

Cost Recovery by the Health and Safety Executive

Background

In the DWP report *Good health and Safety, Good for Everyone* published in March 2011, the Government proposed that HSE should recover all of the costs of an inspection/investigation at which a serious, material breach in standards is diagnosed and a requirement to rectify is formally made, together with the cost of any follow-up work. Subsequently, HSE published a Consultation Document *CD 235 HSE proposal for extending cost recovery*, which is still available on the HSE website¹.

To implement the new scheme, known as “fee for intervention” (FFI) HSE proposed to replace the Health and Safety (Fees) Regulations 2010 with new regulations. In addition to carrying over the existing fees, it was anticipated that these new regulations would place a duty on HSE to recover the costs of its interventions under the Health and Safety at Work etc Act 1974 and relevant statutory provisions.

Current position

The consultation, which closed on 14 October, looked at how the scheme would operate. A ‘dry run’ to see how well it works in practice began in October and will last until 9 December. At this stage, HSE will be testing their new procedures and understanding of the scheme by businesses, but no actual costs will be recovered. The FFI scheme means that businesses found to have broken health and safety laws will pay the costs incurred by HSE in helping them to put matters right, rather than the public purse. FFI is set to be introduced from as early as April 2012.

¹The Consultation Document is at <http://consultations.hse.gov.uk/gf2.ti/f/15138/393957.1/pdf/-/CD235.pdf>

Potential averaged costs quoted in Consultation Document CD 235

Intervention	Average costs recovered
Inspection with no action taken	No costs will be recovered
Inspection resulting in a letter	Approximately £750
Inspection resulting in an enforcement notice	Approximately £1500
Investigations	Ranging from approx £750 through to several thousand pounds

Issues of particular relevance to police work

The Federation understands that HSE does not currently plan to carry out proactive inspections of police forces, but will still carry out reactive visits to investigate accidents, complaints etc.