, for example, the EHO from a Metropolitan City (MD35) commented that the “new lead officer has been off sick for several months – this has brought progress to a halt”.

Table 10.27: Availability of resources for Lead Authority work – Lead Authority view

Barriers to participation	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
The availability of resource for Lead Authority activity.	<p><i>Main difficulty to them will be the time needed.</i></p> <p>PEHO (H&S), MD46</p>	<p><i>The main problem on both sides is making time to cover things well, as both concerned have heavy workloads.</i></p> <p>PEHO (H&S), MD46</p>
	<p><i>Within the authority resource may be a problem.</i> EHO (H&S), Su196</p>	<p><i>The earlier view that lack of resources within Environmental Health is the main difficulty has been confirmed.</i></p> <p>EHO (H&S), Su196</p>
	<p><i>At a personal level there is a large amount of reactive work that must be done first, so this project has to be fitted in between these other activities.</i></p> <p>EHO, U&I130</p>	<p><i>We've written a letter to MD asking for his commitment and support of the Partnership before we invest any more resource.</i></p> <p>EHO, U&I130</p>
	<p><i>Within our LA the use of resource might be seen as a problem and perceived to be a big commitment without much reward. Staff changes could also be a potential barrier.</i></p> <p>EHO (H&S), MD35</p>	<p><i>Lead Officer moved to another authority. New Lead Officer has been off sick for several months - this has brought progress to a halt.</i></p> <p>EHO (H&S), MD35</p>
	<p><i>We have to go through a number of hurdles relating to resources.</i></p> <p>SEHO, Su144</p>	<p><i>Resources as a possible barrier occurred because of the amount of work. I have confirmed with CEHO that partnership should continue, with no resource limitations. However, It's down to individuals to prioritise their work.</i></p> <p>SEHO, Su144</p>
	<p><i>Difficulties would start to arise if the partnership work started taking up too much time.</i></p> <p>Team Leader (H&S), U&I133</p>	

Table 10.28 on page 248 shows the narrative comments of inspectors on the implications of legal enforcement action. At benchmark several lead authorities were concerned that they might be called upon to defend the company in the event of a prosecution. At follow-up this was found not to have materialised as a problem, in part because this had been covered in the individual LAPS agreements. Indeed, the team leader of an Urban and Industrial Unitary (U&I133) commented that, in the case of an LA he felt was being unreasonable, “I will be providing our partner business with advice for their appeal and may also consider appearing at tribunal”.

Table 10.28: Implications of legal enforcement action – Lead Authority view

Barriers to participation	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Defending the company in a prosecution.	<p><i>Potential difficulties if enforcement action required against partner.</i> PO H&S, MD46</p> <p><i>Concerned that our business partner might place us in a difficult situation if another LA prosecutes. This should be dealt with in the agreement.</i> EHO, U&I108</p>	<p><i>A further difficulty originally identified is our role in a case where our partner business is being prosecuted by another LA. This is happening at the present; it has been covered in our agreement. We would be willing to give character reference.</i> PO H&S, MD46</p> <p><i>We expressed concern about our position if another LA decided to prosecute our partner business. This situation very nearly arose. This experience confirmed view that we, as Lead Authority, would provide character reference if required, but nothing more. We act in an advisory capacity.</i> EHO, U&I108</p> <p><i>I'm sensitive to the fact that other LAs do not like interference so I try not to be heavy handed. There is one Authority that I feel is being unreasonable and so it is difficult to ensure consistency. In this case, I will be providing our partner business with advice for their appeal and may also consider appearing at tribunal.</i> Team Leader (H&S), U&I133</p>

Business view of barriers and difficulties

At benchmark, all businesses expressed the same concern that other LAs may not consult with the lead authority. Several businesses tried to raise both internal and external awareness of the partnership by a variety of actions ranging from placing information near the statutory health and safety poster through to a letter sent to every LA having an outlet within its area. Some businesses initially perceived a potential barrier to be the possibility of the lead inspector switching into enforcement mode. At follow up, the participants generally felt that there had been no major barriers to developing and maintaining the partnership. The range of comments are summarised at Table 10.29.

Table 10.29: Potential barriers perceived by business

Barriers	No. of responses	
	benchmark	follow-up
Other LAs might not consult the lead authority.	9	4
Conflict between advice and enforcement.	4	0
Lack of resources in the lead authority.	3	2
Lack of resources in the business.	-	1
Limited expertise of lead authority inspectors.	1	1

Table 10.30 on page 249 shows the narrative comments of safety professionals on consultation by other LAs as a potential difficulty or barrier. At benchmark businesses were concerned that "other authorities might 'jib' at the need to consult" (B46). For this discount

retailer, consultation by other LAs was “slow to pick up but now seems fine”. At follow-up, other businesses remained concerned as to the extent and outcome of consultation between other LAs and their lead authority. A TP involving both an HSE Sector and LA sharing the role of lead authority was judged to have worked well (B69).

Table 10.30: Potential difficulties or barriers – the business view on consultation

Barriers to participation	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Other LAs may not consult with lead authority.	<i>Other authorities might 'jib' at the need to consult.</i> Audit Director, Retail (B46)	<i>Was concerned as to whether other LAs would consult – this was slow to pick up but now seems fine.</i> Audit Director, Retail (B46)
	<i>Other LAs might not visit if they know there is a Lead Authority Partnership. But on the other hand LA inspectors might not know there is a Lead Authority Partnership.</i> H&S Manager, Retail (B224/226)	<i>We have a concern whether our Lead Authority partner will be firm and challenging enough in dealing with other LAs.</i> H&S Manager, Retail (B224/226)
	<i>Some local authorities may not consult for a number of reasons, e.g. they are very territorial, or they do not know.</i> H&S Adviser, Retail (B133)	<i>Have been one or two cases where an LA has not followed liaison protocol.</i> H&S Adviser, Retail (B133)
	<i>The big variation in approach of other LAs is a barrier.</i> H&S Officer, Leisure (B130)	<i>We had been concerned whether LAs would make effective use of the partnership. There is still an element of concern in this direction.</i> H&S Officer, Leisure (B130)
	<i>Other authorities might not be willing to consult.</i> SH&E Mgr., Petroleum (B1)	<i>Some other LAs may be a little jealous of the partnership, this could make these LAs more difficult to handle.</i> SH&E Mgr., Petroleum (B1)
	<i>Reservations as to whether other LAs will make adequate use of partner's expertise.</i> Support Services Mgr., TA (B69)	<i>Concern about the HSE/LA relationship not well founded – has worked well. More input needed by Lead Authority partners to ensure adequate consultation by enforcers.</i> Support Services Mgr., TA (B69)

Table 10.31 on page 250 shows the narrative comments of safety professionals on resources for LAPS as a potential difficulty or barrier. A general concern about resources was captured in the question posed by the safety professional of a retailer (B108) “Will the lead authority be able to devote enough time to the partnership?” At follow-up there was some evidence that heavy workloads had presented problems for both sides in terms of covering things well (B196). However, there were also examples where “There have been no real problems” (B108).

Table 10.31: Potential difficulties or barriers – business view on resources for LAPS

Barriers to participation	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Lack of resource within the lead authority or business partner.	<p><i>Will the Lead Authority be able to devote enough time to the partnership?</i> EH&S Manager, Retail (B108)</p> <p><i>Concern about the support provided by the Lead Authority as the EHO is part time. Within the company there may be concerns if it consumes time.</i> H&S Adviser, Retail (B196)</p> <p>[No comment made on resources.] Audit Director, Retail (B46)</p> <p><i>If our partner decided to take prescriptive approach that would require a great deal of money then there would be problems. However the partnership is based on trust and this is unlikely to happen.</i> SH&E Manager, Petroleum (B1)</p>	<p><i>There have been no real problems.</i> EH&S Manager, Retail (B108)</p> <p><i>Time constraint of the Lead Authority is the biggest difficulty. [Su196] is a boomtown and resource at the Council for dealing with H&S is stretched. This means they are doing mainly reactive work. Time for the partnership is therefore very limited.</i> H&S Adviser, Retail (B196)</p> <p><i>The main problem on both sides is making time to cover things well, as both concerned have heavy workloads.</i> Audit Director, Retail (B46)</p> <p><i>An initial concern was that Lead Authority might require us to make changes that needed a great deal of money. This has not been the case.</i> SH&E Manager, Petroleum (B1)</p>

Table 10.32 shows the narrative comments of safety professionals on enforcement as a potential difficulty or barrier. At benchmark, there were concerns of “possible conflict between adviser and enforcement roles of lead authority” (B108). There does appear to have been some conflict between advice and enforcement roles but in each case this has been resolved and has therefore not presented problems for the partnership.

Table 10.32: Potential difficulties or barriers – business view on focus on enforcement

Barriers to participation	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Will there be a focus on enforcement? Pace of partnership.	<p><i>Will enforcers concentrate on prevention rather than prosecution?</i> Support Services Mgr., TA (B69)</p> <p><i>Doing things too far – the members will have to be persuaded rather than forced, decisions based on negotiation.</i> Company Owner, TA (B35)</p> <p><i>Possible conflict between adviser and enforcement roles of lead authority.</i> EH&S Manager, Retail (B108)</p>	<p><i>Would also like to see more emphasis on prevention and less on prosecution.</i> Support Services Mgr., TA (B69)</p> <p><i>There was some concern that things would proceed too fast for members to adapt to the changes. This has not happened.</i> Company Owner, TA (B35)</p> <p><i>Authority, on Council Solicitor’s advice, has been unable to provide a character reference for a prosecution that [another LA] is taking against the company.</i> EH&S Manager, Retail (B108)</p>

10.3.4 Measuring performance of the partnership

10.3.4.1 Resources used for partnership work

For the eight business participants commenting that the resource spent on partnership work was ‘None, minimal, very little’, their detailed comments are shown at Table 10.33. The fact that “the work has to be done anyway in order to maintain acceptable health and safety standards” (B226/226) reflected the view of most businesses. This in turn meant that the majority of businesses felt that the resources expended that were directly attributable to LAPS were minimal.

Table 10.33: Business participant comments on staff time spent on partnership work

Audit Director, Retail (B36)	<i>Very little in the sense that it was work that needed to be done.</i>
SHE manager, Petroleum (B1)	<i>No idea of the time spent on the partnership. It was minimal and many of the changes required would have taken place in any case.</i>
EH&S Manager, Retail (B108)	<i>No idea of the resources involved. These are simply absorbed and would not really represent additional cost.</i>
H&S Adviser, Retail (B196)	<i>Unaware of the time spent on the partnership. It would be minimal, as most of the work would happen in any case, apart from the occasional meeting.</i>
H&S Manager, Retail (B224/226)	<i>The cost is negligible as the work has to be done anyway in order to maintain acceptable health and safety standards.</i>
H&S Officer, Leisure (B130)	<i>In practice, almost all activities would have been undertaken anyway, so resources specifically attributable to partnership activities have not been extensive.</i>
Company Owner, TA (B35)	<i>Already seen a need to address H&S at meetings – in this sense, no significant resource implications above those expected.</i>
Sppt. Services Mgr. TA (B69)	<i>Very little – meetings are held before or after own association meetings – so no extra travel is involved.</i>

At follow up, the partners were asked to provide an estimate of the amount of staff time used on partnership work over the 12 months since the partnerships had been established. Only three lead authority participants and two business participants were able to provide accurate figures from the records they had kept. All other participants provided an estimate based on their perception and recollection of the time spent. Table 10.34 on page 252 summarises the lead authority and business responses. For the two lead authorities recorded as spending very little time on partnership work, this may not fully reflect the true picture. In the first case (MD35), the lead inspector had been on extended sick leave and there was

no other inspector to cover the work. The second case was that of a new lead authority (Su226) where the inspector commented that the resource committed was: “very little so far, but too early to tell”.

Table 10.34: Lead Authority and business resources used for the partnership

Staff time per year	No. Lead Authorities	No. of Business
None, minimal, very little.	2	8
Up to one week.	1	-
2 weeks.	3	1
2-3 weeks.	1	1
3-4 weeks.	2	-
Several months.	1	-

10.3.4.2 Importance of measuring performance

At benchmark, the participants were asked whether it was important to measure the performance of the partnership and, if so, what measures of success they could or would use. At the follow up interviews, partners were asked two further questions about measuring performance. Firstly, had the partnership been able to take any measures and secondly was it important if measures had not been taken. The tables and matrices that follow illustrate that the FPs have not introduced performance measures. Several of those interviewed at follow up made suggestions similar to those described in the benchmark study.

The lead authority view

The range of suggestions at benchmark on the types of measures that might be applied are shown in column 2 of Table 10.35.

Table 10.35: Measures of performance – the Lead Authority view

Measure	No. suggesting	No. actioning
Number/type of contacts from other LAs.	6	0
Results of SMR/audit/interview.	4	0
Outputs achieved against plans.	3	0
Re-rating of premises.	2	0
Number of enforcement actions/ accidents.	2	0
Uptake of guidance (TP).	1	1
Added value for personal development.	0	1

The possible measures of performance suggested at benchmark by inspectors focused mainly on contacts from other LAs. Three lead authorities planned to document all the queries they received. Several of those interviewed felt that, whilst contacts from other LAs were easily measured, this might not be a good measure of performance. Some of the

measures suggested were seen themselves to require extra resource, e.g. audits or interviews, and thus may not be practical. It was not clear from the benchmark interviews whether any definite quantitative measures would be made within any of the partnerships. Some suggested that a qualitative approach based on reviewing achievements could provide a positive measure. At benchmark all inspectors interviewed felt it was important to measure the success of the partnership and a variety of reasons were offered, these included obtaining feedback, best use of resources, and maintaining future funding. Table 10.36 shows (at column 2) the full reason given by inspectors and their comments at follow up (at column 3). It can be seen that none of the FPs had made any measurement of performance.

At follow up, seven of the nine respondents did not feel it mattered that they had taken no measures – “there is not the time for such things” (Su144) and “kudos is the driver” (Su226) being the thrust of their comments. In the one case where definitive measurement had been taken this was because “the Chief EHO would want it” (Su196).

Table 10.36: The measurement of success - Lead Authority view

Question	Comments of individual respondents at benchmark	Comments of individual respondents at follow-up
Is it important to measure success?	<p><i>Needed for internal purposes.</i> Senior EHO, Su144</p> <p><i>Important to obtain feedback as to how successful the partnership is in operation.</i> PEHO (H&S), MD46</p> <p><i>Would describe it as monitoring rather than measuring. Important in terms of use of LA resource.</i> EHO (H&S), Su196</p> <p><i>For internal reasons – must justify effectiveness to maintain funding. Also for our standard Best Value Review.</i> Senior EHO, Su224</p> <p><i>As they will need to demonstrate effectiveness to maintain resources for the partnership.</i> EHO, MD69</p> <p><i>Yes.</i> Team Leader (H&S), U&I133</p> <p><i>Yes, important to measure benefits.</i> Senior Petroleum Officer, PLA1</p>	<p><i>The partnership is not measured, there is not time for such things.</i> Senior EHO, Su144</p> <p><i>Stats would take so long to build up that other factors might have come into play. Degree of LA consultation can be measured and has increased with time.</i> PEHO (H&S), MD46</p> <p><i>CEHO would want it. Added value for personal development.</i> EHO (H&S), Su196</p> <p><i>Kudos is driver for partnership, so it's not really important to measure success.</i> PEHO, Su226</p> <p><i>Previously suggested monitoring responses from other LAs – already under way.</i> EHO, MD69</p> <p><i>Success of partnership never been measured or required. Up to partners to decide; this is beauty of scheme.</i> Team Leader (H&S), U&I133</p> <p><i>Not formally taken any measures. Generally it's a gut feeling that the partner is easier to work with.</i> Senior Petroleum Officer, PLA1</p>

The business' view

At benchmark two business participants did not feel it important to measure success, most others considered it important or at least useful in order to demonstrate that resource was being well invested. The suggestions on the types of measures that might be applied are shown at Table 10.37.

Table 10.37: Methods of measuring performance – the businesses' views

Measure	No. suggesting	No. actioning
Review what has been achieved.	5	1
Interactions between H&S officer and EHOs.	3	0
Audits.	2	0
No. of EHO letters/notices and accident rates.	2	0
Accident/incident rates.	2	0

The business suggestions showed a strong emphasis on qualitative measures based around actions and outputs. Several participants mentioned that success would be assessed on the level of trust between the partners. Reviewing incident data was suggested, but the general view was that it would be difficult to attribute any change in incident rates to the intervention of the partnership. It was also suggested that the number and type of EHO letters/notices might be useful to track for changes.

At follow up, eight of the ten organisations had not taken any steps to measure the performance of the partnership. Six of the nine respondents did not feel it mattered that they had taken no measures – “no time” and “partnership is part of a larger programme for improving health and safety” being the thrust of their comments. Whilst only one partnership had introduced definitive measurement, four respondents considered it “important to try – to ensure policy is cost effective”.

10.3.5 Liaison issues

A number of questions were asked in relation to liaison with other LAs and about improved consistency of enforcement.

10.3.5.1 Amount of liaison

At follow up, the lead authorities were asked about the amount and type of liaison with other LAs that had occurred since the partnership was established. Table 10.38 shows the level of liaison activity over the 12 months.

Table 10.38: Amount of liaison

No. of liaison contacts since established	No. of Lead Authorities
0	2
1-5	2
6-10	3
11-15	2

Inspectors made comments about the nature and quality of the queries revealed that a range of topics was raised with lead authorities. Risk assessment, training and detailed queries relating to the issuing of notices were the most frequently raised topics. In some cases the inspector had been referred on to the lead authority by the business.

10.3.5.2 Adequacy of liaison

Having experienced the liaison process, at follow up the lead authorities were asked if more liaison needed to take place. Six of the ten interviewed were unsure. Three inspectors felt that the amount of liaison was adequate. Four suggested that the relatively low number of liaison queries might reflect the high standards of health and safety in the participating organisations.

10.3.5.3 Role of the business in ensuring liaison

At follow up, the businesses were asked if they were aware of the amount of liaison taking place between their partner and other LAs. Five of the eight businesses were aware of the amount of liaison because such information was exchanged at the partnership meetings. Three businesses were unclear as to the amount of liaison, in these cases there was a less close working relationship and an absence of regular meetings. Many of the businesses had been active in publicising the partnership by ensuring that their managers are aware, posting the information on notice boards, in manuals, and on their company Intranet.

10.3.6 Consistency of enforcement

Safety professionals of participating businesses were asked if there had been an improvement in enforcement consistency. Table 10.39 shows a broad range of experiences.

Table 10.39: Improvement in consistency of enforcement: company experience

Improvement	No. of responses	Views
Yes	2	Attitude of inspectors has improved.
Some	2	Room for improvement.
None/very little	2	Still variation.
Unclear	2	Low volume of visits; impossible to say.

10.3.7 Health and safety management systems

The business participants were asked to describe improvements in their health and safety management systems as a result of their partnership. All agreed that improvement had taken place. Specific improvements related to:

- induction training;
- health and safety documentation;
- employee consultation;
- health and safety awareness;
- industry documentation/guidance (TP);

A number of those interviewed felt that their partnership was part of an overall continuous improvement programme and that specific improvements could not be defined. One business noted that the very limited input from the lead authority had offered little opportunity for improvement through the LAP.

10.3.8 FP as a viable national scheme

The participants were asked to consider the FP as a viable national scheme. The majority of those interviewed expressed the view that it is a viable scheme nationally. A number of comments and concerns were also expressed these included:

- enables partnership to develop at own pace;
- allows LA with smaller resource to participate;
- useful source of information;
- produces uniformity;
- more partnerships need to be formed;
- resource limitations at LAs is a problem; and
- must choose appropriate partners to achieve something.

One lead authority felt that although the scheme is successful at a local level, it is not viable at a national level because they had experienced lack of commitment from other LAs.

10.3.8.1 Extending the partnership principle

At follow up, having worked in a partnership for approximately 12 months, lead authorities were asked if they would be willing to establish additional partnerships. Two inspectors commented that they had already established further partnerships. Metropolitan City MD46

had formed a flexible partnership with a charity and a PLA (PLA1) had established FPs for petrol dispensing with two supermarket chains. The eight other participants expressed enthusiasm about further partnerships, but six commented that there were resource limitations within their respective LAs. The participants were also asked to consider how the partnership has affected their attitude to other partnerships. The majority considered that it had encouraged them to contact other lead authorities when appropriate.

10.3.8.2 Comparison of the flexible approach with the full SMR based approach

Partners were asked to compare the two approaches and whether they could achieve the same goals. The responses reflect the advantages of the flexible approach.

Lead authorities

Participants from six of the lead authorities believed that it was possible to achieve the same goals through the two approaches but that resources available, the nature of the activity and the aims of the partnership would influence this. Two participants were unable to comment on the comparison. One inspector felt that the SMR provides free consultancy for the business. Another suggested that the flexible partnership approach enables the partners to maintain their integrity.

The businesses

The participants from one organisation and of the two trade associations had no experience of the SMR approach and were therefore unable to compare the approaches. The remainder suggested that the two approaches could achieve the same goals. Three organisations suggested that SMRs are unnecessary or over complicated. The reduced resource requirement for the flexible approach was highlighted as an obvious benefit.

10.3.8.3 Summary views of the partnerships

The participants were asked to summarise their views of LAPS in a sentence. The responses of the lead authority and the business participants are shown as a hierarchy in Table 10.40 on page 258. Inspectors and safety professionals alike generally considered LAPS to be a worthwhile and positive venture. It was described as having the potential to meet its goals, but slow to get started. As was the case for my study of SMR partnerships, some participants saw the success of scheme as being related to the working relationships that had developed between partners, and that other LAs should use the scheme more.

Table 10.40: Summary views of LAPS

Lead Authority summary sentence	Partner business summary sentence
<i>A positive arrangement that promotes good communication and better enforcement.</i> Senior Petroleum Officer, PLA1	<i>Both parties can learn from each other.</i> SHE manager, Petroleum, B1
<i>A positive experience with a positive outcome.</i> EHO, MD69	<i>The partnership is working well and producing real advantages, but more work is needed to make it really effective.</i> Support Services Mgr., TA (B69)
<i>Based on personal experience, the scheme has the potential to achieve the goals of improving consistency and improving the health and safety performance in the company.</i> Team Leader (H&S), U&I133	<i>LAPS are a vital ingredient in the progressive management of health and safety in the modern world.</i> H&S Adviser, Retail (B133)
<i>Provides an approach that can improve the safety culture of an organisation.</i> H&S Adviser, Retail (B133)	<i>There has been initial progress, but there is still plenty to do.</i> H&S Officer, Leisure (B130)
<i>A way of continuing to encourage companies that already have a high standard of health & safety.</i> PEHO, Su226	<i>A good concept but still have a distance to go in order to maximise value.</i> H&S Manager, Retail (B224/226)
<i>A worthwhile venture to see the other side of health and safety and to give a point of contact for a consistent approach.</i> EHO, U&I108	<i>A useful working partnership that has helped the company in the development of practice and procedures.</i> EH&S Manager, Retail (B108)
<i>Flexible partnerships give Local Authorities that do not have a great deal of resource, the opportunity to form a partnership.</i> PEHO (H&S), MD46	<i>Slow to get going but now helpful and productive.</i> Audit Director, Retail (B46)
<i>Other Local Authorities should use the scheme more.</i> EHO (H&S), Su196	<i>The benefits reflect the resources put into the scheme.</i> H&S Adviser. Retail (B196)
<i>Potential benefits have not been fully achieved.</i> Senior EHO, Su144	<i>A working relationship that has proved to be reasonably successful.</i> H&S Manager, Pubs (B144)
<i>Participant on extended sick leave and therefore not interviewed.</i> EHO (H&S), MD35	<i>Successful so far but clear objectives still need to be addressed.</i> Proprietor TA, Leisure (B35)

10.3.9 Summary of findings

This chapter has described the development of the flexible partnership approach and the testing of the concept across ten pilot partnerships. The findings have been set out as matrix tables, which will be discussed at Chapters 12 and 13. The findings are now summarised:

- lead authorities and businesses generally perceived that other partnership schemes they had been involved in had been successful, but none of those interviewed was aware of any definitive measurements applied to verify this;
- measurement of success was subjectively based on such things as the creation of a positive attitude towards partnership working, and of positive actions having happened;

- against the flexibility available, all ten partnerships followed very similar practical steps beginning with introductory meetings and the negotiation of an agreement;
- over the 18 months of the study, seven of the LAs had undergone staff changes, whereas the businesses remained largely unchanged;
- business made the first approach to the LAs who showed initial reluctance to participate;
- lead authorities and businesses in flexible partnerships considered consistency of enforcement to be a key aim, but there was no clear evidence of this being achieved over the life of the study;
- the partnership process was increasingly seen as a means by which the lead authority could actively assist the business improve its management of health and safety;
- improved concord of enforcer with business also emerged as a theme;
- several lead authorities felt that ‘kudos’ had emerged as an aim;
- developing business awareness within the LA was described as a key benefit, and one most commonly expressed in terms of personal development of individual inspectors;
- for safety professionals, the partnership was seen as a means of increasing organisation standing and for gaining greater confidence to talk openly with LA inspectors;
- the main barriers to successful partnership continued to be seen as limited resources within the lead authorities and the lack of liaison between LAs, but these concerns were less strongly expressed at follow-up;
- the study confirmed a low level of liaison by other LAs but did not provide definitive reasons for this;
- the resources required for lead authority work and the competing demands of other work have proven a significant difficulty for most lead authorities, but not for businesses;
- eight of the ten partnerships had not taken any steps to measure the performance of the partnership, six of them did not feel it mattered that they had not done so;
- risk assessment, training and detailed queries relating to enforcement notices were the most frequently raised topics;
- all businesses agreed that there had been improvement in their health and safety management systems;

- six of the lead authorities believed that the full SMR and the flexible approach could achieve the same goals, but available resources and nature of business would influence which one was chosen;
- the reduced resource requirement of the flexible approach was seen as an obvious benefit;
- inspectors and safety professionals alike generally considered LAPS to be a worthwhile and positive venture with the potential to meet its goals, but usually slow to get started; and
- some participants saw the success of scheme as being related to the working relationships that had developed between partners, and that other LAs should use the scheme more.

