



Local Authority Health and Safety Enforcement Officers Perceptions of their Support, Information and Training Needs [SITNA]

A Response to HSE's SITNA Report

May 2006

Forward

The Chartered Institute of Environmental Health (CIEH) is a professional and educational charity dedicated to the promotion and improvement of environmental health and to the encouragement of the highest standards in the training and work of Environmental Health Practitioners (EHPs).

In conjunction with the Environmental Health Registration Board (EHRB) the CIEH provides a rigorous qualification process for EHPs. It also offers a similarly rigorous process for technical support staff wishing to acquire a recognised health and safety enforcement qualification via the Higher Diploma in Health and Safety Enforcement. The content of both programmes has been developed with significant input from the Health and Safety Executive (HSE) and both programmes share a common aim of producing practitioners who are capable of being authorised by their employers to competently carry out health and safety enforcement activity. The level of authorisation of each practitioner is determined by the employer and is subject to initial supervision, experience, peer review and further training as may be deemed necessary.

CIEH is accredited by the Qualifications and Curriculum Authority (QCA) as a qualification awarding body.

1.0 Preface

1.1 This document presents the carefully considered response of the CIEH to a report commissioned by the HSE's Local Authority Unit (LAU) entitled *"Local Authority Health and Safety Enforcement Officer's Perceptions of their Support, Information and Training Needs" (SITNA)*. The report and its associated research were undertaken by the Health and Safety Laboratory (HSL).

1.2 The CIEH has a long history of partnership working with the LAU and values that relationship. Furthermore, the CIEH whole-heartedly supports a key objective contained in the 'Statement of Intent' published in 2004 by the Local Government Association (LGA), the Welsh Local Government Association (WLGA), the Confederation of Scottish Local Authorities (COSLA), Local Authorities Coordinating Office on Regulatory Services (LACORS), the Health and Safety Commission (HSC) and the HSE to:

Provide "information, guidance and support to enforcing authorities, equitably".

(Local Authorities and HSE Working Together; LACORS and HSE, 2004)

1.3 Despite this support for the HSE and the LAU, the CIEH has felt compelled to produce this response to the published SITNA report as part of its strategy to convey to all of its stakeholders (including the HSE) its concerns about the ethical base of the SITNA research, its accuracy, validity and repeatability.

1.4 This response has, therefore, been constructed following a lengthy process of carefully considered reflection during which, the views of key CIEH members, academics and colleagues from the Royal Environmental Health Institute of Scotland have been sought. However, the CIEH believes that it is important that all parties should recognise that the work, covered within this response, reflects health and safety enforcement within the workplace which is under the direct, day to day control of the principal employers – local government.

2.0 The Concerns of the CIEH Regarding SITNA – A Summary

2.1 The CIEH acknowledges that the LAU engaged in an extensive and positive dialogue with CIEH between July and September 2005 following the distribution of the first draft of the SITNA report (full details of the dialogue between the CIEH and LAU in respect of this matter can be found in Appendix 1 to this document). The dialogue was supported by the provision of a 'commentary' on SITNA which was produced by the CIEH Education Unit and which was forwarded to the Head of LAU. The CIEH also acknowledges that the published report has been significantly redrafted following the receipt of the afore-mentioned commentary; however, despite this redrafting, the CIEH believes that many of the key failings, that were evident within the first draft, have not been appropriately addressed.

Specifically, it is the opinion of the CIEH that the following are the major shortcomings of the research and associated report:

- a) The CIEH believes that the documented research objectives (and adopted research methodology) lack clarity and rigour and are, consequently, incapable of delivering the overarching research aim; namely to: *"carry out an*

analysis of the support, information and training needs of local authority health and safety enforcement officers”.

