

	RSD Internal Guidance	RIG-2003-04	
<b>APPLICATION OF THE HSE ENFORCEMENT MANAGEMENT MODEL (EMM) BY RSD and RPP INSPECTORS</b>			
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<b>Keywords</b>	EMM ENFORCEMENT MANAGEMENT MODEL		
<b>Summary</b>	This describes arrangements for use of the HSE EMM by RSD and RPP inspectors, and how its use should be managed.		
<b>Subsequent consultation</b>	ILS: Rupert Lown and William Keag SET: Chris Simms RMT: Helen Ayers 2017		

## Background

- 1 In order to provide a framework, which assists inspectors in making consistent enforcement decisions, ORR has adopted the [HSE Enforcement Management Model](#) (EMM). This model sets out a number of factors to be considered when deciding whether to take enforcement action and what level of enforcement action should be taken.
- 2 The procedure for applying EMM to enforcement action is set out in Chapter 3 of the model, and includes (at Chapter 3, Annex 1) guidance on the management arrangements for monitoring its use.
- 3 ORR has also used the EMM principles to produce its own model which should be used by Inspectors considering a breach of relevant non-H&S legislation<sup>1</sup>

<sup>1</sup> 'Relevant non-H&S legislation' includes:

- the Railways (Interoperability) Regulations 2006 (due to be updated in 2011);
- the Rail Vehicle Accessibility (Non-Interoperable Rail System) Regulations 2010; and

where the breach poses no safety risk. There is also produced specific guidance on how to apply the factors in Tables 6 and 7 of the EMM when dealing with large railway dutyholders. The [ORR model](#) can be found on our website.

- 4 More general guidance on using the full EMM can be found on the HSE website <http://www.hse.gov.uk/enforce/enforcement-management-model.htm>

#### **Action by RSD / RPP Inspectors**

- 5 All inspectors should use the HSE EMM to assess their initial enforcement expectation in relation to **all** investigations (either minor or major). The outcome of this assessment should be recorded on the form EMM1 and kept with the case file. A copy of the completed, approved INV1 and EMM1 should be added to the mosaic investigation record.
- 6 All line managers should assess and ensure compliance with this procedure during case conferences with investigating inspectors, and prior to any approval of enforcement decisions.
- 7 Line managers should also assess inspectors' assessments and decisions when the model has been applied formally and recorded on EMM1. This includes when approving all prosecutions, when approving enforcement notices prior to service and when reviewing inspectors' investigation reports.
- 8 The line manager should discuss the circumstances of the decision of the inspector, and assess the decision against the EMM criteria. The line manager should state whether they agree with the inspector's assessment and proposed action. Any variance, or a decision to refer the proposed action for management review (with reasons for taking different action), should also be recorded.