

“I don’t believe it” – A New Route of Complaint

When clients have received advice from the HSE which they disagreed with, their options have, traditionally, been pretty restricted: stand their ground (but run the risk of subsequent enforcement action), bite their tongue and implement the advice with which they disagree, or make a (what is often futile) complaint to the Principal Inspector.

However, in a prompt implementation of one of the recommendations of Professor Löfstedt, businesses now have a route of complaint to an independent panel about erroneous or over-the-top advice from the HSE (and Local Authorities).

The process of complaining is very simple; a form can be completed relatively quickly online via the HSE website.

The panel’s remit is restricted to dealing with decisions of regulatory advice to control risks, which stop short of enforcement action. It is understood that the panel will have no role in relation to the soon-to-be-implemented costs-recovery regime.

Historically given advice, dating back to 30 June 2011 is capable of being referred to the panel, and the HSE will be expected to abide by the panel’s findings. How long the panel will take to review a complaint is not yet known, but a summary of the complaints made and findings will be published on the HSE’s website in due course.

From the limited information presently available, this new option is to be welcomed as an additional option to those faced with the dilemma of having received advice they strongly disagree with, and a valuable new layer of accountability for the HSE.