

LOCAL AUTHORITY REGULATORY SERVICES PEER CHALLENGE TOOLKIT



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Introduction to the excellence framework

The excellence framework is designed as a tool to help Regulatory Services improve their service provision. It builds upon the work of councils to develop and test models for the trading standards and environmental health services, the latter through the CLG funded Beacon Scheme. It was launched jointly by LBRO and LACORS (now Local Government Regulation) in early 2010 and is the first nationally agreed framework for the performance of local authority regulatory services. It is the product of work done by LBRO and LG Regulation to bring together local and national views on what high quality services look like and is supported by LBRO's World Class Coalition comprising the professional bodies, national regulators, central government departments, the Welsh Assembly Government and other key stakeholders.

The framework can be used for self-assessment alone or as a precursor to peer challenge. The ways in which authorities choose to use the framework may also include independent review, balanced scorecard approaches, financial and other indicators plus explicit links to corporate assessments, the National Indicators or the Wales Programme for Improvement (WPI).

The framework is designed to help Regulatory Services assess where they are now, where they are going, if their direction of travel is appropriate and what areas need to be improved. It is structured in a similar style to that adopted in other frameworks, such as the IDeA/PAS Planning Service benchmark, and is aligned with LGA self-assessment tools.

The framework is cross-referenced to the LG Regulation publication 'Regulation for Excellence', in particular the concepts of what makes an excellent regulatory service, and to LBRO's research into excellence. It also reflects the relevant key principles of the Hampton Implementation Reviews, used to assess national regulators' adoption of Hampton recommendations. The framework is the over-arching umbrella for the requirements of the national regulators, in particular HSE Section 18 guidance, FSA Code of Practice and DEFRA guidance. A separate reference guide to existing evidence sources has been produced which shows the links between the framework and these national requirements.

Appendix 1 contains a list of all abbreviations and terms used in this document and their definitions where relevant.

Please note that there are some references in the framework to local government initiatives that apply to England and Wales. As the framework is developed for use by Services in Scotland or Northern Ireland, the equivalent or similar initiatives should be substituted for these references.

Introduction to Regulatory Services

Regulatory Services refers to a group of council services which exists to promote fair competition and provide protection to the public, consumers, workers, the environment and compliant businesses. They are described as regulatory because in many cases legislation set out duties on councils to provide services and/or gives powers to councils to intervene in some way to achieve this protection. However, there are also various aspects of regulatory services that are discretionary but councils choose to provide them because they contribute locally to better economic vitality and community, consumer and worker protection, such as environmental crime, health promotion and inequalities and consumer advice.

Regulatory Services in the context of this excellence framework refer to what has been traditionally known as council environmental health and trading standards services. Environmental health might include food safety, health and safety at work, environmental protection, public health, nuisances, private sector housing and licensing. Trading standards might include consumer advice, fair trading, product safety, under-age sales, weights and measures, food standards and farm animal health and welfare. When using the framework it is essential that the scope of services to be covered is carefully defined.

By providing protection to the public, consumers, workers, the environment and compliant businesses, these Services contribute to the delivery of the social, economic and environmental well-being of local communities, the priorities of local councils and their communities and address risks that affect the region or nation.

Overview of the peer challenge process

The peer challenge process has been designed to help an Authority assess its performance achievements in its Regulatory Services, and identify and implement areas of potential improvement.

It achieves this through a two-stage process. Firstly, Regulatory Services carry out a self-assessment against this framework. The framework challenges Services to identify what they are good at and what needs to be improved, using a model of excellence in service provision.

The framework does not specify prescriptively what the Service has to do to be excellent, but rather provides guidance on excellence in service provision. The emphasis given to different parts of the framework during self-assessment will depend upon the specific circumstances of a particular Authority.

Having identified strengths and potential areas for improvement, the Service then develops a draft improvement action plan.

The second stage involves a team of peers reviewing and challenging the effectiveness of the self-assessment. This is not an inspection or audit of the Service, or a re-run of the self-assessment. It is a constructive challenge delivered by 'critical friends'. The aim is to check whether the self-assessment was challenging, identified the correct issues for improvement and has produced a robust and effective improvement plan. The challenge teams consist of serving senior Regulatory Service Officers and an IDeA Member or officer peer.

The team may add to or recommend changes to the draft improvement plan. They also identify areas of excellence within the Service that other Local Authorities could learn from – these are forwarded to LG Regulation for circulation to all authorities and are available [here](#). The team reports to the Authority on their findings, for action by the challenged Service.

The Service is responsible for implementing the final agreed improvement plan. Progress with the improvement plan is regularly reviewed by the Service, with the option of carrying out a further self-assessment and peer challenge after three years.

This process of peer challenge has been developed in a number of areas of local government over the past few years. It puts the focus on the self-assessing service to identify its own issues for action and to take that action, with the ownership and understanding that this engenders. The technique has been found to be effective in changing the way people think and feel about issues, and helps to build a consensus on priorities. It also helps to spread learning through local authority services as a whole. The recent independent evaluation of the first two cohorts of peer challenge endorsed this.

Use of the framework

The framework has four key themes:

- Leadership, strategies and collaboration
- Focus on and engagement with customers
- Resource, activity and people management
- Achieving outcomes effectively and sustainably

Each theme is broken down into three main criteria for excellence. For each main criterion, there are a number of detailed criteria that describe excellence. For each of these, there are probes that **can** be used during self-assessment to challenge how good the service is.

When using this framework for self-assessment purposes it must be borne in mind that it is not intended for use as a checklist. All four themes of the framework should be addressed. However the detailed probes in the toolkit should not be seen as a prescriptive checklist but prompts to help encourage the council explore how the service delivers against the framework. Councils should therefore consider and use only those prompts that are relevant to helping them explore service strengths and areas for improvement.

Full details and guidance on the self-assessment process using this framework are provided to attendees on the self-assessment training. Annex 1 to this toolkit provides a reference guide to existing evidence sources that can be used in the self-assessment, in order to reduce the amount of evidence-gathering.

The framework is designed to be flexible enough for it to be used effectively by Regulatory Services in all types of Authority. It does not define what 'Regulatory Services' encompass – the scope of this is for the self-assessing Authority to define. The peer challenging team will then review to that scope.

