



Falkirk Council
Corporate & Commercial Services

HSE
VISIT PROTOCOL

Human Resources
April 2004

HEALTH & SAFETY GUIDANCE FOR MANAGERS

PROTOCOL FOR HEALTH & SAFETY EXECUTIVE (HSE) CONTACT

The purpose of this protocol is to provide guidance to managers on the steps to be followed in communications with the HSE. Compliance with these steps will ensure that the H&S team are able to provide maximum support to you, the manager, whilst maintaining accurate information regarding HSE communications/interventions.

The areas covered by this protocol are;

1. Telephone enquiries from HSE
2. "Cold Call" visits from HSE
3. Planned visits by HSE
4. Improvement Notice received from HSE
5. Prohibition Notice received from HSE

1. TELEPHONE ENQUIRIES FROM HSE

You may receive telephone enquiries from the HSE which have been triggered by eg. an accident report, contact from a member of staff/member of the public, matters reported in the press etc.

Action:

1. Respond to the enquiry as requested . Do not immediately refer the HSE to the H&S team as this may cause them to question your ability, as the manager, to deal with H&S matters. If you do not have all the information/details to answer the question then tell them so. They will allow you time to investigate further and return their call.
2. Contact the H&S team as soon as possible, and in any event on the same day as the enquiry, to advise them:
 - What specifically was asked by the HSE
 - What specifically you told them
 - The outcome of the discussion

2. “COLD CALL” VISIT FROM HSE

You may receive an unexpected visit from the HSE for reasons similar to before.

Action:

1. Ask for a warrant card and ensure that the visitor is, in fact, a HSE Inspector.
2. Ask the Inspector to “Sign in” to the premises.
3. If possible, contact the H&S team to advise them of the presence of the Inspector. A member of the H&S will make every effort to get to the premises immediately to support you throughout the visit.
4. If you were unable to contact the H&S team throughout the visit, or they were unable to attend the visit, contact the team immediately following the visit to advise them;
 - Why the HSE visited
 - What specifically they did, asked, looked for etc.
 - What specifically you told them
 - The outcome of the visit.

3. PLANNED VISIT BY HSE

The HSE may make an advance arrangement with the H&S team to visit your premises. Where possible, the H&S team will advise you, the manager, of the visit however there may be occasions when the HSE specifically advise the H&S team not to notify you. In these circumstances it will be similar to a “Cold call”. A member of the H&S team will be present at this visit unless they have been specifically asked not to attend by the HSE. If there are medical related issues relating to their visit they may bring with them an Employment Medical Advisory Service (EMAS) doctor or nurse.

Action:

1. Ask for a warrant card if the visitor has not been introduced as the HSE Inspector.
2. Ask the Inspector and any other visitor to “Sign in” to the premises.
3. If a member of the H&S team was not present at the visit, contact the team immediately following the visit to advise:
 - What specifically the HSE did, asked, looked for etc.
 - What specifically you told them
 - The outcome of the visit

In exceptional circumstances, as a result of any type of HSE visit, your premises may be served with either an “Improvement Notice” or a “Prohibition Notice”.

4. IMPROVEMENT NOTICE

An Improvement Notice is served where the HSE identify a breach of H&S legislation / guidance which presents serious risk. An Improvement Notice will specify what needs to be improved/changed and the time period within which this is to happen. A sample copy is attached at Appendix 1. Failure to take the required action within the agreed time period will result in prosecution.

Action:

1. As the Improvement Notice is being served at the visit, you have the opportunity to discuss and agree with the HSE appropriate actions and timescales for inclusion. Do not be afraid to challenge if you feel the actions or timescales are unreasonable. It is in both the HSE's and the Council's interest that both parties agree on the action to be taken and the timescales in which to take it. The H&S team can give you advice in this regard.

If no member of the team is present at the meeting you should attempt to contact a member of the team as the Notice is being served to gain their support / advice.

2. Advise your Director and any other appropriate management team members immediately following, or during the meeting, if possible.

The HSE will send a letter to the Chief Executive / Service Director confirming the issue of the Improvement Notice. This may also identify other areas for improvement which were not sufficiently serious to include in the improvement notice but which constitute a breach of H&S legislation / guidance.

3. If the H&S team were not present at the visit, advise them immediately of the existence and basic content of the Improvement Notice. Send a copy of the Improvement Notice to the H&S team within 24 hours.
4. Develop an Action plan to meet the requirements of the Improvement notice, in conjunction with the Head of Service and H&S team, within 48 hours of issue. Ensure the H&S team has a copy.
5. Notify the Press Office.
6. Undertake actions as specified in Action plan. Provide regular updates to the Service Director and H&S team regarding progress. Consult with the H&S team at an early stage if you have difficulty delivering any of the actions. The H&S team may be able to negotiate with the HSE on your behalf.

To assist the Service Director fulfill his/her Health & Safety responsibilities, the H&S team will monitor progress against the action plan. The H&S team will alert the relevant Service Director of any concerns they have regarding progress.

5. PROHIBITION NOTICE

A Prohibition Notice is served where the HSE have identified a breach of H&S legislation/guidance which is sufficiently serious to present immediate risk to life. A sample copy is attached at Appendix 2. Issue of a Prohibition Notice means that no more work can be undertaken in the specified area until the risk is removed and the HSE subsequently remove the prohibition.

Action:

1. Immediately stop all actions identified as unsafe and ensure that no further work can be carried out without your consent.

Failure to do so may leave you, the manager, exposed to personal prosecution.

2. Notify the Service Director, any other appropriate management team members, the H&S team and the Press Office immediately. The Service Director should notify the Chief Executive of the Prohibition Notice.
3. Meet with the relevant HOS, other management team members, relevant specialists and H&S team to develop an action Plan immediately.
4. If the H&S team were not present at the meeting, provide them with a copy of the Prohibition Notice within 24 hours.
5. Undertake actions as specified in Action plan. Provide regular updates to the Chief Executive, Service Director and H&S team regarding progress. Consult with the H&S team at an early stage if you have difficulty delivering any of the actions. The H&S team may be able to negotiate with the HSE on your behalf.

To assist the Chief executive and Service Director fulfill their Health & Safety responsibilities, the H&S team will monitor progress against the action plan. The H&S team will alert the Chief Executive, via the relevant Service Director, of any concerns they have regarding progress.