

**MINIMUM QUALITY STANDARDS**

**FOR ENVIRONMENTAL INSPECTORATES**

**IN THE NETHERLANDS**

Confirmed by the State Secretary of the Environment

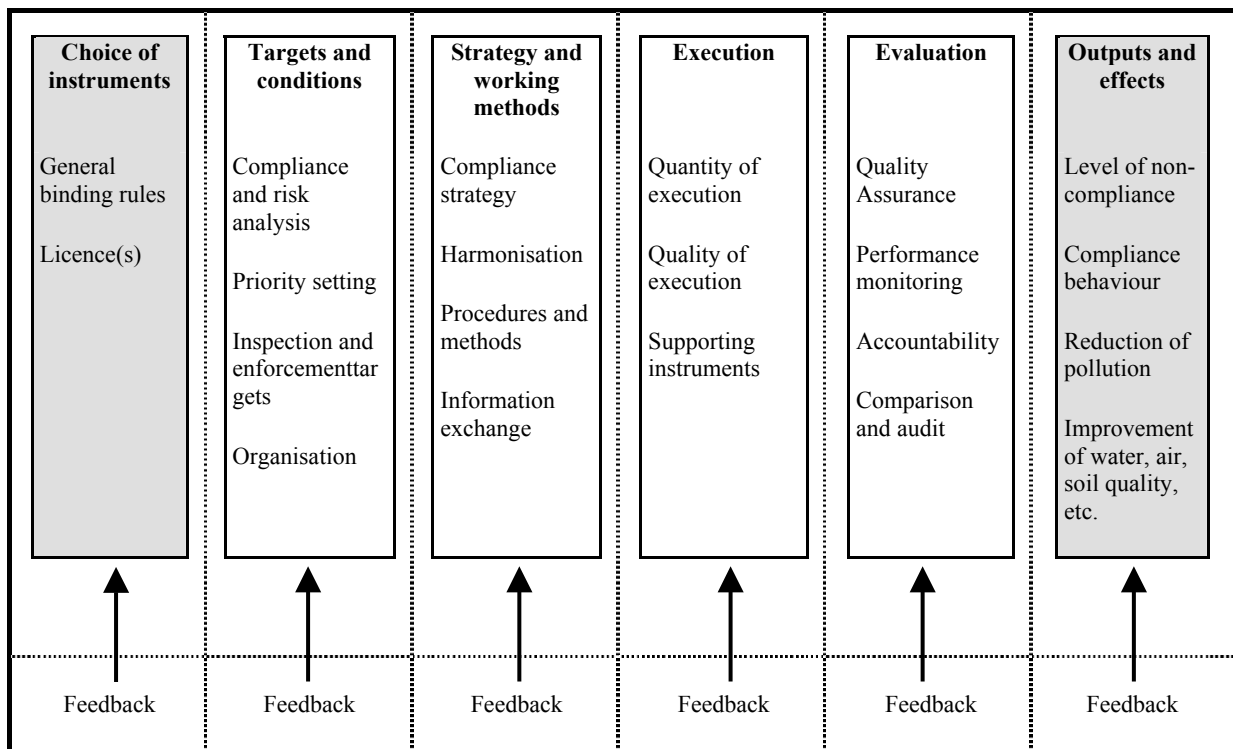
November 2002

*All Dutch environmental inspectorates have agreed to fulfill the following set of minimum quality standards. Quality standards (also referred to as ‘minimum criteria’) are recognised to be crucial not only in improving inspection results, but also to support transparency, effectiveness and efficiency of environmental inspectorates as public institutions on the national, regional or local level. Furthermore, a proper use of the minimum quality standards may contribute to the improvement of environmental policy-making, as well as to legislative and licensing processes.*

Well-formulated quality standards acknowledge that the process of inspection and enforcement consists of activities that need to be carried out demonstrably, consecutively and coherently. These activities should be embedded in the inspectorates' organisation and be based on transparent choices and procedures, where accountability for reaching concrete targets is a key requirement.

The following figure and methodology introduce the scope and visualises the process of inspection and enforcement throughout several phases. It is important to mention that environmental licensing (permitting) only delivers inputs to but it is not a part of this process as such.

