



**HM Railway Inspectorate
& Safety Policy Directorate**

**Rail Guidance Document
RGD-2003-04**

**APPLICATION OF THE ENFORCEMENT MANAGEMENT MODEL
(EMM) TO HMRI**

Open Government Status		Fully Open	
Date of issue/last review	15/04/2003	Date of next review	15/04/2007
RGD postholder/owner		GM5 Legal Support Unit - JLopez	
National Team (where appropriate)			
RGD cleared by			
RGD type		Policy_____ <input type="checkbox"/>	
		Information_____ <input checked="" type="checkbox"/>	
		Procedure_____ <input type="checkbox"/>	
Target audience		HMRI_____ <input checked="" type="checkbox"/>	
		Policy_____ <input type="checkbox"/>	
		Inspectors_____ <input checked="" type="checkbox"/>	
		Admin_____ <input type="checkbox"/>	
Assign to block		Process/New Legislation_____ <input type="checkbox"/>	
		Topic/Technical_____ <input type="checkbox"/>	
		Stakeholder Management_____ <input type="checkbox"/>	
		Legal_____ <input checked="" type="checkbox"/>	
		Business Support/Transition___ <input type="checkbox"/>	
Keywords	EMM ENFORCEMENT MANAGEMENT MODEL		
Summary	This RGD cancels SIM 8/2001/08. It describes updated arrangements for use of EMM by RI inspectors, and how its use should be managed. Inspectors are asked to note and act on the revised instructions with immediate effect.		

Detail

BACKGROUND

1 Full use of EMM began in RI on 1 April 2002 using Version 2.0 of the model. Since then, version 3.0 has been issued to inspectors, and is also available on the intranet. Version 2.0 should therefore not now be used, and inspectors are advised to destroy copies of it if still held.

MODIFICATION OF INSTRUCTIONS FOR RI

2 The quality 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 management arrangements for monitoring its use. Originally it was considered that, while the principles applied to RI, the detail was not relevant, and SIM 8/2001/08 gave details of RI-specific arrangements adopted instead. However, increased familiarity with EMM in the RI context now means that the arrangements adopted elsewhere in HSE are appropriate for RI. SIM 8/2001/08 is therefore cancelled, and replaced by this instruction, which includes at the Appendix a modified version of the FOD instructions for monitoring and use of EMM as set out in EMM version 3.0.

ACTION BY INSPECTORS

3 Inspectors and line managers should follow the arrangements set out in the Appendix from receipt of this instruction.

FURTHER INFORMATION

4 For further information contact Jenny Lopez LSU (mobile 07768 331322, email jenny.lopez@hse.gsi.gov.uk).

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APPENDIX
(paras 2 and 3)

ROLES AND RESPONSIBILITIES

1 Band 1 GMs in HMRI are ultimately responsible for the application of this procedure by their staff. They should ensure that available resources are deployed in such a way that field units in their commands are able to implement this procedure.

2 Band 2 Principal Inspectors are responsible and accountable to the Band 1 GMs for operation and compliance with this procedure, by their field unit staff to the relevant performance standards.

3 GMs should apply this procedure in accordance with the performance

standards set out in para 5 onwards.

4 Band 0, 1 and 2 line managers should monitor compliance with this procedure.

ARRANGEMENTS FOR FORMAL APPLICATION OF THE MODEL

5 The table following para 14 summarises the formal application of the EMM.

Fatal and major incident investigations

6 The EMM should be used to assess the circumstances of the investigation to determine appropriate enforcement action. The outcome of key decision points should be recorded using the enforcement assessment record form and kept with investigation papers.

(Note: 'Major incident' means an incident designated by HMRI as a major incident in accordance with the Major Incident Manual (version 5), and also includes those incidents subject to a direction by the HSC under HSW Act section 14(2)).

7 Line managers should assess and ensure compliance with this procedure during case conferences with investigating inspectors, and prior to any approval of enforcement decisions.

Prosecution

8 The EMM should be applied formally by inspectors prior to taking prosecution action, to confirm their enforcement decision.

Other incidents

9 The EMM should be applied formally by all inspectors when investigating major injuries (as defined in RIDDOR).

10 Line managers may require formal application of the EMM in other cases, for example:

(1) when improvement notices are proposed to be served by band 3 inspectors new to inspection work in HMRI and who require line management approval before serving an IN. This arrangement should apply for the first six months only;

(2) as a sample of an inspector's work as part of performance assessment;

(3) as may be required by the Divisional Development and Training Manager for the purpose of training and competence assessment.

11 Criteria for selection in accordance with para 10 are at the discretion of line

managers.

12 Information about the key decisions from the EMM (detailed in the enforcement assessment record form) should be recorded and included in the prosecution report, or attached to a copy of the enforcement notice (para 10(1) only), or kept with the investigation papers, as appropriate.

13 Line managers should assess inspectors' assessments and decisions when the model has been applied formally and recorded on the enforcement assessment record form. This includes when approving all prosecutions, when approving enforcement notices prior to service (as in para 10 above), or when reviewing inspectors' investigation reports.

14 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. Where prosecution is being considered, the enforcement assessment record form may record whether the proposed course of action is in accordance with the [CPS Code for Crown Prosecutors](#).

TYPE AND RANGE OF ENFORCEMENT DECISIONS TO WHICH THE EMM SHOULD BE APPLIED FORMALLY			
	Band 1	Band 2	Band 3
Fatal accidents	All	All	All
Major incidents	All	All	All
Prosecutions	All	All	All
Investigations - major injuries	All	All	All
Investigations - all RIDDOR	-	-	-
Other	As required - see paras 10 & 11		
Note: Line managers may require formal application in other circumstances (see paras 10 & 11)			

Action
(optional)