The focus of the next chapter is the national consultation exercise and is an attempt to capture the wider views of key stakeholders and players across the LA enforced sector.

CHAPTER ELEVEN

Consultation Exercise

“Where an opinion is general it is usually correct.”

Pride and Prejudice, Jane Austen (1813).

11.1 Introduction

From my earlier research studies, I believed that the participants had given me a fairly good idea of the issues concerning LAPS and their opinions on these. I considered that the HELA Consultation Exercise of December 2000 *Lead Authority Partnership Scheme: Proposals for the future* could be used opportunistically to provide an indicator of how widely those opinions were held and the reasons behind them.

11.2 Methodology

11.2.1 Constructing the Consultation List

My intention that the Consultation Exercise should capture the views of all the key stakeholders, players and potential players. A consultation list of 628 organisations and individuals was constructed from three main sources:

- LAU address lists of LAs, businesses, and EHO training providers;
- LAPS address list and those that had expressed an interest in the scheme;
- the HSE Consultation Directory (HSE, 1998b).

11.2.2 The Consultation Package

The consultation package comprised:

- an explanatory note with clear instructions on how to reply to the consultation;
- a copy of the new draft LAPS leaflet (HSE, 2001b); and
- the questionnaire proforma.

In publicising the Consultation Exercise, care was taken to explain that it was available as hard copy or electronically and that respondents could reply by either means. The consultation exercise was publicised:

- by LAU Newsletter articles (LAU 2000, 2001) to LAs and business (circulation of 1072) and via the electronic communication network of the CIEH; and

- at the HELA LAPS Conference of 15 February 2001 (Dossett & Hammond 2001a; Edmond Smith, 2001) and on the LAU pages of the HSE website.

11.2.3 Constructing the questionnaire

The questionnaire proforma provided the basis for responses to the consultation and consisted of a set of twenty assertions that had been generated by Likert scaling procedures (Likert, 1932). In the draft questionnaire initially constructed, the respondent's task was to indicate, against a five-point scale, the extent to which he or she agreed or disagreed with a particular assertion or position formulated by me. To inhibit automatic responding or response sets, both positively and negatively worded items were included (Guildford, 1954). The way statements were presented was varied to encourage respondents to continue to attend to the content of the assertions made.

The questionnaire was piloted against selected volunteers, five LA inspectors and five safety professionals, to ensure the vocabulary used was appropriate for the sample group being approached. From this piloting I believed that the questionnaire, as designed, had successfully anticipated possible ambiguities or misunderstandings. Also, that the questions themselves and the instructions to respondents were sufficiently clear.

Following piloting, the detailed proposals for the consultation were presented to the HELA meeting of 30 November 2000 (Dossett & Hammond, 2000). A number of changes were made to accommodate comments from HELA members, to be consistent with other recent HSE consultation exercises, and to meet HSE guidelines on preparing written Consultative Documents (HSE, 1998b). Whilst most changes were at the level of minor detail, a significant change was that the scaling for responses was reduced to offer respondents a stark choice of the dichotomous item – agree/disagree. A further option of 'can't say' was retained (Dossett, 2000). Dichotomizing the world was HELA's attempt to seek simplicity.

The revised questionnaire was tested against a further five volunteers, LA inspectors. The result was a greater richness of participant comments supplied against the open response comments sections of the questionnaire than had been the case for the earlier pilot of the five-point scaled items. The final questionnaire, shown at Appendix 7 on page 377, was judged to be clearly superior for hearing respondents' opinions in their own words.

I worked on the principle that gathering data was easy, the challenge was to gather meaningful data. Of the 20 assertions comprising the questionnaire, five were included specifically to help verify the data obtained from my other studies and supported by his analysis of historical data. The empirical materials from these five assertions were analysed and reduced through my executive analysis; the techniques applied are described later in this chapter.

Open response comments to the remaining 15 assertions were also reviewed for their relevance to the study. The pilots had shown the open response comments to be a potentially rich source of material that would help me interpret the responses. They might also provide illustrative vignettes that could be included in the final report. As a result of this review of comments made against the other 15 assertions, five were considered to be of particular value in helping verify the findings from my earlier studies. Therefore, the responses to these five assertions were analysed and reduced through a similar process of executive analysis.

The five assertions included specifically to support the present research study were:

- LAU should promote LAPS as a single entity, a flexible framework which partners can adapt according to their needs and circumstances... (assertion 1);
- all new lead authorities become a focal point for liaison as soon as the partnership is established (assertion 4);
- new lead authorities should be allowed to use their professional opinion to decide which evaluation steps will be necessary to adequately familiarise themselves with the health and safety systems of their partner organisation (assertion 5);
- new lead authorities and their partners should agree an evaluation programme together... (assertion 6);
- the lead authority should be able to influence the inspection frequency of the partner organisation by other LAs (assertion 14);

The further five assertions analysed as part of this study following review of the open response comments to all 20 items were:

- it will no longer be obligatory for any new lead authority to undertake a full audit of their partner organisation before being formally recognised within the scheme (assertion 3);

- LAU should continue to explore with LACOTS, possibilities for developing some common Home/Lead Authority principles, for ensuring consistency between the two schemes and for joint working (assertion 13);
- LAPS membership should contribute to any future performance indicators developed for health and safety enforcement (assertion 15);
- if organisations are to receive direct benefits from LAPS participation, such as reduced inspection frequencies at their outlets, minimum participation criteria must be laid down in order to secure the confidence of other LAs (assertion 16); and
- there could be a role for LAPS partner organisations to act as intermediaries, such as passing on key health and safety messages to others (assertion 18).

11.2.4 Analysis of responses

All responses were entered on a Microsoft Excel database that was used to undertake the quantitative analysis of responses against all twenty items. An interim report on the findings was then presented for discussion at the HELA meeting of 28 June 2001 (Dossett & Hammond, 2001b). Informed by HELA discussion, I applied executive analysis to reduce the narrative comments to the ten assertions. When applying this executive analysis, the researcher applied a technique described by Miller & Crabtree (1992) as *editing*. In this way, I constructed narrative matrices by searching across the responses “for meaningful segments, cutting, pasting and rearranging until the reduced summary reveals the interpretive truth in the text”. My findings are now presented as a series of matrices to display meaningful edited text amplified by selected matched vignettes.

11.3 Results

This section provides the results of the consultation. LAU sent out 628 copies of the Consultative Document to all LAs, LAPS participants, and other stakeholders including business, employers’ organisations, trades unions, and the professional bodies. A total of 102 responses were received, a 16% response rate. Of the 102 responses, 94 returns were made using the supplied questionnaire proforma, the remaining six being letter or email responses of freestyle or open comment. Of the 94 proforma returns, 77 offered narrative comment against one or more of the items, 17 provided ‘tick box’ responses only.

11.3.1 Quantitative response to the assertions

The breakdown of returns by origin is shown at Figure 11.1. LAs accounted for 71% of the responses, 30% of the total being from lead authorities. Of the 23 business responses, 19 were from individual LAPS business partners.

Figure 11 1: Breakdown of originators of returns

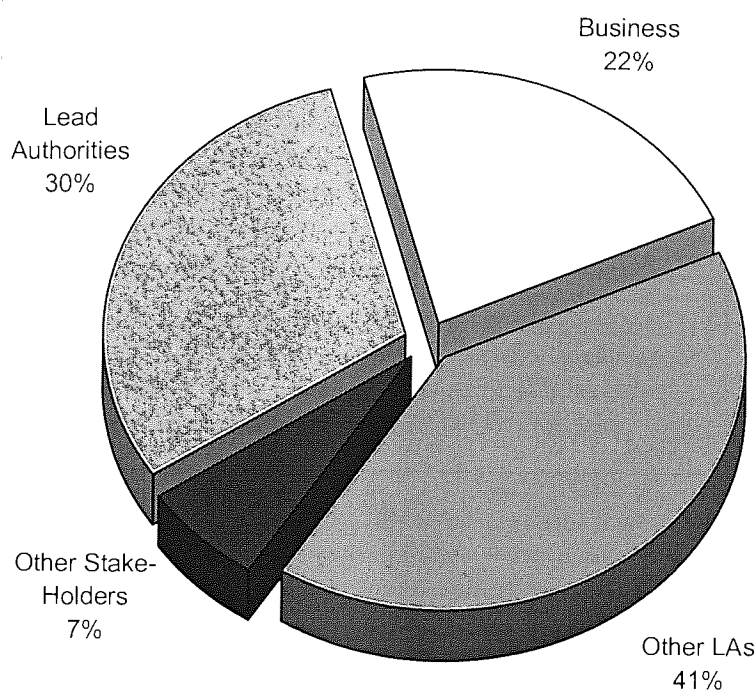


Table 11.1 on page 266 shows the quantitative response for the five assertions specifically included in the Consultation Exercise for the purposes of this study. There was wide agreement with the first four of the five assertions, that is, there was general support for the concept of a broad flexible framework for LAPS with a lead authority becoming an early focal point for liaison. The evaluation undertaken by the lead authority was seen to be a matter for them to decide in consultation with their business partner. However, the quantitative response to the fifth assertion showed that respondents did not feel the lead authority should be able to influence the decisions of other LAs concerning the frequency of inspection of the business partner.

Table 11.2 on page 266 shows the quantitative response for the five assertions seen as being pertinent to his study. There was general agreement that the requirement for full audit was not necessary and that LAU and LACOTS should explore a common scheme. The majority was in favour of LAPS contributing to Performance Indicators and frequency of inspection, but there was also a higher proportion that disagreed or couldn't say.

Table 11.1: the five assertions included in support of the research study

Assertion		Agree	Disagree	Can't say
1	LAU should promote LAPS as a single identity, a flexible framework which partners can adapt according to their individual needs and circumstances rather than with distinct categories of partnership ('full', 'flexible', 'trade association').	85%	9%	6%
4	All new lead authorities become a focal point for liaison as soon as the partnership is established.	92%	5%	3%
5	New lead authorities should be allowed to use their professional opinion to decide which evaluation steps will be necessary to adequately familiarise themselves with the health and safety systems of their partner organisations.	84%	10%	6%
6	New lead authorities and their partners should agree an evaluation programme together including any combination of document review, full and partial audit, familiarisation visits, or interviews at either a slow or fast track pace.	97%	0%	3%
14	The lead authority should be able to influence the inspection frequency of the partner organisation by other local authorities.	30%	61%	9%

Table 11.2: the additional five assertions seen as pertinent to the research study

Assertion		Agree	Disagree	Can't say
3	It will no longer be obligatory for any new lead authority to undertake a full audit of their partner organisation before being formally recognised within the scheme.	71%	18%	11%
13	LAU should continue to explore with LACOTS, possibilities for developing some common Home/Lead Authority principles, for ensuring consistency between the two schemes and for joint working.	89%	4%	7%
15	LAPS membership should contribute to any future performance indicators developed for health and safety enforcement.	60%	21%	19%
16	If organisations are to receive direct benefits from LAPS participation, such as reduced inspection frequencies at their outlets, minimum participation criteria must be laid down in order to secure the confidence of other LAs.	65%	23%	12%
18	there could be a role for LAPS partner organisations to act as intermediaries, such as passing on key health and safety messages to others.	72%	7%	21%

11.3.2 Qualitative response to the assertions

Assertion 1 deals with the concept of LAPS having a single identity but embracing a range of different types and orders of partnership. Table 11.3 shows the narrative comments in respect of clarity of the partnership. The findings were that a clearly defined partnership was required. Minimum criteria were needed if LAPS was to make for an effective partnership. Such definition was seen as enabling other LAs to have a realistic expectation of the partnership and to judge any advice provided by the lead authority.

Table 11.3: Clarity of the partnership

Assertion 1: Promote LAPS as a single identity, a flexible framework which partners can adapt....	
Comments from lead authorities:	
<i>We have no problem with what the individual arrangement is called, but the scope of the arrangement should be made clear in each case.</i>	SEHO, ScU354
<i>Could be "promoted" as single entity, but distinction should be made in lists on category of partnership.</i>	Head of Section, ScU360
<i>It is essential that the credibility of the scheme is maintained. A framework for operation is required to maintain a minimum standard of effectiveness.</i>	HSW manager, WUr390
<i>Setting guidelines which secure the commitment of both parties to sustaining as well as beginning the partnership.</i>	Deputy EH Manager, R&R264
<i>I have come across EHOs who ignore the existence of our partnership on the grounds that "it is only a flexible one". This would be overcome by harmonisation of partnership types.</i>	Team Leader, U&I 133
Comments from other LAs:	
<i>When contacting an LA for advice I would want to know the kind of partnership in place. Ad hoc partnership scheme would not be scoped properly.</i>	Team Leader, LB30
<i>Other LAs don't know how detailed the partnership is – so how much emphasis do they put on the Lead Authorities opinion?</i>	Team Leader H&S, ScRu376 (SEHO, Su202)
<i>Whilst there should be flexibility for Lead Authority and organisation to meet their need, other EHOs need an indication of the level of partnership in order to gauge level of expectation.</i>	EHO, Su205
<i>A formalised agreement should be established at the outset outlining respective roles, responsibilities and objectives.</i>	PEHO, ScRu 377
<i>Clear and consistent guidelines are required to prevent Lead Authorities becoming too close to their partner company.</i>	H&S Section Manager, UI102
<i>Some guidelines and guidance would be needed to set parameters.</i>	Commercial Services Manager, Ru347
<i>Must include document review, evaluation (issues review) and agreement to meet liaison criteria as minimum.</i>	Team Manager, LB12
<i>The LAP process needs to be continued in such a way as to ensure "transparency" of the partnership, and credibility of the end result.</i>	Manager of EHS, Su141
Comments from businesses:	
<i>Define minimum criteria to ensure key objectives of scheme are achieved.</i>	H&S Adviser, Charity B119
<i>Subject to partners achieving basic minimum standards that are well documented and well publicised.</i>	Senior Legal adviser, Supermarket B28
<i>Some LAs regard liaison based flexi partnership as inferior to "full".</i>	H&S Adviser, retail B133

Turning to the matter of partnership flexibility and resources, Table 11.4 shows that respondents believed that flexibility should be embraced. Such flexibility was seen to encourage others to join and allowed limited resources to be accommodated.

Table 11.4: partnership flexibility and resources

Item 1: Promote LAPS as a single identity, a flexible framework which partners can adapt.	
Comments from lead authorities:	
<i>Must be a flexible system to encourage other authorities who do not participate to join the scheme.</i>	SEHO, WRu389
<i>Partnerships should be able to be established anywhere along an 'infinitely graduated scale' rather than having to fit into one of a number of pre-determined pigeonholes.</i>	Group EHO, MD46
<i>Although we felt unable to commit to a traditional partnership, we entered a flexible one. At last review it became clear that in some respects the partnership had moved closer to a "full" style. In the light of this, I am of the opinion that the distinctions may prevent development in some cases.</i>	SEHO, Su144
<i>It is important for LAs and companies alike to be aware that there are options not as onerous as the full SMR and less time consuming.</i>	EHO, U&I30
<i>This will allow small or more diverse organisations to fully benefit from the LAP scheme – also less confusing.</i>	EHO, Su171
<i>This has been the only reason why our partnership has developed. We are a small rural authority with other demands....a full SMR would be too demanding.</i>	H&S, U&I131
Comments from other LAs:	
<i>This is the best way to obtain maximum uptake of the scheme.</i>	EHO, Ru313
<i>Appropriateness and availability of resources from the partners can have a bearing on the "complexity" of the partnership.</i>	PEHO, MD62
<i>A flexible scheme would very much benefit our circumstances at the present time.</i>	EHO, Ru340
<i>Works well with HAP.</i>	SEHO, Su201
<i>SMR is too labour intensive at the current time.</i>	SEHO, Ru348
<i>Must be flexible as often very restrictive budgetary controls.</i>	PEHO, R&R285
Comments from businesses:	
<i>This would save time and promote a stronger relationship between LA partners.</i>	Group H&S Manager, Retail chemist B40
<i>Any form of partnership should be promoted as a positive approach to safety management. LAPS is in any case an evolving process and its nature changes over a period of time.</i>	OHS Manager, Retail cosmetics B264
<i>So much of the value of LAPS is in discussing/reviewing/planning <u>particular</u> areas of the company's operation. That is, it is specific to that company.</i>	Chief Executive, Residential homes B139
<i>SMR in particular may be too time consuming for LAs and partner</i>	H&S Officer, Supermarket B65

Table 11.5 is the first of three matrices showing the responses to the assertion that it should no longer be necessary to conduct a full audit of the business partner. Respondents felt that some form of audit was required.

Table 11.5: Audit as an integral part of LAPS

Item 3: No longer be obligatory for any new lead authority to undertake a full audit of partner.	
Comments from lead authorities:	
<i>Although time consuming, carrying out an audit helps the Lead Authority familiarise itself with the company's set up, procedures, structure etc. However, maybe the scale of the audit done could be decided upon between the partners.</i>	EHO, ScU356
<i>At some point auditing will need to be carried out if the Lead Authority is to provide any meaningful information on its partner organisation to other LAs.</i>	SEHO, ScU354 (Dissolved partnership)
Comments from other LAs:	
<i>How can an LA assess the problems if they haven't audited to find out?</i>	SEHO, Sru376
<i>Impossible without the knowledge of a company acquired by undertaking a full audit.</i>	EHO, Su242
<i>An audit must be carried out by any proposed Lead Authority.</i>	EHO (H&S), U&I90
<i>Consider a full audit should wherever possible be carried out prior to the agreement – but this is not essential.</i>	PEHO, Ru296
<i>What would be the implications if the Lead Authority's views were used in a Court case, could the Lead Authority be compromised?</i>	H&S Section Manager, U&I102
<i>Audit is not "obligatory" but to determine whether or not satisfied with the new partner it is difficult to see how else this can be achieved.</i>	PEHO, WRu407
<i>As a LA seeking advice, I would be concerned on how in depth the knowledge held by the Lead Authority is. Would I receive appropriate advice that I require?</i>	Team Leader, LB30
Comments from businesses:	
<i>Clearly an audit must be required but flexible and appropriate to the organisation.</i>	Partner, Leisure B131
<i>I feel that all companies should be audited to identify if they are suitable to join scheme or whether their business will allow full compliance.</i>	H&S Coordinator B9
<i>I believe it is essential to have a baseline from which to launch the process.</i>	OHS Manager B264
<i>The full audit gives a greater understanding and insight into an organisation and creates a partnership effect.</i>	HS&E Controller B15
<i>How can a clear measurement and understanding occur without auditing.</i>	Risk Manager, Hotel chain

Table 11.6 shows that some respondents felt that audits deter potential lead authorities. There was a perception that there were insufficient LA resources available for full audits due to insufficient funds

Table 11.6: Partnership audit and resource implications

Item 3: No longer be obligatory for any new lead authority to undertake a full audit of partner.	
Comments from lead authorities:	
<i>Full audits are time consuming and result in a reluctance of LAs to take up partnerships. Given full commitment by partners, a detailed knowledge of operational systems etc. can be gained in time under a flexible arrangement.</i>	Team Leader, U&I 133 (flexible)
<i>To encourage LAs to enter the LAPS the requirement for a full audit will be a strain on resources which many LAs would find difficult to justify. A flexible approach would resolve most of these difficulties.</i>	SEHO, Wru389
<i>Establishing an authority merely as a contact point should have benefits.</i> (flexible)	SEHO, Su144
Comments from other LAs:	
<i>Full audits have probably been off-putting to some resource-strapped Authorities and a more flexible, targeted audit will be more popular.</i>	EHO, Ru313
<i>A single LA as a contact for liaison is the single most important factor. Mandatory full audit of a company, whilst desirable, is likely to be a significant impact on LAs' stretched resources. Giving the option is preferred.</i>	PEHO, MD62
<i>Resources do not allow that level of pro-active involvement.</i>	SEHO, Su201
<i>We have acted as a "Lead Authority" on Pet Shop Licensing for a number of years. Although the agreement does not formally cover H&S we have responded to our partner and other LAs on H&S issues. The lack of an SMR has not hindered this process.</i>	Head of EH, Su142
<i>Difficulty of resources for small LAs should be recognised.</i>	Commercial Services Manager EHO, Ru347
<i>The full SMR was a deterrent to many LAs including MD57 due to resource implications.</i>	Principal Officer, MD57
<i>Whilst audit is resource intensive, how will LAs gain confidence, what are alternatives.</i>	Assistant BEHO, LB21
<i>There should be flexibility to leave out full audit where reduced resources do not allow, but the aim should be for a full audit.</i>	EHO, Su205
Comments from businesses:	
<i>Full audits should no longer be obligatory. However the benefits of a full audit should be emphasised.</i>	H&S Adviser, Tyre & Exhaust ScRu360

Table 11.7 shows the respondents comments on how formalised LAPS should be. Respondents felt that the partnership needs a framework. The arrangements should be matched to the needs of the partners. Clear benchmarking and some degree of formalisation was required.

Table 11.7: Detailed and formalised arrangements for LAPS

Item 3: No longer be obligatory for any new lead authority to undertake a full audit of partner.	
Comments from lead authorities:	
<i>The LA must content itself that it has sufficient information to make accurate and sensible conclusions. The advantage of the full SMR approach was that the company had to commit itself to being wholly open and thereby possibly exposing itself to criticism (of the constructive variety). I still think it is essential to speak in depth to those employees who actually control the day to day implementation of H&S controls.</i>	HSW manager, WUr390
<i>So long as lack of full audit is made clear in lists, web site info supplied by HSE.</i>	Head of Section, ScU360
<i>Need vigour and a clear benchmark/action plan in early stages of process. Otherwise LA could appear too "cosy" with partner and/or find that the following dealings with other LAs become one-sided.</i>	Deputy EH Manager, R&R264
Other LA comments:	
<i>Depend on the nature of organisation. Need to be guidelines if there was a minimum standard of recognition.</i>	EHO, Ru293
<i>I agree in principle, however I feel a formal system of some kind is required.</i>	EHO, Su194
<i>The scheme needs to maintain credibility and accountability and also to enable officers to be able to deal with enquiries with any degree of confidence.</i>	Manager of EHS, Su141
Business comments:	
<i>I suggest that there needs to be some form of agreement/commitment/evaluation programme in place before formal recognition is granted.</i>	H&S Adviser, Charity B119
<i>Subject to a full review of the H&S policy and its application within the company.</i>	Senior Legal adviser, Supermarket B28
<i>Suited to the needs/strengths/weaknesses of the company.</i>	Chief Executive, Residential care B139
<i>This should be tempered with an "appropriate survey of knowledge and understanding of safety obligation and arrangements".</i>	Group HS&E Manager, Car dealership B62
<i>LA will need to satisfy itself that it is sufficiently familiar with policy and procedures of partner organisations.</i>	H&S Officer, Supermarket B65

Table 11.8 is the first of two matrices showing the responses to the assertion that new lead authorities become a focal point for liaison at an early stage of the partnership. Respondents commented that allowing a lead authority to act as a focal point from the outset informs and targets the early work of the lead authority.

