

Fee for intervention

What you need to know

If you are breaking health and safety laws, HSE may recover its costs from you by charging a fee for the time and effort it spends on helping you to put the matter right, investigating and taking enforcement action.

What is fee for intervention (FFI)?

HSE's inspectors inspect work activities and investigate incidents and complaints. If, when visiting your business, they see material breaches in the law, you will have to pay a fee. The fee is based on the amount of time that the inspector has had to spend identifying the breach, helping you to put it right, investigating and taking enforcement action.

Why is FFI being introduced?

HSE and the government believe it is right that businesses that break health and safety laws should pay for HSE's time in putting matters right, investigating and taking enforcement action. Before FFI was introduced, the taxpayer footed the bill.

FFI will also encourage businesses to comply in the first place or put matters right quickly when they don't. It will also discourage businesses who think that they can undercut their competitors by not complying with the law and putting people at risk.

Will FFI apply to me?

If you comply with the law you won't pay a fee.

FFI will apply to all businesses inspected by HSE, except for:

- self-employed people who don't put people at risk by their work;
- businesses that are already paying fees to HSE through other arrangements; and
- businesses that work with certain biological agents.

What is a material breach?

A material breach is where you have broken the law and the inspector judges this is serious enough for them to notify you in writing. This could be a letter, email, a report given to you at the time of the visit, or an enforcement notice.

How much might it cost me?

The inspector will work out the time they have spent in identifying the material breach, helping you to put it right, investigating and taking enforcement action.

This will include time spent carrying out visits, including all the time on site during which the material breach was identified, writing letters, notices, reports, taking statements and getting specialist support for complicated issues. This total amount of time will be multiplied by an hourly rate to give you the amount you must pay. For the current rate, visit www.hse.gov.uk/aboutus/fee-for-intervention/index.htm.

How do I pay?

HSE will send out invoices every two months and you will have 30 days to pay. Details about how to pay will be sent out with the invoice.

How do I raise a query or dispute about the invoice?

If you have a question about an invoice, contact:

The central FFI team
Health and Safety Executive
Building 6
Redgrave Court
Bootle L20 7HS

Email and telephone contact details will be available in April 2012.

Have your invoice number ready.

If you disagree with the invoice, for example because you think that you were not in material breach of the law or the amount of time charged is not correct, you can query the invoice. If you disagree with HSE's reply to your query, you can raise a dispute. You will need to put down in writing why you disagree and send it to the address above within 20 days of the invoice date.

We will consider your dispute and write back to you with the outcome. If you are not satisfied with this response, you can write again setting out your reasons. A panel of HSE staff and an independent representative will consider your dispute and HSE will write back to you with the outcome.

You will have to pay for HSE's time spent handling your dispute. The amount to be paid will be the time taken to resolve your dispute multiplied by an hourly rate (see www.hse.gov.uk/charging/index.htm). If your dispute is upheld, HSE will refund your money.

Where can I get further information?

More detailed information about how FFI will work, what a material breach is, how inspectors make decisions about what action they will take when a business is breaking the law, and how queries and disputes are handled, is available at www.hse.gov.uk/aboutus/fee-for-intervention/index.htm

For information about the specific requirements of a written notification from HSE, contact the HSE inspector who sent it. Their contact details will be provided with the notification.

This document is available at: www.hse.gov.uk/pubns/hse48.pdf.

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This guidance complies with the eight golden rules of good guidance (see www.bis.gov.uk/policies/better-regulation/code-of-practice-on-guidance-on-regulation).