



BALLYMENA BOROUGH COUNCIL

Environmental Health Department



**WHAT TO EXPECT WHEN A
HEALTH & SAFETY INSPECTOR
CALLS**

**A brief guide for businesses, employees and their
representatives**

This leaflet is intended for those in business who have duties under health and safety law ('duty-holders'), for example employers and those in control of workplaces. It explains what you can expect when a health and safety inspector calls at your workplace.

It also tells employers and their representatives what information they may expect from an inspector during a visit

Who enforces health and safety law?

Health and safety law is enforced by Environmental Health Officers (EHO's) or by inspectors from the Health & Safety Executive for Northern Ireland (HSE NI), depending on the business activity being carried on.



The table below gives a breakdown. HSE NI & District Councils in NI work in partnership to ensure that they treat these different businesses in a similar way.

District Council	Health & Safety Executive (NI)
<i>Service sector businesses</i>	<i>Manufacturing</i>
<i>Retail outlets</i>	<i>Construction</i>
<i>Wholesale outlets</i>	<i>Government property</i>
<i>Offices</i>	<i>Mines, quarries & chemical plants</i>
<i>Restaurants & hotels</i>	<i>Agriculture</i>
<i>Residential homes</i>	<i>Schools & Universities</i>
<i>Places of entertainment</i>	<i>Transport</i>
<i>Recreation facilities</i>	<i>Hospitals & nursing homes</i>

- Inspectors have the right to enter any workplace without giving notice, though notice may be given where the inspector thinks it is appropriate.
- On a normal inspection visit an inspector would expect to look at the workplace, the work activities, your management of health and safety, and to check that you are complying with health and safety law.
- The inspector may offer guidance or advice to help you. He/she may also talk to employees and their representatives or take photographs and samples. At the end of the visit, the inspector will discuss any concerns, explain what needs to be done and inform the appropriate person of any action which he/she proposes to take and why.
- It is usual for inspectors to take action where they find a significant breach of health and safety law and/or a risk to health and safety which needs to be dealt with.

Information to employees or their representatives

During a normal inspection visit an inspector will expect to check that those in charge, eg employers, have arrangements in place for consulting and informing employees or their representatives, eg safety representatives, about health and safety matters. Such arrangements are required by law.

An inspector may wish to meet or speak to employees or their representatives during a visit unless this is clearly inappropriate because of the purpose of the visit. When they meet, employees or their representatives should always be given the opportunity to speak privately to the inspector, if they so wish.

The inspector may provide employees or their representatives with certain information where necessary for the purpose of keeping them informed about matters affecting their health, safety and welfare. This information relates to the workplace or activity taking place there, and action which the inspector has taken or proposes to take.

HSE home page on the World Wide Web: www.hse.gov.uk

Local authorities may produce their own further information on enforcing health and safety.

Your enforcing authority is:

Ballymena Borough Council
Environmental Health Department
'Ardeevin'
80 Galgorm Road
BALLYMENA BT42 1AB

Telephone: 028 2566 0300

Fax: 028 2566 0455

E. mail Address: environmental.health@ballymena.gov.uk

Website: www.ballymena.gov.uk

How to find out more about health and safety law and how it is enforced

More information, including what businesses must do by law, can be obtained free of charge from the Council Offices at Ardeevin, 80 Galgorm Road, Ballymena. The Council's general enforcement policy is also available on the Council's website, www.ballymena.gov.uk.

Information and Advice Centre

The Health and Safety Executive for Northern Ireland (HSE NI) have now opened an Information and Advice Centre at 83 Ladas Drive, Belfast to offer practical health and safety information and guidance free of charge. The helpline number is 0800 032 0121.



HSE produces a large number of free and priced publications to help you comply with law. A free catalogue, and the publications, are available by mail order from HSE Books, PO Box 1999, Sudbury, Suffolk, C010 6FS, tel: 01787 881165, fax: 01787 313995.

HSE priced publications are also available from The Stationery Office Bookshop, 16 Arthur Street, Belfast (tel: 028 9023 8451).

The type of information that an inspector will provide includes:

- 3 matters which an inspector considers to be of serious concern;
- 3 details of any enforcement action taken by the inspector; and
- 3 an intention to prosecute the business (but not before the duty-holder is informed).

Depending on the circumstances, the inspector may provide this information orally or in writing.

Enforcing health and safety law

Everyone is entitled to fair and consistent enforcement action, a clear explanation as to why action is being taken and also to have their views heard if they have concerns.

In deciding what enforcement action to take, the inspector will follow the principles set out in the Council's Health & Safety Enforcement Policy Statement which is available at the Council offices and on the Council's web site.

Inspectors may take enforcement action in several ways to deal with a breach of the law; the action taken largely depending on the degree of risk. In most cases these are:

◆ ***Informal***

Where a breach of the law is relatively minor, the inspector may tell the duty-holder, for example the employer or contractor, what to do to comply with the law, and explain why. The inspector will, if asked, write to confirm any advice, and distinguish legal requirements from best practice advice.

◆ **Improvement Notice**

Where a breach of the law is more serious, the inspector may issue an Improvement Notice to tell the duty-holder to do something to comply with the law. The inspector will discuss the Improvement Notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when. The time period within which to take the remedial action will be at least 21 days, to allow the duty-holder time to appeal to an Industrial Tribunal if they so wish (see 'Appeals' on next page). The inspector can initiate a prosecution if the notice is not complied with within a specified time period.

◆ **Prohibition Notice**

Where an activity involves, or will involve, a risk of serious personal injury, the inspector may serve a Prohibition Notice prohibiting the activity immediately until remedial action is taken. The notice will explain why the action is necessary. The Notice can take immediate effect or may, in certain circumstances, require the activity to cease after a period of time which will be discussed with the duty-holder. The duty-holder will be told in writing about the right of appeal to an Industrial Tribunal (see 'Appeals' on next page).

◆ **Prosecution**

In some cases the inspector may consider that it is also necessary to initiate a prosecution. Decisions on whether to prosecute are informed by the principles in the Council's Enforcement Policy Statement. Health and safety law gives the courts considerable scope for punishing offenders and to deter others. For example, a failure to comply with an Improvement or Prohibition Notice or a Court Order, carries a fine of up to £20,000, or six months imprisonment or both. Unlimited fines and in some cases imprisonment may be imposed by higher courts.

Appeals

When an Improvement or Prohibition Notice is served, the duty-holder will be told about the right of appeal to an Industrial Tribunal along with a copy of the appeal form to use.

They will also be advised that an Improvement Notice will be suspended while an appeal is pending, however, a Prohibition Notice usually continues to have effect until the date of the Tribunal.

Complaints

This leaflet has set out what you can expect when a health and safety inspector calls at your workplace. If you have a complaint that these procedures have not been followed then you can contact the inspector's manager to discuss the matter.

The manager of the Environmental Health Department of Ballymena Borough Council is:

Mr Alex Kinghorn
Director of Environmental Health Services

He can be contacted at the Council Offices, 'Ardeevin', 80 Galgorm Road, Ballymena, tel: 028 2566 0300.

Mr Kinghorn will investigate your complaint and tell you what is going to be done about it. Most complaints are settled in this way, very often immediately.

If you are still not satisfied you can use the Council's corporate complaints procedure. In cases of maladministration, you can also make a complaint to the Local Government Ombudsman for NI, asking him/her to review the case, once the internal complaints procedures have been exhausted (freephone 0800 343424 or write to The Ombudsman, Freepost, Belfast, BT1 6BR).