Table 11.8: Benefits of early liaison with other LAs

Item 4: New lead authorities become a focal point for liaison as soon as partnership is established.	
Comments from lead authorities:	
<i>It would be beneficial for such authorities to be informed of concerns by other enforcing authorities so that improvements can be targeted at problem areas.</i>	Senior EHO, WRu389
<i>My belief and experience is that lead EHOs develop a fairly comprehensive knowledge of their partner company after about 12 months into partnership. During this time they should express the limitations of their knowledge when initially entering into discussions with other LAs.</i>	Team Leader, U&I 133
<i>I began liaising before the partnership was formally established. I explained the situation to whoever made contact and they fully accepted the situation. It was actually very useful to have early comments and opinions on the company because it influenced the way I proceeded with the review in certain aspects.</i>	HSW manager, WUr390
<i>The benefit of this approach is that other authorities might make contact in the early stages of the audit which should help with the scope of focus.</i>	Deputy EH Manager, R&R264
<i>To be expected. We have produced a "fax pack" to send out to questioning authorities. It is invaluable.</i>	H&S Adviser, U&I131 (flexible)
<i>Agree. This will enable us to input our knowledge of the organisation and any weaknesses in safety management we are aware of at an early stage to the new Lead Authority.</i>	SEHO, ScU354 (dissolved)
Other LA comments:	
<i>Contact with the Lead Authority from day one should be encouraged.</i>	PEHO, MD62
<i>Would prove useful in conducting an SMR but large nos. of enquiries may distract from conducting an SMR. Asst.</i>	Chief EHO, Ru339
<i>Where partner company is large one with multiple outlets, being a focal point for liaison may cause problem in the early days. It will though give the Lead Authority a feel for the problems being encountered whilst they are going through the early stages of any review which may prove very useful.</i>	EHO, Ru340
Business comments:	
<i>Communication to all enforcing authorities is crucial to success. Key word is "focal point".</i>	Group H&S Manager, Hospitality B226
<i>Strongly agree – leads to: assistance to other organisations (especially in similar fields), better liaison, and better promotion of LAPS.</i>	Chief Executive, Residential care. B139
<i>Very important to promote.</i>	Group H&S Manager, Retail chemist B40

Table 11.9 contrasts with the last table in that some respondents felt that lead authorities needed to be sufficiently confident in dealing with queries before they became the focal point for other LAs. Also, other LAs need to be aware of the partnership and some tended to bypass the partnership or not liaise.

Table 11.9: Limitations for early liaison with other LAs

Item 4: All new lead authorities become a focal point for liaison as soon as the partnership is established.	
Comments from lead authorities:	
<i>As long as "establishment" of LAPS is at a level where both the LA and partner company are able to answer queries and know each other enough to be ready for queries. "Finding their feet" stage could be an indication that LAPS is being established but LAs expectations of the Lead Authority must take this into account. It should be useful for the Lead Authority to have contact with other LAs during this stage as this improves their understanding of the company.</i>	Senior EHO, Su196 (flexible)
<i>As a principle OK. BUT this pre-dictates that other authorities will know/check the existence of a "partner" – DOES NOT HAPPEN NOW! How about the partner LA "broadcasting" via EHCnet or similar the intention and ask for "issues" to be forwarded.</i>	Deputy EH Manager, R&R264
Other LA comments:	
<i>Lead Authority should not be expected to act as liaison point until partnership is up and running.</i>	Manager of EHS, Su141
<i>I would hope that the evaluation steps would fit into a defined category or scope – so the consulting LA is aware of the current relationship.</i>	Team Leader, LB30
<i>This takes time to develop in practice and continues to be bypassed by some LAs indefinitely.</i>	EHO, MD46
<i>Depends on whether the originating LA has adequate arrangements for identifying and contacting Lead Authorities. Many LAs still don't consult Lead Authorities.</i>	EHO, Su205
Business comments:	
<i>LA will need to be confident in knowledge of partner company's operations prior to 'going live'.</i>	H&S Officer Supermarket, B65
<i>But how can we ensure this happens. In spite of the LA circular, very few LAs seem aware of this LAPS, which has been in existence since 1995.</i>	OHS Manager, Retail cosmetics, B264
<i>This should be the case although day-to-day enforcement is still in the hands of other LAs who seem in many cases to be ignorant of the LAPS.</i>	Group HS&E Manager, Car dealership B62
<i>Partnerships "finding their feet" could perhaps encourage support from more established partnerships.</i>	H&S Adviser, Tyre & Exhaust ScRu360
<i>Define minimum criteria to ensure the key objectives of the scheme are achieved.</i>	H&S Adviser, Charity B119

Table 11.10 is the first of two matrices showing the responses to the assertion that new lead authorities should be able to use their own judgement as to what was necessary for a lead authority to adequately familiarise themselves with the health and safety systems of their partner business. Respondents commented that the lead authority should have the freedom to decide. Such a decision should be made in consultation with the partner business.

Table 11.10: Flexibility in LAPS – A joint partnership decision

Item 5: New lead authorities should be allowed to use their professional opinion to decide that necessary to familiarise themselves with the health and safety systems of their partner organisation.	
Comments from lead authorities:	
<i>In consultation with their partner organisation, because at the very outset they may not be fully familiar with the systems already in place.</i>	SEHO, Wru389
<i>The evaluation steps must also be agreed with the partner group, otherwise full cooperation will not be forthcoming.</i>	SEHO1, WRu389
<i>This should be done in conjunction with the partner organisation.</i>	Senior EHO, Su144 (flexible)
<i>This should be done with the full agreement of the company.</i>	HSW manager, WUr390
<i>These evaluation steps may differ significantly depending on numerous factors e.g. type, size of business therefore appropriate to assess for each partner organisation.</i>	EHO, U&1130 (flexible)
Other LA comments:	
<i>Flexibility is preferred, appropriate to the company's standards and LA resources.</i>	PEHO, MD62
<i>This is an integral part of a flexible approach.</i>	EHO, Ru313
<i>There has to be some flexibility.</i>	PEHO, RR285
<i>But this does not mean that other LAs who may be "better informed" cannot make suggestions or constructive criticism.</i>	PEHO, WRu407
<i>Again, there should be a level of flexibility but if everyone starts picking and choosing, the scheme loses its relevance. Needs to be plenty of guidance.</i>	EHO, Su205
<i>made Authorities should make clear how assessments and conclusions reached.</i>	SEHO, Su201
<i>Whilst an SMR is believed to be necessary, the direction it takes and the areas it covers should be by agreement between the Lead Authority and its partner company.</i>	Manager of EHS, Su141
Business comments:	
<i>Should be a joint agreement.</i>	Group Safety Manager Retail chemist, B117
<i>Must be joint decision between the parties.</i>	Senior Legal adviser, Supermarket B28
<i>Each partnership is unique.</i>	H&S Adviser, Retail B133

CHAPTER ELEVEN – CONSULTATION EXERCISE

Table 11.11 shows that some respondents felt that there should be guidance that provides a framework, structure and model for the partnership. The comments shown at Table 11.12 on page 276 reveals that some respondents considered it to be important for LAPS to be underpinned by a framework, guidance, flexibility and consensus.

Table 11.11: Clear guidance for LAPS arrangements

Item 5: New lead authorities should be allowed to use their professional opinion to decide that necessary themselves with the health and safety systems of their partner organisation.	
Comments from lead authorities:	
<i>Continuity of Scheme essential.. Therefore better to provide guidance on how to decide which evaluation steps will be necessary to adequately familiarise themselves with partner's H&S systems.</i>	EHO, ScU356
<i>I wonder whether HSC s.18 guidance should specifically refer to competency levels of officers involved in setting up LAPS because this is ultimately the key to effective partnerships.</i>	HSW manager, WUr390
<i>Some guidance from the LAU would be helpful.</i>	Team Leader, U&I 133 (flexible)
<i>There needs to be clear guidance on what type of audit might be most suitable. e.g. full SMR for large conglomerate company, extended audit using HS(G)65 as a guide for SMRs and trade organisations of a similar size. Also, NON-NEGOTIABLE agreements as to training, finance and commitment to the partnership – formally agreed by <u>both</u> parties.</i>	Deputy EH Manager, R&R264
<i>"Good Practice" handbook with examples of what has worked in other partnerships would be useful in disseminating good practice and prevent "re-invention" of the wheel.</i>	SEHO, ScU354 (dissolved)
Other LA comments:	
<i>There should be a standard structure of some kind to the partnership.</i>	SEHO, Su202
<i>Need a framework for all Lead Authorities to work through, to ensure consistency and impartiality.</i>	H&S Section Manager, UI102
<i>It would be useful, however, to have published guidance available to ensure a certain amount of consistency and therefore maintain the credibility of the scheme.</i>	EHO, Ru340
<i>With guidelines/training.</i>	Commercial Services Manager, Ru347
<i>Guidance may be useful.</i>	Asst. Chief EHO, Ru339
<i>This should be supported by guidance and possible minimum standards.</i>	Area Manager, LB32
<i>Minimum criteria in all cases for consistency.</i>	EHO, Ru293
<i>To ensure consistency, guidance on recommended option would be useful.</i>	Food & Safety Manager Ru310
<i>HSG(65) should be looked upon as established good practice and adapted accordingly.</i>	EHO, ScRu 377
<i>New Lead Authorities must consider guidance given by LAU and attend the training courses.</i>	EHO, Su194
<i>LAU should locate on the website, model arrangements where the LAPS reviews have highlighted best practice. This would allow the partners to agree on which model is the most appropriate for whatever framework they wish to adopt.</i>	SEHO, ScRu380
Business comments:	
<i>There must be a template for non-negotiable standards, and where in-house professional safety management exists, discussion should take place prior to any evaluation steps.</i>	OHS Manager, Retail cosmetics B264
<i>Minimum criteria need to be established.</i>	H&S Adviser, Charity B119
<i>So long as it covers the fundamental principles of the partnership scheme.</i>	HS&E Controller, DIY store B15

Table 11.12: Agreed LAPS arrangements based on guidance

Item 6: New lead authorities and their partners should agree an evaluation programme together....	
Comments from lead authorities:	
<i>Establishment of scope and consensus are essential.</i>	EHO, MD46 (flexible)
<i>It is important that this is drawn up before the commencement of such a programme.</i>	EHO, ScU356
<i>There still needs to be a training element or at least clear guidance on the degree of evaluation, review and auditing that will ensure an effective partnership that other LAs can rely upon.</i>	HSW manager, WUr390
<i>Essential.</i>	Deputy EH Manager R&R264
<i>Some guidance and suggested time scales from LAU would be helpful.</i>	Team Leader, U&I 133 (flexible)
<i>Findings from personal experience are that timetable needs to be flexible.</i>	SEHO, Su144 (flexible)
<i>This was important with our partner (hotel chain). We managed to timetable the programme to avoid the very busy seasonal periods associated with the hospitality sector.</i>	SEHO1, WUr389
<i>Lead Authorities must be allowed by partners to "call the tune" on what they need to evaluate to get a better idea of the running of the partner organisation. The partner should be open to that, and the process then agreed between them.</i>	SEHO, WRu389
<i>LA decides using different professional opinion what is necessary to do, and then get agreement from the company.</i>	EHO, U&I30 (flexible)
<i>We feel that this is essential if the partners are to have any sense of purpose.</i>	SEHO, ScU354 (dissolved)
Other LA comments:	
<i>But still in accordance with a framework outlining minimum requirements.</i>	H&S Section Manager, UI102
<i>In accordance with LAU guidance.</i>	EHO, Su194
<i>Without such an agreement at the outset I think it would be extremely difficult for the partnership to work effectively in the intended manner.</i>	PEHO, ScRu 377
<i>As long as the scope is agreed and defined for consulting LAs.</i>	Team Leader, LB30
<i>Rapid changes are taking place both in LAs and the business community - most flexible approach should be allowable. Changes in procedures, structures and personnel can then be incorporated</i>	SEHO, ScRu380
<i>Flexibility....resources!</i>	PEHO, MD62
<i>The Lead Authority and its partner company should be able to agree between themselves as to what the SMR should cover.</i>	Manager of EHS, Su141
<i>Impossible to do unless full agreement.</i>	PEHO, MD40
Business comments:	
<i>Minimum criteria/outcome objectives need to be established to ensure effectiveness and credibility of the scheme.</i>	H&S Adviser, Charity B119

Table 11.13 shows the responses to the assertion that LAU should continue to explore with LACOTS the possibilities for developing some common principles for HAP and LAPS. Some respondents suggested that there was already a common philosophy behind the two schemes commented that the lead authority should have the freedom to decide. Such a decision should be made in consultation with the partner business. The additional resource demands were of concern, as was the status of food safety relative to health and safety.

Table 11.13: Common principles for Home and Lead Authority schemes

Item 13: Continue to explore with LACOTS possibilities for developing some common Home/Lead Authority principles, for ensuring consistency between the two schemes and for joint working.	
Lead Authority comments:	
<i>I believe that there is already a common philosophy between these. Trading Standards and Fire Authorities – what role in future partnerships.</i>	Deputy EH Manager, R&R264
<i>If councils and companies wish to be both Home and Lead Authority that should be up to them. There are also partnerships with Building Control Departments and Fire Brigades.</i>	Head of Section, ScUr360
<i>Agree with reservations. In LA Environmental Health Departments food Issues / resource demands / profile etc. overpower and swamp H&S which becomes a <u>very</u> poor relation. It is easy to see how the same could happen here.</i>	EHO, MD46 (flexible)
<i>My concerns with this approach is that the amount of follow up work required to be taken by the Lead Authority would be such that it may result in putting prospective local authorities off from joining the scheme. I would like assurances that the workload following a LAPS would be no more than currently experienced.</i>	SEHO WUr389
<i>Where I work, H&S and Food are in well defined separate sections. We think this is beneficial to companies because of the levels of competency and consistency of approach are better. What is envisaged here will take alot of work and I don't quite see significant benefits.</i>	HSW Manager, WUr390
<i>We feel that there is a lot of scope for LAs with head offices in their district to act as a point of contact and an information source on that organisation, (particularly when other LAs considering taking enforcement action), in the same way that LAs approach the "Originating Authority".</i>	SEHO, ScU354 (dissolved)
Other LA comments:	
<i>This work is essential. A common scheme would help both current schemes, especially in promotional terms.</i>	Acting Head of EH, Su142
<i>As 2x HA can see benefits – consistency.</i>	SEHO, Su201
<i>Obviously as LAs work HA scheme, the more similar to the LA scheme, the better.</i>	Head H&S, Ru313
<i>Regular review and monitoring of any scheme with a desire to seek improvement has to be worthwhile (sounds like best value)!!</i>	PEHO, MD62
<i>Development of web sites would allow ready access via any links to related organisations sites.</i>	SEHO, ScR380
Business comments:	
<i>But will LAs have resources for this? And what about fire and trading standards?</i>	OHS Manager, Retail cosmetics B264
<i>The need for a joint Lead Authority/Home Authority scheme needs further emphasis because of the significant cost benefits which can accrue to all stakeholders. Progress in this area must be rapid and the use of one authority and preferably one administration will demonstrate the advantage of "joined up Government".</i>	MD, Catering B8

Table 11.14 is the first of three matrices showing the responses to the assertion that a lead authority should be able to influence the inspection frequency of other LAs. Many respondents felt strongly that the local authority, not the lead authority, should determine inspection frequency.

Table 11.14: Inspection frequency determined at local level

Item 14: The lead authority should be able to influence the inspection frequency of the partner organisation by other local authorities.	
Comments from lead authorities:	
<i>Local authorities must be able to determine their own inspection frequency and not be influenced by other authorities. Local management issues, premises matters etc. will have an input on inspection frequency determinations.</i>	SEHO, WRu389
<i>Although there may be company procedures, policies, training etc. there may be a breakdown at local level, and so via the risk rating system I believe only the LA itself can determine inspection frequency, <u>not</u> the Lead Authority.</i>	EHO, ScU356
<i>Each LA will make its own decision based on inspections. The existence or otherwise of a LAPS should already be incorporated in that decision. Local variation throughout national companies does occur and must be accounted for.</i>	SEHO, Su144 (flexible)
<i>Inspection frequency must remain subject to the risk scores made on a local basis and enforcement must be based on proportion to risk. A LAP may influence the frequency of inspection due to improving or consistent standards throughout the organisation – local inspection rating will reflect any local failings.</i>	EHO, Su171 (flexible).
<i>Majority of LAPS do not deal with “local issues”. Other LA visits should continue to be at the discretion of each LA but follow the timetabled action plan details in the LAC document.</i>	SEHO1, WUr389
<i>I am not wholly convinced that LAPS membership equals better H&S performance because it is so reliant on the locally based management actually implementing the policies/procedures. The LA needs to be able to rate the premises as they judge it without outside influence.</i>	HSW manager, WUr390
<i>We disagree with the principle of reduced inspection frequencies <u>but</u> if this is the decision minimum criteria must be laid down.</i>	SEHO, Su196 (flexible)
Other LA comments:	
<i>Sorry – this needs to be left with local authorities.</i>	Team Leader, H&S Sru376
<i>Inspection frequency should be based entirely on conditions and management of each site.</i>	SEHO, Su202
<i>The autonomy of each LA should be respected. Individual outlets and local management can vary from the “norm”, therefore LAs should be allowed to inspect as they see fit. Where inconsistency is felt to occur between different LAs, the Lead Authority is free to challenge or make representations.</i>	PEHO, MD62
<i>Each premises must be assessed individually.</i>	EHO (H&S), U&190
<i>Each premises may have its own issues which cannot be assessed by the Lead Authority.</i>	PEHO, MD40
<i>Lead Authority does not know the local circumstances.</i>	SEHO, Ru348
<i>Would not take account of local hazards/risks/management control.</i>	Asst. Chief EHO, Ru339
<i>The Lead Authority cannot account for variations in local conditions such as old buildings, management attitude, staff turnover which may all affect on local conditions and hazards/risks.</i>	PEHO, Su141
<i>I do not see how one LA can influence the business/ work plans of other LAs. In any event this will override local considerations which is why LA enforcement of H&S is so necessary.</i>	Area Manager, LB32
<i>There will always be local issues, e.g. management of the organisation, staff, location etc.</i>	EHO, Su194
<i>How will the Lead Authority have any knowledge of resources available to other LAs?</i>	Asst. BEHO, LB21
<i>Such decisions can only be taken by individual LAs to take account of local circumstances. Indirectly, if LAPS scheme is effective, the organisational H&S of company should improve – and as a result, the inspection frequency should reduce (increased confidence in management and lower risk).</i>	EHO, Su205
<i>There will always be local issues, e.g. management of the organisation, staff, location etc.</i>	EHO, Su194
Business comments:	
<i>LAs should set their own frequencies dependent on previous performance of company in their area.</i>	H&S Officer, Supermarket B65
<i>Why, this is not what LAPS is for.</i>	OHS Manager, Retail cosmetics B264

Table 11.15 is the second of three matrices and, in contrast with the last one, shows that some respondents considered that it was reasonable for the lead authority to influence the inspection frequency but should not direct LAs.

Table 11.15: Lead Authority can influence inspection frequency

Item 14: The Lead Authority should be able to influence the inspection frequency of the partner organisation by other local authorities.	
Findings: Lead Authority may influence but not direct local authorities.	
Comments from lead authorities:	
<i>Influence should not be direct for fear of misplaced allegation of protectionism. Effect on inspection frequency should arise through the effect on risk and confidence scoring.</i>	EHO, MD46 (flexible)
<i>I do not consider this to be appropriate. Membership of an LAP may well increase confidence in management scoring + reduce risks to reduce score + therefore frequency of visits anyway.</i>	EHO, U&I30 (flexible)
<i>Each LA will make its own decision based on inspections. The existence or otherwise of a LAPS should already be incorporated in that decision. Local variation throughout national companies does occur and must be accounted for.</i>	SEHO, Su144 (flexible)
<i>Perhaps too early to become too prescriptive on LAs.</i>	Team Leader, U&I 133 (flexible)
<i>I do not believe LA partners are able to influence consistency without compromising their position. The aim of promoting consistency is not well served and is difficult to effect.</i>	H&S manager, MD44
Other LA comments:	
<i>Influence but not demand or dictate.</i>	PEHO, Wru407
<i>Local circumstances should dictate inspection frequencies. Lead Authorities could suggest a benchmark range of risk rating scores.</i>	SEHO, MD65
<i>Agree in principal provided it is influence and not control. Experience has shown that the existence of a LAP does not always ensure compliance at local level.</i>	EH Manager, Ru297
<i>Yes, influence but not the overriding factor if local problems exist.</i>	H&S Section Manager, U&I102
<i>The information provided by Lead Authority should be used by enforcing authorities to help them to make their own judgements regarding frequency.</i>	SEHO, Su201
<i>Individual LAs remain the enforcer for that "outlet", the Lead Authority will/should influence the confidence in management score and hence inspection frequency.</i>	Head of EH, Su142
<i>Not directly – its for the LA to visit on the basis of the performance at the premises in its LA, bearing in mind any info from the Lead Authority, or any HELA general advice on frequency. If a company is in a partnership and performing well across its sites this should be reflected in its rating, reducing the frequency of inspections.</i>	Team Manager, LB12
<i>However, there should be some sort of recognition. Perhaps the existence of a Lead Authority Partnership could be linked to the "Confidence in Management" score. This would still enable enforcing authorities to accurately risk rate the premises but would recognise the existence of a partnership.</i>	SEHO, Su169
<i>The whole point of LAC67 is for each premises to be rated on its own merits. Whilst the Lead Authority should advise on general standards and management throughout the company, it cannot comment on local standards and management at remote locations with enough insight to influence the scores.</i>	EHO, Ru340
<i>This is too prescriptive – resources differ significantly.</i>	EHO, Ru313
Business comments:	
<i>To an extent but local circumstances.</i>	EHS Manager, Department store B108
<i>Should not be restricted to reducing inspection frequency. In some circumstances it may be appropriate to suggest increased inspection, e.g. to monitor local implementation of an action plan.</i>	H&S Adviser, Charity B119
<i>Needs to be administered with some discretion, but would allow both LAs and commercial/community groups to focus on improvement rather than mere compliance.</i>	H&S Adviser, Tyre & Exhaust B360
<i>This would provide a significant cost benefit to business as well as enforcers and should be encouraged in tandem with LACOTS for the "Home Authority" partnership.</i>	MD, Catering B8
<i>Inspection duration – yes.</i>	Group Safety Manager, Retail chemist B117

Table 11.16 is the final of the matrices dealing with the assertion that the lead authority should be able to influence the inspection frequency of other LAs. In this case it can be seen that some respondents felt that the lead authority would have an influence on the inspection frequency of the other LAs because of the improved health and safety standards resulting from the LAPS relationship and these would be reflected by lower risk rating scores at local level. The Priority Planning regime applied by individual LAs is primary determining factor for inspection frequency.

