

How the HSE's Fee For Intervention Scheme works

14 Under FFI, HSE will only recover the costs of its regulatory work from dutyholders that are found to be in material breach of health and safety law. The rate for this is £124 per hour, except where other parties are involved.

15 A material breach is when, in the opinion of the HSE inspector, there is or has been a contravention of health and safety law that requires them to issue notice in writing of that opinion to the dutyholder.

16 Written notification from an HSE inspector may be by a notification of contravention, an improvement or prohibition notice, or a prosecution and must include the following information:

- the law that the inspector's opinion relates to;
- the reasons for their opinion; and
- notification that a fee is payable to HSE.

22 The fee is payable for the costs that HSE reasonably incurs during regulatory work in relation to a material breach. This includes all work that is needed to identify a material breach and all work to ensure that the breach is remedied. It also includes any investigation or enforcement action, up to the point where HSE's intervention, in relation to the material breach, has been concluded or a prosecution is started or a report submitted to the Procurator Fiscal in Scotland. One such example is when the decision has been made to close an investigation and a prosecution is not proposed.

The fee will be applied to each intervention where a material breach is identified and any other associated work (paragraph 24).

23 Where the material breach is identified during a visit, costs for the whole visit are recoverable, from the point of entry at the site to the point of leaving. This is because to make appropriate judgements about the action to be taken in relation to material breaches, the inspector has to assess the dutyholder's capability to effectively manage the risks and comply with the law. This process begins at the start of the visit and continues to the end.

24 Costs for other associated work are also recoverable, including:

- writing notifications of contravention and reports;
- preparing and serving improvement or prohibition notices;
- follow-up work to ensure compliance (eg site visits, telephone calls, email correspondence, reviewing documentation provided);
- taking statements;
- specialist assistance (where specialist assistance is from HSL or a third party, those costs are recovered at the relevant rate applied by HSL or the third party);
- gathering information/evidence;
- assessing the findings and the documentation of inspection, investigation and enforcement conclusions;
- recording conclusions and inspection, investigation and enforcement information;
- reviewing investigations to ensure progress and appropriate lines of enquiry are followed; and
- research related to the material breach that is needed to carry out the tasks outlined above.

The full guidance notes are available from <http://www.hse.gov.uk/pubns/hse47.pdf>