

Inspecting: Contacting 'New to FOD' Businesses

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**Key changes from previous version: This version took effect from:
21/01/2008**

The **Contacting "New to FOD" Businesses** procedure has been suspended while FOD HQ develops and consults on revised arrangements for targeting our resources to best effect. In the meantime, FOD Divisions should adopt a more risk-based approach to identifying and contacting new firms or those previously unknown to us. Our priority should be "new" firms belonging to industry sectors or engaged in work activities that feature in FOD's business plan

The procedure has been updated to reflect the decision by FOD MB to remove the role of the B6 contact officer from the procedure.

Purpose

The purpose of this procedure is to ensure consistent action is taken, in line with FOD's policy, on 'new to FOD' businesses.

Scope

The procedure applies in all Sectors, except construction and agriculture, to 'new to FOD' businesses operating at fixed premises (including the self-employed and businesses that FOD is aware of but that do not have a rating) which are identified from information received and actioned, for which FOD is the enforcing authority

Policy

FOD's policy is to identify and contact 'new to FOD' businesses from information received and actioned by FOD; to obtain sufficient information to identify and assess the health and safety risks of the business; and to take the appropriate intervention action.

Specifically, for 'new to FOD' businesses we aim to:

- identify the key hazards and risks in line with FOD Planning and Delivery.
- provide a consistent, proportionate and transparent response to the hazards and risks identified, ensuring action is taken at the appropriate level
- provide targeted advice and guidance to dutyholders.

Objectives

FOD will devote sufficient resource to enable this process to be successfully operated, as detailed in the Field Operating Plan.

75% of dutyholders contacted via this procedure will agree that the intervention has improved or assisted their approach to health and safety.

Training

Line managers must arrange training for all staff involved in this work, using the material maintained by the Procedure Owner to supplement other training requirements for contact work (see OC 18/10).

(www.hse.gov.uk/foi/internalops/fod/oc/001-099/18_10.pdf)

Following training, line managers must ensure staff are competent in their role and meet the performance standards set out in this procedure.

Monitoring

Line managers must carry out sufficient monitoring to be satisfied that the procedure is operating correctly.

Initial Contact With 'New to FOD' Business

Coin site record?

Where FOD is the EA and there is either no COIN customer or COIN site record, the B6 should record the known information on the contact proforma and pass this to the relevant HSAO to make contact with the dutyholder.

Identifying the correct EA

On receipt of information of a 'new to FOD' business HSAO should attempt to determine whether FOD is the enforcing authority using the guidance available in OC 124/11 (www.hse.gov.uk/foi/internalops/fod/oc/100-199/124_11.pdf) (FOD/LA demarcation); OC 18/9 (www.hse.gov.uk/foi/internalops/fod/oc/001-099/18_9.pdf) (HID/FOD demarcation) and OM 2002/119 (www.hse.gov.uk/foi/internalops/fod/om/2002/119.pdf) (RI/FOD demarcation).

Contacting the 'New to FOD' business

The HSAO must make contact with the dutyholder and obtain any missing significant information to complete the proforma within 2 months of being made aware of the 'new to FOD' business, and recorded within 10 working days of the contact. This may be by telephone, or where it is clear that a visit will be appropriate, during the course of a part 2 visit.

Where the business fails to respond to the contact or refuses to provide sufficient information to complete the standard score sheet, pass the details to the HSAO to either make contact or refer to the relevant inspector.
Printable Guidance notes on the procedure.

Health & Safety Awareness Officer Workplace Visits

Preparation for a visit

Contact with the business should be made as soon as possible and within 3 months of the initial contact. Where the company decline a HSAO visit, its details should be passed to the relevant inspector.

Conducting a workplace visit

During the visit the HSAO must:

- Obtain and record information about the organisation and its management systems as set out in the Visit Proforma.
- Observe work activities and use the information gathered from the initial contact to identify the nature of the work activity and record the existence of any obvious problems.
- Observe the standards of housekeeping and the quality of welfare facilities
- Provide the business with relevant free HSE publications and/or refer them to available advice and information on priced HSE publications.
- Inspect the ELCI certificate as described in OC 1/8.
- Make contact with the Safety Representative as detailed in Operational Procedures, Inspection, Contact with employee representatives by HSE field staff

Any obvious problems identified should be passed to an inspector.

"At the end of the visit inform the business of the outcome of the visit using the Instant Visit Report (HSAO1) and Guidance Notes to confirm the information given/matters arising."

Following the workplace visit

A visit record must be entered onto COIN within 10 working days.

The HSAO should consider the information gathered from the telephone contact, observations made during the visit and any other contributory factors to decide whether to refer the premises/undertaking to the relevant inspector and if the default rating is still relevant. Where referral is appropriate the inspector should receive all relevant information collected by the HSAO within 10 days of the workplace visit.

Inspector Action

The inspector must consider the documented information provided by the Contact Officer or HSAO, in particular the following:

- the hazard rating for the process taking place
- the number of people employed on the premises
- whether young people are employed on the premises
- whether any management of health and safety systems in place are adequate.

Where details have been referred to the inspector because the business failed to respond to the contact or refused to provide sufficient information to complete the

contact proforma, they must decide whether any further action is required.

Where an inspector decides a visit is needed, either by the inspector or referred back to the HSAO, this must be arranged within 3 months of the initial contact.

When an inspector visits they should use the inspection approach outlined in FOD Planning and Delivery.

If no visit has taken place within 3 months of the initial contact the inspector should refer the matter to a Band 2 for review, and the decision to pursue the matter or not must be recorded.

In all cases where a visit does not result from the Contact Officer / HSAO referral the decision, and reason(s), must be recorded.