

'FFI Six Months On.....'



Peter Galsworthy *Head of Operations, HSE West Midlands*

For full and comprehensive detail of both presentations today, please refer to Peter and Ron's slides which can be found on the BHSEA website www.bhsea.org.uk

Refresher and Update:

Peter began by reminding us that he came along to BHSEA last year (April) to introduce Fee For Intervention (FFI). Today's presentation will therefore give a brief refresher and provide an update, picking up on some of the key issues. Peter reported that the queries and disputes process is underway. There are exclusions including Local Authorities and the self-employed in cases where they are only putting themselves at risk. Working Time legislation is also excluded.

Peter reminded us that the aim of FFI is to make sure that the non-compliant companies pay for the cost of that non-compliance. Charging under FFI starts at the beginning of the inspection. The HSE are following a Treasury steer on the matter of reclaiming reasonable costs. No change has been made on the way that the HSE makes its enforcement decisions and the 'Enforcement Management Model' (EMM) is the tool used. The EMM allows for a comparison to be made between what is seen and the legal requirement, and clearly reveals the gap between the two. The HSE do factor in issues such as the involvement of vulnerable workers or young workers. Peter added that there might be residual issues to be addressed even after the lifting of the Notice and the end of the FFI period, e.g. issues around training/PPE. See BHSEA website for more details on the use of the EMM.

FFI – Work in Progress?

Peter commented that, in his opinion, FFI is 'rolling out' better than expected. Early signs are encouraging. Inspectors are not encountering too much negativity or even aggression. This may be in part due to the fact that the HSE is going to great lengths to explain the action they are taking/intend to take. Peter confirmed that his view is that it's very much about communication and how the HSE takes people through the Guidance. Bootle is managing the queries and very few are currently going through to the dispute stage. Early days though and everyone is still in the process of adjustment. See HSE website for further guidance.

Member's Questions:

There were a number of questions which prompted the following key points:

FFI Costs or Savings?:

- In the case of an appeal, Peter reported that the process will be dealt with quickly to avoid excessive costs.
- Peter confirmed that the HSE is addressing the matter of fairground safety.
- Invoices are sent out by the HSE every two months. The employer will already be aware that s/he is in breach, and so it is something to be expected.
- Following a question about the information available to employers for standard work / operations / procedures under FFI, Peter confirmed that some information is already available and that this is currently being improved.
- Peter confirmed that there has been “no change” in terms of HSE policy on visiting or sending a letter. Inspectors are not visiting for the sake of it.
- Peter confirmed that the charge is £124 per hour whether the work is carried out by an Inspector, Visiting Officer or an admin. person.
- A Member asked about the percentage recovery rate and Peter admitted that the HSE are not sure at this stage. From his own perspective, Peter said that the picture is encouraging.