**Workplace Safety Team - General policy on selection and investigation of workplace service requests and incidents**

The duty to enforce the Health and Safety at Work etc Act 1974 lies mainly with either the Health and Safety Executive (HSE) or the local authority, which in the London Borough of Ealing is Ealing Council.

The Health and Safety (Enforcing Authority) Regulations 1998 set out the allocation of premises which fall to [each organisation](https://www.hse.gov.uk/lau/enforcement-allocation.htm).

Where a matter concerns a workplace or activity which the HSE have the enforcement duty, or where other regulators exist (for example the Care Quality Commission regulate standards of social care in care homes), the Council is not able to take any action. These concerns will have to be taken up directly with the appropriate agencies and the Council’s Workplace Safety Team will not intercede on any party’s behalf in such matters.

**Service Requests**

When deciding which concerns to investigate and the level of resource to be allocated to the investigation, the team will consider whether:

* The work activity is regulated by the Local Authority
* The concern arises as a result of work activity
* The provided information is sufficient to identify the responsible person
* The complaint meets the HSE’s risk-based approach [criteria](https://www.hse.gov.uk/foi/internalops/og/ogprocedures/complaints/riskmodel.pdf)

When selecting incidents for further investigation the team will also consider whether:

* There is evidence there has been an actual breach of law and the seriousness of the potential breach
* Duty holders’ known past health and safety performance
* Enforcement priorities according to the HSE’s LA Enforcement Code
* Practicality of investigation (e.g. unavailability of key witness(es), key evidence)
* Availability of resources

The following are examples of situations where it is unlikely that an investigation will be carried out:

* Where allegations are made by anonymous sources
* Where alleged contraventions have already been rectified
* Where alleged contraventions no longer exist (e.g. historical allegations)
* Where first-hand witnesses are not available (e.g. service requests made on the basis of rumour or hearsay)
* Where the incident did not occur within the boundaries of the London Borough of Ealing
* Where there is a low likelihood of proving beyond reasonable doubt an offence had been committed (particularly if a civil remedy is more likely to achieve a satisfactory resolution)
* Where duty holders no longer exist (e.g. companies that have been liquidated)
* Where no injury has occurred

**RIDDOR Notifications**

RIDDOR notifications are assessed using the HSE’s [incident selection criteria](https://www.hse.gov.uk/enforce/incidselcrits.pdf)

which means that not all accidents are investigated. This provides a nationally consistent proportionate, transparent and targeted procedure for the selection and investigation of accidents and incidents.

**COVID-19 Related Workplace Enquiries**

In relation to workplace queries related to COVID-19 following incidents will not be investigated:

* Where the reported issue concerns matters that are not explicitly mandatory
* Where the concerns arise out of actions not controlled by the duty holder (i.e. customer to customer interactions)
* Where the matter is not enforced by local authorities such as gatherings, testing, self-isolation, quarantine, or face coverings



**Joe Blanchard**

**Regulatory Services Manager**

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