

Inspection and Non-inspection Interventions

HELA PROCEDURES

1. Purpose of this document

1.1. To provide a common, transparent procedure for:

1.1.1. Proactive and reactive inspections of sites under the Health and Safety at Work etc. Act 1974 (“the 1974 Act”) and relevant statutory provisions of the 1974 Act.

1.1.2. Non-inspection interventions with sites, dutyholders and business sectors under the 1974 Act and relevant statutory provisions of that Act.

2. Scope of this document

2.1. This procedure covers inspections and non-inspection interventions carried out by Argyll and Bute Council’s authorised inspectors and other staff working in support of inspectors.

2.2. Inspections are carried out to ensure compliance with minimum legal standards and to promote health and safety. This means:

- identifying hazards and assessing the risk to employees and others affected by the work activities of the dutyholder;
- assessing the effectiveness of management controls;
- identifying specific breaches of health and safety legislation;
- taking appropriate action to ensure compliance with minimum statutory requirements.

2.3. **Inspection** is the process which involves assessing relevant documents held by the dutyholder, interviewing people and observing the conditions, standards and practices where work activities are carried out under the dutyholder’s control. It includes inspection of work activities undertaken by contractors, service providers, or others acting on behalf of the dutyholder or in the vicinity of the undertaking where this is relevant to the purpose of the inspection or to the dutyholder’s activity.

2.4. Inspections can be **proactive** or **reactive**. The nature of the inspection is determined by the desktop risk assessment process.

2.5. **Non-inspection interventions** are other contacts or activities carried out with individual sites, dutyholders and business sectors which are intended to improve standards of compliance relating to specific topics or projects. The process for each non-inspection intervention will be described in the relevant project

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documents which shall have the status of work instructions. Inspectors and other staff carrying out non-inspection interventions shall be appropriately briefed by their line manager and/or the Lead EHO (Health & Safety and Service Support) prior to conducting the interventions.

3. Planning of intervention programmes

- 3.1. The Regulatory Services Manager shall prepare an annual Occupational Health and Safety Law Enforcement Plan on the recommendations of the Lead EHO. The plan shall be prepared in consultation with the Area Environmental Health Managers and the Trading Standards Manager (“the operational managers”).
- 3.2. The operational managers are responsible for the tasking of inspectors and the delivery of the plan. Inspectors shall be tasked according to their competence and authorisation.
- 3.3. Inspectors are responsible for carrying out the inspections and non-inspection interventions allocated to them.

4. Planning the inspection

- 4.1. Inspections will be most effective when they are planned against clear objectives and conducted against the prepared plan. The principle objectives of proactive inspections are set out in paragraph 2.2 above. Reactive inspections shall be focussed on the specific matters of concern identified as the reason for the reactive inspection.
- 4.2. The inspector is responsible for planning the inspection. This includes considering:
 - Any Primary Authority agreement, in which case the Primary Authority inspection plan must be followed;
 - Any previous intervention, accident or enforcement information held on the duty holder or site;
 - The activities and processes on site and the relevant Approved Codes of Practice, topic inspection packs and industry guidance applicable to those activities or processes;
 - At what times and on what days the activities of interest are likely to be taking place; this may require inspections to be conducted outwith normal office hours;

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- The objectives of the inspection;
 - The most appropriate sample of evidence required to make a reliable judgement about the level of compliance;
 - Any other relevant information such as personal protective equipment, measuring and recording equipment and the need for additional person(s) to accompany the inspector.
- 4.3. Where the inspector considers that they require another person to accompany them on an inspection and that person is not an inspector authorised by the Council, then the person must be specifically authorised in accordance with procedure HELA-P03 (*Authorisation of Persons to Accompany an Inspector*).
- 4.4. Inspections are normally conducted without notice to the occupier of the site. However, there may be circumstances where an appointment is reasonable, e.g. when it is necessary to interview specific persons, site security arrangements require prior notification, or considerable travel is required to conduct the inspection. In such cases, the line manager's authorisation is required prior to making such an appointment.
- 5. Conducting the inspection**
- 5.1. ***Personal safety on site***
- 5.1.1. The inspector must familiarise and conduct themselves in accordance with site safety and security rules and procedures when on site, unless there are exceptional reasons not to do so.
- 5.1.2. The inspector must be continuously alert to health and safety risks presented by the environment and activities being conducted around them.
- 5.2. ***Preliminary interview***
- 5.2.1. The preliminary interview should be conducted with the dutyholder, or with an authoritative manager on site.
- 5.2.2. The following matters shall be covered in the preliminary interview:
- an explanation of the purpose and scope of the inspection;
 - completion of a business information form;
 - a review of the last intervention and any outstanding matters, e.g. safety alerts;

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- a request for details of the dutyholder’s safety policy;
- a request to inspect appropriate risk assessments, working methods, records and other appropriate documents including accident records;
- a request for details of Safety Representatives or Representatives of Employee Safety on the site, and the opportunity to arrange a meeting with them.