**Figure 1. Key elements in organising an environmental inspection and enforcement process**



The phases shown in the middle of Figure 1 and, more importantly, their elements serve to establish quality standards for environmental inspectorates. A brief description of these phases follows:

- **Formulating targets and meeting organisational pre-conditions.** At a starting point, the inspectorate sets targets for compliance, which are measurable and related to a well-assessed initial situation. A compliance and risk analysis precedes target setting. The analysis might include such elements as gathering of data on the administrative-territorial unit of responsibility, the companies to be inspected and other regulatees, key target groups, as well as legislation that is applicable to different target groups. Environmental relevance of the economic activities and compliance behaviour of companies and citizens are taken into account. The analysis is supplemented with priority issues mentioned by other (higher) authorities. At a next step, the inspectorate has to be organised in a way that its targets can be achieved at least cost. Finally, the responsible politicians have to make available sufficient human and other resources.

- ***Developing strategies and adapting working methods.*** Inspectorates develop written decision-making procedures to address their inspection and enforcement strategy and working methods. Subjects that can be reflected are: co-operation and information exchange between inspecting organisations and other authorities, the character and form of inspection and the influence of the offender's behaviour on the inspection frequency. A strategy is developed to show the path of administrative and/or criminal follow-up on non-compliance, which must be strict and unambiguous (in case of non-compliance, there can be no discussion about the content of the legal norms).
- ***Executing strategies.*** The inspection and enforcement strategy and the work process are brought into practice. For this purpose, the inspectorate uses an inspection and enforcement program or inspection plan (drawn up annually), the necessary number of well trained inspectors and all the possibilities that the legislation offers to carry out the inspection activities.
- ***Evaluating the achievement of targets.*** Based on the measurements and records that were carried out, the achievement of targets, set in the inspection and enforcement strategy, is monitored in order to conclude what effect inspection and enforcement have actually had. At the same time, the overall inspection and enforcement process is assessed for its quality. There is feedback on the results to the policy makers, the license writers and other relevant inspecting organisations and authorities. The responsible politicians show accountability about the input of resources and the achieved results. After outlining trends, expected results in compliance behaviour on the long(er) term are defined. Based on these new targets, the strategy and/or the working process is/are possibly adjusted. In such a way the cycle of the inspection and enforcement is closed.

## Overview of quality standards for environmental inspectorates' activity

In accordance to the sequence and the boundaries of the inspection and enforcement process, **nineteen quality standards**, alongside with methodological guidelines on how to apply them in practice, are described below. To better reflect different phases of an inspection and enforcement process, these standards are classified in **four groups**.

The entire set of quality standards (Table 1) has a dichotomy towards **minimum elements and optional elements**. In case the inspectorate fulfils all minimum elements, the quality standard is met. In the Table 1, the elaboration of these minimum elements is preceded by the word construction: “*quality standard at least includes: ...*” or a comparable text. In the case of several standards, optional elements are mentioned. These elements contain suggestions for improvements that can influence the quality of inspection and facilitate the implementation of the minimum elements. However, they are not mandatory. In the elaboration the optional elements are always preceded by the construction: “*Furthermore (among other things) could be considered:..*”.

To accept that a specific element is met by an inspectorate, three general preconditions will have to be fulfilled. These are legitimacy, availability and topicality.

- ***The inspectorate’s statement on the minimum element must be legitimate:*** The statement is legitimate for the inspectorate and its staff members, if the responsible politicians (policy plans, budgets) or the responsible management have determined it or approved it.
- ***The inspectorate’s statement on the minimum element must be available:*** The statement is available, if it was documented in a traceable way in a separate document/file or as part of a more extensive document/file or as a system of elements originating from several documents/files.
- ***The inspectorate’s statement on the minimum element must be topical:*** It is difficult to define unambiguously when the statement is topical. This depends, amongst other things, on the tasks and the organisational structure of the inspectorate. Per element however the inspectorate will have to show what it considers ‘topical’ and whether it fulfils this.