Table 11.16: Priority Planning system determines inspection frequency

Item 14: The lead authority should be able to influence the inspection frequency of the partner organisation by other local authorities.	
Comments from lead authorities:	
<i>If policy & procedures at H/O are accepted as being good/excellent, if they are not being implemented at store level the inspection frequency allocated would be awry. It may be worth reviewing the inspection rating system to include relevance to the fact that the co. has a LAPS which could amend the frequency of inspection, but not down to the Lead Authority to determine.</i>	SEHO, Su196 (flexible)
<i>I do not consider this to be appropriate. Membership of an LAP may well increase confidence in management scoring + reduce risks to reduce score + therefore frequency of visits anyway.</i>	EHO, U&I30 (flexible)
<i>It may be worth reviewing the inspection rating system to include relevance to the fact that the co. has a LAPS which could amend the frequency of inspection, but not down to the Lead Authority to determine.</i>	SEHO, Su196 (flexible)
<i>Disagree. The risk rating and thus the inspection frequency of the premises should be determined by conditions, local organisation and management arrangements found on site at the time by EHO concerned. However, in the interests of openness, we see no reason why any local authority should not query another's inspection frequency and their rationale for the current risk rating.</i>	SEHO, ScU354 (dissolved)
Other LA comments:	
<i>Experience has found that large organisations fail at local management level, i.e. the inspecting authority is scoring that site/manager and thereby directly the support structure of the company to those persons.</i>	SEHO, ScR380
<i>Whole point of LAC67 is for each premises to be rated on its own merits. Whilst Lead Authority should advise on general standards and management throughout the company, it cannot comment on local standards and management at remote locations with enough insight to influence the scores.</i>	EHO, Ru340
<i>This arrangement would be impracticable, e.g. how would this be reconciled against LAC 67/1 (rev2).</i>	EHO, ScRu375
<i>Good in theory but unworkable in practice.</i>	PEHO, ScRu377
<i>Whilst it may be possible to review written documentation it is not possible to review local issues regarding individual premises or the individual commitment to the policy.</i>	EHO, H&S Su188
<i>This goes against priority planning LAC and the need for local needs and problems.</i>	Team Leader LB30
<i>Surely should be inspecting on basis of HELA inspection rating.</i>	PEHO, Su219
<i>Guidance should be offered on anticipated frequencies of inspection for this organisation's premises but there may be specific circumstances at a particular premises that warrants variation to the recommended inspection frequency.</i>	EHO, Ru293
<i>This is too prescriptive – resources differ significantly.</i>	EHO, Ru313
Business comments:	
<i>Cannot be seen as a soft option.</i>	Group H&S Manager Retail chemist, B40

Table 11.17 is the first of two matrices showing the responses to the assertion that LAPS membership should contribute to any future performance indicators developed for health and safety enforcement. The responses brought together within this table show that for many such an approach was seen as a means of securing participation and encourage LAs to devote resources to LAPS.

Table 11.17: LAPS can contribute to performance indicators

Item 15: LAPS membership should contribute to any future performance indicators developed for health and safety enforcement.	
Lead Authority comments:	
<i>May encourage more LAs to devote resources to the LAPS exercise.</i>	SEHO1, WUr389
<i>Don't understand question.</i>	EHO, U&I30 (flexible)
<i>I am not sure what this question is aiming at. Is it that the shared experience of industry groups facilitated by the LAPS approach can provide useful information on safety culture, current problems affecting a large sector or cross-sectional group, on inconsistency of approach by EHOs? Need more clarity please.</i>	
Deputy EH Manager, R&R264	
Other LA comments:	
<i>By making membership of LAPS a PI then resources may be made available to allow participation in the scheme.</i>	EHO, Ru293
<i>Obviously if the scheme is working well, the information generated should be used.</i>	EHO, Ru313
<i>Until statutory performance indicators are produced for H&S enforcement it is at risk of not being properly resourced by LAs.</i>	Food & Safety Manager, Ru310
<i>There is a resource implication of varying degrees, so it would be appropriate to give consideration when looking at LA performance.</i>	PEHO, MD62
<i>A good way of getting LAs (including ours!) to take part – particularly if it is picked up on best value reviews by auditors.</i>	Team Manager, LB12
Business comments:	
<i>Define minimum criteria to ensure the key objectives of the scheme are achieved.</i>	H&S Adviser, Charity B119
<i>This will promote the objectives of consistent enforcement, which is a major motivating factor for business partners.</i>	Senior Legal Adviser, Supermarket B28
<i>There is useful information to be gleaned from the experiences of others.</i>	OHS Manager, Retail cosmetics B264
<i>The nature of LAPS and its successful development can provide valuable input into performance indicators and therefore produce effective enforcement strategies.</i>	H&S Adviser, Tyre & Exhaust B360

CHAPTER ELEVEN – CONSULTATION EXERCISE

Table 11.18, in contrast to the views reflected in Table 11.17, reveals that a substantial number of respondents felt that LAPS should not contribute to any future performance indicators developed for health and safety enforcement. Their reasons for this were that suitable companies were not available to all LAs; which may encourage inappropriate partnerships.

Table 11.18: LAPS should not represent a Performance Indicator

Item 15: LAPS membership should contribute to any future performance indicators developed for health and safety enforcement.	
Comments from lead authorities:	
<i>This might propel LAs into establishing (possibly unsuitable) partnerships for the purpose of meeting an arbitrary indicator. LAPS is worthwhile in its own right when employed properly and should not be subservient to spurious indicators.</i>	EHO MD46, (flexible)
<i>Not as a mandatory target. LAs should be encouraged to establish partnerships (LAPS or other) but not forced.</i>	SEHO, Su144 (flexible)
<i>But other than counting inspections, notices etc. we don't have real PIs that actually measure improvements.</i>	HSW manager, Wur390
<i>For what purpose? To what end? Will this effectively put any prospective partner off joining whilst it may be struggling to improve itself?</i>	Senior EHO, WRu389
<i>Disagree! This would unfairly penalise those LAs who have no suitable or willing candidates for partnering or who are busy targeting their limited resources to higher risk businesses.</i>	SEHO, ScU354 (dissolved)
Other LA comments:	
<i>This would be seen as arm-twisting of LAs to join the scheme. Participants in the scheme should be committed to it and want to work with their partner company, not just to achieve compliance with a performance indicator.</i>	SEHO, MD65
<i>In general, performance indicators seem to force enforcing authorities into obtaining a 'tick' in the box. If this is to continue I would oppose the inclusion of this in any future performance indicators.</i>	Area Manager, LB32
<i>LA funding is heavily influenced by Government grants and Business Rate Income. It would be unfair to those LAs to be audited on a nationally publicised Indicator where financial resources are limited. There are more appropriate H&S performance that can be audited than signing up to LAPS – for a number of very good reasons (e.g. land mass, suitable partners, staffing and financial resources etc).</i>	SEHO, ScRu380
<i>As not all LAs will be Lead Authorities, use of this as a PI is inappropriate.</i>	Assistant BEHO, LB21
<i>Not all LAs have suitable companies within their area. Usually small LAs or very rural ones with insufficient resources to cope with staff being away from the district carrying out an SMR with a company based elsewhere.</i>	EHO, Ru340
<i>The resource implications have to be reflected in the PIs. However, the PIs will have to reflect the flexibility in partnership arrangements.</i>	SEHO, Su201
<i>Disagree strongly – the scheme may be totally irrelevant in some LA districts whilst highly appropriate in others. Such diverse situations cannot create performance indicators of any significance.</i>	PEHO, Ru296
<i>This must not however be negative towards non participants. Some local authorities cannot obtain or afford partnerships so it would be unfair to downgrade their performance.</i>	SEHO, Ru348
<i>May place a burden on small LA who have not the resources to participate.</i>	EHO, Su188
<i>Not all LAs have the resources to commit to LAPS and will therefore be disadvantaged.</i>	Team Leader LB30
<i>Uptake is dependant on the area where the LA is based. Not fair indicator.</i>	PEHO, R&R285
<i>Some LAs simply won't have suitable or willing partner organisations in their area.</i>	Divisional Manager, R&R292
Business comments:	
<i>Membership is no guarantee of good performance.</i>	H&S Officer, Supermarket B65

CHAPTER ELEVEN – CONSULTATION EXERCISE

Table 11.19 shows the responses to the assertion that minimum participation criteria must be laid down in order to secure the confidence of other LAs. There was a general spread of comments against and the reasons for this are contained within the table.

Table 11.19: Minimum participation criteria for LAPS

Item 16: minimum participation criteria must be laid down to secure confidence of other LAs	
Comments from lead authorities:	
<i>I agree with statement but feel that setting criteria will not be straightforward.</i>	SEHO, Su144 (flexible)
<i>Especially difficult in a trade association partnership.</i>	EHO Su171 (flexible)
<i>No. It should be left to LAs to assess the commitment of their partner companies before entering into the partnership or during the scheme, and withdraw if necessary where full commitment is not forthcoming.</i>	Team Leader, U&I 133 (flexible)
<i>The discretion of the LA to take appropriate action should never be undermined.</i>	HSW manager, WUr390
<i>The direct benefit is a lot of "free" consultation, an agreed perspective on good and not so good arrangements for safety and on a more consistent approach to enforcement WHENEVER an inspection occurs, NOT to drive inspection frequency – the priority planning system should permit a NADS type approach based on LAPS?</i>	Deputy EH Manager, R&R264
<i>Disagree entirely with concept that LAPS should be sold to businesses as way of reducing inspection frequency. Local site inspector determines appropriate inspection frequency.</i>	SEHO, ScU354 (dissolved)
Other LA comments:	
<i>Yes, otherwise there will be a suspicion that "wool is being pulled over eyes" of LA.</i>	EHO, Ru313
<i>This criteria would need to be robust and again – flexible to take in the need of local issues.</i>	Team Leader, LB30
<i>No, I do not agree that reduced inspection frequencies as of a right due to "membership" of the LAPS participation is acceptable.</i>	PEHO, MD62
<i>This will interfere with the Lead Authority's discretion as to the extent of input needed. This would be a move back towards prescription. However, the extent of the partnership must be made clear to all other LAs. They can judge for themselves how effective they feel the partnership to be.</i>	SEHO, Su169
<i>Is reduced inspection frequency a benefit??</i>	PEHO, Su143
<i>Any additional money?</i>	PEHO, R&R285
<i>I object to any promise by Lead Authority of reduced inspection frequencies by LAs at their outlets as a direct benefit of LAPS – rather: we are selling point that the aim of the company should be to improve.... thus, fewer accidents, better health, safety and welfare = fewer accident investigations and fewer/shorter inspections.</i>	EHO, Su205
<i>However, I would be concerned about 'benefits' being received, if an organisation is involved in the scheme and the Lead Authority is acting as an adviser, inspection frequency would hopefully be fairly consistent throughout LAs. You cannot rule out local factors as previously mentioned.</i>	EHO, Su194
<i>I don't agree with reduced inspection frequencies being offered. It's for LAs to make decisions informed by what info/advice comes from a Lead Authority Partnership.</i>	Team Manager, LB12 (PEHO, MD57)
Business comments:	
<i>This is crucial to the future success and credibility of the scheme. The proposed flexible framework needs clearly established boundaries/criteria for both partners to work within. Otherwise LAPS could become a meaningless "rubber stamp" that fails to achieve its key objectives.</i>	H&S Adviser, Charity B119
<i>Minimum participation criteria should facilitate the provision of realistic inspection frequencies and the shaping of performance indicators, whilst preserving the integrity of the scheme.</i>	H&S Adviser, Tyre & Exhaust B360
<i>But must be flexible and appropriate to the organisation.</i>	Partner, Leisure B131
<i>The scheme is based on management competence (systems and operational). If organisation passes – then it passes. If required standard not met then workplan should be drafted to meet the criteria. Other LAs doubting organisation commitment to H&S should flag it up to Lead Authority.</i>	HS&E Manager, car dealership B62
<i>LAs should retain local control over frequencies of inspection etc. in each area.</i>	H&S Officer Supermarket B65
<i>Don't like the phrase "direct benefits" – this sounds like a quid pro quo.</i>	OHS Manager, Retail cosmetics B264

Table 11.20 is deals with the possible ‘intermediary’ role for LAPS partners. Those in favour this role gave promotion of improved consistency and occupational health and safety as their reasons. Time and resource implications were among reasons against such a role.

Table 11.20: An intermediaries role for LAPS partners

Item 18: There could be a role for LAPS partner organisations to act as intermediaries such as passing on key health and safety messages to others	
Findings: There is an ‘intermediaries’ role for LAPS partners.	
Comments from lead authorities:	
<i>This is a point which we have considered as a future development. Our partner also has a larger tenanted estate of independently run houses, and supplies to the free trade.</i>	SEHO, Su144 (flexible)
<i>Any way of promoting or improving occupational health and safety must be encouraged.</i>	EHO, Su171 (flexible)
<i>But again, wary of increasing workload.</i>	HSW manager, WUr390
<i>Do not understand what is meant by “intermediaries”. If you anticipate trade organisations disseminating to members, safety info. Etc., then the LA involved could be vulnerable to criticism of <u>NOT</u> passing on information. Therefore agree but need to have clear mechanism of understanding of process. What role for NIGs here?</i>	Deputy EH Manager, R&R264
Other LA comments:	
<i>This is very important. On the business partners side such organisations interface with many other organisations and so can influence those organisations’ health and safety practices. For LAs it will assist in achieving better consistency.</i>	EHO, ScRu380
<i>Networking of companies to promote H&S generally should be encouraged.</i>	PEHO, MD62
<i>Good neighbour principle.</i>	EHO, H&S Su188
Business comments:	
<i>Plenty of scope for this, also for advertising LAPS.</i>	Chief Executive, Residential care B139
<i>Agree, this is particularly relevant where partners are members of trade organisations.</i>	HS&E Controller, DIY store B15
<i>The promotion of LAPS through the active involvement of the existing partnerships can only add to the strength of the scheme.</i>	H&S Adviser, Tyre & Exhaust B360
Findings: There is not an intermediaries role for LAPS partners.	
Comments from lead authorities:	
<i>Good neighbouring is all very well but why provide one’s competitors (free!) with the fruits of your efforts and expenditure. Businesses seek an advantage not give it away.</i>	EHO, MD46 (flexible)
<i>I am not sure what is meant by “others”. At the moment I am involved in a very active partnership as well as having to do my routine work, therefore there would be a resource implication in being involved in such a scheme. However, could this not be done via “noticeboards” on the LAPS website.</i>	EHO, ScU356
<i>But more time would be taken up. Funding issues very difficult in LAs.</i>	EHO, U&I30 (flexible)
Other local authority comments:	
<i>Difficult to see how this would work, unless through User groups.</i>	SEHO, Su169
<i>LAPS could be sources of such info but will need to be co-ordinated by LAU to avoid contradictions.</i>	SEHO, Su201
Business comments:	
<i>Disagree – time and resource.</i>	Safety Manager, Discount retailer B156

11.4 Summary of findings

In presenting the findings of the Consultation Exercise, this chapter has provided rich detail on the reasons why LA and businesses hold particular views on the various aspects of LAPS and its development. The key findings are summarised below.

- LAs accounted for 71% of the responses, 30% of the total being from lead authorities. Individual LAPS businesses comprised 19 of the 23 business responses.
- 85% of respondents supported the concept of a broad flexible framework for LAPS. Many considered that a clearly defined partnership was required. Flexibility and the freedom to decide was seen to encourage others to join and allowed those with limited resources to be accommodated. Decisions should be made in consultation with the partner business, with arrangements being matched to the needs of the partners. Some commented on the importance of LAPS being underpinned by a framework of guidance, flexibility and consensus.
- 92% of respondents agreed with the assertion that a lead authority should become an early focal point for liaison. This was seen to inform and target the work of the lead authority, provided it has sufficient knowledge and confidence to deal with queries.
- 61% of respondents disagreed with the assertion that the lead authority should be able to influence the inspection frequency decisions of other LAs. Many felt strongly that the local authority, and not the lead authority, should determine the inspection frequency. Some held a contrasting view that it was reasonable for the lead authority to influence, but not to direct, other LAs.
- 71% of respondents agreed with the assertion that the requirement for full audit is not necessary. Some considered that audits deter potential lead authorities; others felt that some form of audit was required. There was a general perception that there were insufficient LA resources available for full audits.
- 60% of respondents agreed with the assertion that LAPS should contribute to performance indicators and inspection frequencies. Such an approach was seen as securing participation and encouraging LAs to devote resources to LAPS. In contrast, some felt that LAPS should not contribute to any future performance indicators developed for health and safety enforcement. Their reasons for this were that suitable companies were not available to all LAs, which could encourage inappropriate partnerships.

72% of respondents agreed with the assertion that there could be a role for LAPS partner organisations to act as health and safety ‘intermediaries’. Those in favour of this role gave the promotion of improved consistency, and of occupational health and safety, as their reasons. Time and resource implications were among the reasons against such a role.

CHAPTER TWELVE

Discussion of Results

“What is the meaning of it, Watson? It must tend to some end, or else our universe is ruled by chance, which is unthinkable.”

The Adventures of the Cardboard Box, Sir Arthur Conan Doyle (1893).

12.1 Introduction

The present chapter covers the main findings from each study with appropriate cross-reference and comparison between the studies. In this way the findings are integrated and consolidated to provide, as far as possible, a coherent and robust description of the emerging features of LAPS. This is the first of two chapters devoted to comparing, contrasting, discussing and interpreting the research findings of the four LAPS studies comprising this thesis, described over chapters eight to eleven. The next, Chapter 13, discusses the results with reference to the literature reviews at Chapters 1 and 2, the consideration of other schemes, and the wider implications for the future. These two chapters, taken together with the “experimental” sections, form the basis of the final chapter of this thesis that draws together overall conclusions from the study and makes suggestions in respect of further research.

12.2 The earlier LAPS studies

12.2.1 The Lead Authority Pilot trials

The internal evaluation of the Lead Authority Pilot trials undertaken by LAU, and described in Chapter 8, provided a starting point for discussion of how this voluntary partnership concept gained wide acceptance within a short timeframe. Analysis of the findings from this study also revealed that there were clear indications of the difficulties that might later arise and would have to be resolved.

The pilot trials were well resourced and supported by HSE staff from LAU and APAU. The main findings claimed from the evaluation were that there was generally strong support from the pilot lead authorities and companies both for the principle of the approach and for their own participation. All lead authority inspectors felt that the SMR exercise had increased awareness of health and safety issues within their partner companies and had resulted in specific improvements to their health and safety management systems. This was a view

shared by lead officers of the partner companies. Most lead authority inspectors thought that the participation of their authority in the pilot trials had improved the professionalism of the inspectors involved. All company lead officers were reported as being very positive about the expertise of the lead authority inspectors and found their recommendations from the SMRs to be either 'helpful' or 'very helpful'. Four out of the five companies were reported as having a higher opinion of how their partner lead authority carried out health and safety inspections at the time of the evaluation than they had at the beginning of the pilot trials.

Given the relatively short life of the pilot trials there was no expectation of being able to measure a change in the inspection approach adopted by LAs who were not lead authorities. When evaluation took place; lead authorities had only operated in their liaison role for three months. Notwithstanding this, LAU claimed the responses of other LAs showed a good degree of consistency and that a high rate of return limited any response bias (Bell, 1994a). The evaluation of the pilot trials reported:

- 87% of LAs thought LAPS would result in a more consistent enforcement approach;
- 82% of LAs expressing an interest in future participation;
- 80% of LAs thought that a lead authority approach would result in future savings in time and resources;
- six LAs said it had saved time;
- nine LAs said that having a lead authority helped effectiveness of their inspections;
- notices had not been issued at a local level since the LAs had been made aware of action taking place at a national level by the lead authority; and
- only two LAs thought there were no benefits to be gained by taking part.

The above findings, reported to HELA for their decision whether to adopt the scheme and develop more widely, painted a very attractive picture for the future.

12.2.2 The momentum for LAPS

At the time, LAPS appeared to offer the promise of greater consistency of enforcement by LAs and improvement in the health and safety management systems of participating companies. The scheme was strongly promoted and perceived as having a positive outcome for everyone involved, enforcers and duty holders alike. The five companies selected for the

pilot trials were drawn from a pool of 11 partnerships that had quickly volunteered to participate. As a result, involvement in these pilot trials enhanced the status of those involved.

In reporting the findings of the pilot trials, it was acknowledged that the study was not designed to measure the amount of liaison between other LAs and the lead authority or any change in the general consistency of enforcement. What the evaluation did report was that lead authorities and companies strongly supported the principle, that there were improvements in the health and safety awareness and systems of all five of the companies involved, and that LA inspectors improved their 'professionalism'. For the participants this was enough. Neither the LAU, as author of the report, nor the HELA committee considered it necessary to dwell on the fact that consistency of enforcement had been hinted at rather than measured in this study. The report to HELA was also silent on the very significant resources expended by the participating lead authorities, in three cases the time spent on the SMR alone exceeded 60 inspector days (Bell, 1994a). This omission spelt the failure to alert HELA to the significant resource issues involved which was likely to have a substantial impact on the viability of the scheme in the longer term.

Everyone involved in the pilot trials wanted, indeed needed, LAPS to work. As the pilot trials progressed, there was increasing interest and support for the scheme across the LA enforced sector. As a result, four 'shadow' lead authority partnerships were established 'by popular demand' before the evaluation of the pilot trials had taken place. Interestingly, these shadow partnerships required the lead authorities to undertake only the first stage of the scheme, that is to say, the SMR element. From my review of these early pilot trials, I state my first proposition:

Proposition One:

The momentum of a well-publicised and credible local government programme offering LAs the solution to a long-standing problem is in itself enough to carry the programme forward to the full implementation stage.

The pilot trial findings relating to the 'momentum' behind LAPS are supported by the experiences of other local government partnership schemes dealt with in Chapter 5, namely, Partner Authority and Home Authority. However, such 'momentum' was not apparent for the Lead PI scheme. Therefore, further testing of the proposition across HSE and other

government departments would be necessary before this proposition could be extended beyond LAs to government as a whole.

The relevance of this proposition to the research objectives and hypothesis, as stated at page 26, is that it indicates the influence of political issues on this research, and helps explain why some LAs are content to judge the scheme a success simply by its continued existence. Also, in studies such as this, researchers can suffer by being seen as extensions of those sponsoring the programme (Punch, 1998; Gubrium & Silverman, 1989). My review of the pilot trial would seem to confirm the conclusion of others, namely that researchers should be more cautious where their independence could easily be affected by the political desire to see the scheme succeed (Palys, 1997).

12.3 Reasons for participating in LAPS

My review of the 1996 BPRI study (see Tables 8.4 and 8.5) offered some early indicators as to why LAs seek to become lead authorities. In contrast to their business partners, the lead authorities did not join the scheme primarily to improve the consistency of enforcement. The lead authority participants offered three main reasons for their joining, these being a better understanding of business, enhanced reputation for the LA, and the training and development of inspectors. The review of SMR based partnerships (Chapter 9) confirmed these as the main reasons for participating as a lead authority. These “new” benefits appear to have emerged as the scheme matured (see Tables 9.28 and 9.29). They were not so apparent in the earlier studies of the scheme. The other main reason for joining was that LAPS partnerships were being promoted at the time (see Tables 9.19 and 9.20). This adds weight to my earlier suggestion that the momentum of a new programme is often enough of itself to persuade people to sign up. The weight of responses from the businesses interviewed by phone in the BPRI study suggested that their main reason for joining was a desire to improve the consistency of the enforcement regime within which they operate and such consistency was a perceived advantage of LAPS membership (see Table 8.5). Improving the standards of health and safety also featured as a benefit and a reason for businesses electing to participate in the scheme.

The various elements of this study (see Figure 7.1) show that the perceived aims of the existing scheme are generally well understood by both LAs and businesses. A shift in the perceived aims and benefits of the scheme is apparent over time, from a starting point of simply promoting consistency of enforcement to one which sees improved health and safety

performance as being an emergent aim of equal importance (see Tables 9.26 and 9.29). This shift may in part be a reflection of the low level of liaison between other LAs and the lead authority. The questionnaire survey of LAs and the review of SMR based partnerships both reveal that the lead authority normally receives very few contacts from other authorities despite the existence of HSC section 18 guidance requiring such contact in cases of, for example, formal enforcement action and for shortcomings of national significance (see Tables 9.2 and 9.24). With such a low level of liaison, it is difficult to see how the scheme could play a significant part in delivering consistency of enforcement. The detailed narrative responses within the studies of full SMR partnerships suggest an answer (See Tables 9.24 and 9.29). This is developed as my second proposition: that the ‘front end’ activity of a lead authority with their business partner is a means of delivering *consistency of compliance* (as distinct from consistency of enforcement), and that this in turn reduces the need for liaison.

Proposition Two:

The activity of a lead authority with their business partner is a means of delivering *consistency of compliance* as distinct from consistency of enforcement.

This ‘delivery of compliance’ across a partner organisation acts as a confounding factor to the first of my research objectives (at page 26), that is, the evaluation of LAPS as a method of delivering consistency.

