



# EVALUATION OF COMPLIANCE

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**OHS Principal Assessor**

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## KEY INFO

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- 1 hour max
- Opportunities for questions
- Recording circulated after

# YOUR TUTOR

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## Terry Fisher

ISO 9001, ISO 14001, ISO 45001,  
EcoCampus, IOSH

**NQA Occupational Health  
& Safety Principal Assessor**

Terry boasts an impressive length of service in a large variety of public and private organisations and industries. Including the likes of: Automotive; Heavy Engineering; Medical Manufacturing; General Manufacturing; Wallcovering & Printing; Educational Estates and Transport and Logistics.



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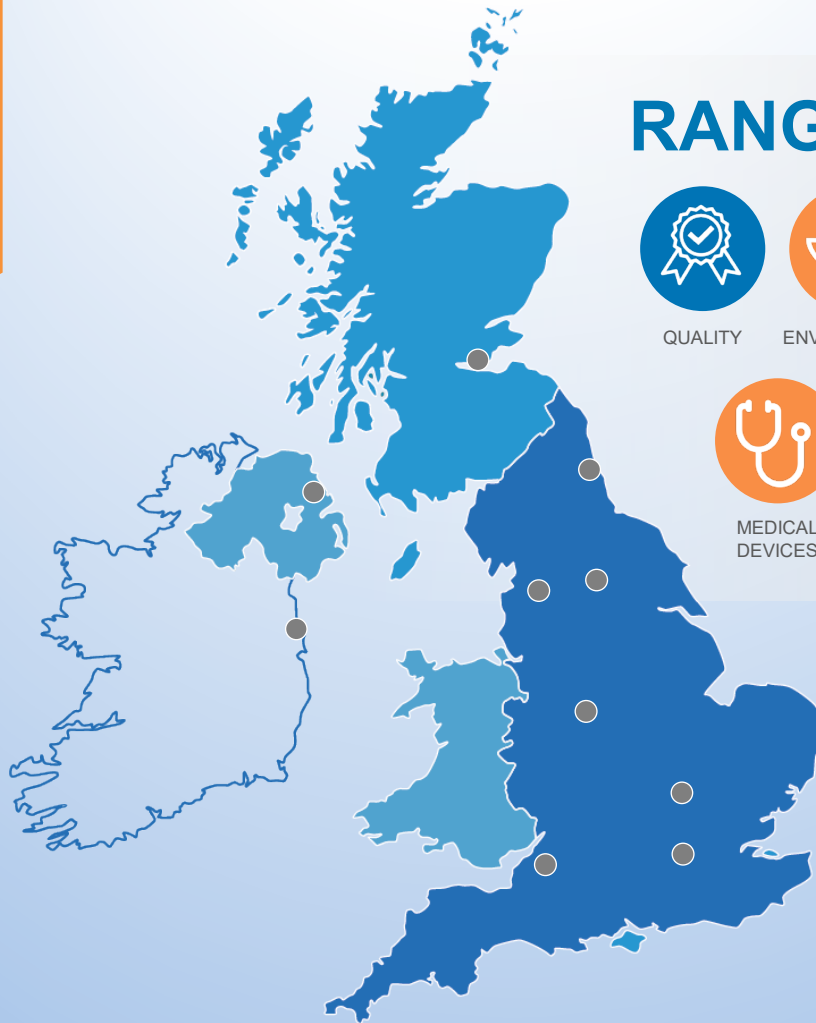
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# AGENDA

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1. What are we trying to achieve?
  2. Why – what's the benefit?
  3. Group discussion on this requirement
  4. How can we evaluate compliance?
  5. What influences or changes the evaluation?
  6. Can it influence Policy and Strategy?
  7. Objectives – will it or should it impact them?
  8. Communication – Do workers understand why we do things in relation to compliance and their role in the process?
  9. Organisational culture and compliance reporting.
  10. Final Q & A
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# EVALUATION OF COMPLIANCE



# COMPLIANCE – WHY IS IT IN THE STANDARD?

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## ISO Management Standards:

- The ISO standards use terms and definitions and for ISO 14001:2015 ref; 3.2.9. ‘compliance obligations’(preferred term) or ‘legal and other requirements’ (admitted term) are defined as:
  - *‘Legal’ requirements – that an organisation has to comply with while ‘Other’ requirements - Chooses to comply with.*
  - In ISO 45001:2018 - terms and definitions ref; 3.9: ‘legal and other requirements’ is the term used.
  - **ALL organisations have compliance obligations and therefore a management standard must reflect this reality to be effective.**
  - *There is also further guidance documented in ISO14001:2015 – Annex A (informative guidance) ref; 9.1.2 and ISO 45001:2018 – Annex A (informative guidance) ref; 9.1.2.*
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# COMPLIANCE – WHY IS IT IN THE STANDARD?