- b) The SITNA research team has not applied the principles of good research governance to their research processes. The primary tenets of such governance are well known within the research community and more recently have been set out in the Department of Health document entitled “*Research Governance Framework for Health and Social Care – Second Edition 2005*”.
- c) The published SITNA report demonstrates a lack of certainty in the manner in which it reports on the data acquired via the research. It is the belief of the CIEH that this, in turn, generates questions concerning the accuracy of the recorded data.
- d) The report fails to provide sufficient detail concerning the analysis conducted by the research team on the gathered data. Of particular concern to the CIEH is the absence of any information on the extent of conflicting research data and how those conflicts were reconciled.
- e) The published report contains numerous examples of unsubstantiated assertion and errors of fact. The report also produces a series of ‘findings’ and ‘recommendations’ that are not evidenced from within the research.

2.2 In the following sections of this document, the CIEH expands upon those matters that it believes are the principal shortcomings of the SITNA research and report. Nonetheless, it is the CIEH’s contention that these failings have generated overall research *outcomes* that are:

- i) Incapable of validation.
- ii) Too diverse to provide scope for a strategy, which could produce measurable change in the way that CIEH supports and LAU desire.
- iii) Damaging to the perception of the quality of local authority health and safety enforcement activity in the way that it draws conclusions from, what CIEH believes to be, flawed research.
- iv) Demonstrative of a lack of understanding of local government operations and of the significant achievements of local authorities in addressing health and safety matters in the employment sector for which they are the enforcement authority.

2.3 Having reflected on the published report and bearing in mind all of the foregoing, the CIEH is of the opinion that the principal ‘evidence’, commissioned to assist in the development of shared working systems between HSE and Local authorities (the SITNA Report), remains flawed. Furthermore, it is the view of the CIEH that the research and associated report:

- a) Do not accurately represent the health and safety enforcement activities delivered by local authorities;
- b) Undermine the qualification, skills, competencies and professional standards of qualified local authority health and safety enforcement officers (including EHPs);
- c) Undermine the actions of Local Authorities in meeting their current statutory function in respect of the Health and Safety at Work etc Act 1974.

2.4 Given all of the foregoing, the CIEH is of the opinion that the SITNA report should be withdrawn pending the commissioning of additional research that more appropriately gathers data to support the implementation of the ‘Statement of Intent’ 2004. The

CIEH offers its support in the conduct of that research, such that if data is subsequently gathered that indicates that shortcomings do exist in respect of local authority health and safety enforcement staff, we will act immediately (so far as we are able to do so) to ensure that corrective action is taken.

3.0 The Clarity and Rigour of the Research Objectives and Adopted Methodology

- 3.1 The SITNA report refers to the LAU commissioning HSL to *“carry out an analysis of the support, information and training needs of local authority health and safety enforcement officers”* (pg1, para1). Whilst the report does not contain a copy of the detailed brief from LAU to HSL that would effectively scope the research, the aim of the research (and of the associated report) have effectively been set by this statement. Further clarification of the aim is provided in the report when it states that a *“training, support and information needs analysis needed to be conducted in order to assist in the development of shared working systems.....”* (pg1, para 6). The paragraph, then goes on to state that *“the intention was to identify the requirements local authority health and safety enforcement staff perceived they have, and consider their needs and identify any gaps in terms of support, information and training”*.
- 3.2 It is the view of the CIEH that this ‘intention’, because of its focus on perception rather than fact, could never deliver the support information and training needs analysis referred to. Specifically, an analysis of ‘needs’ presupposes that an accurate determination has been made of the existing levels of support, the current availability of information and the current training provision to the whole of the local authority health and safety enforcement sector. A factual analysis is therefore needed.. Consequently, it is the view of the CIEH that the extent of the ‘needs’ in these areas is incapable of accurate determination by this research and report.

4.0 Research Governance

- 4.1 Whilst the preceding section set out the opinions of the CIEH regarding the clarity and definition of the stated research objectives; according to information received by the CIEH from some research cohort members (attendees at the regional conferences held in Dudley and Melton Mowbray) and, drawing on its own experience as a stakeholder consultee, the CIEH is aware that the research team did not always fully convey the research aim or its objectives to cohort members at the start of data capture. Indeed, at the initial meeting that took place between Paul Robinson / Tony Lewis of CIEH and a key member of the HSL team in February of 2005, the CIEH is certain that neither the research aim nor its objectives were quoted. Furthermore, at that meeting, the CIEH contends that Messrs. Robinson and Lewis were advised by the HSL researcher that the purpose of the research was to consider the overall training of EHPs in the area of health and safety, and to make comparisons with the overall training provision for HSE Inspectors. In this respect, the CIEH believes that it was inappropriately advised of the purpose of the SITNA research.
- 4.2 In addition to issues surrounding the research aims and objectives, the SITNA research and report utilise a data set that consists of over 300 health and safety enforcement officers. With one exception (the questionnaire that was distributed to