The quality standards are applicable whatever accents an inspectorate puts in its activities: inspection of industrial facilities, controlling hazardous substances or waste flows, dealing with non-point sources of pollution or any other kind of situations that are in breach of environmental requirements. However, each field of activity might deserve separate assessment to determine whether quality standards are met in this particular field. If properly applied, following all the steps in the inspection and enforcement process, the quality standards will lead to a better enforcement, to a compliance and to positive effects on the environment, like e.g. a better water quality.

**Table 1. Overview of quality standards.**

Quality Standard	Minimum and Optional Elements
<b>GROUP 1. TARGETS AND CONDITIONS</b>	
<p><b>1.1 Problem analysis:</b></p> <p>The inspectorate acts on the basis of an analysis of the environmental problems, the effects of non-compliance and the expected rate of non-compliance, in order to steer its inspection and enforcement efforts.</p>	<p><u>The analysis at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ all installation related and non-installation related tasks and objects;</li> <li>➤ all environmental problems within the task of the inspectorate;</li> <li>➤ the possible effects of potential and actual offences;</li> <li>➤ the frequency of these offences.</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ a risk assets map.</li> </ul>
<p><b>1.2 Priority setting and measurable targets:</b></p> <p>The inspectorate acts on the basis of priority setting of the inspection and enforcement task, elaborated in written inspection and enforcement targets per policy area and established in concrete, measurable inspection and enforcement targets.</p>	<p><u>The priorities and targets at least include:</u></p> <ul style="list-style-type: none"> <li>➤ priorities, taking into account the problem analysis (standard 1.1) and the evaluations (standard 4.3)</li> <li>➤ a description of the inspection and enforcement target per policy area</li> <li>➤ measurable indicators for all targets, including agreements on monitoring of those indicators</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ to make transparent the used methodology for prioritisation</li> <li>➤ to formulate targets (and indicators), where possible, in terms of compliance behaviour and environmental progress</li> </ul>
<p><b>1.3 Guaranteeing human and financial resources:</b></p> <p>The inspectorate takes care of adjustment between politically agreed inspection and enforcement targets and the employment of staff and use of financial means and guarantees this in the organisation.</p>	<p><u>Guaranteeing human and financial resources at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ a transparent system connecting politically approved inspection and enforcement priorities with inspection and enforcement targets (standard 1.2) as well as with the deployment of personnel and other resources (standard 3.2)</li> <li>➤ fixing in the budget of human and financial resources to be used for the execution of the inspection and enforcement task</li> </ul>
<p><b>1.4 Organisational conditions:</b></p> <p>The inspectorate acts on the basis of an organisational set up and regulations that are necessary to achieve the inspection and enforcement targets that were set.</p>	<p><u>The organisational arrangements at least include:</u></p> <ul style="list-style-type: none"> <li>➤ a separation of licensing activities on the one hand and inspection and enforcement activities on the other at staff level</li> <li>➤ a circulation system for inspectors for companies with which there is a fixed inspection and/or enforcement relation</li> <li>➤ document the powers, tasks and responsibilities</li> <li>➤ procedures for reachability and availability outside office hours</li> <li>➤ document the management of inspectors with police-powers (if applicable)</li> <li>➤ arrangements for putting out to contract inspection tasks (if applicable)</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ a separation of licensing activities and inspection and enforcement activities at organisation level</li> </ul>

