



Workplace and Public Safety Team

Policy on selection and investigation of workplace service requests and accidents

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.

The Health and Safety (Enforcing Authority) Regulations 1998 sets out which authority is responsible for enforcing health and safety at each type of business. The HSE have produced [guidance](#) on how enforcement is allocated between local authorities (LA) and HSE.

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), the Council cannot take any action. These concerns should be taken up directly with the appropriate agency and this team will not intervene on any party's behalf in such matters.

To report a concern to the HSE complete their [tell us about a health and safety issue online form](#).

Service Requests

We consider all health and safety concerns and make risk-based decisions when deciding what actions to take.

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 Ealing Council
- the concern arises because of a work activity
- provided information is sufficient to identify the responsible person
- the complaint meets the HSE's risk-based approach [criteria](#)

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 (for example unavailability of key witnesses or 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, or the complainant will not allow us to disclose that a complaint has been received
- alleged contraventions have already been rectified
- alleged contraventions no longer exist (such as historical allegations)
- first-hand witnesses are not available (for example reports based on rumour or hearsay)
- the incident did not occur within the borough of Ealing
- 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)
- duty holders no longer exist (for example liquidated companies)
- no injury has occurred

Accidents

Notifications under the Reporting of Injuries and Dangerous Occurrences Regulations 2013 are assessed using the HSE's incident selection criteria 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.

Signature



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