5.3. **Conduct inspection**

- 5.3.1. The inspector shall request a responsible person to accompany them during the inspection. If this is not possible, then the inspector shall continue with the inspection and advise employees and others to their presence and purpose whilst inspecting the site.
- 5.3.2. The inspection shall be conducted in accordance with the prepared inspection plan, subject to conditions on site being consistent with the assumptions made in planning. The inspection shall cover all areas of the site, unless indicated otherwise by the inspection plan or the purpose of any reactive inspection.
- 5.3.3. The purpose of the inspection is to obtain objective evidence to enable the inspector to form a reasonable judgement of the matters on which the inspection is focussed.
- 5.3.4. The inspector shall maintain accurate summary records of the information obtained during the inspection, including persons interviewed. Where a specific record format has been provided for a specific intervention, that format shall be used. In all other cases, the *Inspection Notes* section of the business information form shall be used. Other notes, specifically of interviews, shall be kept in the inspector’s notebook.
- 5.3.5. When an employee representative has been identified, the inspector should, wherever possible, interview that person regarding the management of health and safety on the site and any specific concerns that may have been identified by employees.

5.4. **Closing interview**

- 5.4.1. The closing interview should be conducted with the same person(s) as the preliminary interview.

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- 5.4.2. The purpose of the closing interview is to advise the dutyholder or their representative of the findings of the inspection and of any follow-up action which is intended to be taken. This shall include:
- identification of contraventions;
 - a discussion on remedial action(s), clearly distinguishing between statutory requirements and advice based upon good practice;
 - agreement on the timescale for compliance;
 - clarification of follow-up action proposed by the inspector.
- 5.4.3. The matters outlined at the preliminary interview shall be reviewed.
- 5.4.4. Where a notice is intended to be served, the closing interview is an opportunity to discuss the notice in accordance with procedure HELA-P09 (*Preparation and Service of Notices*).
- 5.4.5. Only matters brought to the attention of the dutyholder or their representative at the closing meeting may be included in the inspection report.
- 5.4.6. Following every inspection, a notification report form shall be issued and left with the dutyholder or their representative. That person shall always be invited to counter-sign the notification report.
- 5.4.7. The inspector shall advise the business of the right to make representation, to appeal or to complain regarding the inspection or the requirements of the inspector. The leaflet *What to expect when a health and safety inspector calls* must always be left with the business.
- 5.4.8. Appropriate guidance booklets and leaflets may be left with the business at the closing meeting or enclosed with the inspection report.
- 5.5. **Post-inspection administration**
- 5.5.1. Upon return to the office the inspector shall:
- undertake any research or other actions agreed at the closing meeting;
 - complete the risk assessment for the site in accordance with current standards;
 - consider any enforcement action in accordance with procedure HELA-P08 (*Enforcement Decisions*);
 - prepare and send an inspection report where required;

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- prepare and send any enforcement notices in accordance with procedure HELA-P08 (*Preparation and Service of Notices*);
- diarise any required follow-up actions;
- complete file records and store documents in accordance with section 8.

5.6. **Advising of the Independent Regulatory Challenge Panel**

- 5.6.1. All **informal letters and reports** sent to businesses shall include the following paragraph:

“Argyll and Bute Council are committed to giving sensible health and safety advice based upon risk. If you are not satisfied with the requirements or advice in this letter, please contact the inspector to discuss your concerns. If the inspector cannot assist you, you can raise your concerns with the Area Environmental Health Manager. We also have a corporate complaints procedure when you are unable to resolve the matter directly with the service. If you remain dissatisfied, you can raise the matter with the Independent Regulatory Challenge Panel through the HSE website at www.hse.gov.uk/contact/contactchallengepanel.htm.”

- 5.6.2. The paragraph specified in 5.6.1. above **shall not** be included in any covering letter to an enforcement notice where the appeals procedure shall have been set out on the notice.

6. **Non-inspection interventions**

- 6.1. Non-inspection interventions shall be conducted according to the specific guidance appropriate to each intervention.

7. **Businesses where English is not the main language**

- 7.1. Where the dutyholder or their representative does not have English as a first language, the business shall be given the opportunity to be represented by their own nominated person and advised of the translation services available to Argyll and Bute Council.

8. **Documents and records**

- 8.1. Upon completion of the inspection, and at each subsequent action, the manual file and Uniform IVA record shall be updated.

