
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 the prosecution case in Court, when a guilty plea is entered by the defendant.

It covers

1. preparing reports recommending prosecution for alleged breaches of work-related health and safety legislation
2. initiating legal proceedings for alleged breaches of work-related health and safety legislation
3. presenting prosecution cases in Court, when a guilty plea is entered by defendants

A court will generally be the Magistrates' Court in England, Wales and Northern Ireland or the Sheriff Court in Scotland.

Performance criteria

You must be able to:

1. assemble sufficient evidence and information to support the opinion that there is an offence following standard operating procedures
2. evaluate the nature of the offence(s) and the potential complexity of each in terms of securing convictions following standard operating procedures
3. weigh relevant factors in determining which charge(s) should be pursued
4. identify and evaluate possible defences against any proposed actions following standard operating procedures
5. check cases are developed and presented which enables arguments to be clearly followed and facilitates the preparation of court documents
6. prepare and draft court documents following standard operating procedures
7. record statutory data and other information following regulatory authority requirements and duties
8. prepare documents which meet legislative requirements for form and content
9. arrange for laying of information and service of summons following standard operating procedures
10. provide advance information to defendant following legislative and procedural requirements and agree any documents, exhibits or photographs to use to assist the court
11. collate documentation needed for court following standard operating procedures
12. conduct yourself in court following rules of procedure and with regulatory authority policy
13. present cases for the prosecution precisely and clearly, and explain seriousness of offences, using evidence and photographs effectively in a manner understandable to the bench, and explain technical issues in non-technical terms
14. respond clearly and politely to questions posed by court officials following standard operating procedures
15. assist courts in their consideration of compensation to any victim of offences following standard operating procedures
16. make applications for costs following standard operating

procedures

17. report on conduct and outcomes of proceedings in line with regulatory authority requirements

Knowledge and understanding

You need to know and understand:

1. how to make effective use of presentation and advocacy skills
2. how to establish and work within the aims and objectives of the regulatory authority
3. how to identify appropriate mandatory and discretionary enforcement actions, including giving advice, issuing notices, instituting proceedings
4. how to apply the regulatory authority's enforcement policy and priorities
5. how to communicate with a wide variety of people and make effective use of techniques of persuasion and negotiation
6. how to deal with distressed people often in traumatised circumstances
7. how to evaluate information against legal requirements to achieve consistency, targeting, transparency and proportionality in enforcement decisions
8. notices and documents required by legislation or court proceedings and how to prepare them
9. how to follow protocols and format of proceedings in court
10. how to present evidence in court, argue cases and explain issues in non-technical terms
11. how to use databases and other information sources
12. how to identify and apply health, safety and welfare legislation and the relationship between the principal statutory provisions
13. how to interpret and apply relevant procedural legislation
14. how to apply rules of evidence
15. how to apply the principles of the UK legal system, and the functions of civil and criminal law in respect to health and safety
16. 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
17. how the Judiciary has interpreted statutory provisions, by reference to decided cases
18. likely impact of cases on law and precedent and on improving health and safety
19. how the court goes about considering the question of financial

compensation to any victim of a criminal offence to be paid by the defendant

20. how to identify the factors to be considered in deciding which charge(s) to bring – public interest in cases; political, social and economic factors; views of injured and bereaved parties; profile and severity of breaches how to apply regulatory authority's and external guidance on enforcement
21. how enforcement statistics and records affect the public profile of regulatory authorities
22. how health and safety can be promoted by publicity generated by successful prosecutions and effective use of the media

PROHSR6

Enforce statutory provisions and present guilty pleas in Court for the purpose of work-related health and safety regulation



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Relevant Occupations Occupational Health Workers; Occupational hygienists and safety officers (health and safety); Health and Safety Managers; Health and Safety officers

Suite Health and Safety

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