

Enforcement action against the Police, Fire and Rescue Services, Prison and Probation Services and Crown Employers

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Author Unit/Section

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Target Audience

All HSE Inspectors

This SIM advises inspectors of the need to inform the Public Services Sector (PSS) about proposed enforcement action against the Police, Prisons, Probation Services, Fire and Rescue Services and other Crown Employers. The SIM also requests early information about high profile investigations in these sectors.

1. The PSS is working with stakeholders across the public sector to ensure a sensible and proportionate approach to the management of health and safety risks. In order to share and ensure national implementation of lessons learnt from HSE investigations into injury and ill health in these public sectors, PSS needs to be informed about potential enforcement and/or high profile incidents in the following areas:

- **Emergency Services** - we are continuing to challenge suggestions by the media and some members of the emergency services that health and safety law prevents the emergency services from being fully effective. We have gone a long way in dispelling this myth but we need to remain mindful of the special nature of the emergency services - the operational imperative and ensure that we implement the principles in *Striking the balance between operational and health and safety duties in the Police Service*, and *in the Fire and Rescue Service* when inspecting and investigating the emergency services.
- **National Offender Management Service (NOMS)**, HM Prison Service and Probation Trusts- we are working with NOMS to support their programme of health and safety improvement in the prison service.
- **Ministry of Defence** - we are developing a strategic engagement approach with the MoD.
- **Other Crown Employers** - we are working through the cross-government health and safety group to encourage consistent action and response from government departments.

2. Inspectors are asked to provide PSS with information on all proposed enforcement action (notices, crown notices, censures and prosecutions) against the Police, Probation Trusts, Fire and Rescue services, HM Prison Service and private sector prisons, prison escort services and Crown Employers (except where immediate action is required in respect of serious imminent risks). Information about any incidents that are likely to lead to significant publicity in these sectors is also requested. Please email Publicservicesector with such information, or to ask to speak to someone, and we will respond giving details of the relevant sector contact.

3. The status of employers in this Sector is not always obvious. Inspectors are advised to clarify the status of the dutyholder before taking enforcement action, For example:

- The Probation Service is now composed of individual Trusts which are not Crown employers
- Private prison contracts vary – in most cases the private provider will be the dutyholder but some premises-related duties may remain with HM Prison Service.

4. PSS compile a quarterly report for senior management on enforcement action taken and may contact FOD for updates on progress.

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