12.4 Benefits and barriers to partnership

12.4.1 Benefits of partnership

In respect of Research Objective 4, the factors that enhance the development of the scheme are described in terms of benefits. For the lead authorities the benefits were seen to primarily reside at the personal level. This was true regardless of whether the partnership was the full SMR or flexible approach (see Tables 9.29, 10.11 and 10.16). Through their participation in LAPS, individual inspectors acting as lead officers developed a good understanding of the operation of large businesses and the constraints upon them. This development of a raised commercial awareness was perceived as an enriching experience for the inspectors involved. The participating businesses also identify personal development and increased understanding of business health and safety professional as being the most significant benefit (see Tables 9.29, 10.15 and 10.22). The flexible study, in particular, identified a strengthened contribution by the health and safety professional and an improved health and safety

performance for the business; it is tempting to suggest a causal link (see Table 10.21). From the above short discussion, I develop my third proposition, which relates to the *concord* between LA inspector and health and safety professional.

Proposition Three:

LAPS delivers *concord* of LA inspector and health and safety adviser.

By the term ‘concord’, I mean “a state of being of the same heart or mind” that fosters trust and confidence between regulator and duty holder. Braithwaite (1998) defines dynamic regulatory institutions as being those institutions that try to effect change through dialogue and persuasion as a first strategy. He goes on to say:

“One rationale for this approach lies in the strong body of empirical evidence that dialogue increases trust, particularly through increasing a sense of “we-ness”, a preference for collective welfare over individual welfare.”

(Braithwaite 1998: p351)

There are close similarities between my term ‘concord’, and what Braithwaite calls ‘we-ness’. But along with the benefits of trust leading to increased compliance, concord brings concerns, for example, that “the company tried to use LAPS as a shield” (Table 9.7) or that the partnership was becoming too ‘cosy’ (section 9.4.9.4, page 210).

The Questionnaire Survey of Lead Authorities, whilst confirming LAPS as valuable in maintaining good working knowledge and rapport between partners, revealed that lead authorities perceived their business partners to be getting more out of the scheme than them (see Table 9.8). This seemed to indicate that lead authorities were looking for more from LAPS than consistency of enforcement and health and safety performance. ‘Free consultancy to the company’ was how one lead inspector described his perception of LAPS.

Recognition and ‘kudos’ for the lead authority was seen as an important benefit, particularly for the flexible partnerships (see Table 10.17). Overall, the studies of the full SMR and flexible schemes, and findings from the Consultation Exercise, revealed that the main benefits of LAPS scheme for Lead Authorities focused upon the participation of individuals, and their personal development. It would seem that the main enhancing factor for the scheme was the participation of individual inspectors and their resulting confidence and competence. The

potential benefits of the scheme resulting for lead authorities operating more strategically largely remain untapped; this issue will be discussed in the next chapter.

12.4.2 Barriers to the partnerships

In respect of Research Objective 4, factors that constrained the development of the scheme were described in terms of difficulties and barriers. All six projects comprising studies 1 and 2 reveal that lack of LA resources were perceived as the greatest barrier to future participation and development of LAPS. The failure of other LAs to liaise or consult with the lead authority was also seen as a significant difficulty.

LA Environmental Health departments are multi-focus. Health and safety is one of a large number of duties of LAs (e.g. food hygiene, nuisance, housing etc.) and there may always be a conflict. This explains why all the resource implications of LAPS were seen as so important. The study of LAE1 annual enforcement returns from LAs suggested that in times of limited resource there is a priority hierarchy; food safety taking priority over health and safety, and traditional inspection techniques taking priority over the newer strategic approach initiatives such as lead authority (see Tables 9.13, 9.15 and 9.17). LAs did not generally see HELA initiatives, such as LAPS, as core elements of their health and safety enforcement function. My analysis of LAE1 returns offered confirmation of findings from his literature review on LA enforcement at Chapter 2.

12.5 Partnership activity

12.5.1 Staff continuity

The review of the SMR based partnership (Project 6 of Study 2) reported at Chapter 9 showed that there had been a significant turnover in staff over the lifetime of most of the partnerships. This turnover of staff has occurred in both the lead authorities and the partner businesses. Participants report this has not created any major difficulties apart from slowing down the completion of the SMR (See Table 9.22). Indeed, some participants identified that advantages had derived from staff changes. The importance of the personal commitment of individuals to the success of the scheme is clearly apparent in most of the studies. The fact that significant changeover of staff have not created any major difficulties for partnerships would seem to indicate the personal commitment of successive staff deriving benefit from their involvement with the scheme. This leads to my fourth proposition:

Proposition Four:

The success of LAPS relies upon the commitment of the inspectors and safety professionals involved at partnership level.

Thus, whilst in this section I have discussed those discussed the factors identified from the studies as limiting or enhancing the scheme (Research Objective 4), the commitment of key individuals within the system is the fundamental prerequisite for success. This supports my second hypothesis, stated at page 27, that the success of partnership working, and of LAPS as a concept, is dependant on the personal commitment, endeavours, and attitudes of individuals.

12.5.2 Liaison activity and consistency of enforcement

Several of the studies, in particular the questionnaire survey, the review of SMR based partnerships, and the flexible pilot study revealed that the amount of liaison between other LAs and the lead authority was very limited (see Tables 9.2 and 10.38) and that there was no clear indication that consistency of enforcement had improved for the business partner since joining the scheme (See Tables 9.25 and 10.39). In contrast, all businesses taking part in the review of SMR based partnerships, and in the flexible pilot study, agreed that there had been improvements in their health and safety management systems (see Table 9.26). The fact that LAPS did not, of itself, improve the consistency of enforcement would seem less significant due to the attention that HELA and LAU have given to putting other arrangements in place to secure such improvement in consistency; these arrangements have been the subject of earlier discussion in Chapter 2. This leads to my fifth proposition:

Proposition Five:

LAPS should be seen as part of an integrated system.

In Chapter 3 of this thesis, I reviewed what I considered to be the key socio-legal studies of regulatory regimes - in particular for OHS and environmental law. My conclusion was that, increasingly, there is a place for the compliance (accommodative) model of enforcement. Lead Authorities use, for the most part, a 'Track 2' or systems-based approach that is intended to encourage businesses to go 'beyond compliance'. However, the success of the 'Track 2' approach can be linked to the perception by the duty holder that this accommodative approach co-exists within a regulatory framework that includes sanctioning (Track 1) approaches applied by the other LAs. Seeing LAPS as part of a much larger and integrated system of

regulation, helps to explain why it is has proven difficult to attribute specific improvements to LAPS alone.

12.6 Measuring the success of the scheme

Within the pilot trials an "Evaluation Tool" was developed to measure the level of each pilot company's health and safety management system (Section 8.2.6 and Table 8.3). The 'Evaluation Tool' was applied at the pre-SMR and post-SMR stages, the better the company's systems the higher the score. The pilot trials showed that despite the short time involved since receiving their lead authority's report, all companies improved their scores as measured by the Evaluation Tool. As a consequence, it was recommended that this methodology be maintained as an integral part of the lead authority approach for undertaking reviews of company safety management systems. Despite this, I could identify no subsequent example of the Evaluation Tool being applied and can only speculate on the reasons why this was (Hammond, 2001). For example, one possibility is that success is 'is a gut feeling' and 'there is no time for such things', another is that 'kudos is the driver for partnership, so it's not really important to measure success' (see Table 10.36).

My review of the SMR partnerships revealed that most LAs and businesses considered it important to measure performance and offered a range of suggestions as to possible performance measures (see Table 9.27). However, none had attempted to implement performance measures in respect of their own partnership, preferring instead to "rely on gut feeling" or considering it "not worth the effort". The flexible approach pilots revealed a similar picture for lead authorities. At the outset, all of them saw it as important to measure the success and the performance of the partnership, but none of actually them actually did so because, again, there was "not time for such things" (see Table 10.36). This was despite many of the lead authorities and businesses having offered detailed suggestions in respect of performance measurement for the partnership. In contrast to the suggestions from lead authorities, business responses showed a strong emphasis on qualitative measures based around actions, for example success may be assessed on the level of interaction and trust between partners (see Table 10.37).

The questionnaire survey of SMR-based partnerships sought a measurement of success by simply asking lead inspectors the question: "How successful is your partnership with the company?" Of the 41 respondents answering this question, 32 rated their partnership as "very

successful”, “ successful” or “fairly successful”, against four respondents rating the partnership to be “not successful”. The narrative comments of the lead officers indicated that the successful partnerships were most commonly described in terms of shared knowledge and understanding, constructive open relationships, trust and good communications (see Tables 9.4 and 9.6). In contrast, where the rating of success was low, this reflected a failure in the relationship with the company or a lack of participation by other LAs that caused “the burden to fall on a few”. The perception that participation could be a burden for the Lead Authority was a theme that ran through other elements of the study, for example, for Study 3 concern over the availability of resources was expressed by some flexible lead authorities at the benchmark stage and was largely confirmed at follow up (see Table 10.27). The study of LAE1 returns (Section 9.3) offered clues as to the reason for this perception of LAPS. The LAs making narrative comment on LAPS and other projects relating to the HELA Strategy were very much in the minority. The detail of these narrative responses suggested that at a time of pressure on resources, LAs focused on planned programmed inspections and reactive investigations at the expense of HELA project work such as LAPS. This supported the overall finding from the earlier York study that LAPS was not having a major impact on health and safety enforcement (Table 8.6). This leads to my sixth proposition:

Proposition Six:

LAs perceive LAPS participation as *additional rather than integral* to the regulatory interventions made by LAs.

Both Proposition 5 and Proposition 6 link to my first hypothesis, stated (at page 27) as the more strongly LAs and businesses support and participate in LAPS, the greater the consistency of LA enforcement and the health and safety of participating businesses. Where LAPS is perceived as an ‘optional extra’, or something over and above the norm, the participation by other LAs is low, as is their perception of its success.

The measurement of success was explored in some detail in the study of SMR partnerships and of the flexible partnerships (see Table 9.27, 10.35 and 10.37). In both studies the lead authority and the business partners stated that they considered it important to measure the performance of the partnership but only two lead authorities of the 42 organisations involved had actually attempted to introduce performance measures for the scheme. Despite the fact that none of the businesses involved in the flexible partnerships had introduced any

performance measures, all agreed that improvements in the health and safety management systems had taken place. It would seem that the perception of improved performance was enough to satisfy the expectations of the business participating in the scheme. Failure to measure health and safety performance before and after weakened the case for companies considering joining the scheme as their decision to join was often dependant on a rigorous business case. The Evaluation Tool used in pilot trial companies has not been used in any of the subsequent lead authority partnerships. A key indicator of the effectiveness of LAPS was not measured and thus an important conclusion of work is only supported by anecdotal beliefs. Some of the participants in the full SMR and in the flexible partnerships expressed the view that because kudos is the driver “its not really important to measure success” or that “it’s a gut feeling that the partner is easier to work with” (see Table 10.36). The failure to use a battery of performance indicators substantially reduces the robustness of any judgement of success. Notwithstanding the beliefs of many participants, there is little secure information to confirm that LAPS improves health and safety performance. Viewed from outside, the failure of LAs to measure health and safety performance is a “breathtaking omission” (Booth, 2002). This is the basis of my seventh proposition:

Proposition Seven:

Performance measurement is important in theory but not undertaken in practice

Reluctance on the part of lead authorities and their business partners to apply some objective performance measures has caused my evaluation of the existing LAPS approach (Objective 1), and of the flexible approach (Objective 5), to be based upon the perceptions of individuals. HELA and HSE Board needed convincing of the validity of such perceptions, as they still prefer quantitative outputs/outcomes, which they judge to be superior as “the hard facts”.

12.7 The future of LAPS

Study 3, at Chapter 10, explored the potential of flexible partnerships as a future way forward for the scheme. The pilot partnerships tested a variety of ways of reducing the resource requirements imposed upon the lead authority whilst retaining the benefits to individuals of partnership working. The removal of the absolute requirement for a lead authority to carry out an SMR was coupled with the flexibility of their being able to take on the liaison role as early on in the partnership as they wished.

The results of the longitudinal study evaluating the flexible and trade partnerships have been set out in detail in Chapter 10. In essence, the flexible partnerships appeared to have overcome the main barrier to success, that of limited resources within the lead authority (see Table 10.33, 10.34, 11.4 and 11.6). The benefit of personal development for individuals was as much a feature of the flexible partnerships as it was for the full SMR partnerships. However, there is no clear evidence to suggest that the flexible partnerships have overcome the problem of lack of liaison between lead authorities and other LAs (see Table 10.38). In fact, some respondents to the national consultation exercise (Chapter 11, Study 4) described in the previous chapter indicated that other LAs were even less likely to liaise with the flexible partnerships (Table 11.3). A similar finding also emerged from the full SMR study (Chapter 9). Lead authority participants in this study were generally of the view that if a flexible lead authority was perceived to be less knowledgeable about the health and safety management systems of their partner business, then other LAs were less likely to consult them (see Table 9.32). This leads to my eighth proposition:

Proposition Eight:

The extent of consultation by LAs with a lead authority depends on their perception of the knowledge of that lead authority.

In respect of Research Objectives 2, 3, and 6, i.e. the determination of expectations and their realization, this proposition reminds us that individual perceptions cannot be assumed to start out as positive. This research reveals that the starting perception of many LAs who are not lead authorities is a negative one - and remains so.

12.7.1 A directing role for Lead Authorities

For the Consultation Exercise (Chapter 11), 61% of respondents disagreed with the assertion that the Lead Authority should be able to influence the inspection frequency of other LAs for the business partner. A study of the narrative responses revealed general agreement that LA within which the particular business premises are situated should determine the inspection frequency (see Table 11.14). Lead Authority and other LA respondents generally expressed the view that inspection frequencies “must remain subject to the risk scores made on a local basis” and that “local authorities must be able to determine their own inspection frequency and not be influenced by other authorities”. There was fear of “misplaced allegations of protectionism” and the view was expressed that individual Lead Authority partners would not

be able to influence directly other LAs without compromising their own position. This study has reinforced the view that emerged in the literature review at Chapter Two that LAs are reluctant to act in a national strategic capacity. Hence, my ninth proposition:

Proposition Nine:

A local authority is reluctant to direct or be directed by another local authority

This proposition, which relates to the culture of LAs, goes some way towards explaining why some LAs find it difficult to support the LAPS principle; this is relevant to my first hypothesis (at page 27). A number of HSE ‘Synergy’ projects, involving joint working between HSE and LAs, have been developed to address this issue of a strategic role for LAs. The projects are considered in the next chapter as part of a discussion of the wider implications.

12.7.2 Flexibility versus structure

The findings of the Consultation Exercise indicated good support for a more flexible partnership arrangement where Lead Authorities and business partners could themselves decide the detail (see Table 11.4). However, the narrative comments revealed that this desire for flexibility is balanced by the need for structure (see Table 11.11). Whilst flexibility was seen to encourage others to join and accommodate limited resources, respondents considered that the partnership required a defined framework, minimum criteria, and some form of limited auditing if it was to be effective (see Tables 11.5 and 11.7). A senior EHO of a Scottish Urban commented that “at some point auditing will need to be carried out if the Lead Authority is to provide any meaningful information on its partner organisation to other LAs”. An EHO of a Rural felt that “a formal system of some kind is required”. This leads to my final proposition:

Proposition Ten

Successful partnerships depend on maintaining an agreed balance between flexibility and structure.

In relation to Research Objective 4, this proposition suggests that ‘structure’ can act in a bipolar fashion, whether it is a limiting or an enhancing factor for LAPS depends on the extent of the ‘structure’ and of its prescription.

12.7.3 The contribution of LAPS to future performance indicators

60% of respondents agreed with the assertion that LAPS membership should contribute to any future performance indicators developed for health and safety enforcement. The narrative comments were less favourable and arguments against this approach included:

- Would be seen as ‘arm-twisting’ of LAs to join the scheme;
- Might propel LAs into establishing possibly unsuitable partnerships for the purpose of meeting an arbitrary indicator; and
- Could unfairly penalise those LAs that have no suitable or willing candidates for partnering.

Here again we meet resistance to the measurement of performance on the basis of arguments that are parochial.

12.7.4 Expectations of the existing Lead Authority scheme

From these studies of full SMR and flexible LAPS, I conclude that LAs, businesses, inspectors, and safety professionals joining the scheme do so with their own expectations as to what their membership will deliver. Whilst business responses confirm their expectations are consistent with the stated aims of LAPS, i.e. improved consistency of enforcement and of health and safety performance, this is only part of the picture. It is apparent from the author’s studies that personal development and kudos had become significant expectations for those joining the scheme and that these expectations had been realised (see Tables 9.29, 10.18, 10.22).

12.8 Concluding remarks

This chapter has discussed the findings of the various LAPS studies, stating ten propositions in the context of LAPS. The next chapter looks at the wider implications of the study, by reference to the academic literature and the examination of other partnership schemes. In this way, and by testing LAPS against other evidence in other settings, I attempt to show the extent to which the findings and the propositions are valid beyond the strict confines of this study.

CHAPTER THIRTEEN

Wider Implications

“The test of a first-rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still have the ability to function.”

The Crack up, Francis Scott Fitzgerald (1936)

13.1 Introduction

My research studies have identified wide-ranging implications for LA enforcement, and for regulators more generally. This chapter considers each of the more significant implications in turn, looking across the various studies with reference to the literature. The problems and benefits evidenced by LAPS are discussed in the context of partnership working. The research methodology is critically reviewed. I close with a consideration of the possible future direction for LAPS and some recommendations for further research.

13.2 The nature of local government

The literature suggests two significant differences between LA enforcement and HSE; that LA enforcers are responsible to elected members and have to wear a number of different enforcement hats. The Consultation Exercise (Study 4, Chapter 11) has confirmed the conclusions from the literature that the intrinsic nature of local government presents a significant barrier to the consistency of LA enforcement practice. Local government, whilst covering the same geographic area as HSE, consists of many different organisations, each having their own priorities, culture, structure, and affiliations. LAs have not been able to mimic the integrated nature and planning regime of the HSE; their priorities being influenced by the feeling that they must respond to the needs of the local community and the political judgements of elected members. Also, my studies provided evidence that the White Paper *Modernising Government* had the effect of reinforcing the culture of a public service provided to “meet the needs of citizens” (Cabinet Office, 1999a).

My studies have confirmed that things do not stand still for long in the LA and business worlds. The structure and staffing of many of the LAs and their business partners has seen significant change over the ten years since LAPS was conceived. Such changes led me to

conclude that an exploratory research regime was appropriate and that this would not constrain the flexible development of LAPS. The partnerships were shown to have the capacity to endure significant change and that the commitment of individuals was a key factor.

13.3 Measuring performance

13.3.1 Impact of performance indicators

LAs are subject to national indicators and performance measures. My study of LAEI returns (Section 9.3 at page 173) and the Consultation Exercise (at Chapter 11) provided practical evidence that national performance indicators had caused LAs to undertake food inspections at the expense of health and safety inspections. Such performance indicators encouraged a ‘blinkered’ view of performance resulting in a tendency to put resources into routine inspection at the expense of LAPS and other less traditional approaches. These studies also provided evidence to support the conclusion from the literature that the brigading of different functions within an Environmental Health team adversely impacts upon the resources allocated to health and safety enforcement.

Responses to the Consultation Exercise indicate that, whilst the Government felt that performance indicators could be developed around Home/Lead Authority, such indicators agreed by all LAs would be difficult to secure. My findings from LAEI returns and my studies of the SMR and flexible partnerships further serve to suggest that delivery to the Government’s vision of a ‘one stop’ home authority covering all appropriate regulatory regimes will prove a particular challenge. Notwithstanding this, the research study has explored and progressed some of the mechanisms for bringing the LACOTS and HELA schemes closer to provide a single LA focal point for that business on health and safety, food safety, and trading standards issues. My conclusion is that success in this respect will depend on the attitude and will of key individuals within the two schemes. Performance Indicators were seen as having the capacity to secure participation and encourage LAs to devote resources to LAPS. However, the studies showed that suitable ‘partner’ businesses were not available to all LAs, and that this in itself may encourage inappropriate partnerships. There were arguments expressed for and against having minimum participation criteria for partnership working.

13.3.2 Setting performance standards

The Home Authority Principle covering food and trading standards has had a history of being far less prescriptive than the traditional LAPS approach. LACOTS in reporting on their HAP consultation exercise concluded that most people favoured agreed minimum standards of service that defined a home authority's role and responsibilities (see Chapter 5). The home authority relationship with well-known significant businesses tended to be proactive in nature. There were some examples of home authorities carrying out in-depth analysis of a business's policies and management systems, a situation that more closely reflected the picture with LAPS. LAs did not generally support this proposed enhanced approach for HAP. Concern was regularly expressed that some home authorities can appear protectionist of a business rather than playing their part within an overall enforcement structure. The earlier LAPS evaluation studies, reviewed in detail at Chapter 8, support the view that the comments captured by the LACOTS consultation exercise represent more than just the situation with the HAP scheme. The concerns and comments expressed tell us much about the culture of LA enforcement and reinforce earlier comments on the nature of local government (see section 13.2 at page 300). The finding that some LAs have no more regard for home authority advice than they do for that from well-established lead authorities leaves it open to question as to how far such schemes can on their own resolve the way that LAs have traditionally operated.

13.3.3 Importance of evaluation

Since its inception over 25 years ago the HSE has sought to monitor its own performance. The literature provides evidence that often this evaluation has been performed in an *ad hoc* or *post hoc* fashion with scant regard to appropriate sampling or data collection. Few of the previous inspection evaluation studies were triangulated or had a systematic approach to gathering or analysing evidence. Evaluations based on time lapsed or longitudinal data were the exception. The conclusion from the academic literature was that this lack of systematic evaluation is most likely a reflection of the 'real world' nature of much of the research; this has been borne out by the author's studies of the SMR and flexible partnership schemes described at Chapters 9 and 10 respectively. A robust evaluation of these studies was seen to be reliant upon the personal actions of the participants. All considered evaluation to be important and offered a range of suggestions, but none implemented any systematic evaluation. Participants preferred to apply their own subjective perception of success. Put simply, the actions, or more correctly the lack of actions, on the part of the participants in

these studies indicated that the general perception of inspectors and safety professionals alike was that evaluation did not merit the effort or resource required. Measurement of success was often based on ‘gut-feeling’ and there were even examples of the continued existence of a partnership being considered a sufficient measure of success.

“Compliance, in short, has a symbolic significance. Enforcement agents need, as much as concrete accomplishment, some *sign* of compliance. Planning is as important as building; intention is as important as action. Assessments of conformity thus tend to be fluid and abstract, rather than concrete and unproblematic. ‘Attitudes’ are judged as much as activities.”

(Hawkins, 1984: p109)

People and organisations had joined the scheme for many reasons other than the stated aims of LAPS. Individual inspectors and safety professionals alike measured success in subjective terms of personal development and individual gain. None of my studies offered any evidence that the ready-made "Evaluation Tool" developed and administered across the original pilot partnerships (Section 8.2.6 at page 144) had been applied in any subsequent partnership. Self-administration of this 20-question set based on HSG 65 does not appear to have been seen as a realistic option in the absence of any compulsion to do so. Overall, the indications from these studies are that independent evaluation of intervention strategies must be put in place, otherwise robust evaluation will not happen.

13.4 Partnership working

13.4.1 A partnership based intervention strategy

Whilst the literature contains little by way of previous research on the impact of a central intervention based upon partnership between a regulator and business., the discussion on modern reflexive regulation in Chapter 3 enables us to position LAPS within the conceptual framework that underpins current thinking on OHS risk regulation. The Lead Authority, in its dealings with the partner business, is operating in a compliance (Hawkins, 1984) or accommodative (Hutter, 1998) enforcement style that encourages their partner business to go ‘beyond compliance’ with existing regulations. This style of approach is suited to ‘best performers’ rather than ‘laggards’ (Gunningham & Sinclair, 1998); this may in part explain why it has not proven possible to meet the desire expressed by some Lead Authorities for a shift of focus to recruit the poorer performing companies into LAPS (Table 9.).

My review of studies of regulators and inspection identified several studies that indicate the threat of prosecution can raise awareness and understanding of workplace risks and lead to

the adoption of better health and safety practices. In reporting his fieldwork conducted over an extended period, Hawkins (2002) concludes that regulatory officials at all levels in the HSE are conscious of the fact that occupational health and safety is regarded, rightly or wrongly, as an economic burden on regulated industry, and that both the economic and the political climates are features influencing the degree of corporate compliance that might reasonably be expected in everyday enforcement work by inspectors. He goes on to state that:

“An aspect of the paradox of control is that under certain conditions the suspension of formal legal action may serve to produce compliant behaviour more effectively than actual enforcement.”

