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# **Fee for Intervention: Its Impact on the Regulation of Health and Safety**

(Is there any?)

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14 October 2013

# Why Fees? - The Policy

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“The Government believes that it is reasonable that businesses that are found to be in serious breach of health and safety law – rather than the taxpayer - should bear the related costs incurred by the regulator in helping them put things right”

# The context – or how does Cost recovery fit?

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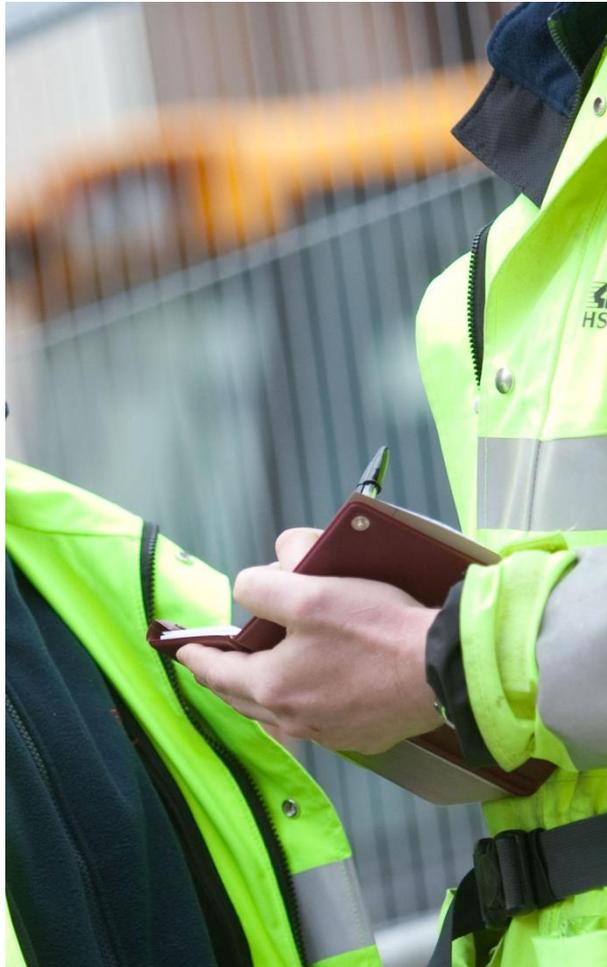
- Reform health and safety landscape & culture
  - Greater focus on higher risk activities
  - Reduction in number of inspections
  - Simplify regulation and legislation
  - Maintenance of high enforcement profile
  - Extending cost recovery

# Fee for Intervention

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- Introduced on 1 October 2012
- Compliant businesses still do not pay a fee
- Costs recovered for a “material breach”
- Current cost £124 per hour
- Prosecution costs continue to be sought through the courts
- Invoicing is every two months with 30 days to pay
- Queries and disputes process established

# Material breach



“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”

– or –

“The HSE Inspector has to do something”

# Continuing exclusions

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- Existing permissioning regimes – things like major hazard sites (where fees already paid)
- Local Authority enforcement activities
- Self-employed dutyholders (who put only themselves at risk – see recent Queen’s speech)
- Non-Health and Safety at Work Act legislation – eg Employers liability Insurance; Working Time

## In summary

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- FFI now in operation
- Provides an “incentive to operate within the law“
- Costs recovered for a material breach
- Compliant businesses do not pay a fee
- Guidance available

# Information available on HSE's website



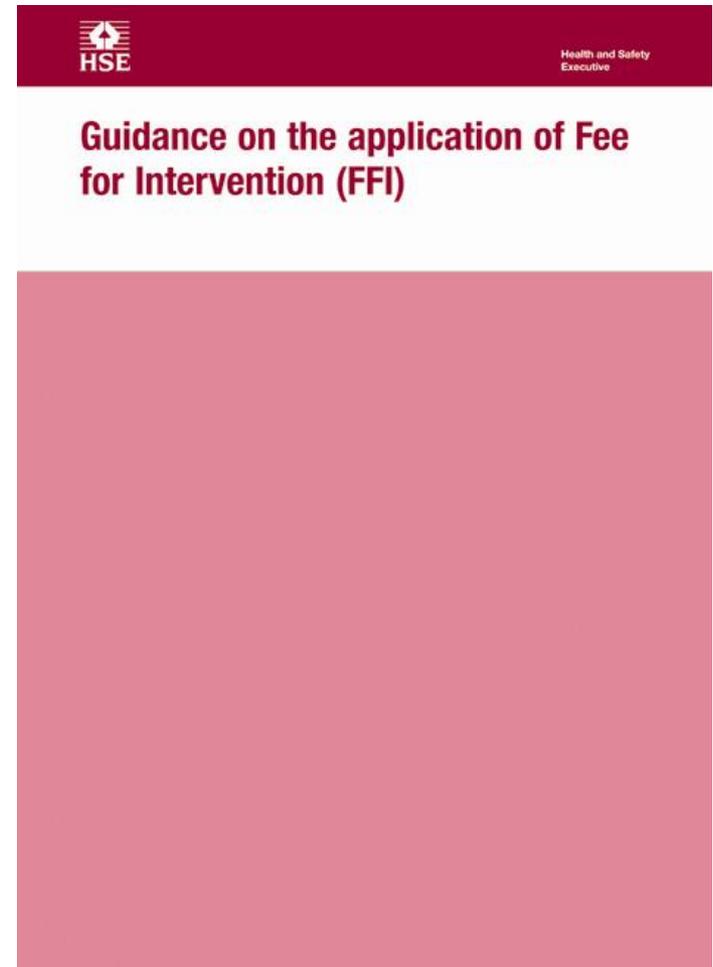
[Guidance for Businesses](#)

['What You Need to Know' Leaflet](#)

[Supplementary Inspector Guidance](#)

[Multiple Dutyholder Guidance](#)

[Enforcement Management Model](#)



## Other Recent developments

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- First Aid – 1 October 2013
- RIDDOR – 1 October 2013
- Strict Liability – 1 October 2013
- Self employed – Dec 2013
- Revised ACOPs published end 2013 and 2014

# The Future “feel” of H&S/HSE



- More effective use of available HSE resources.
- Tough choices in LAs and HSE about priorities;
- A focus upon priority sectors with the highest actual health and safety problems or perceived threat, in terms of both incident rates and severity.
- Recover more of HSE’s costs
- Those businesses which create risks by operating outside of the law meet more of the regulator’s costs
- A greater role for other partners and stakeholders?

**QUESTIONS?**

## And Finally

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- Remember no matter how hard you try to do the right thing, no matter how much you train people, no matter how many times you have done it that way.....Things can always go wrong....