THE EXCELLENCE FRAMEWORK

THE EXCELLENCE FRAMEWORK

Overview

Themes	1. Leadership, strategies and collaboration	2. Focus on and engagement with customers	3. Resource, activity and people management	4. Achieving outcomes effectively and sustainably
Main Criteria	1.1 Service vision, direction and planning 1.2 Integration with local and national priorities and strategies 1.3 Collaboration with others	2.1 Engagement of customers and stakeholders 2.2 Understanding local needs and communities 2.3 Responsiveness to customers and stakeholders	3.1 Effective resource and partnership management 3.2 Activities are based on a sound understanding of risk and use of intelligence 3.3 Learning and supportive culture	4.1 Delivering sustainable outcomes 4.2 Performance management 4.3 Review and scrutiny for continuous improvement

This framework uses a standard format in the following pages to address each of the four themes and 12 criteria:

- A description of what is meant by the theme and its related three main criteria
- For each of the main criteria, a table showing the detailed excellence criteria and related probes

THEME 1 – LEADERSHIP, STRATEGIES AND COLLABORATION

What is meant by leadership, strategies and collaboration?

'Leadership' is the way in which the managers of the Service and relevant Members develop, demonstrate and promote by their action and behaviour the mission, vision, strategies, values, and objectives of the Authority and the Service itself. They must carry this out in a way which supports and enhances national, regional, sub-regional and local priorities strategies and objectives. They must also identify organisations that they need to work with, and ensure that this collaboration is effective. Leadership operates at different levels within the Authority.

There are three main criteria related to this theme:

1.1 Service vision, direction and planning– The Service is clear about what it needs to achieve and how it will get there: leaders demonstrate consistency with the vision and values through their actions and undertake effective planning to achieve agreed objectives and outcomes. Regulatory tools, where relevant, are used to achieve community outcomes and contribute to the wider Authority's aims and role in the locality

1.2 Integration with local and national priorities and strategies – Leaders must ensure that the Service identifies relevant Authority, local and national priorities, objectives and strategies, and that the Service is structured and works towards meeting them through its own strategies. This includes embedding the better regulation principles, reflecting the National Enforcement Priorities in service planning and contribution to Local Area Agreements in England and Community Strategies in Wales.¹

1.3 Collaboration with others – The leaders of the Service (managers and relevant Members) have a key role to play in ensuring that collaboration is effective. This includes being aware of the external environment and potential organisations (national, regional and local) which the Service needs to work with, and ensuring that the Service develops effective relationships with these organisations. This includes other Services within the Authority. *(Note that formal partnership working is dealt with specifically under criterion 3.1).* The Authority is effectively part of a national system of regulation and public protection and the Service sees itself as such, as well as meeting purely local needs.

¹ And Local Outcome Agreements when they apply in Wales.

Criterion 1.1 – Service vision, direction and planning

Detailed excellence criteria	Probes
1. There is a clear sense of mission, vision and values for the Service, and these are communicated to people	<ul style="list-style-type: none"> • A clear sense of mission, vision and values are developed with people and Members • These are communicated to, and understood and owned by, people • The vision includes what the Service can contribute to the Authority and partners • It is clear who the leaders of the Service are
2. There are clear aims and objectives for the Service, and these are communicated to people and relevant external stakeholders	<ul style="list-style-type: none"> • The Service has a clear strategic understanding of what it does and why it does it • This understanding is defined in clear aims and objectives. • The aims and objectives are communicated to and understood by people and relevant stakeholders • The aims and objectives reflect what is important locally and the key issues of: <ul style="list-style-type: none"> ➤ Protection for consumers, the public and the environment ➤ Economic prosperity ➤ Consumer confidence ➤ Business and consumer satisfaction
3. There is effective short and long term planning, identifying and managing any necessary changes to service provision	<ul style="list-style-type: none"> • There are effective formal short and long term planning processes • Short and long term plans are produced and used to guide what the Service does • Leaders identify ways in which future pressures on service provision can be met • Leaders manage the necessary changes to meet long-term plans in a structured way • Leaders ensure that present and future funding levels are sufficient to meet the agreed service provision levels • Service planning includes relevant focus on Community Strategies in Wales² and how the Service can work with the LSP through LAA's and MAA's in England

² And Local Outcome Agreements when they apply in Wales.

Detailed excellence criteria	Probes
<p>4. Leaders demonstrate through their actions that they are committed to continuous improvement</p>	<ul style="list-style-type: none"> • Leaders understand how effective their leadership is • Leaders act in accordance with the values of the Authority • Leaders actively encourage empowerment, innovation and development in people • Leaders act where possible on improvement suggestions and recognise excellence and innovative approaches • Staff demonstrate leadership at different levels within the Service

Criterion 1.2 – Integration with local and national priorities and strategies

Detailed excellence criteria	Probes
1. The Service is properly structured to meet objectives as effectively as possible within existing resources	<ul style="list-style-type: none"> • The Service structure is clear, well-communicated and reviewed at appropriate intervals • There is an effective framework of delegation and control • The structure reflects existing aims and objectives • There are clearly defined roles and responsibilities for all people • The Service is structured and operated in a fit for purpose way to maximise impact
2. Policies and strategies reflect stakeholder and community needs, and are consistent with the Authority's aims and objectives, and the mission, vision and values for the Service	<ul style="list-style-type: none"> • All stakeholders that should have an input in the development of policy and strategy are identified • Stakeholder needs and expectations are understood and used to develop policies and strategies • Performance information is analysed to provide intelligence and used to develop and/or change policies and strategies • Regional and sub-regional intelligence is used effectively to develop policies and strategies • Account is taken of present and future social, technological and legal issues in developing policies and strategies • The needs of different stakeholders are balanced when developing policies and strategies • The Service ensures that its range of activities reflects local and national priorities • Policies and strategies reflect the LSP in England.³ • Policies and strategies focus on meeting the Service's objectives and delivering the required outcomes
3. The key processes that will ensure that policies and strategies are effectively implemented are identified and well-managed by the Service	<ul style="list-style-type: none"> • All policies and strategies are communicated effectively to all relevant stakeholders • The Service knows what its key processes (ie the processes that relate to its objectives) are • The key processes are well-defined and communicated • The key processes are well-managed

³ Local Service Boards in Wales are currently being piloted in education and social services.

