



What You Need to Know, What You Need to Do, How to Do It

The Rhino Safety Series of Fact Sheets

Fee For Intervention (FFI)

Fee For Intervention (FFI), three ominous words that have recently appeared from the HSE, concerning the charges that will be imposed on employers should the HSE have cause to intervene in a business regarding Health and Safety conduct. There are lots of theories concerning the application of FFI which I hope this article will address.

The Fee For Intervention (FFI) cost recovery scheme came into effect on 1st October 2012, (under regulations 23 -25 of the Health and Safety (Fees) Regulations 2012). These Regulations place a duty on the HSE to recover costs for carrying out regulatory functions from those found to be in Material Breach of Health and Safety Law.

Duty Holders who are compliant with the law, or where a breach is deemed not Material, will not be charged FFI for actions the HSE Inspector suggests.

A Material Breach is defined, 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 a 'notice in writing' of that opinion to the Duty Holder.

A Written notification from an HSE Inspector may be 'Notification of Contravention', an 'Improvement or Prohibition Notice', or a Prosecution and must include the following information:

- the law that the Inspector's opinion, relates to;
- the reasons for their opinion; and
- Notification that a fee is payable to HSE.

The Other question is; Who does FFI apply to? Put simply FFI applies to Duty Holders where the HSE are the enforcing authority, this includes: Employers, Self-Employed persons who put others at risk (i.e. employees or members of the public and some individuals acting in a capacity other than as an employee, (e.g. partners). It includes:

- Public and Limited Companies
- General, Limited and Limited Liability Partnerships
- Crown and Public bodies

The hourly rate (the fee payable) by Duty Holders, found to be in Material Breach of the law is £124 per hour. The total amount to be recovered is based on the amount of time it takes HSE Inspector to identify and conclude their regulatory action, in relation to the material breach (including associated office work), multiplied by the relevant hourly rate (including part hours).

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The HSE is responsible for the administration of the FFI scheme, including issuing invoices and, if where required, debt recovery. Invoices include a breakdown of what occurred, the time taken to remedy and a breakdown of the activities or services for which costs can be recovered for each member of HSE staff involved.

FFI in many ways was designed to promote Health and Safety in the Workplace, and possibly make an example of those breaching the law. Have you reviewed your current procedures) are changes required to satisfy the Inspectors scrutiny? It may be time to be prudent and conduct a thorough assessment of your working procedures, to enable you to identify any actions or inactions that may be or become problematic and to address them promptly.

For further information or to discuss the specific implications for your business, please contact us at: info@rhinosafety.co.uk or 01270 440 341.

Did you find this fact sheet useful? If so, please let us know and share it on our social media platforms – find us on Twitter and LinkedIn by entering 'Rhino Safety Limited' into your preferred internet browser. Alternatively, send a brief email with your comments to info@rhinosafety.co.uk



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