

**Department of Environment and  
Neighbourhoods**

**Health and Safety Enforcement &  
Prosecution Policy**

**Issued By :-            Health and Safety**

**Authorised By :-**

**Error!**





## 1.0 POLICY STATEMENT

- The Department's aim is to reduce work-related ill health and accidents, and to protect the health, safety and welfare of people at work and to safeguard others who may be exposed to risks from the way work is carried out.
- The Department is fully committed to working in partnership with other organisations in order to educate businesses through events, initiatives and policy documents.
- The Department recognises that there are situations where there is a shared enforcement role with other agencies such as the Health and Safety Executive. Where necessary we will ensure the sharing of relevant information and effective and timely liaison during enforcement activities.
- Inspections and other enforcement action will be in accordance with Approved Codes of Practice and guidance issued by the Health and Safety Executive (HSE), and the HSE/Local Authorities Enforcement Liaison Committee (HELA).
  - This policy has been written with regard to the content of the Government's Enforcement Concordat, the BERR Regulators' Compliance Code and the principles required under the Legislative and Regulatory Reform Act 2006.
  - 
  - This policy is consistent with the HSE Enforcement Policy Statement and the HELA Enforcement Management Model ensuring that the enforcement of health and safety law is determined by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how the department operates and what those regulated may expect; and accountability for the Department's actions.
  - This policy has been written with regard to and in accordance with the Environmental Protection's Enforcement and Prosecution Policy.
  - The Department fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984, the Human Rights Act 1998, and the Regulation of Investigatory Powers Act 2000.
  - The Department recognises that the particular interests of different consumers within the district will need to be taken account of to ensure

that legislation is enforced fairly. Interpreters will be used where the stakeholder has difficulty in understanding English, where the facility is not available 'in-house'. Where possible translated advisory leaflets will be made available. In addition necessary out of hours visits will take place and a 24 hours emergency call out facility is available 365 days a year.

- The Department is fully committed to the Lead Authority Principle and Primary Authority Scheme and will comply with their requirements whenever enforcement activity is considered.
- This Enforcement and Prosecution Policy forms part of the Department's Quality Management System and will be actively brought to the attention of all staff. It will also be one of the policies that Enforcement Teams will be audited against.
- Any departure from this policy will be justified to and endorsed by an Environmental Health Manager or Principal Environmental Health Manager. The reasons for any departure will be fully documented and kept on the premises record file.
- This Policy has been drawn up after consultation with stakeholder representatives and has been approved by Council Members.
- A copy of this policy will be made available to any party who requests one.

**Signed:** .....

**Designation:** .....

**Date:** .....

**Date of Review:** .....

## **2.0 PROPORTIONALITY**

All enforcement action will be proportionate to any risks to health and safety and to the seriousness of any breach, which includes any actual or potential harm arising from a breach of the law.

Some health and safety duties are specific and absolute. Others require action so far as is reasonably practicable. We will apply the principle of proportionality in relation to both kinds of duty.

In determining 'reasonably practicable' we will take account of the degree of risk on the one hand, and on the other the effort, whether in money, time or trouble, involved in the measures necessary to avert the risk. Unless it can be shown that there is gross disproportion between these factors and that the risk is insignificant in relation to the cost, the duty holder (employer/self employed) must take measures and incur costs to reduce the risk.

Some irreducible risks may be so serious that they cannot be permitted *irrespective of the consequences*.

## **3.0 TARGETING**

Inspections will be targeted primarily on those activities which give rise to the most serious risks or where the hazards are least well controlled.

The Department will incorporate the HSE's current key inspection areas into its own inspection programme where appropriate.

## **4.0 CONSISTENCY**

The Department will ensure that there is a consistency of approach to inspections, investigations and enforcement across premises in the District. This will be achieved by a variety of means including training, monitoring, and liaison with other Local Authorities and the Health and Safety Executive. Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

## **5.0 TRANSPARENCY**

In carrying out our functions we will help duty holders to understand what is expected of them and what they can expect from this department. This means that we will make clear to duty holders not only what they have to do but, where relevant, what they don't. We will distinguish between statutory requirements and advice or guidance about what is desirable but not compulsory.

The contact details of the officer and their line manager will be clearly visible on any documentation.

During the course of a normal visit the Enforcement Officer will check with employers that they have arrangements for consulting with and informing employees or their representatives about health and safety matters within the constraints of the law.

## **6.0 ACCOUNTABILITY**

This Department is accountable to the public for its actions and has policies and procedural documents against which it can be judged.

All health and safety letters include details of how to contact the officer's line manager in the event of any dissatisfaction/comments that a duty holder or individual may wish to make.

The Council also has a formal complaint procedure if the duty holder or individual feels that the line manager does not deal with the complaint satisfactorily.

Where an Enforcement Notice is served details of rights of appeal to Employment Tribunals including the appeal forms and the address of the Employment Tribunal will be provided in writing to the duty holder.

## **7.0 CORE ENFORCEMENT PROCESSES**

A combination of enforcement processes will be used to manage enforcement; these core enforcement processes include:

- Proactive Health and Safety Inspections - to assess, promote and enforce compliance.
- Incident Investigations/Service Requests - to identify underlying causes and the lessons to be learned, prevent recurrence, detect breaches and take appropriate action.
- Prior Consent (also known as "Permissioning") (e.g. asbestos removal), where the law requires close control of those activities where the potential for significant health impairment is high.

## **8.0 HEALTH AND SAFETY INSPECTIONS**

Health and safety inspections are used to secure compliance with the Health and Safety At Work etc. Act 1974 and other associated regulations. They are also undertaken to offer advice to aid businesses in complying with legislation and to work towards good practice.