some 59 attendees at the workshop), the research and report fail to identify specific subgroups within the total cohort. For example, the researchers have failed to fully distinguish EHPs from technical support staff; the qualified from the unqualified; those engaged in full time or part-time health and safety or those that are deemed to be competent by their employers and, hence, fully 'authorised' to take enforcement versus those who are not 'authorised'. Furthermore, neither the research nor the gathered evidence establishes where, on the authorisation continuum, the respondees are. Consequently, it is not possible to validate and/or weigh the data gathered from most of the respondees against their 'real' level of knowledge, skills, experience and competence.

- 4.3 Put simply, where gathered data implies or confirms a lack of training and, hence, competence in key areas such as interviewing and PACE, writing letters, gathering evidence and taking statements etc; given that the respondents 'authorisation' to enforce may not require competence in such skills, readers of the report cannot determine whether the lack of training / competence is real or is a reflection of the level of authorisation of the cohort.
- 4.4 In addition, the research and the associated report consistently refer to an analysis of 'training' and training needs'; however, no attempt is made to qualify whether the researchers are referring to pre or post qualification training, or even to both. Whilst some evidence points to the probability that the work is actually referring to post-qualification training, this lack of clarity has resulted in a report being produced that may be interpreted as implying the existence of failures in the education and work-based learning of qualified enforcement staff. Such an implication is inappropriate on two counts:
- a) The health and safety qualifications, offered and regulated by the CIEH, are designed to ensure that 'Section 18' competencies are properly addressed within the EHP and those completing the Health and safety Enforcement Diploma. The HSE has been fully engaged with the CIEH in the development of all versions of these qualifications since 1993 and no adverse comments have been received from the HSE regarding this.
 - b) The CIEH believes that it was to be expected that unqualified staff would identify significant shortfalls in their training and competence; however, as unqualified staff are not separately identifiable within the research or its findings, any training needs identified by this group cannot be accurately attributed, either to themselves or to qualified staff.
- 4.5 Of significant concern to the CIEH, is that the report (particularly the Technical Annexe) uses the terms 'enforcement officers' and 'local authorities' almost interchangeably. In a number of instances, the report refers to research responses, obtained from interviewees, as coming from 'local authorities'. Furthermore, as a result of the lack of clarity within the report on what is meant by 'training', this may then be interpreted that local authorities are themselves concerned about the level of training of enforcement officers and, hence by implication, the competence of their own enforcement staff. Such an implication is not evidenced from within the report.

Bearing the above in mind, the report at best reflects the perceptions of a group of enforcement officers, who should have not been expected to reflect the views and opinions of their employers, unless they were specifically empowered to do so. Such

empowerment should have been given in writing and the research team should have secured it before starting to gather data. What goes alongside that empowerment is a clear understanding of the purpose of the research and the possible uses of any gathered data. Consequently, an individual (or local authority if it so empowers an individual) should have been given information on all of the risks associated with acting as a data source for this research (including the handing over of information that might eventually be used to imply a lack of competence in themselves or their colleagues).