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- 8.2. Full and accurate details of the progress in dealing with inspection, including all actions, must be logged on the IVA record. The elapsed time spent on each action shall also be recorded.
- 8.3. Once the inspection and necessary actions have been completed, the IVA record shall be completed and closed by the case officer.
- 8.4. At the conclusion of the inspection and any necessary follow-up actions, the documents associated with the case shall be stored in Civica.

9. References

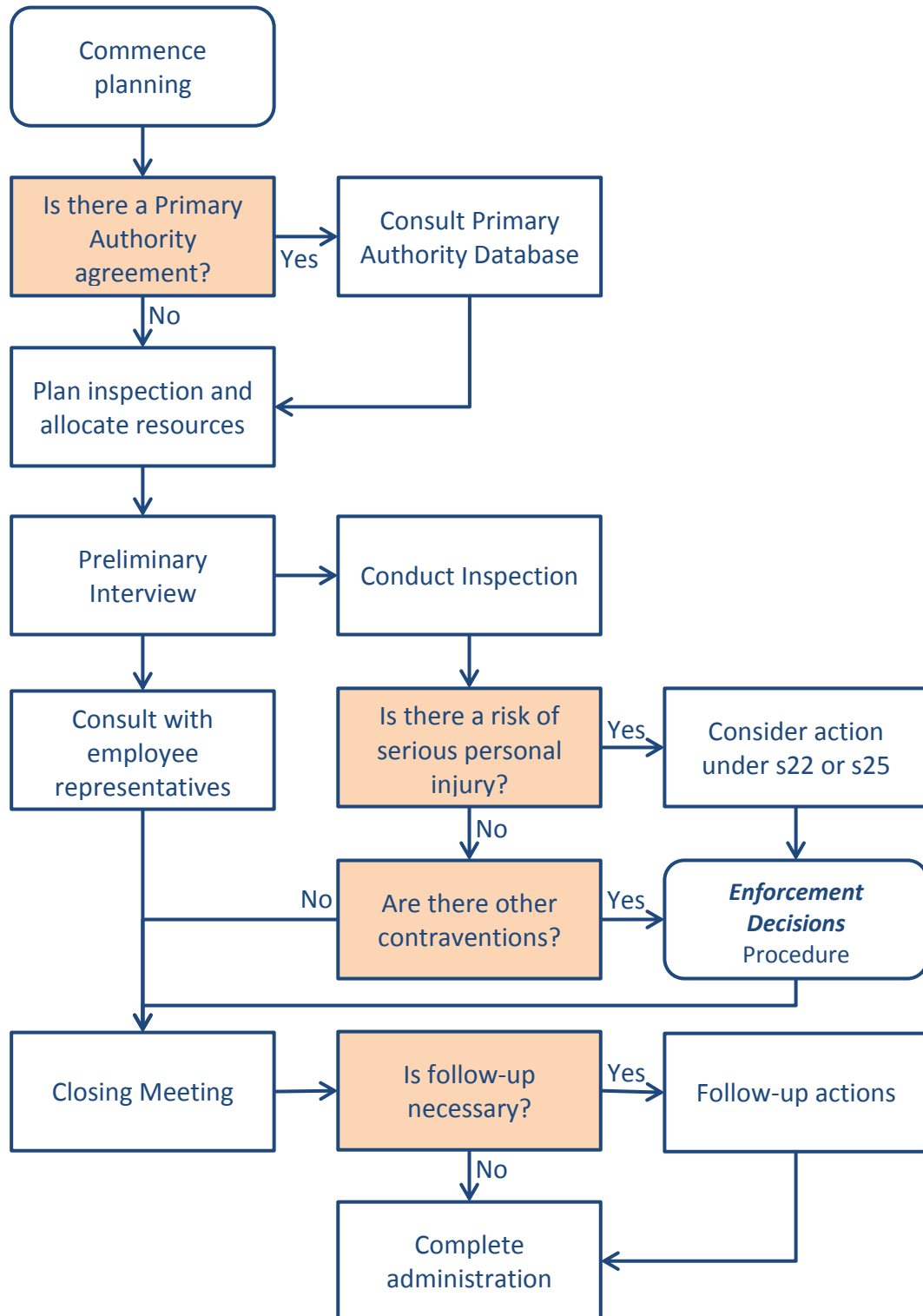
- 9.1. The Health and Safety at Work etc. Act 1974
- 9.2. Argyll and Bute Council's *Occupational Health and Safety Enforcement Policy*
- 9.3. *The National Local Authority Enforcement Code, England, Scotland and Wales*, HSE, May 2013
- 9.4. HSE's Internal Operations Procedure for Inspections,
www.hse.gov.uk/foi/internalops/og/ogprocedures/inspection/index.htm
(accessed 15/04/2013)

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APPENDIX A – Flowchart – Proactive and Reactive Inspections



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