(Hawkins, 2002: p299)

Whilst the lead authority operates primarily in a ‘Track Two’ mode, LAPS also exhibits ‘Track One’ elements in that the other LAs enforcing at the business outlets have the freedom to adopt traditional regulation that is sanctions based (Gunningham & Johnstone, 1999). This accords with the prediction of Grabosky & Braithwaite (1986), based on Black’s (1976) general theory of law, that:

“the greater the relational distance between regulator and regulatee, the greater the tendency to use formal sanctions. Agencies whose inspectors have frequent contact with the same firms may be expected to use less formal sanctions than those characterised by more impersonal contact.”

(Grabosky & Braithwaite, 1986: p207)

LAPS has some of the features of the Ayers & Braithwaite (1992) model of enforced self-regulation, where the government lays down broad standards with the company monitoring whether compliance is being achieved. Grabosky & Braithwaite (1986) see this form of regulation as attempting to harness the regulatory resources of the company, without the system being entirely self-regulatory as regulatory officials oversee the process and undertake monitoring themselves.

At the outset of the flexible partnerships concerns were expressed that partnerships could compromise formal enforcement action and the relationship between lead authority and other LAs. At the follow-up study one year on these concerns were not substantiated. The present studies reveal that formal enforcement action can live in harmony with partnership working. Findings from the flexible pilots and the Consultation Exercise show that, from the start, partners preferred to agree a clear framework or protocol to cover such an eventuality. Compliance with the law was seen in the literature as an important reason for

employers taking action to improve health and safety practices and procedures. In contrast, whilst the focus of the present studies related to participation in LAPS, they provided some evidence that the health and safety improvement delivered by partnership working was seen by participants as more important than simple compliance with the law.

Braithwaite and Makkai (1994) note from their multivariate analysis of compliance by 410 Australian nursing homes that when the chief executives believed they were treated as trustworthy by inspectors, their nursing homes experienced significant improvement in compliance with the law during the two years following that inspection. Braithwaite (1998), at page 347, comments that the social science literature provides a variety of evidence that the trustworthiness of duty holders increases the trustworthiness of regulators, and vice versa. His conclusion is that “Trust is not a response depleted through use. In fact, trust is depleted through not being used”.

In Chapter 3, the concept of a pyramid of enforcement was explored (Braithwaite, 1985). The Lead Authority is able to apply responsive enforcement activity of the persuasive type normally associated with the base level of the pyramid, because it is seen by the partner business as “a ‘benign big gun’ that spoke softly whilst carrying very big sticks” (Ayres & Braithwaite, 1992). Businesses perceive the Lead Authority as having the ability to mobilise and direct the enforcement activity of over 400 LAs across Great Britain. Hawkins (1998), from his studies of HSE enforcement at field level, concludes that:

“A compliance strategy of enforcement, relying on techniques of persuasion, advice, education, and the like, is appropriate while people are regarded as fundamentally reasonable, as acting in good faith, as generally trustworthy, and well-motivated to accept advice.”

(Hawkins, 1998: p44)

The literature provided some evidence that moral correctness and the fear of loss of corporate credibility are motivators promoting practical health and safety management. The flexible and SMR partnership studies add weight to this conclusion. Participants saw partnership working as a demonstration of corporate credibility. Kudos and the perceived good standing of an organisation were given as key reasons and motivators for participation in LAPS. Participant responses within these studies reveal that the kudos aspects of partnership working that initially emerged as benefits were soon considered to be primary aims of the scheme. The research reveals that organisations and individuals have their own

agenda and reasons for participation and that these do not necessarily coincide with those stated by the government.

The literature did not identify any one ideal regulatory strategy for motivating managers to proactively manage health and safety. Different employers require different approaches, i.e. ‘horses for courses’ rather than ‘one size fits all’. My evaluation of earlier LAPS studies provided little evidence of LAPS having been effective in securing improvements in consistency of enforcement. In the last chapter there was a discussion on ‘consistency of compliance’ acting as a confounding factor. In addition, the government has introduced other mechanisms to address the issue of consistency, e.g. auditing and inter-authority auditing. The SMR and flexible partnership studies have shown that LAPS has proven attractive and successful in securing health and safety improvements within a business. A theme that emerged generally from the studies was that LAPS could only be considered one approach within a broader suite comprising the overall intervention strategy.

13.4.2 Partnership as a Strategic intervention

My review of the Lead PI scheme at Chapter 5 (page 94) revealed that HSE inspectors and employers liked the coordinated and planned nature of the approach and considered it professional and defensible; inspection resource saved by not visiting sites excluded from the plan could be re-directed to other priorities. Over recent months, FOD has initiated a programme to test the potential of the Lead PI approach to deliver to the HSC’s *Revitalising* initiative, particularly to secure health and safety reporting within the published annual reports of the ‘top 350’ companies. This approach was based upon the belief that the new partnership dialogue arrangements offered by the Lead PI approach provided a potential basis for strategic interventions with major employers.

Comparison of LAPS, as originally conceived, with the Lead PI scheme has shown that LAPS has generally required more front-end intervention. Despite this, the lead authorities have not been able to engage other enforcing LAs to play a part in any strategic inspection of a business. Also, whilst it is estimated that approximately one third (118) of the ‘top 350’ companies fall within the LA enforced sector, only 19 of these companies participate in LAPS. These figures indicate that there is still a good deal of work to be done before LAPS could be considered a central intervention strategy that provides a strategic intervention strategy that embraced all LA enforcers and major businesses.

13.4.3 Maintaining partnerships

Comments from the Lead Authority Questionnaire, SMR and flexible partnership studies reinforced the findings from earlier studies suggesting the importance of personal commitment on the part of individual safety professionals and inspectors alike. These findings, along with my review of archived files and his participant observation, revealed a number of examples of individuals moving to a new organisation and securing participation in LAPS where such involvement had previously been shunned. An ongoing dialogue, regular face-to-face meetings, and a high level of trust between individual counterparts were seen as a feature of partnerships considered to be successful. Concord of inspectors and safety professionals, that is to say a good understanding of their respective businesses and positions, was noted as a positive outcome for individuals participating in these successful partnerships. Some partnerships demonstrated achievements over and above their stated aims at the outset, for others the achievements were other than what they set out to do. Either way, the recognition of achievement by the individual players was a factor in the maintenance of a partnership.

13.4.4 LAPS as a marginal activity

The studies provided evidence that LAPS was perceived as limited in its coverage and not wholeheartedly accepted by LAs. When viewed across all LAs, the overall level of activity on LAPS was low, the general perception being that it was resource intensive. Likewise, the LAE1 returns covering the three-year period 1997/2000 revealed that the relative level of LA activity on LAPS and similar HELA project work was low, suggesting that during times of limited resources LAs focus on the more traditional inspection interventions. Many LA inspectors perceived LAPS and other HELA initiatives as additional requirements rather than integral to an LA's enforcement function. Food safety was certainly seen as taking priority over health and safety for resources. Given the pressures on resources, it is understandable that LAs are reluctant to agree an open-ended commitment to LAPS; such systems-based approaches are seen to be resource intensive. In the last chapter, a core problem in enforcing a systems-based accommodative approach was seen to be one of available resources and the particular skills required of inspectors.

Hutter (1998), from her study of the enforcement activities of Environmental Health Departments, says of the persuasive strategy compatible, which is most compatible with the accommodative enforcement style:

“The persuasive strategy optimises the cooperative stance normally adopted by other regulatory agencies and as such is the strategy which, above all others, is most compatible with the accommodative enforcement style. ... The whole strategy is premised on patience and understanding, and gaining compliance is regarded as an open-ended and long term process.”

(Hutter, 1988: p132)

Hutter (1988) has also shown that gaining compliance takes time and patience:

“The overall tendency of EHOs is to adopt a co-operative stance towards offenders and to favour informal methods of enforcement. ... The informal devices employed can demand a great deal of patience from officers. Gaining compliance with the law is a process which may take several years.”

(Hutter, 1988: p192)

The flexible pilots were a test of whether a ‘scaled-down’ SMR might encourage more LAs to sign up as lead authorities. Whilst such an approach removed a significant obstacle to LA participation, that of being demanding of resources, the perception of LAPS not being mainstream or an integral element of LAs’ health and safety enforcement strategies was seen as being more difficult to address. The participation of the minority to the benefit of the majority was a source of frustration to lead inspectors, and something that LAPS seemed to have in common with other similar partnership schemes.

The introduction of flexibility was not universally welcomed. Responses to the Consultation Exercise presented the following conundrum: the earlier studies indicated that partners wished to see greater flexibility in their relationship, but presented with such flexibility they then sought certainty, structure and central guidance. Some LAs saw flexibility as devaluing individual partnerships and the scheme as a whole. It was suggested that others making requests or demands of the partnership could not be sure of the level of the partnership and hence could not be confident in the ability of the lead authority to properly deal with the issues raised.

13.4.5 Ideal partnership arrangements

The responses to the Consultation Exercise suggested that the ideal partnership arrangement was based upon a clearly defined and formalised framework. This arrangement had stated

minimum criteria supported by guidance from the centre. It was considered that the arrangements should be decided by consensus between the partners and matched to their needs. Some form of audit was required, despite the fact that audits deterred some potential Lead Authorities. This is because, for some, there were insufficient LA resources for full audits. Flexibility should be embraced as it encourages others to join and accommodates limited resources. The lead authority acting as a focal point from the outset; was seen as beneficial as it informed and targeted their early work. Lead authorities needed to be confident in dealing with queries. Other LAs needed to be aware of the significance of the partnership, otherwise they did not liaise or simply by-passed the arrangement. The general view was that there should be a common philosophy across partnership schemes such as HAP and LAPS. Such schemes imposed resource demands on the participating organisations, particularly the LAs, and needed to address the issue of the priority status of food safety matters. The LA that is the enforcing authority should determine the inspection frequency; the lead authority might usefully influence but not direct other LAs. The application of the HELA priority planning regime was seen to be the primary determining factor for inspection frequency. There was an intermediaries role for LAPS partners, some businesses acting in a flagship capacity or influencing their supply chain.

The LAPS research studies and the Consultation Exercise have identified some examples of excellent work by a number of lead authorities and an impact at the national level. However, also revealed was a general view that individual LAs seemed reluctant to act in a strategic or directing role for all other LAs. Also, other LAs often did not consult the lead authority despite mandatory s18 guidance requiring this. In developing the new flexible approach, several partnerships were piloted involving joint HSE and LA participation. Each of these partnerships demonstrated a greater ability to operate at the national level and to influence the activities of other LAs and HSE with the particular businesses concerned

HELA's Synergy programme looked at new ways that HSE and LAs could work together with the aim of delivering outcomes greater than the sum of the parts (Etheridge, 1999b). In testing a model for the dry cleaning industry, HSE offered the strategic lead and a central training resource to ensure that LA inspectors were both confident and competent to cover the new work transferred to them. In turn, the LAs demonstrated the strength of their local knowledge in capturing many premises hitherto unknown to HSE. LAs also provided better intelligence to inform policy development. Another Synergy project covered Royal Mail

whose operations span the boundaries between LA and HSE enforcement. In this project, an EHO seconded to the HSE worked closely with key LAs, the HSE, the employer and the trades unions to develop an information website. This made for a more “intelligent” intervention by both HSE and LA inspectors.

13.5 Auditing and understanding of Safety Management Systems

The literature suggested that improved understanding of health and safety issues was a stronger ‘driver’ of change than business considerations. Lack of awareness can be a key indicator of lack of impact. Business participants in the full SMR and flexible partnership studies commented that they had gained a better understanding of health and safety issues and an appreciation of the enforcer’s view on these matters. Similarly, LAs had gained a better understanding of the workings of their business partner and the pressures upon them. Concord and understanding does appear to be a ‘driver’ for change.

Most employers and HSE inspectors strongly supported the use of auditing, yet the literature suggests that HSE has made insufficient use of audits to direct subsequent field activity. Central interventions and SMS approaches are demanding of inspector’s time and require new and different skills. An SMS audit based inspection approach was shown to have the potential to influence the internal self-regulation of organisations and make them more responsive to occupational health and safety concerns. Personal contact by inspectors was shown to be effective in influencing employer behaviour. My studies reveal that whilst LA participants and respondents supported the inclusion of the SMR in the lead authority approach, a number expressed significant concern at the resource implications of the initial SMR fieldwork. Availability of resources, and a preparedness to invest resources in LAPS emerge as dominating factors determining whether or not an LA will participate.

13.6 The nature of government programmes and studies

The literature showed that there are political dynamics to the process of government programme development and particular difficulties associated with research studies that attempt to evaluate the impact of a programme. This made it important for me to consciously avoid being influenced by political considerations and to be seen as an independent evaluator realistically examining the programme or phenomenon from the perspective of multiple constituencies. Also, any interview or survey based approach had to conform to government values and meet prescriptive guidelines.

HSE, in common with other government departments, keeps running records of activities, issues and projects within a structured framework of registered topic files. Such official records and files can prove valuable in benchmarking and progressing research studies and evaluations. However, government archive storage space is increasingly at a premium and therefore it is policy to destroy files at five-year review unless they are considered to be of future relevance or historical value. The implication here for researchers is that government records and files are increasingly less likely to be a reliable source of baseline or historical information. The implications for government departments are that the possible need for official records and files in future evaluation studies should form part of the consideration of whether the files should be destroyed or retained.

13.7 Critical review of methodology

This thesis is based on research data collected within a real-life setting, using predominantly qualitative methods. For the research methodology to be improved a number of problems would need to be resolved. These included the technique applied being very time consuming, the difficulty in assessing and organising the responses, and the validity of categorizing the data. The following features that emerged within the study were felt to be significant.

13.7.1 Data collection and analysis methods

When collecting and analysing information, I applied the guiding principle that things should be easy for respondent – despite the fact that this often made things difficult for me. I encountered particular difficulties when attempting to analyse the data from the work of other researchers that covered a much wider compass than my own study. In particular, those researchers tended to address questions that were close to the ones that I needed, but not the same. Thus, I had to become skilled in inferring the answers to my questions from answers to ‘not-quite-the-right’ questions.

13.7.2 Questionnaires and question sets

Despite the trouble I took in piloting the questionnaires and question sets it was apparent from some of the Consultation Exercise that some of the questions and assertions were too complex or overly long and that some of the respondents were unclear as to exactly what they were being asked. With the benefit of hindsight, it was recognised that a number of the

assertions in the Consultation Exercise were multi-stranded and easily exceeded the 20-word limit recommended by Oppenheim (1992). Such problems did not arise with the SMR and flexible studies where the question sets were verbally administered.

One interesting feature that emerged from the Consultation Exercise was that the quantitative yes/no/can't say response did not necessarily reflect the full picture as evidenced by the qualitative narrative comments. It was also noted that the harshness of a three-point scale encouraged respondents to make more detailed narrative responses than had been the case when the questionnaire had been piloted using a seven-point scale for responses.

13.8 Recommendations for future research

HSC/E should be seeking to achieve the optimum relationship with LAs. The LA side of the enforcement framework needs to be sufficiently robust and locked in to carry weight at the strategic level. If an LA does not have the strategic capability then new research could usefully be commissioned to look imaginatively at the issue. A large employer based within a small LA may require the engagement of help and support from HSE or another larger LA, research might be applied to develop and test such an approach. My studies have revealed that to move forward, it must not be assumed that it will be enough to do something that is a simple development of what is currently in place. Research could explore whether HSC/E could learn from others, e.g. the Environment Agency or FSA. Research might also look toward future risks, and regional developments.

13.9 Concluding remarks

In this chapter I have considered the implications of the research for LA enforcement and regulators more widely. By reference to the academic literature, a number of the propositions developed in the previous chapter were seen to have wider application; but others, outside of the world of LAPS, are almost research questions in themselves – ready to be tested or proved in the wider context. In this chapter I have offered suggestions for improving the research methodology and made recommendations for future research. I use the final chapter of this thesis to draw together my overall conclusions.

CHAPTER FOURTEEN

Conclusions

"So it is something of a homiletical commonplace to say that the outcome of any serious research is to make two questions grow where one question grew before."

Evolution of the scientific point of view, Thorstein Veblen (1908)

14.1 Introduction

This chapter draws together the main conclusions from the research work in the body of the thesis. When I embarked on this study, LAPS had been established for almost five years and was seen as offering, arguably, the most extensive and detailed existing regime suited to a study of partnership working between regulator and duty holder. This thesis is about a socio-legal study of LAPS. It is written in the interpretive style and reports on a number of field studies over an extended period; a good degree of triangulation has been secured. Both specific and more general inferences have been drawn from the fieldwork, that is to say, from the surveys, interviews, participant observation, archived materials, and from the literature. Various aspects of LAPS operation have been examined, including the effectiveness of partnership working and the benefits and barriers to such an intervention strategy and its development. The research explored the impact of a system where an LA elects to work in close partnership with a business, as opposed to operating a more traditional enforcement role.

John Braithwaite's (1985) concept of an enforcement pyramid has particular significance to this study and has greatly influenced my thinking on regulation, as has the case for 'two-track' system of regulation put by Gunningham & Johnstone (1999). The studies of Hawkins (1984; 1992; 2002), and of Hutter (1988; 2001), are significant in that they are both long-term studies of enforcement by HSE and LAs respectively. My research has been a mix of evaluation and exploration, with my preferred epistemology being one observation using key informants.

In the next section I deal with the structure of the research, followed by my principal conclusions. The evolution of the conclusions is then studied chapter-by-chapter before I return to consider the ten propositions that provided the structure of Chapter 12. I conclude with suggestions for future work that reflects the approach that I consider HSE should adopt.

14.2 Structure of the research

The familiarisation phase of the research involved a review and analysis of an extensive range of current and archived evidence relating to the existing LAPS, including the full SMR approach. This was backed up by participant observation at SMR training courses for lead officers. These studies indicated a very limited amount of liaison between LAs, and that the resource implications were perceived as a barrier to LAs wishing to participate as lead authorities. Most of the issues arising during the course of the study had their roots in the way that LAs functioned and related to one another. The Lead Authorities were seen to be operating in an accommodative (Hutter, 1998) or compliance (Hawkins, 1984) style in their systems-based dealings with their LAPS partner. The academic literature provides evidence that such a mode of operation can be time consuming and require that inspectors develop new skills.

An eclectic mix of horizontal and longitudinal multi-case studies, based upon survey and interview of key participants, was used as the most appropriate focus for exploring the operation of the scheme, and for identifying and examining its key components. Participant observation and data from key informants were used to determine the performance of the scheme against its purpose. Partnership working and liaison was the method chosen by HELA to promote a culture of collaborative working among LAs and to improve the safety culture of businesses within the LA enforced sector. This research looked in-depth at the perceptions and attitudes of direct and indirect participants, and of others in relation to the scheme and used these to develop and to offer a measure of the effectiveness of the scheme. The 'grounded theory' approach and 'triangulation' have featured large in this study and were discussed fully within the philosophical methodology sections of Chapter 6.

Two of the studies presented the opportunity to look at the impact of change within the scheme. The first was an evaluation of the existing scheme by interviewing lead officers and comparing the findings with my own analysis of earlier LAPS evaluation studies. The findings showed that whilst there had been a significant turnover in the individuals participating as lead officers for lead authorities and partner businesses, the partners were still aware of HELA's original aims and objectives for these partnerships. The understanding of these remained as originally stated, although participants generally perceived the LA liaison element as unattainable. The second study was the benchmark and

follow-up study of a new more flexible approach to LAPS. With the exception of one partnership, the same individuals participated as lead officers for the partnerships over the year or so of operation between benchmark and follow-up studies. These studies revealed particular benefits to individuals involved in the scheme; these related to personal development, competence, trust and understanding. The sustainability of the partnerships was shown to be more about the commitment of individuals and the benefits they personally accrued than a desire to deliver to an HSC requirement or a HELA objective.

The research explored the extent to which LAPS could deliver enforcement consistency across LAs, improve health and safety performance, and be developed to capture a wider spectrum of organisations. My primary objectives for this research, as set out in Chapter 1, have been met. The Lead Authority approach has been evaluated afresh to reveal, over Chapters 8 and 9, the LA and business expectations and their delivery in respect of LAPS. The new flexible approach has been piloted, and Chapter 10 sets out the expectations of participants and their realisation. Finally, Chapters 9 to 11 identify the factors that limit and those that enhance the development of LAPS.

14.3 Summary of principal conclusions

A primary purpose of the study was to evaluate the effectiveness of LAPS, particularly in relation to its original objectives. The paradox is that little evidence has been adduced to show the primary purposes of the scheme have been achieved. However, the scheme has been successful in realising “aspects” of promoting and securing compliance through a substantial impact on the SMS and culture of the participating businesses. Indeed, LAs often view LAPS unfavourably against its original objectives set down a decade ago, but judged on its current performance it is providing a range of deliverables not anticipated when the scheme was initiated. LAPS is an SMS based approach. My finding that LAPS is seen as resource intensive for the regulator, particularly in the early stages, supports the findings of other studies on SMS based strategies (Gunningham & Johnstone, 1999).

The essence of this study is that it has unravelled much of what really happens and what people really think about LAPS. My primary conclusions from this study are now summarised.

- Consistency of compliance can be linked to LAPS through clearly stated compliance goals and improved SMS for the participating businesses. Enforcement can be

linked to LA autonomy. Whilst the Lead Authority operates in an accommodative enforcement style typical of the base level of Braithwaite's pyramid, other LAs with the business partner's outlets in their enforcement area can operate at higher levels of the pyramid. The perception of many partner businesses is that the Lead Authority, in respect of their partner company, has some degree of control over the enforcement activity of other LAs. Whilst my research did not provide evidence of this capability, this business perception does explain why business sees the Lead Authority as a 'benign big gun'. There has been some improvement in the consistency of enforcement over recent years, but the evidence for this being derived from LAPS is generally 'thin'. The multiplicity of other measures initiated over the lifetime of LAPS prevents the determination of a link between LAPS and consistency of enforcement.

- The main benefits to LAPS emerged strongly as staff development and the concord of regulator and dutyholder, albeit these were unforeseen at the outset of the programme. Many LAs saw it as important to be able to demonstrate that their own organisation had gained from their commitment to LAPS. In this respect, LAPS was seen to provide a unique opportunity for regulator and dutyholder to better understand one another's position, and the personal development and training of staff has emerged as a strongly and widely perceived benefit to participation. The literature showed that the SMS based approach developed new skills for inspectors, and an 'insider's' sympathetic understanding of the difficulties and costs of compliance that would in other circumstances take many years to acquire (Gunningham & Johnstone, 1999; Hawkins, 1984).
- A significant impediment to LAPS development is the relatively low standing of health and safety enforcement when viewed against other Environmental Health functions, such as food hygiene. Whilst lead authorities generally perceived their partner business to be receiving the 'lion's share' of the benefits from the scheme, they have been reluctant to accept direct funding from this source. Therefore, It would seem that for LAPS to flourish, a source of funding is required over-and-above that which already exists.

14.4 Review of intermediate findings

Chapter 1 contains my two hypotheses, these related to the support and commitment of the participating organisations and individuals respectively. Participation in LAPS was seen to

CHAPTER FOURTEEN - CONCLUSIONS

improve health and safety performance of businesses, and the attitude and personal commitment of individuals was judged to be the primary factor determining the success or otherwise of the scheme.

In Chapter 2, I looked at what the literature said about the changing political environment for OHS and the shift from “command-and-control” to the more accommodative and reflexive approach to modern regulation (Hawkins, 2002; Hutter, 1988). I also considered the nature of the LA health and safety enforcement function. The major strength of HSE is its unified nature. Local government does not share HSE’s level of integration and is composed of many different organisations, each with its own priorities, culture, structure, and affiliations. LAs feel they are there to respond to the needs of the community. With different local pressures they are likely to do things differently. There is a suggestion that resources have been diverted away from health and safety enforcement as Environmental Health Departments increasingly moved toward combined functions and multiple responsibilities. This was strongest in the case of food safety where national performance indicators were established in the early 1990s. Local political pressure was a driver for the relatively low status of health and safety enforcement. The general political climate across local government favoured consumer interests, making health and safety the “Cinderella” function of Environmental Health. I closed this chapter with reference to *Revitalising*, flagging a concern that the research literature provides evidence that the majority of companies have not embraced voluntarism or moved beyond compliance (Gunningham, Grabosky & Sinclair, 1998).

