

# GLA 35/9.4 Inspection Approach – Summary of Findings

17 October 2012

**BOARD PAPER REFERENCE – GLA35/9.4 – INSPECTION APPROACH – SUMMARY OF FINDINGS**Issue

1. Explaining the GLA's approach to make a LP aware of issues of concern identified on inspection.

Background

2. This issue was referred to in the ijn the licensing standards review paper at the 32<sup>nd</sup> Board. Due to discussions on AWR, the review of the licensing standards was again discussed at the 33<sup>rd</sup> Board (held on 18 April 2012), where the issue was referred to in the minutes:

"(...)

- The revised standards will come into force on 01 May 2012.
- Going forward, closing meetings will be held with the Principal Authority at the end of each inspection to set out the factual findings and provide the PA with an opportunity to supplement or correct the information gathered. (...)"

Purpose

3. The intent of the GLA at inspections is that there should be 'no surprises' for the inspected labour provider when the Licensing Decision letter is issued. Therefore, GLA Inspectors will ensure that the Principal Authority is aware of issues that may indicate that the requirements of the standards are not being met.
4. During the inspection the Inspectors will identify the issues that they have found and may invite the licence holder to comment and present any evidence. In practice this will normally be done as each particular area of the standards is reviewed as would be expected as good practice.
5. However, GLA Inspectors may also decide that it is appropriate to put a summary of allegations to the Principal Authority or seek comments on matters uncovered during the inspection, at the end of the inspection.
6. This is particularly important where, in a routine compliance inspection, the prospective inspection report may indicate that the addition of conditions to a licence or licence revocation without immediate effect is a possible outcome. In these circumstances it may be most appropriate to give this summary at the end of the inspection.
7. Whatever the approach adopted by the Inspector, the evidence and responses given, either through the inspection process or at its conclusion or both, will be included in the inspection report, which the licensing team will review in making a decision on the licence.
8. Naturally, in summarising the inspection's findings, it may be that the PA will bring matters of fact relevant to the summarised findings to the attention of the inspector(s). However, for the avoidance of doubt, any 'summary of findings'

discussion within the inspection will not be in any way confused with the appeals process, which is the proper forum for inspected labour providers to challenge GLA findings. Any 'summary of findings' discussions, whether during or at the end of the inspection, are not an intermediary or additional stage in challenging the GLA conclusions.

9. It is not unusual for the inspector and the PA to correspond by email or phone after an inspection to deal with points raised (e.g. the PA promised to send some information). The Inspector normally brings that correspondence to a conclusion by sending a final email or having a phone conversation confirming they will now write the inspection report.
10. Obviously, in enforcement operations, the situation is completely different.
11. Also, for example, where serious criminality is suspected or witness protection issues arise, or if matters of securing evidence arise, etc, this process will not be followed.