



14 March 2012



Fee for Intervention - How a HSE visit could cost you several thousand pounds

Fee for Intervention (FFI) will come into effect on 6 April 2012, subject to Ministerial and Parliamentary approval of the proposed Health and Safety (Fees) Regulations 2012. These regulations will put a duty on HSE to recover its costs for carrying out its regulatory functions from those found to be in material breach of health and safety law.

The fees have yet to be finalised, but are thought to be £133 per hour where there is a material breach of health & safety legislation. Further fees may be payable in the event of enforcement action. See the table below for an indication of costs which are taken from the consultation document on the proposed regulations.

Will FFI Apply to me?

If you comply with the law you will not pay a fee. FFI will apply to all businesses regulated by HSE except self employed persons who do not put

others at risk (which will be a very limited number). Businesses that are regulated by a Local Authority will not be subject to FFI, unless they partake in activities that are regulated by HSE e.g. During construction works at their premises.

Intervention	Estimated Averaged Costs Recovered
Inspection with no action taken	No costs will be recovered
Inspection which results in a letter	Approximately £750
Inspection which results in an Enforcement Notice	Approximately £1500
Investigations	Ranging from approximately £750 through to several thousands of pounds to, in extreme cases, tens of thousands of pounds

Does FFI apply to small businesses?

In March 2011 the Department for Business Innovation and Skills announced a “moratorium from all new domestic regulations for three years for businesses of less than 10 employees and for genuine new start ups”. Ministers have confirmed that the moratorium will not apply to these proposals for cost recovery, other than in the following circumstances: a self-employed duty holder will not be subject to cost recovery unless, in conducting their undertaking, they expose any other people to risks to their health or safety.

How would HSE recover costs from duty holders?

To recover costs incurred by fee for intervention, HSE will invoice duty holders and expect them to pay within thirty days. To assist duty holders with cash flow and accounting arrangements, it is expected that invoices will be issued on a monthly basis as costs are incurred rather than collating all costs into one invoice issued when all work has been completed. If duty holders do not pay, normal credit control action will then be taken, i.e. a series of reminders will be sent followed by a final reminder and HSE would then apply to the courts to recover the funds.

Can I appeal against the fees?

An appeals process will be in place for duty holders to appeal against fees, however, where an appeal is not upheld, additional fees will be payable to cover HSE time taken up with the appeals process.

Will Employees be subject to the fees?

No. Where employees are in breach of the regulations and the employer is found to be fully compliant, employees will not be charged.

To view the consultation document on the proposed fees and regulations please click [here](#).

Is there any way to avoid the fees?

Yes, by ensuring compliance with all health & safety legislation and guidance.

With the likely cost of an enforcement notice at £1500 and the cost of an investigation following an accident essentially unlimited, the need for effective health & safety management has never been more important.

Peligro can assist you to comply with legislation and carry out regular compliance checks of your workplaces or construction sites. The cost of not having these checks is will now outweigh the cost of the checks themselves.

Remember -

1. The fees are only the beginning where a prosecution or investigation takes place.
2. The fees will be at a fixed rate regardless of the duty holders ability to pay.

If you would like to discuss any areas of concern you may have regarding compliance or would like to discuss compliance checks, please contact us.

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