

Protocol for HSL research visits

Proactive research activity - HSL/HSE interface with volunteer sites

HSE has a continuing business need to conduct a range of research programmes and surveys to maintain the currency of the technical knowledge of our scientists and specialists, as well as informing our guidance and enforcement work. Given the direction provided by *Good Health and Safety, Good for Everyone* and the focus of our proactive efforts on higher risk sectors and activities, it is essential that we keep such voluntary surveys workable and that we continue to rely on industry co-operation, which is often mediated through trade associations. Effective proactive communication is required with all parties so there are no surprises and that the expectations are clear. The inclusion of pilot visits will sometimes be part of the arrangements agreed for the work and the implications of this approach on the integrity of the research methodology should be considered on a case-by-case basis.

Often, visits will take place without HSE Specialist Inspector (SI) staff present, but for some projects they will need to be present in order to assess dutyholder compliance with specific legal requirements related to the research. If the actions are different when inspectors are present, this is indicated below.

1. Before visiting

Identify volunteer sites - HSL to initiate and complete

- This should commence by discussion with the **relevant HSE leads** (eg in a sector team or specialist group) and through contact with the relevant trade associations. (HSE will also confirm who the contacts for overseeing the project are.) In order to secure participation, this may necessitate HSL, the HSE specialist portfolio holder and the relevant HSE lead (in combination) providing overall summary briefing on the justification, methodology and timing of the research. Information will also be provided on HSE's approach for dealing with situations where enforcement action is required, and the application of Fee For Intervention (FFI) to material breaches that are identified as a result of the visits:
 - a) proactively to trade associations
 - b) reactively to individual sites
- HSL should provide a list of the likely participating sites to the relevant HSE leads in advance, or as and when they become known to HSL.

Provide information of proposed site visit to the relevant operational Directorate - HSL to act

- Before commencing further liaison with the site, HSL should confirm with the **relevant operational B2 with responsibility for the site**:
 - a) that there is no outstanding enforcement activity or other reason to preclude the visit
 - b) the date(s) of the proposed research visit

* HSL and the relevant HSE lead should agree between them who will act as the reactive single point of contact and then inform the relevant operational B2.

Provide detailed pre-research information to the volunteer sites - HSL to initiate

- Once sites for visits have been identified, HSL should agree with the relevant HSE leads the most appropriate communication methods for effectively informing volunteer sites of the details of the research methodology and the HSE approach for dealing with any enforcement action required, and the application of FFI to any potential material breaches identified during the research work. This would most likely be either:
 - a) a briefing session for all volunteer sites or
 - b) preliminary (pre-research) briefing visits to each site
- Factors to take into account include: whether all volunteer sites are represented by the same trade body; dutyholder size; research methodology; research budget; numbers of sites, etc.
- Volunteers may find it useful to know the common H&S failings prevalent in the industry in advance of the visits to ensure that they have the opportunity to rectify the common issues beforehand; these may be determined via the pilots. This needs to be taken into account in the research methodology.

Following confirmation of visit - the relevant HSE lead to action

* Following the pre-research information being shared with potential volunteer sites, and confirmation obtained of the site's continued willingness to participate and the agreed visit(s) date, the relevant HSE lead should arrange for a note to be added to COIN for each participating company.

* The relevant operational B2 should be informed that this has been done.

2. During the research visit and prior to the issue of the visit report

HSL staff are not inspectors and therefore cannot identify contraventions of health and safety law, or decide whether any contraventions are material breaches under FFI. However, if they identify situations that could be a contravention or a material breach (within their knowledge, expertise and experience), they should explain this to the company during the visit and advise of any further action they propose to take (see below):

In the event that HSL staff identify contraventions or potential material breaches - HSL to initiate

- The relevant operational B2 should be informed by HSL of their observations and of any advice given.
- The operational B2 should make arrangements to enter these observations/advice on COIN.

Possible material breaches are likely to fall into two categories:

(i) Matters connected with the survey/research

- The relevant HSE leads and specialist portfolio holder should be advised and discussions should take place with the operational B2 to consider whether enforcement action is appropriate.

(ii) Matters of Evident Concern (unconnected with the survey/research)

- The operational Directorate should decide whether enforcement action is necessary and, if so, advise the relevant HSE leads before action is taken (so wider project communications can be considered).

Where a Specialist Inspector is also present, exceptionally they may need to act immediately eg a matter of evident concern and they, rather than HSL, will lead on liaising with HSE colleagues, but this will be agreed between them on site.

3. Actions to be taken associated with the issue of the visit report

Send preliminary report - HSL to act

- HSL should send a preliminary report to the site eg to confirm relevant process details. At this stage this should not be copied to the relevant HSE leads or operational Directorate.
- Following agreement on the factual details of the visit, HSL should share the updated preliminary report with HSE's specialist portfolio holder for the topic (one of the HSE leads), who will assist with interpretation of the scientific or technical issues raised by the report.

Send final report - HSL to act

- Following this, HSL should send the final site-specific report to: the site; the relevant operational B2; HSE specialist portfolio holder for the topic; and to the relevant HSE leads.

Determine HSE action - the relevant HSE lead to initiate

- On receipt of the HSL site-specific report, the relevant HSE lead should decide whether it is necessary to initiate a discussion with the operational B2 and HSE specialist portfolio holder for the topic to agree the HSE response (ie whether a site visit is appropriate, matters for possible enforcement, timing of any regulatory visit, etc.). The decision on whether to visit and on any enforcement action rests with the operational Directorate, taking account of any consistency issues identified by the relevant HSE lead. Only if a visit is paid by an operational inspector to the site **and** a material breach is then identified, will FFI apply.

Record HSE action - operational Directorate to act

- The operational Directorate should record information on any follow-up activity on COIN (and for FFI) in accordance with current instructions.

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