Detailed excellence criteria	Probes
4. Service policies and strategies are reviewed at appropriate intervals with key stakeholders	<ul style="list-style-type: none"> • There is a formal review process for policies and strategies • Policies and strategies are reviewed and improved in accordance with this process • All relevant stakeholders are involved in the review process where appropriate

Criterion 1.3 – Collaboration with others

Detailed excellence criteria	Probes
<p>1. Leaders champion and lead a collaborative approach and have an external focus</p>	<ul style="list-style-type: none"> • Leaders actively engage with stakeholders so that they understand their needs and expectations • Leaders lead, encourage and support collaboration with other organisations • Leaders actively participate in and support the work of national regulators, regional coordinating bodies, local partners, representative bodies, central government and professional organisations.
<p>2. There is active Member involvement and engagement with the Service</p>	<ul style="list-style-type: none"> • Members are actively involved in setting the direction for the Service and service priorities and endorse strategies and the enforcement policy • Members are involved as appropriate in Service planning and performance management • Member/officer relationships are positive with a shared understanding of objectives for the Service.
<p>3. The Service is integrated within the Authority</p>	<ul style="list-style-type: none"> • The Service is involved in the development of corporate plans • Other parts of the Authority understand how the Service contributes to the corporate priorities of the Authority as well as to LSPs and LAAs in England, or the WPI in Wales • The Service works effectively with other Services within the Authority to achieve outcomes, such as legal and communications teams

Detailed excellence criteria	Probes
4. The Service collaborates effectively with external bodies such as national regulators	<ul style="list-style-type: none"> • The Service identifies which external bodies it needs to collaborate with in order to meet its objectives and where outcomes are shared, for example with national regulatory bodies and regional working, having regard to LAA's in England and Community Strategies in Wales⁴ • The Service forms effective relationships with these bodies • These relationships are subject to regular review in order to establish their effectiveness and improvement

⁴ And Local Outcome Agreements when they apply in Wales.

THEME 2 – FOCUS ON AND ENGAGEMENT WITH CUSTOMERS

What is meant by focus on and engagement with customers?

The Service understands and meets the needs of its full range of customers, including: individual service users, the local community, businesses, consumers and citizens generally, central government, national regulators and internal customers (which includes customers across the local government family). It understands what community and customer needs are, and engages and informs communities and stakeholders regularly and effectively, in ways which suit them. A range of methods are used to engage citizens and businesses, as relevant, into the decision-making process.

There are three main criteria related to this theme:

2.1 Engagement of customers and stakeholders – The Service identifies its stakeholders and customer groups, and engages them effectively in service definition and provision. It also considers the role of influencers such as the local media in this engagement activity;

2.2 Understanding local needs and communities – The Service finds out and understands what the local community and individual customer needs are, including a real understanding of the needs of vulnerable citizens and diverse communities, through a variety of methods;

2.3 Responsiveness to customers and stakeholders. – The Service uses its understanding of local needs to develop and provide a range of accessible services and seeks and responds effectively to feedback.

Criterion 2.1 – Engagement of customers and stakeholders

Detailed excellence criteria	Probes
1. The Service identifies its key stakeholders and defines the services available to customers	<ul style="list-style-type: none"> • The Service clearly identifies and reviews who its key stakeholders are with regard to service delivery • The services available to customers are clearly defined • The Service has a sound understanding of the business and consumer environments that it works in • Emphasis is placed on providing advice and guidance in order to secure compliance
2. The Service provides information about the services available to all key stakeholders	<ul style="list-style-type: none"> • Information about service provision is available to all that need it in particular: <ul style="list-style-type: none"> ➤ Businesses ➤ Consumers and the public ➤ National regulators ➤ Local partners • The information is available in suitable styles and formats • The information is readily and easily accessible
3. The Service implements good customer care methods in dealing with day-to-day customer contacts	<ul style="list-style-type: none"> • People that deal with customers have the correct skills and competencies to do so • Customers are responded to quickly and effectively • The Service knows how effective it is at customer care • Clear standards for service delivery are available to customers
4. Policy and practice in all elements of Regulatory Services is explicit and transparent to customers and the wider community, and is consistently applied	<ul style="list-style-type: none"> • Policy and practices are made explicit to customers through a variety of media • The effectiveness of this is regularly reviewed, including local and regional validation exercises • The Service is easy to contact using modern technology e.g. EH Portal, Trading Standards Central, etc • The Service knows how consistently it applies policy and practice with all customers

Detailed excellence criteria	Probes
5. Stakeholders are clear about their role in the decision-making process and are provided with the information to engage effectively	<ul style="list-style-type: none"> • A variety of methods are used to engage stakeholders in decision-making • They are provided with clear information about how they can engage • They are informed as to the outcome of engagement

Criterion 2.2 – Understanding local needs and communities

Detailed excellence criteria	Probes
1. The Service finds out and understands the needs of the local community and individual customers	<ul style="list-style-type: none"> • The Service regularly consults the local community on its needs • The Service asks individual customers what they require • Local needs are prioritised and services are developed accordingly • The Service is aware of, and makes a contribution to, community protection, wellbeing and economic prosperity
2. The Service regularly uses customer feedback to ascertain and improve customer perceptions of, and rates of satisfaction with, the quality and effectiveness of services	<ul style="list-style-type: none"> • The Service has comprehensive formal systems for regularly obtaining feedback on performance from customers • A variety of customer feedback methods is used • This feedback is used effectively to improve customer relationships and levels of satisfaction with services provided • New services and improved methods of service delivery result from customer feedback • The feedback systems are regularly reviewed and improved to reflect changes in objectives, legislation or society's needs
3. The Service takes steps to understand the needs of present non-users, ensures the Service is accessible and targets issues according to risk	<ul style="list-style-type: none"> • The Service uses local demographic data to obtain an understanding of its potential service users • The Service knows what the take-up of its services is by different groups within its community • The Service has an understanding of the needs of non-users of its services, including hard-to-reach and under-represented groups, and embraces all sectors of the local community including the public and businesses • The service uses this knowledge to improve service provision to under-represented or hard-to-reach groups and to address inequalities, and uses this intelligence to make risk-based decisions

Detailed excellence criteria	Probes
4. The Service informs the local community about its services, performance and decision-making	<ul style="list-style-type: none"> • The Service use a variety of different media and methods to inform the community about its services, performance and decision-making processes • The information is clear and easy to understand, and accessible to all elements of the local community • The Service understands how effective this communication is, and takes steps to improve it • The Service is innovative in its use of communication externally and identifies new or emerging ways of undertaking communication
5. The Service takes a role in the Authority's approach to fostering economic prosperity	<ul style="list-style-type: none"> • The Service understands and promotes its positive impact on the local economy • The Service takes active steps to input into the Authority's understanding of the local economy, to assist in Local Economic Assessments in England⁵ for example • The Service works effectively with other parts of the Authority in signposting support for businesses

⁵ And any similar arrangements in Wales.