Quality Standard	Minimum and Optional Elements
<b>GROUP 2. STRATEGY AND WORKING METHODS</b>	
<p><b>2.1 Compliance strategy:</b></p> <p>The inspectorate acts on the basis of a compliance strategy, containing the instruments with which compliance should be reached and the role of inspection and enforcement within that.</p>	<p><u>The compliance strategy at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ an inspection and enforcement strategy, consisting of: <ul style="list-style-type: none"> <li>○ an inspection strategy as mentioned in standard 2.2</li> <li>○ a sanction strategy as mentioned in standard 2.3</li> <li>○ a condoning strategy as mentioned in standard 2.4</li> </ul> </li> <li>➤ a strategy for the use of other instruments, other than inspection and enforcement</li> </ul>
<p><b>2.2 Inspection strategy:</b></p> <p>The inspectorate acts on the basis of an inspection strategy, containing which inspection modalities can be distinguished and which the basic work processes are at each of them.</p>	<p><u>The inspection strategy at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ routine visits, including their frequency and incidental visits</li> <li>➤ the inspection of administrations and documents and the inspection on reaching environmental quality standards</li> <li>➤ investigation and verification of self monitoring arrangements, that are carried out by or on behalf of the installation itself</li> <li>➤ supply of information and written report</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ carrying out in-depth investigation in the form of audits or quick-scans</li> </ul>
<p><b>2.3 Sanction strategy:</b></p> <p>The inspectorate acts on the basis of a sanction strategy, containing the basic approach for administrative and criminal follow-up in case of non-compliance.</p>	<p><u>The sanction strategy at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ a coherent administrative – criminal approach towards offenders of environmental legislation</li> <li>➤ an appropriate reaction to the non-compliance found</li> <li>➤ a stringent reaction in case of continued non-compliance</li> <li>➤ an arrangement for reactions to non-compliance by the own organisation and other authorities</li> <li>➤ transparency in setting terms to do away with (standard) offences and to the heaviness of the sanctions to be imposed for these offences</li> </ul>
<p><b>2.4 Condoning strategy:</b></p> <p>The inspectorate acts on the basis of a condoning strategy, containing in which situation and under which conditions sanctions against violators can temporary be dropped.</p>	<p><u>The condoning strategy at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ an explicit adoption of the terminology, contents and procedure of the condoning policy drawn up by the Dutch national government</li> </ul>
<p><b>2.5 Internal and external tuning:</b></p> <p>In the preparation and execution of its inspection and enforcement tasks the inspectorate takes care of internal and external tuning.</p>	<p><u>The internal tuning at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ tuning with the license writer(s)</li> <li>➤ tuning with other relevant departments and persons inside the organisation</li> </ul> <p><u>The external tuning at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ arrangements on co-operation with other relevant organisations involved in environmental inspection and enforcement</li> <li>➤ arrangements about situations where more than one organisation is competent to inspect or enforce at the same time</li> <li>➤ arrangements about cases where more than one organisation are competent to inspect or enforce consecutively (chain control)</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ broadening the programming of the own inspection and enforcement task towards co-operation</li> </ul>

Quality Standard	Minimum and Optional Elements
<p><b>2.6 Protocols and working instructions:</b></p> <p>The inspectorate acts on the basis of protocols for internal and external tuning on the preparation and execution of its tasks.</p>	<p><u>The protocols at least include:</u></p> <ul style="list-style-type: none"> <li>➤ a working-out in procedures and/or work instructions of all obliged elements mentioned in standards 2.1 – 2.5</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ a working-out of the general compliance strategy in specific inspection and enforcement handbooks, wherever meaningful</li> <li>➤ a working-out of the general inspection strategy in specific inspection plans</li> </ul>
<p><b>2.7 Protocols for communication, information management, information control and information exchange:</b></p> <p>The inspectorate acts on the basis of protocols for communication, information management, information control and information exchange on inspection results, announced or imposed sanctions and condoning decisions.</p>	<p><u>The protocols at least include:</u></p> <ul style="list-style-type: none"> <li>➤ the communication on inspection results, sanctions and condoning decisions</li> <li>➤ the information management of inspection results, sanctions and condoning decisions</li> <li>➤ the operational information exchange internally and with other inspection and enforcement organisations of inspection results, sanctions and condoning decisions</li> </ul>
<b>GROUP 3. EXECUTION</b>	
<p><b>3.1 Inspection and enforcement programs:</b></p> <p>The inspectorate acts on the basis of an inspection and enforcement program, to which the internal organisation is or has been adjusted.</p>	<p><u>Inspection and enforcement programs at least include:</u></p> <ul style="list-style-type: none"> <li>➤ a clear coherence/connection with the priorities set under standard 1.2 and with the targets</li> <li>➤ a description of the actual inspection and enforcement activities and the capacity needed for them</li> <li>➤ the elaboration of the inspection and enforcement program in an actual work planning for all parts of the organisation that are involved</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ the elaboration of the inspection and enforcement program in an actual work planning at the level of individual staff members</li> </ul>
<p><b>3.2 Size of inspection and enforcement capacity:</b></p> <p>The inspectorate has sufficient human resources, and/or financial resources to hire staff capacity for the execution of inspection and enforcement tasks.</p>	<p><u>Sufficient inspection and enforcement capacity at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ insight in the capacity that is actually available</li> <li>➤ sufficient capacity to carry out the inspection and enforcement program mentioned under standard 3.1</li> </ul>
<p><b>3.3 Quality of inspection and enforcement capacity:</b></p> <p>The inspectorate has sufficient expertise, and/or financial resources to hire expertise for the execution of inspection and enforcement tasks and stimulates the development of knowledge and skills.</p>	<p><u>Sufficient expertise at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ insight in the necessary expertise in terms of knowledge, skills and attitude</li> <li>➤ a training plan, including the determination of time and financial resources needed to execute the plan</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ determination and commitment to the necessary expertise in job descriptions and/or in a staff formation plan</li> <li>➤ periodical checks of the desired level of expertise</li> </ul>

