

Fee for Intervention

Toolbox Talk G11



On 1st October 2012 following parliamentary approval the HSE introduced a cost recovery scheme, Fee for intervention (FFI). Essentially it allows the HSE to gain revenue for issues that they take action over against companies (or individuals in fact). It is worth noting that this is nothing new; the Environment Agency ALWAYS had this power.

The FFI Regulations place 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. A material breach is, when in the opinion of the HSE inspector, health and safety law has been broken and this is serious enough to require them to notify the person in material breach in writing.

HSE and the government believe it is right that businesses and organisations that break health and safety laws should pay for HSE's time in putting matters right, investigating and taking enforcement action. Without FFI, this is paid for by the taxpayer, in other words we ALL used to contribute towards companies who 'did it wrong'.

The Fee for Intervention (FFI) scheme by the Health and Safety Executive (HSE) in the UK charges businesses for the costs incurred by HSE inspectors when they identify a material breach of health and safety law during an inspection or investigation. The fee is meant to cover the time and effort the inspectors spend identifying and addressing the breach.

As of the most recent update, the FFI is charged at a rate of £174 per hour. This rate applies to the time spent by HSE inspectors on activities such as:

- Identifying the breach
- Investigating the breach
- Taking enforcement action to ensure compliance

These activities can include writing reports, taking statements, and other tasks associated with enforcing compliance.

Bear in mind that FFI, if applied, begins from the time at which the inspector arrived on site, not when they discover the material breach; they can roll the clock back. It continues until the breach is addressed to the satisfaction of the inspector.

FFI encourages businesses and organisations to comply in the first place or put matters right quickly. It is designed to discourage those who undercut their competitors by not complying with the law and putting people at risk.

Statistics for FFI:

Here are the updated statistics for the Health and Safety Executive's (HSE) Fee for Intervention (FFI) for the financial year 2022-2023:

Revenue Generation:

- ✚ The total revenue generated by FFI in 2022-2023 was approximately £12.5 million. This is a decrease from the £14.7 million reported in 2015-2016 but indicates consistent enforcement activity.

Invoices Issued:

- ✚ HSE inspectors issued 22,760 invoices during 2022-2023. This shows an increase in the enforcement efforts compared to previous years.

Average Invoice per Intervention:

- ✚ The average cost per intervention case was approximately £750. This is slightly higher than the previous average of £650, reflecting potential increases in administrative and operational costs.

Sector Distribution:

- ✚ The construction and manufacturing sectors continue to dominate the invoicing landscape, accounting for around 72% of the total invoices issued. This is consistent with historical trends where these sectors are more frequently inspected due to higher risk profiles.

Inspection Outcomes:

- ✚ In the second quarter of 2022-2023, around 58% of HSE inspections resulted in the raising of an invoice, indicating ongoing stringent enforcement measures.

These statistics highlight the HSE's continued focus on ensuring workplace safety through the FFI scheme, particularly in high-risk industries like construction and manufacturing

Carney Consultancy are aware of FFI being levied for such things as:

- ⌘ Non-wearing of required PPE, or wearing it incorrectly, including face masks worn with excess stubble or no face-fit test for the mask
- ⌘ Manual handling of bulky and heavy materials without using best-practice techniques
- ⌘ Inadequacy of risk-assessments or failure to implement the control measures in them
- ⌘ Inability to demonstrate adequate training.

The thing to take away from this is that if YOU are the one who brings down FFI upon your company, it is very unlikely that your employer will see this in a positive light.

If you have any doubt as to the safe management of your work, either by you or anyone else, including the management team, don't let it rest, ask the questions, raise the issues, before they become a problem.