Criterion 2.3 – Responsiveness to customers and stakeholders

Detailed excellence criteria	Probes
<p>1. The services provided are accessible to customers in ways and at times that respond to their needs</p>	<ul style="list-style-type: none"> • The Service uses appropriate communications channels and methods with customers • The Service understands the needs of customers with regards to accessibility, including opening times and physical access • The Service responds to these needs by ensuring that it continually improves its accessibility • The requirements of the Disability Discrimination Act are understood and met • The services provided reflect the particular needs of the local diverse community for effective engagement with the Service
<p>2. Advice and guidance is tailored, appropriate and provided in a way that customers can rely on.</p>	<ul style="list-style-type: none"> • The Service provides accessible, reliable and tailored regulatory advice to local businesses consistent with advice available from relevant national regulators and other Government bodies • Primary, Home and Lead Authority arrangements are considered and used if appropriate when dealing with businesses that trade across Authority boundaries • Businesses are given assistance in identifying appropriate support and training on regulatory compliance • The Service is responsive to enquires made about businesses based in its area from other local authorities and enforcement bodies and seeks to resolve these through effective dialogue • The Service signposts to Consumer Direct, Business Link, Direct Gov and sources of guidance from national regulators, as relevant
<p>3. The Service has plans for, and responds effectively to, specific situations that arise at short notice, such as food hazard notifications, disease outbreaks and sudden widespread consumer risk.</p>	<ul style="list-style-type: none"> • The Service has plans in place to deal with specific situations that arise at short notice, and these are regularly tested, reviewed and improved • The Service responds quickly to challenges as they emerge, in accordance with its plans • The Service has Business Continuity Plans in place and these are regularly reviewed • The Service has an effective risk management process in place

Detailed excellence criteria	Probes
<p>4. The Service is accountable and makes complaints procedures available to dissatisfied customers and is proactive in responding to complaints, comments or representations</p>	<ul style="list-style-type: none"> • The Service has a written complaints procedure that is made available to dissatisfied customers • The complaints process is clear and easy to use • People are made aware of how to handle complaints effectively • Complaints are dealt with in accordance with the procedure • Improvements are made as a result of the analysis of complaints • Comments or representations are taken seriously
<p>5. Users of services and anyone that has participated in any part of service provision or policy making are kept informed and up-to-date with progress</p>	<ul style="list-style-type: none"> • The Service uses every contact with users as a potential information gathering opportunity and acts on any information gained • There are effective process in place to review customer requests • Customers are kept regularly up-to-date with progress in their issue including complainants and businesses in enforcement action • An on-line information and advice service is available

THEME 3 – RESOURCE, ACTIVITY AND PEOPLE MANAGEMENT

What is meant by resource, activity and people management?

The Service uses a variety of resources to undertake activities, including intangibles such as information and partnerships – these must be well managed. The activities themselves must be based on intelligence and risk-led principles and effectively carried out. There must be a culture of managing people which is both learning and supportive, and ensures that communication internally is effective.

There are three main criteria related to this theme:

3.1 Resource and partnership management – The Authority ensures that there are adequate resources to carry out agreed activities and achieve agreed objectives, and that these are well-managed: resources include finance, equipment, information and partnerships. Partnerships include those within the Authority, those with the local community and businesses and those with national regulators.

3.2 Activities are based on a sound understanding of risk and use of intelligence – The Service's activities are intelligence-based and risk-led: they must be well-defined, communicated to and understood by people, managed effectively to enable proportionate, consistent and targeted interventions.

3.3 Learning and supportive culture – There is a culture of supporting and developing people, and effective communication takes place internally

Criterion 3.1 – Effective resource and partnership management

Detailed excellence criteria	Probes
<p>1. The Service manages its finances effectively, has appropriate internal controls, and ensures that comprehensive financial information is available to assist in managing budgets</p>	<ul style="list-style-type: none"> • Services are resourced sufficiently to achieve the agreed outcomes • Financial resources are matched to service plans/priorities • There is effective financial delegation, and cost centre management and cost reporting where appropriate • The Service understands the marginal costs of service provision and uses this to help planning and prioritisation • The Service identifies and utilises potential external sources of funding for service provision • Charges have appropriate regard to national guidance
<p>2. The Service identifies and uses suppliers of goods and services in a way that maximises quality, value for money and sustainability</p>	<ul style="list-style-type: none"> • Suppliers are chosen on the basis of their quality of provision and sustainability and not just price • Checks are made on the quality of goods and services provided • Suppliers are removed if they consistently provide poor quality or value goods or services
<p>3. The Service uses information and ICT effectively in service preparation and delivery</p>	<ul style="list-style-type: none"> • Information and knowledge is managed and used effectively to support service design and provision • The Service identifies and uses all relevant sources of information to support service provision • The Service ensures the validity, integrity, confidentiality and security of information used • The Service ensures that information vital to service provision can be recovered in the event of disasters • Information management is compliant with freedom of information, data protection and any other legal requirements

Detailed excellence criteria	Probes
4. Resources are used effectively in service provision	<ul style="list-style-type: none"> • Equipment is well-managed and maintained • Mobile and flexible working options are examined and implemented where feasible • The Service knows the costs of its overheads and examines options to reduce them, doing so where practicable • Sufficient equipment is available to the Service and where provided externally, suitable arrangements exist
5. The Service uses effective formal partnership working	<ul style="list-style-type: none"> • The Service identifies the potential partners which it needs to formally work with in achieving its objectives and establishes effective formal partnerships with them • In particular, the Service works in partnership with other regulators and central government to improve the effectiveness of enforcement and the achievement of regulatory outcomes, working in an integrated way as a team or virtual team • Partnerships are formally evaluated, reviewed and improved • The Service is active in enabling the Authority to meet its obligations as a local partner
6. Innovative ways of delivering services are considered and used appropriately	<ul style="list-style-type: none"> • The Service considers and, where appropriate, uses a mix of service provision including public/private partnerships and shared services. • The Service identifies where it is possible to share resources with neighbouring authorities, and does this where possible and practical

