



Chartered Institute of  
Environmental  
Health

Sefydliad Siartredig  
Iechyd yr  
Amgylchedd

## Inspection, Audit and Regulation in Wales

## Response to the Welsh Assembly Government Policy Statement

December 2008

# Sefydliad Siartredig Iechyd yr Amgylchedd

Fel **corff proffesiynol**, rydym yn gosod safonau ac yn achredu cyrsiau a chymwysterau ar gyfer addysg ein haelodau proffesiynol ac ymarferwyr iechyd yr amgylchedd eraill.

Fel **canolfan wybodaeth**, rydym yn darparu gwybodaeth, tystiolaeth a chynghor ar bolisiâu i lywodraethau lleol a chenedlaethol, ymarferwyr iechyd yr amgylchedd ac iechyd y cyhoedd, diwydiant a rhanddeiliaid eraill. Rydym yn cyhoeddi llyfrau a chylchgronau, yn cynnal digwyddiadau addysgol ac yn comisiynu ymchwil.

Fel **corff dyfarnu**, rydym yn darparu cymwysterau, digwyddiadau a deunyddiau cefnogol i hyfforddwyr ac ymgeiswyr am bynciau sy'n berthnasol i iechyd, lles a diogelwch er mwyn datblygu arfer gorau a sgiliau yn y gweithle ar gyfer gwirfoddolwyr, gweithwyr, rheolwyr busnesau a pherchnogion busnesau.

Fel **mudiad ymgyrchu**, rydym yn gweithio i wthio iechyd yr amgylchedd yn uwch ar yr agenda cyhoeddus a hyrwyddo gwelliannau mewn polisi iechyd yr amgylchedd ac iechyd y cyhoedd.

Rydym yn **elusen gofrestredig** gyda dros 10,500 o aelodau ledled Cymru, Lloegr a Gogledd Iwerddon.

## The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

**Dylid cyfeirio ymholiadau am yr ymateb hwn at:**

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## 1.0 Comments

### 1.1 **Do you agree with the overall aims and principles set out in this statement?**

The Chartered Institute of Environmental Health (CIEH) supports the overall aims and principles set out in the statement. We believe that public services should be transparent, citizen centred and offer good value for money, and that services should be designed around the needs of citizens rather than around the service delivery ambitions of the provider. We further agree that business regulation should be designed to protect public interest, (paragraph 1.2) but would wish to be clear that our interpretation of the phrase 'public interest' in this context includes protection of public health and public safety and the protection of the interests of vulnerable consumers.

### 1.2 **How can external review bodies demonstrate their accountability to those they represent and those they serve , and how can they best demonstrate the progress they have made and intend to make in the future in line with this policy statement?**

This is not a matter within the professional remit of CIEH, we therefore make no comment.

### 1.3 **How can the links between external review bodies and the citizens whose interests they represent best be enhanced?**

This is not a matter within the professional remit of CIEH, we therefore make no comment.

### 1.4 **How can the necessary dialogues between external review bodies and those they review best be taken forward?**

CIEH believes that good communication between those carrying out reviews and those being reviewed is essential. It is clear from the research carried out by the CIEH in 2006 to which reference appears in our response to section 7 below that some local authorities being reviewed were of the view that the reviewers/auditors were taking forward their own agenda through the review process which distorted both the process and the value of the findings. There was further a view that each external review body regarded its review areas as being the most important areas of service delivery and that there was a perceived element of competition between review bodies promoting 'their' service area above others delivered by the service being reviewed. We also consider that it is important that the reviewers understand the conflicting interpretations that can be put on review findings. We have seen examples of reports of local authorities failing to meet targets for high risk food inspections, when the explanation was simple, the local authorities had been diverting their resources to tackle public health issues which in the professional view of the department managers posed a far greater risk to public health, but the failure to acknowledge this in the reporting of the review findings and the subsequent media speculation around the review findings undermined confidence in the local authorities concerned. Services are delivered in a real world environment and in the face of conflicting pressures, audits and reviews that fail to take account of an acknowledge this and focus only on the service area being reviewed or audited are of limited value as they do not present the whole picture to those considering the review findings.

There should, in the view of CIEH be a requirement that external review bodies engage with those delivering a service and with others who can attest to the conditions that surround the service delivery area and can place it into context. Professional service deliverers have to make professional decisions about how a service area is to be delivered and within national policy guidelines to the priority to be given to that service area within a multidisciplinary service. External review bodies should be appraised of this before the review or audit and should be required to take account of it when carrying out the review. This can only be done where the two parties, reviewer and reviewed meet together and discuss these issues at the start of the review process.