- 4.6 Having provided responses to the research team, the cohort members and their employers should have been provided with the opportunity to review and comment on these prior to publication of the report. It appears from the report that these necessary and appropriate comments and consents were neither sought nor obtained from the cohort members or their employers. Furthermore, neither group was appraised of the 'risks' associated with their involvement in the research. In essence, this means that data, gathered without appropriate consent, should preferably not be used in this research and, if it is used, then it should be appropriately weighted to reflect the conditions under which it was gathered.
- 4.7 One of the key objectives of the adopted research methodology is the '*triangulation*' of research data (pg3, para 2). CIEH accepts that the term 'triangulation' has a specific meaning within social science research. It is also accepted that the research team have attempted to triangulate their data via the use of a 'multi-method approach' to the research. CIEH is, however, concerned that one of the key means of data triangulation - the gathering of data from a statistically significant number of HSE data sources - has only been undertaken in a small way via some 16 HSE specialist inspectors. Consequently, it is the view of the CIEH that the report makes a claim of triangulation that cannot be fully justified. Moreover, the data obtained from local authority enforcement officers was not triangulated by reference to their employers.. Consequently, enforcement officers may have made comments to the researchers about the availability of support, information and training, within the context of their own authorities that are potentially incorrect and have not been validated by the research.
- 4.8 The report does not provide information justifying the selection and interviewing of the research cohort. For example, questions exist concerning the research team's decision to conduct semi-structured interviews with 20 local authority senior managers. When and where were these conducted? Exactly who were the senior managers? How were they selected? What was their normal level of involvement with health and safety? Were they working full-time or part-time? What were their qualifications and what were the levels of their authorisation? These questions are not answered within the report. Additionally, the report does not contain information regarding the briefing that these managers received prior to the interviews; furthermore, information is not provided on who delivered that briefing and whether the purpose and the risks associated with the research were explained. It is also unclear whether 'consents' were obtained from senior managers and their employers for their data to be used within the research. Additionally and most significantly, neither the primary data nor a condensed form of the data has been included within the report and virtually no information has been provided on how the data has been compiled and analysed.

5.0 Certainty Surrounding Gathered Data

5.1 A number of issues regarding cohort management and data capture are evident within the research and report. These are as follows:

5.2 Of particular concern to the CIEH is the manner in which the report reviews the conduct and reporting of the semi-structured interviews with *"approximately"* 20 stakeholders (table on pg3). Clearly the statement that such interviews were conducted with *"approximately 20 stakeholders"* is perplexing and generates questions as to why the research team is unsure of the number of such interviews carried out. The CIEH is concerned about the lack of evidence within the report concerning these interviews and feels obliged to challenge the research team regarding the documenting, analysis and findings from these specific interviews.

In respect of the regional focus groups, workshops and syndicates; identical questions exist and, again, no substantive data has been provided.

5.3 Of concern to the CIEH is the admission that, within the report, the theme of the regional workshops was primarily 'HSC strategy and targets' (pgs 4, 20, and Appendix 7) and not SITNA. This, of itself, generates a question regarding the intended level of integration of SITNA within these workshops. Furthermore, given that attendees were reminded of the HSC 'targets' at the start, were attendees briefed specifically on SITNA? From discussions with some attendees the CIEH believes that delegates were not appropriately briefed. It is, therefore, currently unclear whether these workshops were focussed on SITNA or whether they merely touched on SITNA-based issues.

5.4 In addition, the CIEH is also concerned about the management and reporting from the syndicate groups at the two Midlands conferences – given that 120 delegates attended why were responses only achieved from *"approximately 60"* (pg 21, para 2.2.1). The CIEH feels that it is appropriate to challenge the research team regarding the establishment of these groups and questions how they were briefed, the purpose of the Midlands conferences, the extent of the involvement of the SITNA team at these conferences, the extent of the briefing given to attendees regarding the purpose of the research and the nature and range of the attendee's responses. All of these questions remain unaddressed by this report.

5.5 Finally, the report makes it clear that a literature review was conducted as part of this research and the data, captured by this mechanism, is a significant part of the overall research. However, the CIEH is concerned at the lack of information provided on how the literature review was scoped and conducted, the range of papers that were considered and whether contradictory information emerged and, if it did, how it was handled.

6.0 Data Analysis and the Resolution of Contradictory Data

6.1 From the report it is difficult to glean how analysis of all of the gathered data has been carried out; similarly, it is not clear whether and to what extent the captured data proved contradictory and how those contradictions were resolved.

