



Corporate Health, Safety, Emergency Management & Wellbeing Service

WARNING - Prepare

Issue Date: January 2018
What to do if the HSE inspector calls & Fees for Intervention
Information
<p>This safety notice and advisory note below is being sent out to remind everyone of the action that must be taken should a HSE inspector call unannounced at one of the Authorities premises or sites.</p> <p>The advisory notice below also advises Heads of Service, Head Teachers and Managers of the Fees for Intervention (FFI) that will apply should a material breach in H&S law be found.</p>
Target Audience
<p>Head of Service Head Teachers All Managers All Employees</p>
Action to be taken
<ul style="list-style-type: none"> • Heads of service – Please note the contents of the attachment below and ensure that this information is cascaded down to all managers within your area of responsibility. Please ensure they bring the information to the attention of their employees • Head Teachers/Managers – Please note the contents of the attachment and communicate the advisory note to all of your employees at the earliest opportunity.
<p>For further safety advice and guidance, please contact Corporate Health, Safety, Emergency Management and Wellbeing Team: Tel: 636210 Email: healthandsafety@swansea.gov.uk</p>

ADVISORY NOTE

1. What to do if a Health and Safety Executive (HSE) Inspector visits your premises or site unannounced

A HSE inspector has the right to enter your premises/site at any reasonable time (or in a situation which, in their opinion, is or may be dangerous - at any time) without giving notice, although notice may be given if it is appropriate. The inspector also has the power to be accompanied by a police officer if they believe they may be obstructed in their duty. All HSE inspectors carry photographic identification and authorisation (Warrant Card) which must be shown on demand

ACTION: Ask to see their identification. If they cannot provide identification do not let them into the premises or site. Inform the Corporate H&S office – they will investigate if this is a real or bogus caller

2. Managing an unexpected visit from a HSE Inspector

If the HSE inspector's visit has taken you by surprise, the following tips will help you:

1. Contact the Corporate Health and Safety Office immediately to request the attendance of a Health and Safety Officer - Tel: 636210. We will provide the manager, deputy or supervisor with support, advice and guidance during the HSE visit.
2. Don't leave the inspector waiting around – if they think they are being stalled, they will use their powers of entry without you. Tell them you have requested the attendance of a Corporate H&S officer.
3. Make a note of their name/s and contact telephone/s number; also make a note of the time of their arrival and departure from site
4. Establish the reason for their visit – is it an advisory visit, a programmed inspection, accident investigation or a visit following a complaint?
5. Until the Corporate H&S Officer arrives, accompany the inspector at all times and don't be afraid to enforce your site safety rules during the visit, e.g. insisting PPE is worn whilst on site. It is helpful to make a written note of what they observe/say and where necessary, duplicate photographs they have taken, etc.
6. Co-operate and be open and honest – the fact that you have co-operated with the regulator is often important mitigation.
7. Only respond to questions asked.
8. Advise your workers that, whilst they should answer specific questions, they should be cautious about volunteering information. If they do not know the answer, they should say so. Be mindful that if you prevent any workers from appearing before an inspector using their Section 20 powers, then you will be committing an offence.

3. **Fees for Intervention (FFI)**

Before FFI came into force the tax payer footed the bill for the time HSE inspectors spent investigating and enforcing material breaches. Since FFI was introduced, the financial burden now falls onto the businesses found breaking H&S laws. If the HSE inspector finds a material breach and issues a notice of contravention you will be required pay for the time it takes the HSE to identify what is wrong and investigate the breach.

The FFI may include the inspector's time:

- at your business or workplace
- preparing reports
- getting specialist advice
- talking to you after the visit
- talking to your workers

The hourly charge for FFI is £129 per hour - per HSE officer (2017)

Note: Payment of the FFI invoice is not recoverable via insurance and responsibility of the timely payment of the invoice rests with the relevant service or educational premises where the material breach was found.

The average cost of a FFI bill in 2016 was £650

4. **HSE – telephone calls**

There may be an occasion where an HSE Officer will make a telephone enquiry directly to your premises or site. To ensure the call is genuine ask for:

- Their full name,
- ID number
- Offer to call them back

They are required to provide you with this information as it is a legal requirement and will accept a return call. Inform the Corporate H&S office of the telephone call.

For further advice you can contact the Corporate H&S office:

Email: healthandsafety@swansea.gov.uk

Tel: 636210

Useful link: <http://www.hse.gov.uk/pubns/hsc14.pdf>