### **1.5 What other steps might the Welsh Assembly Government take to achieve the aims of this statement?**

It is suggested that the Welsh Assembly Government should require review bodies and auditors to specify clearly before any auditing of review takes place what they intend to seek to identify through the review and what benefit that will have for the body being reviewed and for the citizens of Wales. There should then be dialogue between the external review body and the body to be reviewed about whether this is appropriate and each party should be required to justify the view that they advance. Bodies to be reviewed may be able to suggest more appropriate or realistic audit or review outcomes which may make the process more meaningful or relevant. The purpose of the audit and the indicators of success should be published to ensure the process is transparent. It will be easier to determine at the end of the process whether the review or audit body has been successful in achieving what it set out to do and the value of the exercise in terms of both resources expended and in net gain for the citizen of Wales can be readily determined.

## **2.0 Specific proposals**

We will address the specific proposals raised at the end of each section of the report in the order of raising.

## **2 Citizen focus**

2.6 The CIEH agrees that it is important for external review bodies to continue to build on the work that has already been done in citizen engagement. We note however that engagement between a review body and the citizens is often limited to engagement with and by only those citizens who are direct recipients of the service being delivered by the service provider, and that those citizens who do not have that interface do not engage with the reviewing body. We also note that where the review touches and concerns large groups of the citizens of Wales e.g. reviews carried out of general service areas such as the reviews of food inspections by local authorities carried out by the Food Standards Agency engagement with the review and with its findings by the general public is very limited, and responses to the review and comments on its findings tends to be by interest groups and professional bodies and not by individual citizens.

We endorse the policy of external review bodies consulting with citizens about the review process but note that those citizens who do not receive services are unlikely to want to engage with a review process directed at that service and are unlikely to be able to comment in any meaningful and helpful way about the way in which the review should be conducted. Those citizens who do receive services from the body or

service to be reviewed are likely to have more interest in the process of review and may be more willing to engage with the review body, but are also likely to have views which will be slanted towards their particular area of interest, and which may therefore not be fully informed, do not cover the whole of the service or may be influenced by other surrounding factors e.g. over riding policy considerations, and whose opinions therefore have to be subject to careful analysis before being taken into account.

- 2.7 CIEH agrees that there must be enforceable timescales agreed with external review bodies regarding publication of their reports. It is unacceptable to have review or audit reports published a considerable time after the review or audit was conducted, particularly where the review findings or recommendations may have been implemented by the reviewed service before the findings of the external review body are published. This can lead to unwarranted public loss of confidence in the reviewed service and breakdown of the relationship between the review body and the reviewed service.
- 2.8 CIEH agrees that elected representatives at local and national level should both consider the reports of review bodies and should also inform the work of external review bodies where the proposed review is of a service within the remit of the relevant scrutiny committee. This ensures local engagement in the review process and further allows for best practice to be identified, endorsed and promoted.

### 3 Promoting Improvement

Comment: CIEH endorses and supports the concept of continuous service improvement. We note however that such improvement is not exclusively driven by the audit or review process but are usually driven from within the service itself. We further note that where services are to be measured against Performance Indicators it is critically important that the performance indicators are meaningful, being outcome rather than output based. Performance indicators are not an effective way to measure shared services or shared outcomes, since no one group is responsible for their delivery and 'one size fits all' performance indicators can be unduly onerous on some service deliverers whilst being easily achievable and therefore meaningless in respect of others. This is particularly the case in respect of performance indicators of the type 'Number of high risk premises inspected', as the number of such premises varies widely from one local authority to another and in no way reflects the quality of the inspection that is carried out or benefit by way of risk reduction achieved by the visits. We particularly highlight the Best Practice Standards for the Improvement of Environmental Health Services in Wales, a suite of best practice standards derived by a partnership consisting of the Wales Heads of Environmental Health Group, CIEH and others which are designed to drive up service standards in environmental health in Wales in a consistent, transparent and meaningful way<sup>1</sup>. The practice and delivery standards are derived and designed by professional practitioners, are subject to ongoing update and review, are transparent and are meaningful and we suggest are an exemplar of good practice in service development and improvement.

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<sup>1</sup> [http://www.cieh-cymruwales.org/uploadedFiles/Core/Policy/Professional\\_practice/Best\\_practice\\_standards\\_Feb\\_2008.doc](http://www.cieh-cymruwales.org/uploadedFiles/Core/Policy/Professional_practice/Best_practice_standards_Feb_2008.doc)

- 3.7 CIEH endorses this proposal.
- 3.8 CIEH endorses this proposal.
- 3.9 CIEH particularly endorses this proposal. It is important that the processes of review and audit are not perceived as being negative processes designed to highlight service deficiencies. Where good practice is identified it is important that it is promulgated to promote improvements across Wales and to prevent time and resources being expended by others to develop similar processes, systems or procedures. Highlighting and promoting identified good practise contributes to ensuring that that review and audit is not seen as a negative or destructive process.
- 3.10 This is not a matter within the professional remit of CIEH, we therefore make no comment.
- 3.11 This is not a matter within the professional remit of CIEH, we therefore make no comment.

