

# Health and Safety Bulletin

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## Useful contacts:

HSE website  
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## The knock on the door

Many organisations have not experienced a visit from the Health and Safety enforcement – either the HSE or the EHOs - and are therefore not sure what may trigger a visit or happen during or as a result of the visit.

### What triggers a visit?

It is important to remember that the objective of an enforcement visit is to keep people safe and healthy at work – not to catch people out. Quite often HSE visits are triggered because they are running a campaign relevant to the organization – this may focus on a type of industry or a specific hazard or both. However, some visits may occur because someone has reported a health and safety concern – through the HSE webpage ([Tell us about a health and safety issue - Contact HSE](#)) or the organization has reported an incident under RIDDOR.

### What happens during a visit?

Most inspections occur without warning – enforcement officers are allowed to visit at any reasonable time. HSE inspectors have warrant cards (similar to the police) and can demand entry under certain circumstances, but they have to follow the UK Government's code of practice on entering homes or businesses.

During a visit to a business, HSE inspectors are likely to want to learn about what happens on the premises, what the health and safety risks are and they are being controlled. It is likely they will want to inspect the site and they may ask to see health and safety related records. During the site inspection, the enforcement officer is also likely to take the opportunity to talk to workers.

### What may happen as a result of the visit?

If an HSE Inspector identifies a concern during their visit, the HSE has an Enforcement Management Model ([Enforcement Management Model - Operational \(hse.gov.uk\)](#)), which gives the inspector clear guidance on what action to take depending on the HSE's intervention priorities, the seriousness of the risk involved and the gap between where the duty holder (the entity with the legal accountability) is and where they should be.

Depending on this "risk gap," an HSE Inspector has a variety of enforcement tools they can use:-

- Prosecution of organisations or individuals
- Issue a Prohibition Notice (PN) – if there is evidence of serious or imminent danger
- Issue an Improvement Notice (IN) – where there is evidence of a material breach of legislation
- Issue a Notification of Contravention (NoC) - where there is evidence of a material breach of legislation
- Offer advice – either written or verbal

Some of these enforcement tools are used in parallel.

If an organisation is issued with an NoC, the HSE will try to recover costs of the intervention – this will include the time they spent on the original visit and time spent overseeing the issues they raised being put right. The current "fee for intervention" (FFI) is set at £174 per hour.

### Conclusion

The HSE has various publications on its website to explain the purpose of their visits and the potential consequences. They also have an explanatory video at [Publication: What to expect when an inspector calls - HSE](#).

It is important to remember that the aim of enforcement visits is to improve standards – it's an opportunity to learn from someone who has experience of many different workplaces.

## Recently issued health and safety information:

- HSG274: Part 1: 'The control of legionella bacteria in evaporative cooling systems (updated) [Legionnaires' disease - Technical guidance \(hse.gov.uk\)](#)
- Workright – April stress awareness month resources [April is Stress Awareness Month - five steps in five weeks - Work Right to keep Britain safe](#)
- Ergonomic awareness: Preventing hand-related occupational musculoskeletal disorders [Safety Briefing - Ergonomics 2022 E N.pdf \(ansell.com\)](#)
- "Have a hmmm" (think before acting) ['Have a hmmm' \(acc.co.nz\)](#)
- Resources for no falls week 13-17 May 2024 [No Falls Week - No Falls Foundation](#)
- HSE safety alert - Manufacture, storage and carriage of thermites and thermite containing articles [Manufacture, storage and carriage of thermites and thermite containing articles - Safety bulletin - HSE](#)

## Changes to RIDDOR

The website associated with RIDDOR – the Reporting of Injuries Diseases and Dangerous Occurrences Regulations – has been updated to give better guidance on when an incident is reportable. The changes have not affected the legal requirements.

The information is an attempt to clarify: -

- Who has the duty to report an incident e.g. when does an employment agency has the duty to report
- What "work-related" means – including examples of what "arising out of or in connection from work" means
- The conditions under which an occupational disease is reportable by giving examples of situations where it is not reportable. For example carpal tunnel syndrome is reportable when the person's work involves regular use of hand held tools, but not when it involves typing or similar repetitive movements

The new information is available at [RIDDOR - Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 - HSE](#)

## Case Law update

*This issue gives examples of recent cases where organisations have failed to comply with enforcement notices*

A director of a former car salvage company was jailed for failing to comply with HSE enforcement notices served to protect the health and safety of workers in his workplace and visitors to the site. Between 2018 and 2021, the director was in control of both activities and persons working at the site and failed to comply with four prohibition notices. The notices had been served in relation to structural safety and the use of unsafe forklift truck vehicles. Although the director was aware of the risks, he directed workers to act in a way that contravened the prohibitions and risked their own safety. The director pleaded guilty to four offences that

contravened Section 33 of HASAWA and was **sentenced to 12 months imprisonment**

A company which manufactures perimeter protection products was fined after repeated breaches of health and safety law over a period of eighteen months- **ten Enforcement Notices** were served. An investigation by the HSE found that the company management lacked health and safety competence and knowledge and, as a result, employees were exposed to risks to their health and safety including exposure to hazardous substances from welding fumes and paint spray from a wet spray booth – which remained in use despite the company informing HSE that it had been taken out of service. The company pleaded guilty to breaching Section 2(1) of

HASAWA and was fined **£90,000** and ordered to pay costs of **£6,017** ordered to pay in costs

### About Clwyd Associates...

We are a management consultancy, focusing on health and safety, and SAP based in the Midlands.

In business since 2000, we employ consultants with at least 15 years practical experience backed up by recognized professional and academic qualifications - ensuring our clients receive first class service.

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## Selecting a first aid trainer

The HSE has recently updated two documents associated with first aid – L74: the guidance on the Health and Safety (First Aid) Regulations ([l74.pdf \(hse.gov.uk\)](#)) and GEIS3 A guide for employers on Selecting a first-aid training provider ([geis3.pdf \(hse.gov.uk\)](#)). L74 has been changed to highlight that employers need to take account of mental health in their first aid needs assessment and GEIS now has a simplified list of bullet points that employers can use to assess whether a first aid training provider is suitable for their situation.



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