- 6.2 One common theme, emergent from within the report, appears to be the establishment of the HSE as a benchmark for competence and best practice. It is unclear from the report whether this naturally emerged from the research cohort or whether the cohort was advised by the HSL team that HSE were to be regarded as the benchmark. The CIEH believes that if the cohort were advised to consider the HSE as the benchmark and, given that the interviewees perceived that there is a two-tier enforcement system, it would be useful to know what attempts, if any, were made by the research team to discern the source of such perceptions.
- 6.3 The report states that, in respect of data analysis, *'consensus was sought'* and *'conflicting views had to be supported'* – but no indication is provided regarding the extent of conflicting views and how these were reconciled for the purposes of data analysis. Furthermore, if *"saturation and recurrent patterning"* (pg 21, para 2.2.3) were identified by the research team, then, in order to give validity to this statement, information should have been made available within the report regarding the specific questions posed to each research group and the group makeup. This information is not present.

7.0 Assertions and Errors

- 7.1 The published SITNA report contains numerous examples of incomplete referencing and, in the absence of appropriate referencing, such statements assume the status of assertion. The CIEH includes the following inset statements as examples of assertion within the report; however, many more are evident and the CIEH will be happy to provide details of these upon request.

Local authority officer/HSE Officer competences are significantly different because *"health and safety is only one component of a local authority officer's job"* (pg 5, para3.1).

HSE Inspectors are *"competent in health and safety"* (pg 5, para3.1)

Only *"a small proportion of local authority staff exclusively carries out health and safety activities and many, therefore could lack health and safety experience"* (pg5, para3.1)

Local authority enforcement officers cannot be considered to be 'competent / experienced' because their enforcement experience is insufficiently broad (pg 13, para2).

The research team do not regard it as being *"a viable or feasible option for (local authority) enforcement officers to be trained to equivalent standards as HSE inspectors"* (pg 13, para2)

It was *"acknowledged that H&S enforcement was generally given a lower priority compared to other topics, in part due lack of resources or competence of officers....."* (pg 50, para3.3.1.2)

- 7.2 Similarly, the table of key training needs (listed in the table on page 56 of the report and labelled as 'key priority health and safety training needs') cannot be justified from the data provided and should not, therefore, be included. Indeed, the CIEH holds evidence from individual local authority officers involved within this research that shows that some of the research sub-groups actually advised the HSL team that many of the listed skills were in fact practised to a very high level within the local authority sector.
- 7.3 Despite the lack of evidence to support them, the CIEH is compelled to respond to some of the key 'findings' referred to by the report. For example; the report states that enforcement officers *"have a desire to be provided with equivalent levels of support, information and training that they perceive to be available to HSE inspectors"* (pg 64, para4.0). The use of the word 'perceive' is crucial here, because, of itself, it implies a need for triangulation with HSE, which has not taken place; but it is also an appropriate research point. For example, if local authority officers hold a perception; how has that perception been formed and to what extent is it related to reality? The research and report fail to consider this issue.
- 7.4 Similarly, and despite statements to the contrary, the research does not find that *"varying tools are used by local authorities to assess and manage competence"* (pg 5, para 3.0) as indicated by the report. Given that the research is based on the perception of a small number of officers, then the above statement should be more appropriately qualified – this is not the factual position that it conveys itself to be. Furthermore, this matter confirms the mixed tone of the report – in part it seeks to convey the view that research is factual whilst in others (including the title) it conveys an air of 'perception'. Similarly, the research does not *find* that there is *"no systematic method of identifying individual local authority officer training requirements"* or that *"individual local authorities lack the resource to fully analyse the individual training needs of their staff"* (pg 5, para3.0) – in both instances the report seeks to convey this as fact. This is not the case as no statistically representative survey of local authorities has been carried out.
- 7.5 Whilst the CIEH could potentially support many of the principles expressed in the 'findings' on training i.e. the need for competency frameworks, co-ordination of provision and methods of delivery etc; it is concerned that these principles simply do not emerge from this research and hard data is not present to support them. Similarly hard data is not present to support the recommendation that, there should be an *"exploration of various models for the organisation of all health and safety enforcement officers..."* (pg 64, para 4.1). This recommendation is unusual and some further explanation of this recommendation is necessary.
- 7.8 The third, fourth, fifth, sixth, twelfth and thirteenth recommendations in respect of the alignment of Health and Safety Commission targets with local authority plans and the provision of a service level agreements and training etc are interesting and mainly sensible; however, these recommendations do not emerge from within this research or from within the associated discussion in the report.