In Chapter 3, I discussed the academic literature on regulatory styles and offered ten key conclusions from my literature review, the four particularly relevant to LAPS were:

- compliance with the law is a greater motivator than achieving business benefits;
- personal contact by inspectors is more effective in influencing employer behaviour than mass marketing techniques;
- there can be a dissonance between policy and practice such that measures are not implemented at the operational level;
- central interventions and SMS approaches are demanding of inspector’s time and require new and different skills.

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Chapter 5 dealt with other partnership schemes with similarities to LAPS but covering other enforcement fields and concluded that:

- broad support existed for the partnership principle and its continuation;
- commanding adequate resources locally presented a challenge;
- partnership schemes need appropriate central resources, promotion and training strategies;
- comments expressed within any one scheme inform about LA culture generally;
- LAPS and similar partnerships have not engaged LAs more widely in any strategic approach to health; and
- other schemes offered an insight as to how the principles of LAPS might be extended beyond LA health and safety enforcement.

Chapters 6 and 7 were a discussion of the philosophy and the procedural aspects of the methodology. It was originally intended that the research should follow two discrete phases but the study quickly became more of a mixed research process. The overall approach was one of using a range of methodologies based on observation, questionnaires, interviews, and on collections of historical data and analyses. This has secured a high level of triangulation within the study. I did this in an attempt to strengthen both the findings and the conclusions that could be drawn.

Chapter 8 was devoted to my review and analysis of the results from three previous evaluation studies relating to LAPS. Referred to collectively as Study 1, the three studies were the LAPS Pilot Trials, the BPR1 Evaluation, and the York Study. These three studies reflected the collective knowledge available on LAPS at the start of the my active research studies. Key conclusions from the LAPS pilot trials were:

- some form of SMR training was necessary before a lead authority could carry out a review of their partner company;
- there was insufficient viable injury and employment data to measure the health and safety performance of the pilot trial companies;
- participant comments indicated that the SMR exercise resulted in greater awareness of health and safety issues and improvements to the SMS of the partner businesses;

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- an 'evaluation tool', developed to test a company's SMS against key elements of the HSG65 framework confirmed a significant improvement in the SMS of companies where an SMR had been completed;
- there was generally strong support from both the pilot lead authorities and companies for the principle of the approach;
- participation had improved the professionalism of the EHOs involved; and
- LAs supported the inclusion of the SMR in the lead authority approach but expressed concern at the resource implications.

Chapter 9 dealt with Study 2, three related studies of the full SMR scheme - a questionnaire survey, a review of annual returns, and an in-depth review of SMR partnerships. The questionnaire survey revealed that lead inspectors generally considered the scheme a success, a good working relationship being seen as the basis for successful partnership. Greater participation was needed from other LAs who should be more ready to accept the advice of the lead authority. Also, respondents generally felt that the scheme was targeting the wrong businesses and needed to be redirected toward the smaller and poorer performers. The time spent by the lead authority was not repaid by the benefits, but LAPS was seen as a good development opportunity giving LA inspectors an insight into the workings of a national company.

The key findings from the review LA annual returns were:

- the level of LA activity on LAPS was low;
- LAs focused on traditional inspection approaches when resources were limited;
- LAPS was seen as additional rather than integral to an LA's enforcement function;
- food safety enforcement took priority over health and safety enforcement.

Chapter 10 dealt with the flexible pilot study. FPs could achieve the same goals as those based on the SMR approach, the latter being seen as too complicated, rigid and resource intensive; LAs' reluctance to take part may be due to this being their perception of the scheme. LAPS was set against the backdrop of the main activity of EHOs being inspections and enforcement and therefore tended to assume a secondary importance.

Measuring the performance of LAPS partnerships was seen as important, yet no partnership had attempted to measure the performance of their own partnership. Some participants

suggested that such performance measurement was not of practical importance at individual partnership level. There were particular benefits at a personal level. LAPS delivered improved concord of enforcer with business, lead authority inspectors expanded their understanding of business, and the standing of the safety professional was enhanced. Consistency of enforcement was a key aim of the partnership but there was no evidence that this was achieved. Improving health and safety performance of the business had become more important during the life of the partnerships. The business participants all agreed that improvements in their health and safety management systems had taken place as a result of their partnership. However, there was only limited evidence over the time scale of the study that health and safety performance, e.g. in terms of accidents, had improved. Kudos gained had emerged as an aim because of the importance of partnership working in the present political climate.

The main barriers to partnership were the lack of resource within the lead authorities, the lack of liaison between LAs, and the lack of awareness of the partnership. Pressure upon LA resources also made the partnership vulnerable. The lead authorities believed that it was possible to achieve the same goals through the two approaches but that resources available, the nature of the activity and the aims of the partnership would influence this. In contrast, the majority of businesses felt the resources they expended on LAPS, over and above what they would have done anyway, was minimal.

Chapter 11 dealt with the HELA Consultation Exercise. The findings from narrative comments were that a clearly defined partnership was required. Minimum criteria were necessary if LAPS was to create effective partnerships. Arrangements needed to be matched to the needs of the partners. Clear benchmarking and some degree of formalisation was required. Allowing a lead authority to act as a focal point from the outset informed and targeted the early work of the lead authority. Lead authorities needed to be sufficiently confident in dealing with queries before they became the focal point for other LAs. The local authority, not the lead authority, was the appropriate regulator to determine inspection frequency. However, it was seen as reasonable for the lead authority to influence the inspection frequency, provided it did not direct LAs. The priority planning regime applied by individual LAs was considered to be the primary and most appropriate determining factor for inspection frequency.

14.5 Axioms deriving from the study

In Chapter 12, from comparing and contrasting the findings across the study, I developed and discussed ten propositions. A number of these propositions within the world of LA enforcement have yet to be tested across the wider enforcement world. From my consideration of the wider implications dealt with at Chapter 13, I now derive six axioms:

- LAPS delivers *consistency of compliance* as distinct from enforcement consistency;
- partnership working delivers *concord* of inspector and safety professional;
- the success of partnerships relies upon personal commitment of key individuals;
- LAs perceive LAPS participation as *additional rather than integral* to their work;
- performance measurement is important in theory but not practised;
- a strong local culture makes LAs reluctant to direct or be directed by one another.

14.6 Wider implications

Chapter 13 considered the wider implications. It is concluded that LAPS and similar partnerships had the capacity to endure significant change and that the commitment of individuals was a key factor. The brigading of different functions within an Environmental Health team adversely impacted upon the resources allocated to health and safety enforcement.

My research study has explored and progressed some of the mechanisms for bringing the LACOTS and HELA schemes closer to provide a single LA focal point for that business on health and safety, food safety, and trading standards issues. It is concluded that success in this respect will be determined by the attitude and will of a very small number of key individuals, both in LAs and in business. Where such commitment was low the partnership tended to “fizzle out”, where commitment was high the partnership strengthened and there were examples of the attitude of previously sceptical organisations being turned around. The concerns and comments expressed in this study tell much about the culture of LA enforcement and reinforce earlier comments on the nature of local government. The finding that some LAs had no more regard for home authority advice than they did for lead authority advice suggests that the culture of LAs is so strong that it is not realistic to expect change merely by the introduction of one or more national schemes.

The general perception of inspectors and safety professionals alike was that evaluation did not merit the effort or resource required. Measurement of success was often based on ‘gut-

feeling'. They also considered that LAPS should be seen as one approach within a broader suite comprising the overall intervention strategy. Lead authorities have not been able to engage other enforcing LAs to play a part in any strategic inspection of a business. LAPS was perceived as limited in its coverage and not wholeheartedly accepted by LAs, the general perception being that it was resource intensive. LA inspectors perceived LAPS as additional requirements rather than integral to an LA's enforcement function. Food safety was seen as taking priority over health and safety for resources. The introduction of flexibility was not universally welcomed. Some LAs saw flexibility as devaluing individual partnerships and the scheme as a whole.

Participants felt that minimum criteria, supported by guidance from the centre, were necessary to achieve the ideal partnership arrangement. They also believed that the particular arrangements should be decided by consensus between the partners and matched to their needs. Some form of audit was seen as necessary, account being taken of the fact that for some there were insufficient LA resources for full audits. Flexibility should be embraced as it encourages others to join and accommodates limited resources. Lead authority acting as a focal point from the outset. There should be a common philosophy across partnership schemes such as HAP and LAPS.

14.7 Suggestions for future work

For the future, I have published a model intended to promote participation and development of the scheme. LAPS has an important strategic level role to play in the engagement of major businesses within the retail, finance, and hospitality sectors. The potential of such partnership working is not presently being realised. For LAPS to secure strategic engagement, HSC should introduce new arrangements that compel LA participation. The scheme should also be developed such that it offers a route for larger businesses to meet the requirement upon them for the annual reporting of their health and safety performance. To achieve any of this, HSE will need to provide better support in terms of communication and knowledge of management systems. Also, as LAPS benefits business and is demanding of LA resource, equitable funding arrangements should be introduced to better reflect the benefits to business and to reduce the resource burden presently placed upon the regulator. Finally, there would be merit in the wider testing of some of the propositions that have emerged for the LA enforcement of occupational health and law.

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¹ Since 4 August 2000 HELA agendas have been published on the HSE website at: www.hse.gov.uk/lau and a copy of any HELA paper can be obtained by contacting LAU, HSE, London.

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Appendices

Appendix 1	SMR Evaluation Tool	p349
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The structure and content of the interview guides and questionnaires are shown as applied in the study. The provision for narrative responses etc. has been reduced from that for the original documents for economy of space in this thesis.

Appendix 1:

SMR 'Evaluation Tool' for H&S management systems

Policy

1. Is there an adequate general health and safety policy?

4	3	2	1
Current, signed and relates to preservation of human resources and loss control, and emphasis on continuous improvement	Policy current and includes: roles and responsibilities of line managers, specialists, etc. Encourages co-operation and sees H&S as the responsibility of all. Emphasis on statutory requirements.	Policy statement – not current, doesn't clearly set out roles and responsibilities of different grades, doesn't encourage co-operation or recognise the company's overall responsibility.	No written statement, or it bears little resemblance to the organisation.

Comments:

Policy (integration of health and safety into business decisions)

2. Is the general health and safety policy understood, and is health and safety considered in each business decision?

4	3	2	1
Policy clear and understood by directors, managers and employees. H&S is considered in all decisions at all levels and proactively.	Policy clear to directors, managers and employees. H&S issues generally dealt with on a reactive basis, though some proactive approaches.	Policy unclear to directors, managers and employees. H&S dealt with on a reactive basis.	Directors, managers or employees not aware of policy, or unaware to relate to it. Generally "production" overrules H&S.

Comments:

Organising (control)

3. Are suitable health and safety goals and objectives included in appraisals of line managers?

4	3	2	1
Active and effective workplace company H&S committees with employees participation Employee involvement in problem solving working groups.	A formal performance appraisal system includes H&S, but no proactive goals and objectives being set. Most jobs descriptions include H&S. Most employees held accountable by their line managers.	Workplace, company H&S committees but no, or limited, employee participation. Employees rarely involved in problem solving groups.	No workplace, company H&S committees. No employee participation in problem solving teams.

Comments:

Organising (co-operation)

4. Are employees involved in work/place safety committees and problem solving activities?

4	3	2	1
Active and effective workplace, company H&S committees with employee participation. Employee involvement in problem solving working groups.	Evidence of some workplace, company H&S committees meetings, and employee participation in problem solving working groups.	Workplace, company H&S committees but no, or limited, employee participation. Employees rarely involved in problem solving groups.	No workplace, company H&S committees. No employee participation in problem solving teams.

Comments:

Organising (communication)

5. Is health and safety discussed positively at all meetings

4	3	2	1
Discussed positively at all meetings from senior managers to first line supervisor at unit level.	Discussed at most meetings but on a reactive, repairs basis (not proactively).	H&S occasionally discussed but only as an exception, and generally as a result of a failure, defect.	H&S not discussed at meetings.

Comment:

Organising (communication)

6. Is written health and safety communication effective?

4	3	2	1
Good, relevant, suitable in all areas (policy statement, procedures manual, internal memo system and inclusion of H&S in company in-house publications). Good H&S documentation control.	Good, relevant, suitable in most areas. Partial H&S document control.	Partial H&S documentation, communication and inadequate document control.	Very little relevant, suitable H&S documentation. No documentation control.

Comments:

Organising (competence)

7. Are there adequate arrangements for training at induction?

4	3	2	1
H&S induction includes reference to company policy, fire, accident, first-aid, slips, trips, falls, basic hazards, and the need for authorisation after training for carrying out risk activities. Training taking place before start of work, and is effective.	H&S induction includes reference to company policy, fire, accident, first-aid, slips, trips, falls, basic hazards, and the need for authorisation for risk activities, but not clear if all employees are receiving it.	Induction includes some H&S but does not include basic messages on policy, fire, accident, first-aid, slips, trips, falls, basic hazards, or authorisation for risk activities. Or not being given before the start of work.	H&S is not included in induction, or there is limited evidence that employees are receiving induction.

Comments:

APPENDIX ONE

Organising (competence)

8. Is adequate health and safety training provided for risk activities (eg. FLTs, use of hazardous substances, etc)?

4	3	2	1
Clear "authorised user" policy understood and followed. Suitable training being provided.	Suitable "authorised user" policy and training being provided for most high risk activities.	Some "authorised user" policy but "users" not suitably trained, or the authorised user policy is not being followed.	No "authorised user" policy. Users not suitably trained.

Comments:

Organising (competence)

9. Is adequate health and safety training provided for managers?

4	3	2	1
Suitable H&S input included in all levels of management development courses.	Relevant H&S included in some management training or safety awareness seminars, etc. being provided for managers.	Some occasional H&S awareness training, but inadequate or unsatisfactory.	No, or unsatisfactory H&S input to management training.

Comments:

Organising (competence/health and safety advice)

10. Is there competent health and safety advice available?

4	3	2	1
Competent H&S advice available; properly supported with a clear role.	Competent H&S advice available, but not properly supported or role unclear.	H&S advice lacks competence, and/or is not properly supported or has the wrong role.	No, or incompetent H&S advice available.

Comments:

Planning (health and safety plan)

11. Is there an adequate health and safety plan against which to evaluate performance?

4	3	2	1
Written plan identifying correct priorities, all within SMART objectives.	Written management plan available but with inappropriate priorities, and/or unSMART objectives.	Some objectives in the minds of senior managers/directors but not written or co-ordinated.	No evidence of any positive direction on H&S.

Comments:

Planning (setting targets)

12. Do the majority of senior managers and line managers have personal health and safety targets?

4	3	2	1
SMART positive targets supportive of overall plan.	Mixture of positive and negative targets, some related to the overall plan but not all SMART.	Some targets, but negative or unrelated to overall plan and needs.	No targets.

Comments:

Planning (assessments of risk)

13. Are there appropriate assessments to control risks?

4	3	2	1
Appropriate assessment for all risk activities devised.	Appropriate assessment for the majority of risks devised.	Appropriate assessments devised for a minority of risks.	Appropriate assessments for risks not devised.

Comments:

Planning (performance standards)

14. Are there appropriate performance standards for controlling risks?

4	3	2	1
Appropriate performance standards for all risk activities devised.	Appropriate performance standards for the majority of risk activities devised	Appropriate performance standards devised for a minority of risk activities	Appropriate performance standards for risk activities not devised.

Comments:

Planning (performance standards for management processes)

15. Are there appropriate performance standards for each level of management to control management processes (planning, implementation, measuring and reviewing performance)?

4	3	2	1
Management control standards devised for all key areas.	Standards for management process controls devised in the majority of cases.	Standards for management process controls devised in the minority of cases.	No standards devised for management process controls.

Comments:

Measuring performance (active monitoring)

16. Is there sufficient active monitoring of the implementation and effectiveness of standards?

4	3	2	1
Monitoring covers all management, physical and risk activities. Appropriate checks made by line managers throughout the whole hierarchy.	Monitoring covers the majority of management, physical and risk activities. Checks made by line managers, but not at appropriate periods or throughout the organisation.	Monitoring covers a minority of management, physical and risk activities. Some checks by line managers made infrequently and/or in an unstructured manner.	No monitoring, or limited to prescribed inspections and thorough examinations. No checks made by line managers.

Comments:

Measuring performance (active monitoring: follow up system)

17. (Active monitoring: Follow Up System) Is there a suitable follow up system to remedy actions arising from the active monitoring system (see question 16)?

4	3	2	1
Thorough system of follow up for results of all active monitoring to ensure completion to deadlines.	Checking of the majority of action points.	Checking of a minority of action points.	No checking at all.

Comments:

Measuring performance (reactive monitoring)

18. Are there effective arrangements for collecting all relevant data for the purposes of reactive monitoring?

4	3	2	1
Full system capturing: injuries, ill health, loss events.	System captures all statutory requirements and some loss events and incidents.	System captures all data to satisfy and meet statutory requirements.	Incomplete system which fails to identify/report statutory requirements.

Comments:

Measuring performance (active/reactive monitoring: by line managers)

19. Active/Reactive Monitoring: By Line Managers)

4	3	2	1
Systems driven by line management with H&S advisers in supportive role.	Systems driven by management and safety department in collaboration.	Systems driven by safety department with line management involvement.	Safety department entirely operate system. Safety department carry out all monitoring.

Comments:

Reviewing (by senior managers)

20. Is there adequate review of health and safety performance by senior managers?

4	3	2	1
Regular review by senior operation managers against goals and objectives from H&S plan. Also reviewed by safety adviser, H&S committee.	Ad-hoc review by senior operations managers, safety adviser and H&S committee, etc.	Review by safety adviser, personnel, H&S committee, etc. but not by senior operations managers.	No review.

Comments:

Appendix 2

BPRI study: discussion guide for participant interviews

(NB Interviewers: Respondents will be at different stages of development in their Partnership, so some questions will need to be tweaked accordingly.)

1. Introduction

- background to the research (commissioned by the HSE to assist in the review of the Lead Authority Partnership Scheme, talking to participants about their experiences with the scheme);
- BPRI's role;
- objectives of personal interview;
- assurance of confidentiality/anonymity.

2. Background/Initial set-up

- respondents function/role in the company/LA;
- respondents individual role in the Partnership Scheme;
- ask for details of Partnership Scheme:
 - what stage of the partnership are they in?
 - when did they begin the process?
 - how did they initially hear about the scheme?
 - how partnership came into being/who partnered with?
 - why did they decide to participate?
 - how was the decision made to participate in the scheme:

Probe for:

- who was involved?
- what advantages did they feel it would bring?
- did they have any concerns about entering the scheme?
- did they feel they received enough information on how the scheme would work/how long it would take?/ what was expected of them?
- were they aware of the objectives of the scheme?/were these adequately explained? what do they feel the purpose of the scheme is?

3. Attitudes towards participation in the scheme

- what do they feel have been the benefits of participating in the scheme to date? do they differentiate between short, medium and long term gains?
 - do they feel their partner has benefited from participation?
 - what, if any, drawbacks are there to participating? (probe for mentions of time/resources/cost)
- probe:** were these anticipated? how could these have been avoided?
- do they feel participation in the scheme has been worthwhile? why/why not?
 - have their expectations/objectives of becoming involved been met? why/why not?

- do they attribute a 'cost' to participating in the scheme? how do they value/measure this 'cost'? what factors are taken into consideration? (probe for whether 'man-hours'/resources/monetary expenditure)
- is the 'cost' perceived to be worthwhile/justified? do they feel the scheme is an effective use of their resources? do they feel the long term benefits will outweigh the costs?
- did they anticipate the time/resources the scheme would necessitate?

FOR LOCAL AUTHORITY INTERVIEWS ONLY:

- how does this scheme compare to other schemes they have been involved with of a similar nature, such as the LACOTS Home Authority Scheme? (probe for comparative advantages/disadvantages)

4. Attitudes towards procedural elements of the scheme

- was it clear from the beginning what processes they would have to go through to become a Partnership and how long it would take? (and how effectively were start-up procedures communicated?)
- what do they think of the procedures they have to go through to enter the Partnership Scheme? Probe for each part of the procedure:
 - procedures for registering interest in a partnership;
 - attending Safety Management Review (SMR) training;
 - undertaking an SMR review;
 - writing report;
 - discussing report with company;
 - issuing an LAU circular.
- are there any parts of the process which they feel are unnecessary?/unnecessarily time consuming and why? how could the process be condensed?
- are there any additional procedures necessary?
- do they feel there are enough guidelines on how long each part of the process should/will take?

IF IN A FULLY OPERATIONAL PARTNERSHIP:

- how satisfied are they with the overall time taken to make the partnership fully operational?

IF NOT IN A FULLY OPERATIONAL PARTNERSHIP:

- how long do they anticipate it taking to become fully operational?

ALL:

- in general are there any improvements they would like to make in the procedures for becoming a partnership? any alternative options for administration?
- how useful was the SMR training? (was it adequate?/did it cover all they needed to know? how did they rate the standard of the training?) and what, if any, improvements would they like to see?

- were they satisfied with how long it took to complete the SMR itself? and why?
- do they feel it was a worthwhile exercise?

5. Attitudes towards support networks and role of the LAU

- what do they perceive to be the Local Authority Unit's (LAU) role in the Lead Partnership Scheme?
 - in reality the LAU is responsible for administering the scheme - how effectively/well do they feel it is performing this role?
 - do they receive all the information/support/advice they require from the LAU (and if not what do they need?)
is the information provided useful/effective?
probe for awareness/usefulness of the LAU newsletter? frequency ok?
 - would they like to see any changes in the way the LAU administers the scheme and if so what would these be?
 - are they aware of the User Groups which exist for participants? what do they perceive to be the role of these groups?
 - have they ever attended a meeting? **IF YES:**
 - are the meetings useful/beneficial? (why/why not?)
 - what improvements would they like to see in these meetings?
 - are the meetings regular enough?
- IF NO:** why have they never attended? (probe for mentions of travelling distances involved/perceived irrelevance of issues discussed)
- what issues do they feel the User Groups should be discussing? and why?

6. Results from the scheme to date

FOR COMPANY INTERVIEWS ONLY:

- have they seen the scheme to be working/what sort of feedback have they had from their outlets?
- have they seen an improvement in the consistency of LA advice given to their outlets?
- has participation improved or standardised their own health & safety procedures nationwide?
- (IF NOT MENTIONED BEFORE) how useful was the Safety Management Review report?
- how do they think the Partnership Scheme could be expanded/how could other companies be encouraged to take part? what aspects/advantages of the scheme should be promoted to potential participants?

FOR LOCAL AUTHORITY INTERVIEWS ONLY:

- how often have they been contacted by non-lead authorities for advice on their partnership company? and how early on in the partnership were they contacted?
- do they believe LAs are aware of the liaison network? whose responsibility should it be to promote awareness?

IF ONLY IN EARLY STAGES OF THE PARTNERSHIP: have they been contacted by any other LAs yet? and when do they believe they should begin to be contacted (how soon after entering their partnership)?

- how should awareness/knowledge of the scheme be promoted?)

- do they feel non-lead authorities believe in the partnership scheme idea? are they facing any difficulties in encouraging liaison from non-lead authorities?
- do they believe the scheme is increasing the consistency of advice across Local Authorities?
- how do they feel the Partnership Scheme could be expanded? how could other LAs be encouraged to enter a partnership? what aspects/advantages of the scheme should be promoted?

7. Any other comments

- are there any other changes or improvements they would like to see in the operation of the Lead Authority Partnership Scheme?
- as the scheme's aim is to improve the consistency of advice provided by LAs, do they think the scheme should be expanded to include improving consistency of the frequency of health & safety visits (to companies with multiple sites)? ie, standardising the number of visits any outlets of the same company will receive
- do they feel the scheme is the best way to improve consistency of advice across Local Authorities (and if not what are the alternatives?)
- what do they think would be the best ways to encourage future participation and what do they feel may be the potential barriers to participation? (IF NOT ALREADY DISCUSSED)

Thank and close

*Appendix 3****BPRI study: telephone interview guide for non-participants*****Interviewer code from sample list:**

Non Participating Company Interview (20 interviews)	1
Non Participating Local Authority Interview (40 interviews)	2

Ask to be put through to the person named on your sample list.

“Good morning/afternoon my name is.....from Business Planning & Research International, an independent research consultancy. You may recall recently receiving a letter from the Health & Safety Executive telling you about the review they are undertaking of the Lead Authority Partnership Scheme which was established in 1992.

We have been commissioned by the HSE to undertake independent research into attitudes and opinions towards the scheme among Local Authorities and companies. Would you be willing to take part in our survey, it will consist of a telephone interview lasting 25-30 minutes?