Criterion 3.2 – Activities are based on a sound understanding of risk and use of intelligence

Detailed excellence criteria	Probes
<p>1. Risk-based regulation is embedded in every level of decision-making</p>	<ul style="list-style-type: none"> • Risk assessment is undertaken by suitably competent people and is critically reviewed • Knowledge of risk is used to inform: <ul style="list-style-type: none"> ➢ Strategic prioritisation and allocation of resources ➢ Appropriate and timely interventions to achieve compliance ➢ Inspection targeting ➢ Proportionate sanctioning
<p>2. The Service manages its processes in a systematic way, so that people understand what they need to do and how and when it should be done.</p>	<ul style="list-style-type: none"> • The Service defines how its processes are carried out, including what best practice is, and ensures that activities are carried out correctly • The Service ensures that people have the necessary competencies to carry out their tasks and processes • Processes and activities are documented where necessary, so that people understand what they are meant to do • Documented procedures are kept up-to-date, are available to staff, and are followed • Document retention schedules are compliant with freedom of information requirements, and obsolete documents are removed or archived, so that they can no longer be used • Practice within the Service is consistent with the Regulators' Compliance Code
<p>3. The Service takes a proportionate approach to dealing with regulatory non-compliance and makes decisions about enforcement and sanctioning activities that are transparent and focused on delivering regulatory compliance.</p>	<ul style="list-style-type: none"> • The Service has a policy for dealing with regulatory non-compliance that sets out a proportionate and consistent approach • The compliance of this policy with the Regulators' Compliance Code is assessed at regular intervals and improvements made as a result of these assessments • The policy is publicly available. • The policy is used in all decision-making about how to deal with non-compliance. The full range of compliance, enforcement and sanctioning interventions are considered by staff making decisions on how to deal with non-compliance, and the most appropriate is selected.

Detailed excellence criteria	Probes
4. The Service ensures that it is consistent and fair in its dealing with businesses	<ul style="list-style-type: none"> • Primary Authority Inspection Plans are considered prior to inspection activity being planned and undertaken • Non-compliance is dealt with in a proportionate manner using the Primary Authority, Home Authority or Lead Authority as the first step to resolve issues. • Where improvements to compliance are required by a regulated business, the approach chosen should be consistent with advice provided by the Primary, Home or Lead Authority. • The Service seeks to provide consistent advice and enforcement: <ul style="list-style-type: none"> ➤ within the Service, ➤ across different Authorities, ➤ with national regulators, ➤ across the same types of non-compliance, ➤ within and across business/industrial sectors
5. The Service is effective in the use and sharing of intelligence	<ul style="list-style-type: none"> • The Service is intelligence-led and proactive, with a rolling programme of routine and new work regularly refreshed in the light of circumstances • The Service shares intelligence as appropriate and in a timely manner with neighbouring Authorities, across the region and with national and local partners

Criterion 3.3 – Learning and supportive culture

Detailed excellence criteria	Probes
1. The Service ensures it has a competent and qualified workforce	<ul style="list-style-type: none"> • The Service defines and reviews the competencies and knowledge required for each post • The Service regularly identifies the training and development needs of people, including future skills needs • The Service provides training and learning opportunities to meet identified needs • The Service uses, as appropriate, recognised and accredited qualifications and competency frameworks as a means of ensuring the competency of people in delivering services • The Service supports career and professional development for all people
2. There is a learning culture and people work well together	<ul style="list-style-type: none"> • People in the Service work well together to deliver organisation priorities and are focussed on delivering regulatory outcomes • External challenge and evaluation is welcomed and used • There are empowered people who can act with discretion • Success and innovation are recognised and celebrated • Leaders promote reflection on current policy and practice, so that there is organisational learning
3. Human resources are planned, managed and improved	<ul style="list-style-type: none"> • Future skills gaps are identified and planned. This is not limited to enforcement staff • The Service seeks and uses regular feedback from people to help improve its implementation of corporate and local and HR policies and processes • The Service applies corporate and local HR policies consistently and fairly • The Service manages recruitment, promotion and career development in a way that ensures equality of opportunity • The Service provides an effective induction process for new employees • The Service has a strategy for succession planning

Detailed excellence criteria	Probes
4. People are involved, empowered, recognised and cared for	<ul style="list-style-type: none"> • The Service involves people in all aspects of service development and planning • Decision-making and responsibility are devolved to the lowest possible level • All people are equally valued • The Service encourages team-working • The Service recognises and rewards good performance • Poor performance is identified and properly dealt with • People feel empowered and supported to take appropriate action • The Service ensures that remuneration and conditions of employment are consistent and in accordance with policies • The Service ensures that Health and Safety at Work issues are adequately identified and addressed • The service seeks the views of people on what benefits, facilities and services they would like and meet those needs where possible
5. Internal communication is effective	<ul style="list-style-type: none"> • Information is communicated effectively downwards from managers, sideways between units/teams, and upwards to managers • All internal information and communication needs are identified • Electronic internal communications systems such as email and intranets are used effectively • There are effective mechanisms to ensure that information quickly reaches people such as briefings, notice boards, newsletters, etc.

THEME 4 –ACHIEVING OUTCOMES EFFECTIVELY AND SUSTAINABLY

What is meant by achieving outcomes effectively and sustainably?

Outcomes are the effects which the Service has on its stakeholders: these can be social, economic or political. They must be defined, reflect local and national priorities, and be sustainable - that is, have a lasting beneficial impact. Performance management involves making sure that processes and key performance indicators are defined, achievement against them managed and measured, and improvements made. The results achieved (both outputs and outcomes) must be reported to all relevant stakeholders in a way which they understand. Effective scrutiny takes place internally in a positive and constructive way so as to deliver ongoing measurable service improvements which continue to meet stakeholder needs.