A core requirement of the ISO Management standards is compliance with applicable statutory and regulatory requirements as defined in the Scope of the Management System.

## COMMITMENT

It is then reinforced in the Leadership / Policy commitment requirements for each standard:

ISO 45001/OHS – **clause 5.2c**

ISO 14001/EMS – **clause 5.2d**

ISO 9001/QMS – **clause 5.1.2a**

**Also in subsequent management system clauses:**

## IDENTIFICATION

ISO 45001/OHS – **clause 6.1.3** – Determination of Legal and Other requirements

ISO 14001/EMS – **clause 6.1.3** – Compliance Obligations

ISO 9001/QMS – **6.2.1c** – Applicable Requirements

## EVALUATION

ISO 45001/OHS – **clause 9.1.2** – Evaluation of compliance

ISO 14001/EMS – **clause 9.1.2** – Evaluation of compliance

ISO 9001/QMS – **clause 9.1.3a** – Conformity of products and services



# WHY? WHAT'S THE BENEFIT?

## COMPLIANCE OBLIGATIONS

If we agree that ALL organisations have compliance obligations, then having a method of evaluation that confirms the relevant status of the compliance is a common sense, process based approach?

- Evaluation of compliance is **not** maintaining a Legal / Compliance register or other documented information that is up to date with applicable identified requirements – that is the determination stage.
- **Assuming** that because we are aware of existing / revised compliance obligations, and that we know we have a range of controls in place – that does not provide confirmation that the processes or controls are delivering the compliance requirement.
- We need to confirm the compliance status by evaluation, so that the management system performance may be maintained or enhanced proactively, based on actual results.
- Compliance is there for a real world reason – everyone needs to play their part in achieving it.

# HOW CAN WE DETERMINE HOW TO EVALUATE COMPLIANCE?

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If we take a step back from evaluation, and consider section 6 of the management system standards for eg: 45001- Clause 6.1.3, ‘Determination of legal and other requirements – clause B;

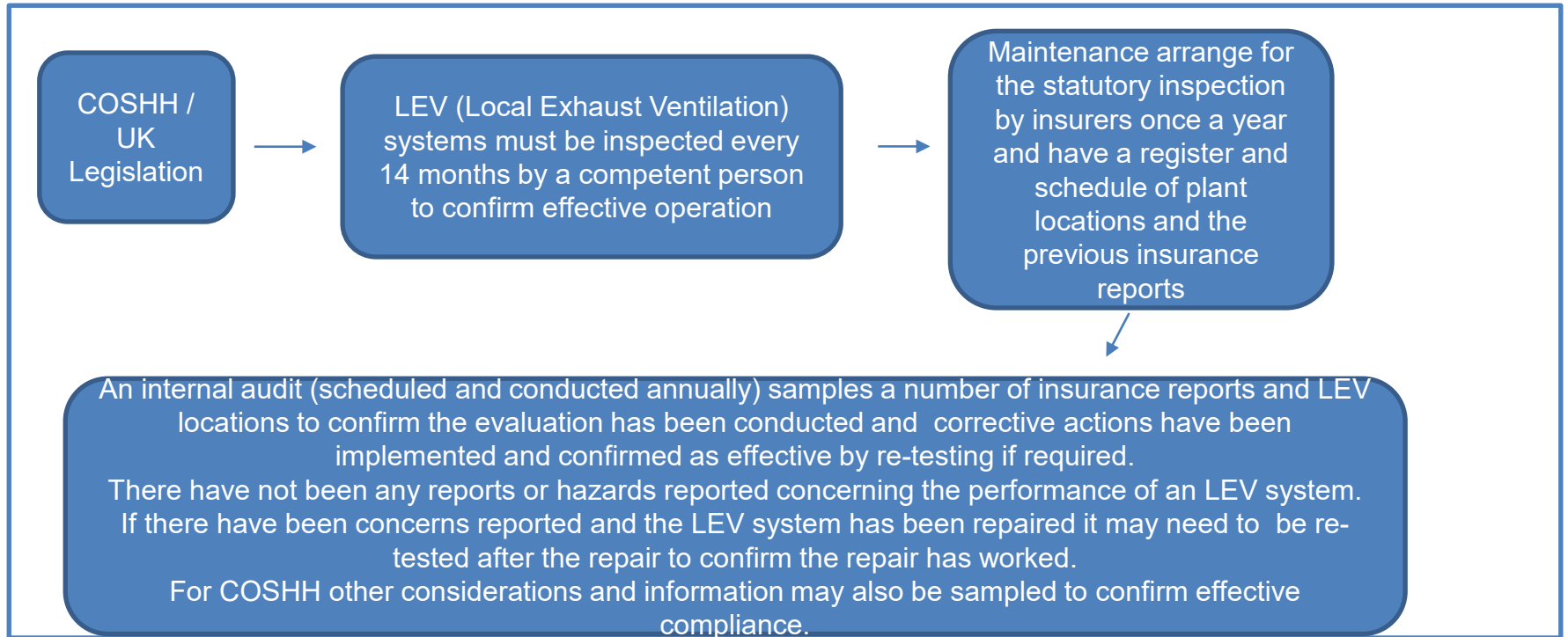
“determine how these applicable requirements apply to the organisation and what needs to be communicated”, then these clause requirements can detail specifically what is to be done, and that will confirm the evaluation process.

