
Overview

This standard covers the skills and knowledge required to enforce statutory provisions, in your role as a health and safety regulator, within an enforcing authority.

It covers

1. inspecting workplaces and investigating work related incidents which lead to enforcement of health and safety legislation
2. gathering and preserving evidence, both physical and from witnesses, taking of samples, statements and photographs etc, for the purposes of work related health and safety regulation

Performance criteria

You must be able to:

1. identify sources of evidence and assess their relevance against potential enforcement action being considered
2. identify the need for any immediate actions to obtain and preserve evidence
3. inform relevant people of actions being taken and the importance of following standard operating procedures
4. evaluate health and safety and business impact of any immediate actions following standard operating procedures
5. request back-up or expert help needed to take immediate actions following standard operating procedures
6. evaluate evidence, taking account of supporting and contradictory information, to review decisions about evidence needed
7. confirm evidence gathered is reliable, admissible and has continuity taking rules of evidence into account
8. analyse and review evidence against potential breaches of legislation following standard operating procedures
9. decide what evidence to gather, how much to gather, and gather it in accordance with rules of evidence to ensure continuity and admissibility (including statements, statements under caution, photographs, documentation, exhibits, samples), and keep necessary records
10. use necessary expert help in collecting, testing and analysing evidence following standard operating procedures
11. maintain integrity of the evidence throughout and for use in proceedings following standard operating procedures
12. take voluntary statements and statements using statutory powers following standard operating procedures
13. use questioning and listening skills to obtain information
14. inform relevant people what actions are being taken and why following standard operating procedures
15. identify weaknesses and mitigating circumstances and collect further evidence following standard operating procedures

Knowledge and understanding

You need to know and understand:

1. how to apply resource control processes as part of ongoing investigation and evidence collection
2. how to establish and work within 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 take statements under caution
5. how to ensure your own health and safety at work
6. how to communicate with a wide variety of people and make effective use of techniques of persuasion and negotiation
7. how to apply the rules of evidence in terms of sufficiency, reliability, admissibility and continuity in both general and regulatory authority contexts
8. how to identify and evaluate different sources of evidence, including the environment and activities under consideration, physical evidence from machinery and substances, documentary evidence, photographic evidence, laboratory testing of items and substances and evidence from witnesses
9. what constitutes 'best' evidence, in legal terms, in circumstances under consideration and how to collect and maintain integrity of evidence to ensure its admissibility in court
10. how to identify what immediate actions are possible and necessary to secure potential evidence, including isolation or seizure of machinery and components, stopping any further activity, and issuing notices
11. how to identify relevant parties to be informed of actions being taken and why, including duty holders, employee representatives, other regulatory staff and authorities, manufacturers and suppliers
12. how to deal with difficult and distressed people, often in traumatised circumstances
13. how to identify and apply relevant health, safety and welfare legislation, and the relationship between the principal statutory provisions
14. how to identify and apply procedural legislation followed to bring cases to court
15. how to apply the principles of the UK legal system, and functions

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- 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 of standards produced by authoritative international bodies

PROHSR4

Plan and gather evidence for the purposes of work-related health and safety regulation



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