

Fees for Intervention – The Basic Facts

This legislation has been in place for a little over 21 months, however many areas of the Construction Industry remain unaware of its presence or implications. FFI puts 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. Since October 2012, when the HSE visit any Construction Site unannounced, if they discover a material breach of Health and Safety Law they will charge the person responsible for the breach a sum of £124/hour spent on the investigation. A material breach is when, in the opinion of the HSE inspector, there is or has been a contravention of health and safety law that requires them to issue notice in writing of that opinion to the dutyholder. This might be written advice, an Improvement Notice or a Prohibition Notice and could be issued to a Contractor, a Designer, or a Client. Whilst it is likely that Contractors will face the brunt of FFI, this may not be the case. The fee may be split proportionally between all the parties involved if it is considered there are shared duties and responsibilities relative to requirements of legislation. FFI is separate from the general requirements of RIDDOR. HSE's Enforcement Policy Statement and Enforcement Management Model are unchanged by the introduction of Fee for Intervention. We expect some members already have first hand knowledge of this.

Further information can be found at:

<http://www.hse.gov.uk/pubns/hse48.pdf>