The devolution of decision-making to local levels is increasingly seen as the way of tailoring public services to reflect differences in the preference and needs between places and can support an integrated approach to tackling issues or challenges facing particular areas. Further improvement in public services and quality of life can be best driven locally through strong local partnerships across the public sector and working more closely with the private and third sectors to effectively contribute to shared national and local priority outcomes

In regulatory services, this has meant a move from enforcement to compliance: towards a more business-aware and citizen-engaging approach focused on local need and assessment of risk, while recognising the wider system of delivery that local regulatory services operate in

There are three main criteria related to this theme:

4.1 Delivering sustainable outcomes – The Service knows and understands the outcomes it is working towards whether these relate to local community needs or as part of the wider regulatory system. The Service manages the way that these outcomes are met in order to produce sustainable positive impacts

4.2 Performance management –The Service understands what it is trying to achieve, measures what it achieves systematically, and has an effective performance management process

4.3 Review and scrutiny for continuous improvement – The Service is accountable and identifies who needs to be informed of its outputs and outcomes and reports what it has achieved in a way which they understand; it ensures that there is effective and constructive internal scrutiny of performance by Members; and it manages change well and ensures that continuous improvement is achieved

Criterion 4.1 – Delivering sustainable outcomes

Detailed excellence criteria	Probes
<p>1. Desired outcomes for the Service are agreed, corporately owned, and reflect national, regional and local needs and priorities</p>	<ul style="list-style-type: none"> • Outcomes reflect national, regional and local needs and priorities • Desired outcomes for the Service are defined and agreed including, where relevant, the contribution to corporate outcomes, Community Strategies in Wales⁶ and the LAA and the LSP in England • There is Member involvement in the definition of outcomes and they are corporately owned • National Performance Indicators are used effectively to drive performance • The Service has identified where outcomes are shared with national regulators and works effectively in partnership to deliver them
<p>2. Performance against outcome targets/KPI's is routinely monitored, measured and reported on</p>	<ul style="list-style-type: none"> • There are targets/KPI's for all key outcomes • Performance against them is routinely monitored and measured • Performance is routinely reported on, both within the Service and corporately as appropriate • Most outcome targets/KPI's are met on a regular basis • Where they are not met, the reason for this is understood and appropriate action is taken • The Service has satisfied customers who generally find interventions helpful and supportive
<p>3. The Service anticipates and deals with changes in legislation and other circumstances that impact on service provision</p>	<ul style="list-style-type: none"> • The Service is aware of new and planned legislation and plans and prepares for it • The Service is aware of other developing circumstances that will impact on service provision and takes effective action to deal with these

⁶ And Local Outcome Agreements when they apply in Wales.

<p>4. The Service understands its environmental, economic and social impact and takes steps to improve it</p>	<ul style="list-style-type: none">• The Service formally manages and understands its environmental, economic and social impact• The Service ensures, where possible:<ul style="list-style-type: none">➤ Conservation of non-renewable sources➤ Purchase of recycled materials➤ Reduction of waste/pollution➤ Reduction of energy and material usage• The Service makes improvements as a result of internal environmental audits or assessments
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Criterion 4.2 – Performance management

Detailed excellence criteria	Probes
1. The Service recognises the importance of performance management and gives it sufficient priority and resources	<ul style="list-style-type: none"> • Performance management is seen by people as being part of the job • There is consistent management commitment to performance management • Sufficient resources are provided for performance management
2. The Service has a clear performance management framework that integrates objectives, finance, people and ICT	<ul style="list-style-type: none"> • There is a performance management framework that is well defined, understood and used • There is a clear process for measuring performance • Output measures are linked to the Service’s objectives and National Performance Indicators • The ICT system supports and enables effective performance management to be undertaken
3. There is a shared and accurate understanding of how the Service is performing and the critical success factors are known and understood.	<ul style="list-style-type: none"> • The Service identifies the important issues for stakeholders that need to be measured and the critical success factors • The Service establishes stretching and appropriate targets • Comparison of results with others is considered as a performance management tool. • Measurement takes place consistently over time, so that trends can be identified • The success of regulatory intervention is evaluated • There is an effective risk-based approach • There is an understanding of the impact of service performance in other parts of the Authority, e.g. legal services, on the performance of this Service and if appropriate steps are taken to manage the impact
4. The Service effectively appraises the performance of all people, and develops their performance with a system that links to local and corporate objectives	<ul style="list-style-type: none"> • People know what is required of them and how this is linked to corporate and departmental objectives • People are informed what they have achieved on a regular basis • People are encouraged and supported to perform more effectively

Criterion 4.3 – Review and scrutiny for continuous improvement

Detailed excellence criteria	Probes
1. There are effective scrutiny arrangements in place	<ul style="list-style-type: none"> • There are effective scrutiny arrangements for the Service • Members are aware of Service objectives and the key issues for review • Action is taken as the result of scrutiny
2. A variety of methods are used to identify how the Service can improve	<ul style="list-style-type: none"> • Self-improvement, peer learning and organisational development inform the development of the Service • Service improvements are aligned with external corporate performance • The Service uses internal and external audit and/or certification to identify necessary improvements to its processes • The Service identifies and uses service failures as a learning process to improve service delivery • Suggestions for improvement are encouraged and acted upon
3. The Service is committed to, and achieves, performance improvement	<ul style="list-style-type: none"> • There is a positive and proactive approach to performance improvement • Measurement is actually used to improve service delivery • Performance can be shown to have improved and trends in performance are reported to, understood and used by managers • Innovation is encouraged and acted upon • The Service contributes to sector-wide improvement through supporting Peer Challenge and similar initiatives
4. Change is managed effectively	<ul style="list-style-type: none"> • The need for change is identified and communicated to those affected by it effectively • Changes are introduced and managed properly • The results of change are checked for effectiveness, and action taken where the change has not had the desired impact

Appendix 1 – List of abbreviations and definitions

BIS – Department for Business, Innovation and Skills

BME – Black and Minority Ethnic

CIEH – Chartered Institute of Environmental Health

Collaboration – The identification of, and co-operation with, other bodies that the Service needs to have informal working relationships with in order to provide its services

Community – Used in its broadest sense

Community strategy – Used in Wales to bring together all those who can contribute to the future of communities within a Local Authority area, to agree on the key priorities for the area and to pursue them in partnership.