If we invest time in defining not just the summary of the requirements, but actually what that means to the organisation in practical real world terms, it will dictate what needs to be evaluated and what we are looking for as evidence and confirmation that the requirement is being met.

We must consider each line entry of the compliance register (or similar) to determine what that requirements means to our organisation, how we will comply with the requirement and how we will measure the compliance status.

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# The process of evaluation - example



# HOW CAN WE EVALUATE COMPLIANCE?

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Evaluation can take many forms both routine and specialist – all need planning, resource allocation and awareness.

## **Methods of evaluation may include:**

- Internal Auditing – Process control methods confirming that SOP's (Standard Operating Procedures) are delivering the requirements we intended.
- Routine data capture and analysis (including the actions & reporting of non-conformance).
- Specialist evaluation – eg: Emissions from stacks, Discharge consent testing etc. LEV performance testing and Product testing / declarations.

***We must determine how frequently we will conduct the compliance evaluation, and the methods of evaluation – Clause 9.1.2 of ISO 45001:2018***

All these require planning and evaluation, and will require an escalation process to enable exceedances to be responded to and reported appropriately – which links in to the requirements for Management Review.

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# WHAT INFLUENCES OR CHANGES THE EVALUATION?



**We must consider the process of evaluation may not be static or fixed.**

- It may change given past performance or experience – we may decide more or less frequency is appropriate.
- The overall impact or significance of the activity will help determine the frequency of the evaluation.
- Changes in processing may impact on the evaluation frequency.
- New processes or new technology may have an impact on evaluation.

**Other considerations could include:**

- Changes in staffing
- Lessons learned from other areas of the organisation or industry sector information
- The policy and strategy of the company

# DISCUSSION AND Q&A



## POLICY & STRATEGY

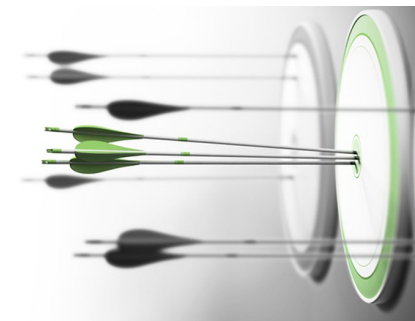
**Question:** Can the evaluation and compliance performance influence Policy & Strategy?

**Answer:** I would say – YES – it certainly can and does.

The output from the compliance evaluation may indicate that a process is becoming unsustainable and may need to be upgraded or replaced? Ultimately the process may be no longer viable or desirable for the organisation.

However, in the majority of cases the evaluation will be confirming the desired outcome.

Organisations are increasing under scrutiny regarding compliance and need to have the confidence in their management systems to aid the delivery of that compliance.



## OBJECTIVES

These may be decided and set to allow for the upgrade or replacement of the process / activity. This may involve automated software alerts and data capture as well as plant and hardware changes.

Maybe the objective will be to close down the process or phase it out over time?  
Remember objectives and plans are there to delivery improvements and benefits.

## COMMUNICATIONS

Do workers understand why we ask them to do things in relation to compliance, their roles in the process and its potential significance?



## ASK

- How do they know?
- Do they have the underpinning knowledge and understanding of the significance of potential compliance issues?
- If report or concerns are raised – are they actioned?
- Do we have the information we need and evidence to analyse?



