

HSE Case Study:

Compliance, Crisis, and Lessons Learned

Analysing safety challenges and key responses effectively

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When the HSE Comes Knocking

Unannounced Regulatory Inspections

HSE inspections can occur unexpectedly without prior accidents or complaints, reflecting sector wide campaigns.

Organisational Vulnerabilities

Even experienced companies face risks from documentation lapses, organisational changes, and operational pressures.

Importance of Preparedness

Institutional readiness with trained staff, clear roles, and accessible documents is critical during inspections.

Impact of Response Quality

The company's response in the initial hours can significantly affect enforcement outcomes after an inspection.

Company Profile and Compliance Background

Rapid Business Growth

The company grew turnover from £2 million to over £10 million within five years due to key contracts, increasing operational pressures.

Workforce and Operational Complexity

Approximately eighty employees spread over two geographically separated sites created challenges for compliance oversight.

Leadership and Compliance Roles

Managed by two family members; one as Managing Director and the other as a Competent Person with NEBOSH qualifications overseeing health and safety.

Compliance Challenges During Covid

Departure of health and safety lead during Covid created gaps, leading to compliance oversights scrutinised by HSE.

Unannounced Visit and Evidence Gathering

Unannounced Inspection Arrival

HSE inspector arrived without prior notice and began immediate compliance checks during working hours.

Evidence Collection Activities

Inspector reviewed workplace conditions, took photos and videos, and interviewed staff to gather evidence.

Follow-up and Documentation

Second visit arranged, documents and witness statements collected, then communication shifted to email.

Legal Implications and Caution

Routine questioning can be used in prosecutions, highlighting the need for caution and legal advice.

Investigation and PACE Interview

Initial Enforcement Action

Five Prohibition Notices

Six Improvement Notices

Two Notices of Contravention

Offences alleged

Nine criminal offences

Strategic Legal Intervention

Submitting written representation avoided personal risks linked to PACE interviews under health and safety laws

The Prosecution

A year later

Four charges (Down from nine)

Five gone —only because the MD did not attend an interview under caution

What Remained

One alleged failure to carry out a suitable and sufficient risk assessment

Three breaches of Improvement Notices

Final Position

Three offences

Not nine

Sentencing

Jurisdiction

Turnover exceeded £10 million →
the case had to be heard by an authorised District Judge. (In practice, most health & safety cases are allocated to them anyway)

The HSE Position v My Position

High or medium culpability
Consecutive or concurrent fines
Medium or Small sized company

Outcome

After mitigation: Around £25,000
Had the HSE's approach been followed? £65,000 per offence ≈ £200,000 total

Key Compliance Lessons for Organisations

Role of Competent Person

Appointing and supporting a qualified Competent Person is critical to prevent compliance failures and ensure proper documentation management.

Inspection Readiness

Organisations must stay prepared for unannounced inspections by organising essential documents and training staff on regulatory visit protocols.

Legal Advice Importance

Obtaining legal advice before sharing information with regulators helps avoid inadvertent risks and strengthens organisational compliance strategy.

System Robustness & Vigilance

Compliance depends on system robustness, vigilance, and continuous oversight to mitigate enforcement risks and respond effectively to regulators.