Cost centre – A division or project of a Service to which costs can be specifically allocated

Customer – This includes individual service users, the local community, businesses, consumers generally, central government and internal customers

FSA – Food Standards Agency

Hampton principles – the common enforcement principles for Local Authority Regulatory Services from the 2005 Hampton Review, adopted in the 2006 Budget and enshrined in the Regulatory Enforcement and Sanctions Act 2008 and the Regulators' Compliance Code

- Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most;
- Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take;

- No inspection should take place without a reason;
- Businesses should not have to give unnecessary information, nor give the same piece of information twice;
- The few businesses that persistently break regulations should be identified quickly;
- Regulators should provide authoritative, accessible advice easily and cheaply;
- Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection

Home Authority Principle – a voluntary arrangement between a Local Authority and businesses based in its area in which, for trading standards and food safety matters, the Local Authority acts as a single point of first contact for businesses and provides advice and guidance on those matters so as to maintain high standards of public protection, encourage fair trade and develop and deliver a consistent approach to enforcement

HR – Human Resources

HSE – Health and Safety Executive

ICT – Information and Communication Technology

IDeA – Improvement and Development Agency

KPI – Key Performance Indicator

LAA – Local Area Agreement

LACORS – Local Authorities Co-ordinators of Regulatory Services

Lead Authority Partnership Scheme – The Lead Authority Partnership Scheme (LAPS) sets out to raise the standard of health and safety management within a partner organisation or business and encourage consistency of enforcement across those LAs that engage with it. A partnership is formed between a LA (the future Lead Authority) and a business, organisation or intermediary group with multiple outlets across the country or a national membership. The Authority works closely with that organisation to help develop and improve its health and safety arrangements and/or the guidance and advice it promotes through its membership. The Lead Authority then acts as a focal point of liaison on health and safety issues between other LAs, HSE and that organisation.

Leaders – All those in a managerial position who impact on the quality of service provided by the Service. This includes members as relevant

LBRO – Local Better Regulation Office

LGA – Local Government Association

Local Economic Assessments – A thorough and robust assessment of the economic conditions of the local area, including comparative economic strengths and weaknesses. Local economic assessments will help to ensure that local authorities have a clear understanding of the conditions required for business to flourish in their area and for people to take advantage of economic opportunities. A duty for local authorities in England.

Local Outcome Agreement – Wales – Local Outcome Agreements play a key role in developing better services by setting out intended service improvements and anticipated measurable impacts of these improvements.

Local Outcome Board – Wales – Currently being piloted in education and social services.

LSP – Local Strategic Partnership (England)

MAA – Multi Area Agreement (England)

Marginal Costs - The change in cost that results from undertaking one more unit of activity. For example, the marginal cost of inspection would be how much it costs the service to undertake an inspection.

Mission – A statement that describes the purpose of the Service. It describes why the Service exists

NMO – National Measurement Office

Non-users – Members of the community who do not use services at present, but could or should be using them

OFT – Office of Fair Trading

Outcomes – The changes or benefits that take place as a result of a Service's activities

Outputs – The work generated or things done by a Service

Partnership – A formal working relationship between the Service and another body that creates added value for customers

PAS – Planning Advisory Service

PCT – Primary Care Trust

People – The employees/staff within a Service

Performance Management – The systematic use of a set of tools and approaches to measure, improve, monitor and regularly achieve the key performance indicators of the Service

Policy – A document that provides an overview and statement of principles in a specific area

Primary Authority Partnership – A Primary Authority Partnership is a written agreement, registered with the LBRO, between a Local Authority and a business, which gives the Authority lead responsibility for a regulatory function or functions concerning that business across all Authority boundaries.

Procedure – A description of the important steps in a process that the Service carries out. Usually written down, but can be in any form eg text, flowchart, checklist, available electronically, etc.

Process – A way of working or an activity that converts information, knowledge or materials into a service or benefit

Regulators' Compliance Code – A statutory Code which promotes efficient and effective approaches to regulatory inspection and enforcement and seeks to improve regulatory outcomes without imposing unnecessary burdens. It applies to National Regulators covered in the 2005 Hampton Review and Local Authority enforcement of trading standards, environmental health and licensing as well as to the regulatory function of fire authorities

Scrutiny – A formal process by which Members review, support and challenge the work of the cabinet and the Local Authority as a whole, and hold decision makers to account within the Authority.

Stakeholder – Anyone who has a direct interest in the Service and what it does, including businesses, national regulators, the local community, customers, people and government agencies.

Strategy – A strategy is the way the Service implements its mission and objectives, based on the needs of major stakeholders, and supported by relevant policies, plans, objectives, targets and processes

TSI – Trading Standards Institute

Values – The understandings and expectations that describe how people behave and upon which relationships are based (eg trust, support and truth)

WPI - Wales Programme for Improvement – introduced in Wales in 2002 as a new approach to stimulating and supporting improvement in the delivery of local services. Under the programme, local authorities examine the health of the corporate organisation and the performance of the range of services they provide.

Appendix 2 – Evolution of the framework and comparison to other standards

1. Background

The excellence framework merges the Regulatory Services Peer Challenge Framework, LBRO's research into excellence and the key principles from the Hampton Implementation Review methodology used to assess national regulators' compliance with the Hampton principles. The following summarises the evolution of these three elements to demonstrate how they reflect existing national standards.

2. The Peer Challenge Framework

A process of peer review was initially designed for, and undertaken by, the Trading Standards Service. The peer review framework was based on the EFQM Excellence Model, with the most important other elements from Standards such as Investors in People and ISO 9001 also included.

In 2008 a new Peer Challenge framework for Environmental Health was developed, using an approach to self assessment that reflected others used elsewhere in local government including the self-assessment tools being developed in England by the IDeA. Following a series of successful pilots using this framework it was decided to expand the concept to include both Trading Standards and Environmental Health in a single Regulatory Services Peer Challenge framework.

The Regulatory Services Peer Challenge framework is now being used in a further series of self-assessments and peer challenges within Regulatory Services during 2009/10.

3. LBRO's Research into Excellence

LBRO carried out research focused on understanding what 'excellence' might mean for Local Authority Regulatory Services (LARS). In order to maximise the potential for illuminative and instructive findings, sources from both the public and private sectors in the UK and US were included in the initial, focused literature review.

The following sources were consulted:

- Accenture

- Audit Commission
- Cabinet Office
- European Foundation for Quality Management
- Food Standards Agency
- Improvement and Development Agency
- Local Authority Co-ordinators of Regulatory Services
- Local Government Association
- McKinsey and Company

The outcome of the research was a list of eight characteristics of excellence in LARS:

1. Better regulation and Hampton principles
2. Leadership
3. People
4. Self-improvement
5. Value for money
6. Excellent outcomes
7. Customer focused
8. Collaborative and works in partnership

These characteristics and associated criteria were mapped into the Peer Challenge Framework in order to produce the Excellence Framework. This is summarised in the table below:

LBRO Draft Excellence Standard	Excellence Framework
Characteristic 1: Better regulation and Hampton principles	Criterion 3.2 and 1.1
Characteristic 2: Leadership	Criterion 1.1, 1.2, 1.3, 3.1, 3.3, 4.1, 4.2
Characteristic 3: People	Criterion 4.1, 3.3
Characteristic 4: Self-improvement	Criterion 1.1, 3.3, 4.1, 4.2, 4.3
Characteristic 5: Value for money	Criterion 3.1, 3.2
Characteristic 6: Excellent outcomes	Criterion 4.1, 4.2, 2.2, 2.3
Characteristic 7: Customer focused	Criterion 1.1, 1.2, 1.3, 2.1, 2.2, 2.3
Characteristic 8: Collaborative and works in partnership	Criterion 1.3, 3.1

4. Hampton Implementation Review Methodology

The purpose of the Hampton Implementation Reviews is to provide national regulators with a structured check on performance against the Hampton principles and the Macrory characteristics. The framework used for the reviews is designed to provide regulators and stakeholders with a clear understanding of how compliance with the Hampton principles is assessed.

The reviews cover six sections on specific subject areas as follows:

1. Design of regulations
2. Advice and guidance
3. Inspections
4. Data requests
5. Sanctions
6. Focus on outcomes

They also cover three cross-cutting themes of risk-based regulation; transparency and accountability; and economic progress.

LBRO piloted the Hampton Implementation Review process to test its application in a Local Authority context. Whilst the process was useful in focusing on Hampton compliance, it was intensive and burdensome in a Local Authority setting and thus not suitable for widespread use. The outcome of the pilot was to merge key principles of the methodology with the Peer Challenge Framework and LBRO research into excellence. The key principles that were merged are as follows:

- A range of alternatives, including advice to encourage compliance, are used before resorting to sanctions
- Knowledge of risk is used to inform inspection targeting
- Emphasis is placed on providing advice and guidance in order to secure compliance
- Intelligence is shared with other authorities and national bodies as necessary
- There is a clear sense of mission, vision and values for the Service, and these are communicated to people

5. Comparison of the Excellence Framework with Main National Standards and Models

(i) EFQM Excellence Model

The European Foundation for Quality Management (EFQM) Excellence Model is an holistic non-prescriptive framework that is designed to be used for self-assessment. This is precisely the style, content and usage that was desired for peer review and subsequently peer challenge, which is why the framework was initially based on the Model.

There is a close correlation between the Excellence Framework and the Model. The following shows how the content of the two is directly linked.

Excellence Model	Excellence Framework
Criterion 1: Leadership	Criteria 1.1 to 1.3
Criterion 2: Policy and strategy	Criterion 1.1 and 1.2
Criterion 3: People	Criterion 3.3 and 4.2
Criterion 4: Partnerships and resources	Criteria 1.3 and 3.1
Criterion 5: Processes	Criteria 2.1 to 2.3, 3.2 and 4.3
Criterion 6: People results	Criterion 3.3
Criterion 7: Customer results	Criteria 2.3, 4.1 and 4.2
Criterion 8: Society results	Criterion 4.1
Criterion 9: Key performance results	Criteria 4.1 to 4.3

(ii) Investors in People

The IIP Standard focuses on people management, linking it to business strategy and results. This is only part of the coverage of the Excellence Framework. IIP therefore naturally goes into more depth on people issues than the Framework, but with a much less broad coverage of essential management issues. The relationship between the two is shown below.

iiP	Excellence Framework
Indicator 1: Performance strategy	Criterion 1.1
Indicator 2: Planning	Criterion 1.1
Indicator 3: Equal opportunities	Criterion 3.3
Indicator 4: Capabilities	Criterion 3.3
Indicator 5: Effective managers	Criteria 1.1, 3.3 and 4.2
Indicator 6: Valuing people	Criterion 3.3
Indicator 7: Involvement	Criteria 3.3
Indicator 8: Development	Criterion 3.3
Indicator 9: Performance improvement	Criteria 3.3, 4.2 and 4.3
Indicator 10: Improving management	Criteria 3.1 and 4.3

(iii) Customer Service Excellence

The main focus of the Customer Service Excellence Standard (formerly the Chartermark) is on customer and user issues. There is a deeper coverage of this issue than in the Framework, but less on other important management issues. This is shown below.

CSE	Excellence Framework
Criterion 1: Customer insight	Criteria 2.1 to 2.3 and 4.2
Criterion 2: The culture of the organisation	Criteria 1.1 and 3.3
Criterion 3: Information and access	Criteria 2.1 to 2.3 and 1.3
Criterion 4: Delivery	Criteria 2.1 to 2.3, 4.1 and 4.2
Indicator 5: Timeliness and quality of service	Criteria 2.1. to 2.3 and 4.2

(iv) ISO 9001

ISO 9001 is an international standard that focuses on process management and improvement. As for the other Standards above, this means that it has in-depth coverage of the process elements of the Framework, with much less depth in other areas. This is demonstrated in the following table.

ISO 9001	Excellence Framework
Clause 4: Quality management system	Criterion 3.2
Clause 5: Management responsibility	Criteria 1.1 and 2.2
Clause 6: Resource management	Criteria 3.1 and 3.3
Clause 7: Product realisation	Criteria 2.2, 2.3 and 3.3
Clause 8: Measurement, analysis and improvement	Criteria 4.1 to 4.3