## CULTURE

The organisation's culture can dramatically impact on the compliance performance. Imagine if workers are blamed and criticised when reporting an issue or exceedance in compliance performance – they may not report it next time? **Would that benefit the process compliance?**

The same can be said when investigating compliance issues – do we want to know what happened or do we look to appoint blame? This can also apply when conducting audits and inspections – consider the approach used.

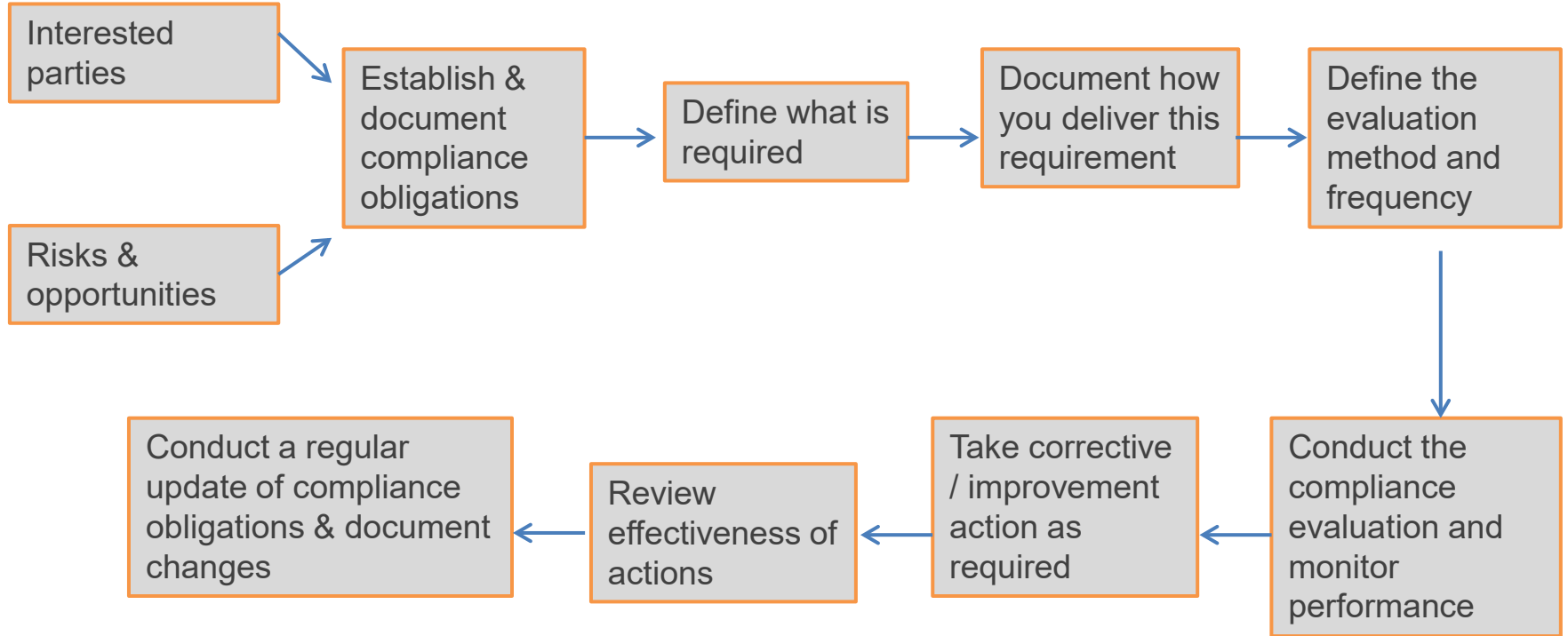
## LEADERSHIP

We need leadership at all levels of the organisation to be effective and supportive. They want to get information and to be able to use that information to make responsible decisions. So during the Management Review process, compliance needs to be confirmed / discussed and should reflect the genuine status of requirements – how that is delivered will be very individual for organisations.

As we said earlier – Management want to be confident that the systems and processes are delivering what is required – and if not, consider what can and should be done to improve.

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# COMPLIANCE PROCESS



# Reporting of Compliance Evaluation Status

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Remember that reporting compliance status or non-compliance status is also a requirement for the Management Review:

45001 clause 9.3 – b/2: changes in Legal and Other Requirements and d/3: Results of the evaluation of compliance – the true status must be reported through the management system to the appropriate level when deficiencies or non-conformance has been identified!

Do not gloss over issues that need to be addressed.

This links back to Leadership and Commitment:

45001: clause 5.1 clauses j and k

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# Q&A

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# THANK YOU

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