(IF RESPONDENT IS CONCERNED ABOUT NOT KNOWING A LOT ABOUT THE SCHEME REASSURE THEM THEY DO NOT NEED AN INTIMATE KNOWLEDGE).

(Interviewer: If need be give brief explanation – the Lead Authority Partnership scheme involves companies with multiple outlets partnering with certain lead authorities to discuss health & safety procedures affecting that company on a national basis)

YES	1	CONTINUE
No	2	CLOSE AND THANK (SEE BELOW)

Is it convenient to speak now?

IF NOT CONVENIENT ARRANGE TIME TO CALL BACK.

Date:

Time:

INTERVIEWER: IF DECLINE TO PARTICIPATE PLEASE WRITE REASONS WHY BELOW:

APPENDIX THREE

Q1 First of all how familiar would you say you were with the Lead Authority Partnership Scheme? Would that be.....**READ OUT**

- | | |
|---------------------|---|
| Very familiar | 1 |
| Fairly familiar | 2 |
| Not very familiar | 3 |
| Not at all familiar | 4 |

Q2 How did you first hear about the Lead Authority Partnership Scheme?
CODE NEAREST CATEGORY – DO NOT PROMPT

- | | |
|---|---|
| From a Local Authority Circular | 1 |
| Letter/correspondence from Local Authority Unit | 2 |
| From a company
(write in which one) | 3 |
| From a Local Authority
(write in which one) | 4 |
| From a colleague | 5 |
| Other (write in) | 6 |
| Can't recall | 7 |

Q3 What do you believe the aim of the Lead Authority Partnership Scheme is?

Q4 How well would you say you understand how the scheme operates, would that be.....?

- | | |
|-----------------|---|
| Very well | 1 |
| Fairly well | 2 |
| Not very well | 3 |
| Not at all well | 4 |

INTERVIEWER: GIVE FULLER DESCRIPTION OF SCHEME BELOW

“The Lead Authority Scheme is designed to improve the consistency of health and safety advice given to companies which have multiple outlets across a number of geographical areas.

Normally a company with multiple outlets will approach a Local Authority to become their leading partner. This Lead Authority then becomes a liaison point for other LAs to approach when a health and safety issue of national significance to the company is raised in one of the company's outlets.

Q5 Have you ever considered entering a partnership?

Yes	1	Go to Q6b
NO	2	Go to Q6a

APPENDIX THREE

Q6a Why have you NOT considered entering a partnership?/ what are the barriers?

CODE WHERE POSSIBLE AND WRITE IN REASONS

Couldn't see any benefits to joining	1
Take up too much time	2
Haven't got the resources to devote to it	3
Would cost us too much	4

ASK ALL SAYING YES TO CONSIDERING PARTNERSHIP

Q6b Why didn't you go ahead with a partnership?

ASK ALL

Q7 What benefits do you feel there would be to participating in the scheme?

Q8 What disadvantages do you feel there would be to participating in the scheme?

Q9 How well informed do you feel about the scheme, would that be.....

READ OUT

Very well informed	1
Fairly well informed	2
Not very well informed	3
Not at all well informed	4

Q10 Who do you feel should be providing information on the scheme?

CODE AS APPROPRIATE AND WRITE IN (DO NOT PROMPT)

HSE/Local Authority Unit	1
Local Authorities themselves	2
Other (write in)	3

Don't know 4

Q11 Which of the following types of information on the scheme would be most useful to you?

READ OUT (multi-code ok)

Information on how to initiate a partnership scheme	1
Information on the procedural aspects of setting up a partnership	2
Information on the benefits of participating in the scheme	3
Information on the Safety Management Review	4
Information on previous participants experiences	5
Information on likely timescales and resources required	6
Information on potential partners	7

APPENDIX THREE

Q12 Is there any other type of information which would be useful to you? (WRITE IN)

Q13 What might interest you in joining the scheme/becoming a partner in the future? How could you be encouraged to join?

Q14 What would be the main barriers to joining/becoming a partner and how could these be overcome?

(NO Q15)

Q16 How do you feel the HSE Local Authority Unit, who administers the scheme, should be promoting it to potential participants?

CODE NEAREST CATEGORIES AND WRITE IN WHERE NECESSARY

Seminars	1
Telephone calls	2
Personal visits/meetings	3
Media coverage in appropriate journals	4
Correspondence/Letters	5
Other (write in)	6

Q17 And what advantages/benefits of the scheme do you feel the HSE should be promoting?

Q18 Have you received any feedback from any Local Authorities or companies who are currently involved in the scheme?

Yes	1	Go to Q19a
No	2	Go to Q20

Q19a How positive was this feedback, would you say it was....

Very positive	1	
Fairly positive	2	Go to Q20
Not very positive	3	
Not at all positive	4	Go to Q19b

Q19b Why wasn't the feedback positive? What were the problems? What did they say?

Q20 Do you feel there are any changes or improvements necessary to the way the scheme operates? (**Probe for what these might be**)

Q21 Is there anything else you would like to say about the scheme which might help in its future development?

THANK RESPONDENT AND CLOSE

Appendix 4
Lead Authority postal questionnaire

<TITLE> <INITS> <NAME>
<JOBDESC>
<ORGAN>
<DEPT>
<ADD1>
<ADD2>
<ADD3>

12 March 1999

Dear <TITLE> <NAME>

LEAD AUTHORITY PARTNERSHIP SCHEME

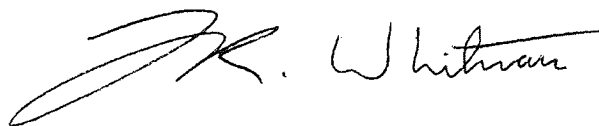
We are currently updating our records of all the partnerships in the scheme and wish to obtain a picture of how well they are all working.

To this end could you please confirm your partnership details and answer our simple questionnaire.

It would be very much appreciated if you could assist us by returning your replies by 27 March 1999.

Thank you for your co-operation.

Yours sincerely



James Whitman
LAPS Administration
Local Authority Unit

PARTNERSHIP DETAILS

Could you please confirm or change the following information about yourselves and your partner company to enable us to update our records.

Thank you.

(Details on this page provided from LAPS database for amendment by respondent)

Local Authority

Company

Main contact
(Post/Position)

Name of LA/Co.

Name of dept.

Your address

Tel no.

Fax no.

E-mail

Second contact

Company only

Nature of business

Number of premises

Type of premises

QUESTIONNAIRE

If you have not completed the SMR of the company, how far have you progressed?

If you have not conducted the full SMR, have you conducted another survey or audit of the company's health and safety documents/records/management? (Please use a separate sheet if required.)

How frequently do you meet up with your partner company?

How successful, would you say, is your partnership with the company?

How frequently are you contacted by other local authorities regarding the health and safety of your partner company?

How many times were you contacted by other local authorities, concerning the partnership, during

(a) 1997

(b) 1998

Please indicate the approximate length of time spent per week dealing with these issues.

Please outline below or on a separate sheet of paper what were the main issues raised with yourselves.

If we initiated a system of sector based user groups would you be interested in participating?

Do you have any comments that you would like to make about the scheme, to enable it to evolve? Any feedback (both positive and negative) would be appreciated.

Please summarise your view of LAPS in one short sentence

Thank you for your time and effort in completing this questionnaire.

Appendix 5

Full SMR Questionnaire Guides

Questionnaire – lead authority

Part A: Demographic details

Date interviewed

Authority Name

Address

Tel No.

Partner organisation

Contact name

Job title

Description of responsibilities

No. of staff involved in health and safety

Part B: Details of the Partnership and SMR

Why did the authority decide to participate in the LAPS?

Date partnership established

What aspects of health and safety management were covered in the SMR?

Can you describe the practical steps in carrying out the SMR? E.g. sample size, time taken

Date SMR completed/report produced

How did the company respond?

Has a LAC been produced?

Was it appropriate?

Was the partnership officially launched? Is this important?

Have the same staff been involved since the start of the partnership?

If no, what changes took place, did any problems arise from this?

Have you any idea of the resources involved in carrying out the SMR?

Did you encounter any barriers during the SMR?

Part C: Activity following the production of the LAC etc

Are there any issues with maintaining the impetus of the partnership? If yes, what?

Following production of the documentation how do you maintain the partnership? E.g. frequency of meetings or amount of contact, any transfer of information

What is the amount of liaison between other LAs and you as Lead Authority? When did it start?

Have you identified any particular trends in the type of liaison e.g. types of queries, particular LAs?

Does more liaison need to be encouraged. If yes, have you any suggestions how?

Have you identified any other benefits from the partnership?

Is it important to measure the performance of such projects?

Have you been able to make any qualitative or quantitative measures of the project so far?

Have you any future plans for taking partnerships forward? E.g Updating the SMR or participating in other partnerships

Has becoming a LEA changed your attitude to liaison with other partnerships?

Part D: About FP and TAP

Where/how did you find out about FP and TAP? What do you understand is the aim of FP and TAP?

Can you describe how these partnerships work?

From you experience of a full SMR based partnership do you think the same goals can be achieved by a more flexible approach?

Are there any boundaries that need to be defined by the partnership in some kind of agreement? – degree of closeness

What do you think is the vital company information required by the LA to enable it to become a Lead Authority?

What do you feel are the difficulties with the flexible approach (compared with the SMR)?
Can you describe any benefits of the flexible approach (compared with the SMR)?

Part E: About LAU

What are your experiences of the support by the LAU to date?

What further support do you think the LAU should provide?

Questionnaire – organisation

Part A: Demographic details

Date interviewed

Company Name

Address

Tel No.

Partner LA

Main activities

No. and location of premises

No. of employees

Average per premise

Contact name

Job title

Description of responsibilities

Reporting to

No. of staff involved in health and safety

Part B: Details of the Partnership and SMR

Why did the company decide to participate in the LAPS?

Date partnership established

What aspects of health and safety management were covered in the SMR?

Can you describe the practical steps in carrying out the SMR? E.g. sample size, time taken

Date SMR completed/report produced

How did the company respond?

Was the partnership officially launched? Is this important?

Have the same staff been involved since the start of the partnership?

If no, what changes took place, did any problems arise from this?

Have you any idea of the resources involved in carrying out the SMR?

Did you encounter any barriers during the SMR?

Part C: Activity following the production of the LAC etc

Are there any issues with maintaining the impetus of the partnership? If yes, what?

Following production of the documentation how do you maintain the partnership? E.g. frequency of meetings or amount of contact, any transfer of information

One of the original aims of the partnership was to improve consistency of enforcement. Are you aware of the amount of liaison between LAs and LEAs?

What role do you/the organisation play in ensuring liaison takes place?

Have you identified any particular trends in the type of liaison e.g. types of queries, particular LAs?

Has there been an improvement in consistency of enforcement?

Does more liaison need to be encouraged. If yes, have you any suggestions how?

Has there been an improvement in your health and safety management system? How?

Have you identified any other benefits from the partnership?

Is it important to measure the performance of such projects?

Have you been able to make any qualitative or quantitative measures of the project so far?

Have you any future plans for taking partnerships forward? E.g. Updating the SMR or participating in other partnerships

Part D: About FP and TAP

Where/how did you find out about FP/TAP? What do you understand is the aim of FP/TAP?

Can you describe how these partnerships work?

From your experience of a full SMR based partnership do you think the same goals can be achieved by a more flexible approach?

Are there any boundaries that need to be defined by the partnership in some kind of agreement E.g. degree of closeness

What do you think is the vital information required by the LA to enable it to become a Lead Authority?

What do you feel are the difficulties with the flexible approach (compared with the SMR)?

Can you describe any benefits of the flexible approach (compared with the SMR)?

Part E: About LAU

What are your experiences of the support provided by the LAU to date?

What further support do you think the LAU should provide?

Appendix 6

Flexible LAPs study

Appendix 6a: Benchmark Questionnaire:

Local Authority

Section A Demographic details	Date
Authority Name: Address: Partner organisation:	Tel no.
Contact Name	
Job Title	
Description of responsibilities	
Reporting to	
No. of staff involved in health and safety enforcement ?	
How did you find out about the LAPs – Flexible Partnerships/TAPS?	
Who made the decision to participate and how was the decision made?	

Part B About partnerships
Have you had experience of other partnerships e.g. Trading standards agreement, Food safety, with other types of organisations If yes, can you describe how these partnerships worked?
Were they successful? How was this measured?
Have you any knowledge/ experience/ views of the previous LAPs

Part C About the FP/TAPS

What do you feel is the aim of the Flexible Partnership or Trade Association Partnership?

How long has your partnership been established?

What should be included? (e.g. which documents, inspections, SMR audit for FP. Boundaries for support from LA for TAPS)

What practical actions do you plan to take e.g. formulating the agreement, provision of documents and information, visit, meetings?

Has any partnership work (discussion and/or other) taken place yet? If yes, please describe what you have done.

Who do you think will benefit from participation in the scheme and what will the benefits be for yourself, your Authority, your partner organisation, other LAs, others?

What might be the difficulties or barriers in participating in the scheme, for yourself, with your Authority, within the partner organisation, other LAs, others.

Part D Measure of Success

Is it important to measure performance? Why

How do you think success (or failure) of the scheme can be measured? (In relation to improved health and safety performance, improved consistency and liaison with local authorities, and in terms of resources required). Have you any plans to use any of these measures?

Have you a view as to how long the scheme will need to operate before any changes become apparent

Part E About LAU

What are your experiences of the support provided by LAU in assisting with the development of the partnership?

What further support do you think the LAU should provide?

Appendix 6a: Benchmark Questionnaire:

Business

Section A Demographic details	Date
Company Name Address Partner LA	Tel no.
Industrial Sector	
Main Activities	
No. and location of company premises	
No. of employees Average no. per premise	
Contact Name	
Job Title	
Description of responsibilities	
Reporting to	
No. of staff and job titles of those involved in health and safety	
How did you find out about the LAPS – FP?	
Who made the decision to participate and how was the decision made?	

Part B Health and safety performance
What priority does the company give to health and safety?
How is health and safety organised?
Can you describe the company health and safety performance over the last 5-10 years? Can you supply data to confirm this?
How is health and safety communicated ?
Could you identify the strengths and weaknesses of the company system for health and safety management?

Part C About partnerships and relationships with LAs

Have you had experience of other partnerships e.g. Trading standards, Food safety etc. If yes, can you describe how these partnerships worked?

Were they successful? How was this measured?

Have you any knowledge/ experience/ views of the previous LAPS

Can you describe the company relationship with local authority health and safety enforcers?

HQ perspective

Local perspective?

Part D About the FP

What do you feel is the aim of the Flexible Partnership?

How long has your partnership been established?

What should be included e.g. which documents, inspections, SMR audit?

What practical actions do you plan to take e.g. formulating the agreement, provision of documents, visits, meetings, interviews?

Has any partnership work (discussion and/or other) taken place yet? If yes, please describe what you have done.

Who do you think will benefit from participation in the scheme and what will the benefits be for yourself, the company, your partner LA, other LAs, others?

What might be the difficulties or barriers in participating in the scheme, for yourself, within the company, with the partner LA, other LAs, others.

Part E Measure of Success

Is it important to measure performance? Why

How do you think success (or failure) of the scheme can be measured? (In relation to improved health and safety performance, improved consistency and liaison with local authorities, and in terms of resources required).

Have you a view as to how long the scheme will need to operate before any changes become apparent

Part F About LAU

What are your experiences of the support provided by LAU in assisting with the development of the partnership?

What further support do you think the LAU should provide?

Appendix 6b: Follow-up Questionnaire:**Local Authority****Section A Demographic details****Date****Date of previous interview:**

Authority Name:

Tel no.

These initial questions will be completed by CHaRM with details from previous interview

Partner organisation:

Contact Name

Job Title

Have there been any changes in staff/ partners/ arrangements since the initial interview?

New question

Part B About the FP/TAPS

Having been involved in the partnership for a year what do you feel is the aim of the FP/TAP?

(compare with original comments for same question)

What areas of the work activity have you included in the partnership?

(compare with original comments for same question)

Can you describe the practical steps taken to enable you to learn how the company manages health and safety (be competent to be a Lead Authority)

(Compare with two questions on initial interview 'What practical actions do you plan to take' and 'Has any partnership work taken place yet')

Do you feel you have a good understanding of how the company manages health and safety?

Have you changed your strategy on the practical steps from your initial plan? How? Why?

Have you identified any benefits from participation in the scheme and what will the benefits be for yourself, your Authority, your partner organisation, other LAs, others?

(compare with original comments for same question)

Have you identified any difficulties or barriers in participating in the scheme, for yourself, with your Authority, within the partner organisation, other LAs, others.

(compare with original comments for same question)

Please estimate the resources (money and time) involved in the development of the partnership? And any on-going cost?

What are your future plans for the partnership? E.g. more of the same, extend work activities included, carry out more formal audit

Part C Routine activity since initial development work

How do you maintain the partnership on a routine basis e.g. meetings, topics covered, information exchanged, who is proactive?

What is the amount and type of liaison between other LAs and you as Lead Authority?

Does more liaison need to be encouraged? If yes have you any suggestions how?

Do LACs have a role?

Part D Measure of Success

How do you measure success of the partnership?

(compare with original comments on similar question)

If you do not, does it matter?

Did the questions asked in the initial interview cause you to consider measuring performance or any other aspect of how the partnership developed?

Part E About LAU and future developments

In establishing your partnership would you have liked more guidance and/or a more well defined framework?

How should the LAU take the scheme forward to ensure success? E.g.

- Reform the User Groups;
- Develop a Website of partnerships that can be easily accessed and updated;
- Amend the SMR training to develop a course more appropriate for FPs;
- Combine with the Home Authority Scheme.

Having participated in a FP are you now more enthusiastic about LAPS? Would you be willing to set-up other partnerships? Do you contact other LEA when appropriate?

Based on your experience do you think that the Flexible Partnership approach is viable as a national scheme? Please explain your views

How does the Flexible approach compare with the approached based on the full SMR? Do you think the two approaches can achieve the same goals?

What is the relationship between 'Best Value' and LAPS? Is there any conflict between the two?

Can you summarise your views of LAPS (or is it FP?) in one short sentence?

Appendix 6b: Follow-up Questionnaire:**Business****Section A Demographic details****Date****Date of previous interview:**

Company Name:

Tel no.

Partner organisation:

Contact Name

Job Title

Have there been any changes in staff/ partners/ arrangements since the initial interview?

Part B About the FP/TAPS

Having been involved in the partnership for a year what do you feel is the aim of the FP/TAP?

(compare with original comments for same question)

What areas of the work activity have you included in the partnership?

(compare with original comments for same question)

Can you describe the practical steps taken to enable the LEA to learn how the company manages health and safety (be competent to be a Lead Authority)

(Compare with two questions on initial interview 'What practical actions do you plan to take' and 'Has any partnership work taken place yet')

Have you changed your strategy on the practical steps from your initial plan? How? Why?

Have you identified any benefits from participation in the scheme and what will the benefits be for yourself, your company, your partner Authority, other LAs, others?

(compare with original comments for same question)

Have you identified any difficulties or barriers in participating in the scheme, for yourself, with your company, within the partner Authority, other LAs, others.

(compare with original comments for same question)

Please estimate the resources (money and time) involved in the development of the partnership? And any on-going cost?

What are your future plans for the partnership? E.g. more of the same, extend work activities included, carry out more formal audit

Part C Routine activity since initial development

How do you maintain the partnership on a routine basis e.g. meetings, topics covered, information exchanged, who is proactive?

Are you aware of the amount of liaison that occurs between the LEA and other Authorities?
Do you play a role in encouraging this?

Has there been an improvement in consistency of enforcement since the partnership started?
How?

Has there been an improvement in your health and safety management system? What?

Part D Measure of Success

How do you measure success of the partnership?

(compare with original comments on similar question)

If you do not, does it matter?

Did the questions asked in the initial interview cause you to consider measuring performance or any other aspect of how the partnership developed?

Part E About LAU and future developments

In establishing your partnership would you have liked more guidance and/or a more well defined framework?

How should the LAU take the scheme forward to ensure success? E.g.

- Reform the User Groups;
- Develop a Website of partnerships that can be accessed and updated easily;
- Amend the SMR training to develop a course more appropriate for FPs;
- Combine with the Home Authority Scheme.

Based on your experience do you think that the Flexible Partnership approach is viable as a national scheme? Please explain your views

How does the Flexible approach compare with the approached based on the full SMR? Do you think the two approaches can achieve the same goals?

Can you summarise your views of LAPS (or is it FP?) in one short sentence?

Appendix 7***LAPS consultation – the questionnaire proforma***

Please fill in the following details:

Name:

Position:

Your organisation:

Your LAPS partner

Organisation:

(If applicable)

Your own Contact
address:

Tel:

E-mail:

1. LAU should promote LAPS as a single identity, a flexible framework which partners can adapt according to their individual needs and circumstances rather than with distinct categories of partnership ('full', 'flexible', 'trade association').

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

2. Partnerships reflecting all sectors, types of organisation, location and size within the LA enforced sector should be encouraged to join the scheme, particularly those currently underrepresented.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

3. It will no longer be obligatory for any New Lead Authority to undertake a full audit of their partner organisation before being formally recognised within the Scheme.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

APPENDIX SEVEN

4. All New Lead Authorities become a focal point for liaison as soon as the partnership is established (LAU newsletter or the internet site can highlight new partnerships 'finding their feet' in first few months where necessary).

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

5. New Lead Authorities should be allowed to use their professional opinion to decide which evaluation steps will be necessary to adequately familiarise themselves with the health and safety systems of their partner organisation.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

6. New Lead Authorities and their partners should agree an evaluation programme together including any combination of document review, full and partial audit, familiarisation visits or interviews at either a slow or fast track pace.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

7. An Agreement of Intent which outlines roles and responsibilities and which may include details of financial arrangements should be signed when each new partnership is established. If yes, should LAU offer a model agreement?

Agree ☐ Disagree ☐ Can't Say ☐

Offer model ☐

Comments:

8. LAU should continue to promote and offer 'LAPS training courses through a training provider. If yes, should LAU re-evaluate course content? How long should the training be?

Agree ☐ Disagree ☐ Can't Say ☐

Review Content ☐ 1 day ☐ 2 day ☐

Comments:

APPENDIX SEVEN

9. LAU should develop a free or low cost practical LAPS resource pack. If yes, would you like a LAPS CD-ROM / video to be included? Do you prefer the idea of distance learning using a resource pack to classroom training?

Agree ☐ Disagree ☐ Can't Say ☐

CD-R/Video ☐

Prefer Pack ☐ Prefer Classroom ☐ Both Options ☐

Comments:

10. HELA operational circulars (LACs) describing the initial evaluation of health and safety management performance for each partnership should no longer be published (a general LAC describing the operation of the Scheme to remain).

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

11. LAU should launch a closed LAPS internet site carrying live partnership details in spring 2001 (If yes, Please indicate whether you prefer technical support via HSE or a third party who are free to promote their other services).

Agree ☐ Disagree* ☐ Can't Say ☐

HSE Site ☐ 3rd Party Site ☐

Comments:

* Go straight to Question 13

12. The LAPS site should include: contact details; outlet trading names; the scope of each partnership; current issues; search facilities and live documents supplied by the partners and a link to the LACOTS site.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

13. LAU should continue to explore with LACOTS possibilities for developing some common Home / Lead Authority principles, for ensuring consistency between the two schemes and for joint working.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

APPENDIX SEVEN

14. The Lead Authority should be able to influence the inspection frequency of the partner organisation by other local authorities.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

15. LAPS membership should contribute to any future performance indicators developed for health and safety enforcement.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

16. If organisations are to receive direct benefits from LAPS participation such as reduced inspection frequencies at their outlets, minimum participation criteria must be laid down in order to secure the confidence of other LAs.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

17. Sector or common interest groups from within existing LAPS participants will be encouraged to form user groups to promote benchmarking and sector guidance.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

18. There could be a role for LAPS partner organisations to act as intermediaries such as passing on key health and safety messages to others.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

19. The enclosed draft leaflet which describes the modified Scheme should be taken forward as a free HSE leaflet from April 2001 (your suggestions in the comments section below will be taken into consideration).

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

20. The proposed modifications to the Scheme should be formally adopted from April 2001.

Agree ☐ Disagree ☐ Can't Say ☐

Comments:

Comments

Comments not covered by above: