

OPERATIONAL GUIDANCE: INSPECTION PROCEDURE (JUNE 2018)

INTRODUCTION

Inspection is a process where our inspectors:

- assess specific risk control systems and the adequacy of health and safety management arrangements
- identify any measures required to control specific risks and/or to manage health and safety in order to promote sustained compliance
- take appropriate action, including enforcement in line with the [Enforcement Policy Statement](#) (EPS) and the [Enforcement Management Model](#) (EMM)
- apply Fee for Intervention or other cost recovery regimes, as appropriate

Our approach to inspection is proportionate to:

- the size and complexity of the dutyholder's undertaking
- the nature and extent of the risks and how well they are controlled, and
- the adequacy of the dutyholder's arrangements for managing health and safety

Inspection methods typically include a combination of:

- observation of work activities, practices and conditions
- discussions with people, including owners, directors, managers, employee representatives and workers
- examination of plant, systems of work, procedures and relevant documents

This procedure describes how to plan, prepare and conduct an inspection and report and record the outcome.

Inspectors should also refer to the additional guidance in Annex A.

ROLES AND RESPONSIBILITIES

Band 1s are responsible for:

- ensuring that arrangements are in place for effective targeting of inspection work and allocating inspection work across teams
- managing and monitoring the work of their teams to ensure that workloads are balanced and that quality, timeliness and performance levels are maintained

Band 2s are responsible for:

- ensuring that inspection activity is targeted in accordance with divisional planning guidelines
- allocating inspection work to individuals
- managing and monitoring the work of their teams in respect of workloads, quality, performance and timeliness
- ensuring that inspectors have, or develop, the specific competencies they need
- supporting and guiding their inspectors

Inspectors are responsible for:

- planning, conducting, reporting and recording inspections effectively and efficiently
- applying their knowledge and skills to assess dutyholders' health and safety performance against relevant benchmarks
- influencing dutyholders to improve management of health and safety
- making enforcement decisions in accordance with the EMM and EPS
- following up on remedial action where appropriate
- meeting agreed quality, performance and timeliness standards

INSPECTION PROCEDURE

(1) SELECT AND PREPARE

1.1 Select appropriate dutyholders for inspection

The process of selecting dutyholders for inspection should:

- align with divisional work plans
- target dutyholders engaged in higher risk sectors (HRS) or activities, where local knowledge suggests that they should be a priority for inspection (PLI) or following an investigation (IFI)

1.2 Gather relevant information

Inspectors should give consideration to:

- records of previous interventions, incidents, concerns, enforcement & ratings
- information specific to the site, work activities and process risks
- any agreed local contact arrangements with employee/safety representatives
- liaison with other regulators as appropriate

1.3 Identify the objectives of the inspection

The inspection objectives and priorities should:

- align with divisional work plans
- take into account relevant Operational Guidance (OGs) and sector plans
- relate to the most significant hazards known or likely to be present
- focus on the management of health and safety to achieve sustained compliance
- be clear about the outcomes to be achieved

1.4 Select an appropriate inspection method

Consideration should be given to:

- the size and structure of the organisation, the level of health and safety risk associated with the work activities, and the degree of organisational and/or process complexity
- how to meet the inspection objectives in the most effective and efficient way

1.5 Make preparations for the inspection

Suitable arrangements should be made by:

- planning to address the significant risks and underlying management systems
- deciding what resources, including any particular knowledge, skills or specialist input are required for the inspection
- considering when to visit, and whether by appointment
- considering whether more complex inspections should be scheduled over more than one day
- making provision for personal health and safety, including referring to relevant safety policy supplements on the intranet and checking for a Violence & Aggression marker.

(2) CONDUCT INTELLIGENCE LED INSPECTION

2.1 Make introductions

On arrival at the site make contact with the dutyholder or their representative to:

- explain the reason for the visit and how it will be conducted
- provide information about the inspector's role, give an initial explanation of our policy on Fee for Intervention and provide a copy of "[When a health and safety inspector calls](#)" leaflet (HSC14, rev2)
- agree who, from the dutyholder, is best placed to assist during the inspection
- encourage the dutyholder or their representative to take notes, engage in the inspection and describe what they understand as their main hazards and what they do to control them
- discuss any specific health and safety precautions or site rules to be observed

Make contact with at least one employee or safety representative, in accordance with the OG "[Contact with employee representatives by HSE field staff](#)" wherever possible early in the visit to:

- explain the reason for the visit and how it will be conducted
- find out how they and the workforce are consulted and involved in the management of health and safety
- provide them with the opportunity to raise health and safety concerns, in private if they wish
- discuss how they will be provided with relevant information at the conclusion of the inspection

2.2 Assess specific risk control systems and the adequacy of health and safety management arrangements

Conduct the inspection by:

- considering your own health and safety
- implementing the inspection plan and adapting if necessary
- identifying and prioritising a sample of risk control systems for inspection to assess how well a dutyholder is managing health and safety.

Inspectors should select the most significant hazards known or likely to be present, in accordance with relevant operational guidance, together with any Matters of Potential Major Concern (MPMCs) and Matters of Evident Concern (MECs). The number of risk control systems to be inspected will depend on factors including:

- the size and nature of the site or business
 - the scale or complexity of the risks
 - the time needed to assess the dutyholder's arrangements for managing health and safety based on the risk control systems selected
- following up any concerns raised by employee or safety representatives
 - identifying key strengths and weaknesses in the risk control systems and management arrangements
 - noting examples of good practice in order to reach a balanced assessment of the dutyholder's performance

- continually reviewing the progress of the inspection against the emerging findings about the level of compliance, the discovery of any breaches and the effectiveness of the health and safety management arrangements
- managing the extent and duration of the inspection, dependent upon findings
- terminating the inspection in a timely manner, and with appropriate explanation, when there is sufficient evidence that risks are being adequately controlled and that appropriate management systems are in place

2.3 Make regulatory decisions

Assess the inspection findings and:

- take immediate enforcement action in relation to any risk of serious personal injury
- determine the appropriate level of enforcement by applying the principles of the EMM to both the risk control systems inspected and the health and safety management arrangements
- ensure that the information and evidence gathered during the inspection is sufficient to support any proposed enforcement action
- identify any material breaches and/or other breaches and assess them in the context of the dutyholder's overall arrangements for managing health and safety risks
- decide whether sector or specialist assistance is required to clarify enforcement benchmarks
- identify any issues that need to be taken up with other dutyholders
- identify any issues that need to be raised with other inspectors, eg the Product Safety Team

Decide if it is appropriate to extend the inspection beyond a single visit on occasions when all risk control systems justifying inspection cannot be accommodated on the same day. Judgement is required in deciding the timescale for further intervention, for example, to complete promptly because it is suspected that significant risks are poorly controlled, or to resume after an interval in which the dutyholder is expected to have made improvements, including to their management arrangements.

2.4 Communicate the outcome and conclude the visit

Inform the dutyholder or their representative of the inspection findings and next steps by:

- indicating whether any material breaches or other breaches have been found, and, if so, the consequences in accordance with our policies on cost recovery
- explaining the remedial measures required to comply with the law
- discussing and agreeing timescales to rectify breaches, encouraging prompt action where quick and simple solutions are available
- demonstrating where and why management failings have led to breaches, and setting expectations for improved performance
- explaining immediate or likely enforcement action, including any written confirmation that will be sent and any follow up action to assess compliance

Inform any employee or safety representatives of the outcome of the visit and any action proposed and the reasons for it.

Decide if any others need to be notified of the visit findings, e.g. local Fire Authority in relation to general fire precautions, Other Government Departments (OGDs) etc.

(3) REPORT, RECORD, FOLLOW UP, CLOSE OUT AND EVALUATE

3.1 Reporting and recording

Complete relevant reports and records by:

- recording the inspection using the Do It inspection-recording tool, ensuring the COIN record for the dutyholder is accurate, and updated where necessary
- ensuring that information required by the relevant Operational Guidance (OG) is included in the visit record
- assigning a performance rating to each risk control system considered
- preparing written correspondence, including Notifications of Contravention (NoCs) and Notices to be sent within 10 working days following the inspection, unless the dutyholder is advised otherwise

3.2 Following up and closing out

Ensure that matters identified during the inspection are followed up and closed out by:

- arranging specialist support where necessary and agreed at the appropriate level
- initiating product safety /supply chain action where there are potential breaches of HSWA S.6 or SMSR
- pursuing any issues that have arisen with other dutyholders e.g. contractors, consultants etc
- communicating with other regulators
- ensuring that an “issue” is raised using the “issues tab” for all risk areas where material breaches have been identified, such as those recorded on a Notification of Contravention, but a Notice has **not** been served and matter(s) remain unresolved.
- ensuring that an “issue” is raised using the “issues tab” for any MEC or MPMC where formal enforcement action is **not** taken and matter(s) remain unresolved.
- scheduling follow-up activity, including further site visits where appropriate, to confirm that remedial action has been taken in relation to MECs, MPMCs, Notices, material breaches in NoCs and other breaches. A site visit is not required where written confirmation from the dutyholder provides sufficient assurance of remedial actions taken
- Updating COIN to close out all actions when matters have been adequately resolved, including the closing out of “issues tabs”
- Informing the relevant sector of any significant issues that are found – for example novel solutions or significant challenges to our enforcement benchmarks

3.3 Evaluating

Consider whether or not the objectives of the inspection were achieved.

ANNEX A - ADDITIONAL GUIDANCE

Guidance for assessing health and safety management when considering specific risk control systems

Where risks are not adequately controlled, consideration should be given not only to actions required to control that risk but to any management failings that have led to the breach. Linking management failings to specific risk control systems helps to provide evidence to support enforcement action on underlying management issues.

The way in which management arrangements are assessed should be compatible with current guidance for regulators and dutyholders:

- [Introduction to managing for health and safety](#) a brief guide
- [Managing for health and safety](#) (HSG 65)

The guidance is based on the Plan, Do, Check, Act model, with a focus on leadership, competence and worker involvement.

Other resources, mainly for SMEs, include:

- [the Management Assessment Tool](#)
- [the Health and Safety Toolbox](#)

Larger organisations ought to be aware of the joint [IoD / HSE guidance on leadership](#) and may work to recognised standards for management systems (see Part 4 of HSG 65).

Guidance on assigning performance assessments for specific risk control systems

There are four possible values of performance assessment which can be assigned:

- Sustainable compliance
- Limited non-compliance
- Significant non-compliance
- Extreme/widespread non-compliance

A value should be assigned for each risk control system inspected. The value assigned should reflect how well the specific risk is being managed. There is no overall management rating for a dutyholder.

An overall inspection rating is automatically generated from the “lowest” value assigned to a specific risk control system.

Risk control systems should not be re-rated after follow-up action to ensure compliance with NOCs or Notices.

The “not assessed” category should only be used in circumstances where it was not possible to consider an MPMC during the visit.

Guidance on use of “issues tabs”

The “issues tab” should be used on COIN for all risk areas where material breaches have been identified, such as those recorded on a Notification of Contravention, but a Notice has **not** been served and matter(s) remain unresolved.

The “issues tab” should also be used on COIN for any MEC or MPMC where formal enforcement action is **not** taken.

“Issues tabs” are not required for risk areas where Notices have been served.

The close out date on the “issues tab” will depend on the actions required by the dutyholder.

A single “issues tab” can be used to record several issues with the same close out/compliance date.