8.0 Conclusion

- 8.1 Whilst the CIEH wishes to reiterate its support for the HSE's efforts to implement the 2004 'Statement of Intent' and to *equitably provide information, guidance and*

support to enforcing authorities; we are concerned that the primary vehicle (the SITNA research and report), established by the HSE to underpin its actions and investment in this respect, is flawed.

- 8.2 The CIEH, therefore, encourages the HSE to withdraw the SITNA report and conduct additional research in order to ensure that the report does not serve as a significant distraction that undermines the common aim of SITNA and the 2004 'Statement of Intent' (which we unequivocally support). The CIEH is, therefore, surprised that, as key signatories to the Statement of Intent, the LGA and LACORS have not felt able to suitably comment on the issues that have emerged from both the SITNA research and associated report.

9.0 References

Prince, L; Campbell, A; and Nanton, P. (1995) Training for Health and Safety Enforcement. Birmingham: The Institute of Local Government Studies (INLOGOV).

Wilson, E. (1998) Health and Safety Enforcement Officers Standards of Competence.

Research Governance Framework for Health and Social Care (2005) – Second Edition; Department of Health.

Appendix 1 – CIEH and LAU Dialogue Timeline

8 February 2005	Paul Robinson and Tony Lewis (CIEH) meet with Nadine Mellor of HSL to be briefed on the SITNA research and to provide key background information to support the research team.
13 July 2005	Tony Lewis meets with Allan Davies (Head of LAU) to express concerns regarding rumours circulating concerning the findings of the draft SITNA report. Allan suggests a meeting with the research team to address concerns
26 July 2005	Tony Lewis receives a written invitation to meet with the research team and LAU colleagues at the HSL in Buxton on 23/8/05
12 August 2005	Richard Wilson (LAU) sends Tony Lewis (and others) a copy of the draft SITNA report for consideration prior to the HSL meeting
22 August 2005	Draft agenda produced and distributed by Richard Wilson for the meeting at HSL on 23/8/06
23 August 2005	Tony Lewis and Tim Hibbert meet with the research team and LAU colleagues at HSL, Buxton. The concerns of CIEH regarding the draft SITNA report are detailed and discussed. CIEH agree to provide a 'commentary' on SITNA for HSL to consider
5 to 8 September	CIEH Conference, Cardiff and a series of meetings take place between Tony Lewis, Paul Robinson, Allan Davies and other LAU colleagues to discuss the draft CIEH Commentary on SITNA
26 September 2005	Final version of CIEH Commentary on SITNA forwarded to Allan Davies. The Commentary fully details the CIEH concerns regarding the draft SITNA report
22 November 2005	Tony Lewis emails Richard Wilson to seek information on the progress towards incorporation of CIEH concerns within the final, published SITNA report. Tony Lewis expresses concern to Richard Wilson that CIEH holds information that suggests that the final SITNA report is already being circulated by HSL although CIEH has not been kept 'in the loop'
24 November 2005	Richard Wilson confirms to Tony Lewis that LAU/HSL are about to publish SITNA and confirms that they did not want to become involved with CIEH in exchanges regarding the content of the SITNA report.
25 November 2005	A copy of the final published version of SITNA is forwarded to CIEH
16 January 2006	Joint letter sent from CIEH and REHIS to Bill Callaghan (Chairman of HSC) expressing concern regarding the SITNA report and seeking the withdrawal of the report

26 January 2006 Graham Jukes (Chief Executive, CIEH) meets with Allan Davies to discuss the CIEH concerns regarding the SITNA report

28th March 2006 Graham Jukes discusses the CIEH concerns regarding the SITNA report with Phil Scott (Project Manager for Local Authority/HSE Strategy Enabling Programme)