Quality Standard	Minimum and Optional Elements
<p><b>3.4 Facilities supporting execution:</b></p> <p>The inspectorate has sufficient quantitative and qualitative resources and provisions that make it possible to execute its tasks in a legal, administrative, information technological and environmental technological way.</p>	<p><u>Facilities supporting execution at least include:</u></p> <ul style="list-style-type: none"> <li>➤ an automated system for planning, programming and progress monitoring of the inspection and enforcement task</li> <li>➤ an automated system for the registration and monitoring of both installation related and non installation related inspection and enforcement tasks</li> <li>➤ those provisions that are needed for the execution of the inspection and enforcement task, from a point of view of information, environment, legal provisions and administration</li> <li>➤ a good level of maintenance and calibration of the equipment and instruments being used</li> </ul>
<b>GROUP 4. EVALUATION</b>	
<p><b>4.1 Quality assurance:</b></p> <p>The inspectorate acts on the basis of a system of internal assurance (description, assessment and improvement) of the way in which inspectors carry out their work.</p>	<p><u>The system of quality assurance at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ a process description of the way in which inspectors have to carry out their work</li> <li>➤ method to check the assurance of the execution of the process descriptions</li> <li>➤ improvement mechanisms to facilitate the adjustment of process descriptions</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ Designate a quality assurance co-ordinator / apply official quality care system</li> <li>➤ External check of the process descriptions</li> <li>➤ certification of the process descriptions</li> </ul>
<p><b>4.2 Performance monitoring:</b></p> <p>The inspectorate acts on the basis of systematic monitoring of the inspection and enforcement process and its results and effects.</p>	<p><u>Monitoring at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ the own indicators belonging to targets and/or priorities</li> <li>➤ the monitoring of the results of the inspection and enforcement activities in terms of numbers concerning: <ul style="list-style-type: none"> <li>○ executed inspections</li> <li>○ detected offences</li> <li>○ administrative actions (sanctions)</li> <li>○ criminal actions (sanctions)</li> </ul> </li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ linking the monitoring to the quality assurance process</li> </ul>
<p><b>4.3 Accountability of efforts, performance and results:</b></p> <p>The inspectorate has a system of internal and external accountability about the inspection and enforcement process and its results and effects.</p>	<p><u>The accountability at least includes:</u></p> <ul style="list-style-type: none"> <li>➤ a report on the own indicators concerning the targets and/or priorities formulated by the inspectorate itself</li> <li>➤ a report on the agreements made with other inspecting organisations</li> <li>➤ an evaluation of the inspection and enforcement results leading to improvements in the policy process, the regulatory cycle and the inspection and enforcement policy</li> <li>➤ feedback on the results and recommendations</li> </ul> <p><u>Furthermore (amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ a (special) version of the accountability report for the public</li> </ul>

Quality Standard	Minimum and Optional Elements
<p><b>4.4 Comparison and auditing:</b></p> <p>The inspectorate develops a system to externally compare, test and judge its efforts, its organisation and the results of its inspection and enforcement.</p>	<p><u>(Amongst other things) could be considered:</u></p> <ul style="list-style-type: none"> <li>➤ the inspectorate compares itself with colleague organisations</li> <li>➤ benchmarking as a specific task for one of the staff members inside the inspectorate</li> </ul>