
Overview

This standard covers the skills and knowledge required to enforce statutory provisions in your role as a health and safety regulator within the enforcing authority and presenting prosecution cases in Court, when a guilty plea is entered by the defendant. A court will generally be the Magistrates' Court in England, Wales and Northern Ireland or the Sheriff Court in Scotland.

It covers

1. drafting enforcement notices and similar documents for the purposes of health and safety regulation
2. serving enforcement notices and similar documents
3. checking compliance with enforcement notices, approvals and licences for the purposes of health and safety regulation

Performance criteria

You must be able to:

1. identify duty holders and their legal title following standard operating procedures
2. identify reason(s) for issuing notices following standard operating procedures
3. decide upon type, content, expiry date and any conditions (schedule) of notices to be issued following standard operating procedures
4. check details of notices are accurate following standard operating procedures
5. check actions required by notices confirm compliance with legislation and/or control risks
6. check notices are practical to enforce in the event of non-compliance
7. check notices are served following legislative requirements
8. check recipients are informed of appeals procedures and processes and receive necessary appeal documentation following standard operating procedures
9. follow up on duty holders, premises and activities for which notices have been served to find out whether they have complied within any time limits contained in notices and take appropriate action

Knowledge and understanding

You need to know and understand:

1. how to establish and work within the aims and objectives of the regulatory authority
2. how to identify appropriate mandatory and discretionary enforcement actions, including giving advice, issuing notices, instituting proceedings
3. how to apply the regulatory authority's enforcement policies and priorities
4. how notices should be drafted to ensure they are accurate, clear and legally enforceable
5. process of issuing notices and circumstances in which they can, should and must be issued, referring to any internal procedures, policies or arrangements
6. ways notices must be served to meet legal requirements
7. how to withdraw, amend or extend notices
8. how to use databases and other information sources
9. how to identify and apply health, safety and welfare legislation and the relationship between the principal statutory provisions
10. how to apply the rules of evidence
11. how the various types of statutory notices, licences and approvals may be used by regulators to achieve desired outcomes, including improvement, prohibition and deferred prohibition notices, notices of taking into possession or to leave undisturbed, notices under the Food and Environment Protection Act and Control of Major Accident Hazard Regulations, as well as approvals and licences, and associated notices of withdrawal and extension
12. how to apply the principles of the UK legal system, the functions of civil and criminal law in respect to health and safety
13. how to interpret the legal significance of approved and other codes of practice, standards and guidance, of relevant legislation and standards produced by authoritative international bodies

PROHSR7

Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation



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