#### **4 Informing Policy**

- 4.5 CIEH endorses this proposal. It is essential that priority setting is evidence based, responses and emerging policy should be based upon the findings of external reviews, and further reviews should be commissioned where there is evidence that the review or audit process can positively contribute to service delivery. Neither review nor audit can be or should be seen as an end in itself, each is a means to an end and can only add value if undertaken for a valid reason.
- 4.6 CIEH agrees that it is essential that the inspectorates within the Welsh Assembly Government are professionally independent and seen to be so to ensure that there is public and professional competence in the findings of external reviews carried out by these inspectorates.
- 4.7 This is not a matter within the professional remit of CIEH, we therefore make no comment.
- 4.8 This is not a matter within the professional remit of CIEH, we therefore make no comment.

#### **5 Proportionality**

Comment: CIEH endorses strongly the comment that inspection, audit and regulation should be proportionate to risk, scope for improvement, likely benefit and to the interests of citizens. As previously noted audit and inspections should be seen as tools for improvement and not ends in themselves. We endorse and support targeted audit and inspection where risk is identified as being high and where there are potential improvements to be identified and made. Audit and inspection which amounts to dusting clean shelves is a waste of resource, disruptive to service delivery and brings the process of audit and inspection into discredit.

- 5.6 CIEH endorses this proposal.

## 6 Co-ordination

- 6.5 This is not a matter within the professional remit of CIEH, we therefore make no comment.
- 6.6 CIEH endorses this proposal.
- 6.7 This is not a matter within the professional remit of CIEH, we therefore make no comment.
- 6.8 This is not a matter within the professional remit of CIEH, we therefore make no comment.

## 7 Making Best Use of Resources

Comment: We endorse the position expressed in the policy statement document that the costs of the external review or audit must be proportional to the public interest in and the benefits of the activity being carried out. Audit and review are disruptive processes, and service delivery can be deflected by preparation for and engagement in the process. In January 2007 the CIEH published the results of research project carried out in Wales to determine the impact on and costs in financial terms of audits to environmental health services in 2005. The research showed that the average environmental health department in Wales was subject to 3 audits/reviews in 2005, which required 214 officer hours of time in preparation for, support during and implementation of recommendations after the review/audit, costing £3,625 to support<sup>2</sup>. Most respondents noted that there was little discernable benefit to the local authority from the audit/review and none to public health in the wider local authority area, and further that each review body appeared to be acting in isolation for all other review bodies and pursuing its own agenda. In the view of CIEH the research demonstrates that the resource of both the review bodies/inspectors and the environmental health departments subject to the review were wasted, and no public benefit accrued from the process. These findings endorse the views expressed by Sir Jeremy Beecham, Vice Chairman of the Local Government Association *"We are drowning in data, and some of the data is useless, and some perverse and thus worse than useless..... If one is looking for performance management and performance data, we have to start with – as for inspection and regulation in general – what is proportionate and what is meaningful and concentrate on that."*<sup>3</sup>

- 7.5 CIEH endorses the proposal that external review bodies should be required to demonstrate the same efficiency savings as other public bodies.
- 7.6 No comment.

## 8 Better Regulation

- 8.10 CIEH endorses this proposal.

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<sup>2</sup> [http://www.cieh-cymruwales.org/uploadedFiles/Core/Directorate/Research\\_reports/re\\_thinking\\_audit\\_inspection.pdf](http://www.cieh-cymruwales.org/uploadedFiles/Core/Directorate/Research_reports/re_thinking_audit_inspection.pdf)

<sup>3</sup> Feb 2006

- 8.11 CIEH endorses this proposal.
- 8.12 CIEH supports this expectation.
- 8.13 We consider this to be essential to ensure a consistent approach across the UK.
- 8.14 This is a matter for the Welsh Assembly Government, but would appear to be appropriate in the light of this policy statement.
- 8.15 This is a matter for the Welsh Assembly Government, but would appear to be appropriate in the light of this policy statement.

### **3 Rogers Review**

Comment: We take the view that the listing of national proprieties exhibits a basic misunderstanding as to what constitutes public health. The sixth of the Rogers enforcement priorities is animal and public health. It is however the case that four of the five preceding priorities, the exception being fair trading, contribute to public health in its widest sense. If what is meant by the term 'public health' is enforcement of legislation that controls the spread of infectious disease and issues that protect the health of individuals such as licensing of body piercers etc we are content.

In respect of the local priorities we take the view that the third and fourth listed priorities, operation of the housing health and safety rating system and licensing of houses in multiple occupation could better be expressed as 'private sector housing' since this would allow for all enforcement issues relating to private sector housing to be captured under this grouping, not just the two specified headings. We also take the view that the imported food priority should be broadened to read imported food and food fraud, or in the alternative the category food fraud should be added as an enforcement priority, given the prevalence of illegal meat activities in Wales and the potential risk to human and animal health, the environment and the legal meat industry at all levels.

CIEH would be happy to comment further or to expand upon any of the answers provided in this consultation should the same be required.