We use the Health and Safety Executive's Strategic Plan and HELA guidance to local authorities (LAC 67/2 (Rev 2)), to determine our planned inspection programme.

Any action taken as a result of an inspection will be in accordance with the 'Enforcement Options' section of this policy.

To ensure consistency, officers will use standard inspection forms and undertake inspections in accordance with the Department's "Procedure for Undertaking a Planned Health and Safety Inspection" (ENV-HSW-005)

## **9.0 FOLLOW-UP VISITS**

Where significant contraventions of legislation have been found, re-visits will be made to assess compliance. The timing of this re-visit will be determined by the action taken as the result of the original inspection.

If a revisit is intended then this will be clearly communicated to the duty holder at the time of inspection.

Where the contraventions are significant, every effort will be made to ensure that the original inspecting officer makes the re-visit.

## **10.0 RIDDOR NOTIFICATIONS**

Accidents, diseases, and dangerous occurrences reported under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) will be investigated in line with the HSE's Incident Selection Criteria (LAC 22/13) This details the type of reported incidents requiring mandatory investigation and gives guidance on the investigation procedure. Any incident where investigation is classed as mandatory that is not investigated must be justified to and approved by the Principal EH Manager by completion of Appendix A&B to the criteria guide.

Investigation of incidents outside the requirements of the criteria guide may be undertaken if they relate to a current priority inspection topic or form part of a local, regional or national concern.

## **11.0 SERVICE REQUESTS**

Officers dealing with requests for service will have regard to the Department's Limited Response Document and Service Standard.

Health and Safety service requests will be dealt with in accordance with the Department's "Procedure for Dealing with Service Requests" (ENV-HSW-008).

## **12.0 ENFORCEMENT OPTIONS**

This section aims to clearly set out our policy on deciding which enforcement option is applicable. It has been designed to be transparent and equitable.

Enforcement options are: no action; informal action; statutory notices; and legal proceedings which include formal caution and prosecution. These are detailed below:

### **12.1 No Action**

There will be times when it is appropriate to take no action. This will be where there are no breaches of the law, when good practice is being implemented or where the risk to health and safety is insignificant.

### **12.2 Informal Action**

Informal action includes verbal advice, requesting others to act, and letters containing recommendations only; and will be considered appropriate under the following circumstances:

- a) The act or omission is not serious enough to warrant formal action;
  - b) From the past history it can be reasonably expected that informal action will achieve compliance;
  - c) The consequences of non-compliance will not pose a significant risk to health and safety.
- or*
- d) the business is operated by a voluntary organisation using volunteers and information is likely to be more helpful and effective than a formal approach.

Verbal advice will be offered where poor practices do not constitute a breach of the law or where "advice on good practice" in a Guidance Document or Approved Code of Practice has not been followed. Officers giving verbal advice will clearly differentiate those items that are legal requirements and those that are recommendations only. The Enforcement Officer will, if asked, confirm in writing any advice.

### 12.3 Formal Letters

This section refers to letters and reports of inspections containing matters required by legislation.

Formal letters will be considered appropriate in the following circumstances:

- a) Where the act or omission is not serious enough to warrant the service of statutory notices.
- b) From the individual's/company past history it can be reasonably expected that a formal letter will achieve compliance;
- c) The consequences of non-compliance will not pose a significant health and safety risk;
- or
- d) The business is operated by a voluntary organisation using volunteers, and a formal letter is likely to be more helpful and effective than statutory notices or legal proceedings.

All letters shall clearly refer to the legislation covered. Recommendations will be clearly marked to show they are not legal requirements. The contact detail of the author and their line manager will be clearly visible on the letter.

### 12.4 Statutory Notices

In certain circumstances the service of statutory notices is appropriate.

#### **Improvement Notices**

The following factors determine the use of Improvement Notices –

- a) There are significant contraventions of legislation but prosecution is not appropriate;
- b) There is a lack of confidence that the duty holder will respond to an informal approach;
- c) There is a history of non-compliance with informal action;
- d) Standards are generally poor with little management awareness of statutory requirements;
- e) The consequences of non-compliance could be potentially serious to health or safety;
- f) Effective action needs to be taken as quickly as possible to remedy conditions which are serious or deteriorating, even though it is intended to prosecute.

The use of Improvement Notices will be related to risk to health and safety and they will not be used for minor contraventions of the legislation.

When serving Improvement Notices officers must follow the Department's Procedure for Serving Improvement and Prohibition Notices (ENV-HSW-007)

Improvement notices will not be used where the contravention might be a continuing one or in situations that do not physically exist longer than 21 days.

Officers issuing Improvement Notices will discuss with the duty holder the works to be specified and realistic time limits for the completion of the work. The Officer will consider alternative solutions put forward by the duty holder to remedy the contraventions.

Officers will explain the rights of appeal against Improvement Notices including the fact that the notice is suspended pending the appeal.

The time period allowed for compliance with the notice will be at least 21 days to allow the duty holder time to appeal to an Employment Tribunal if they so wish.

Once an Improvement Notice has been served, the Officer will check compliance within 5 days of the expiry of the Notice.

The officer will consider all reasonable written requests for an extension of the time of the Notice, made to the investigating officer within the existing time-scale.

The Officer will discuss with and advise the Lead Authority of the details of any notice and the outcome.

Where a business has entered into a Primary Authority partnership the officer will comply with the requirements of the scheme before issuing any notice

### **Prohibition Notices**

Where an activity involves, or will involve, a risk of serious personal injury an Environmental Health Officer may serve a prohibition notice prohibiting the activity immediately or after a specified time period, and not allow it to be resumed until remedial action has been taken.

When serving Prohibition Notices officers must follow the Department's Procedure for Serving Improvement and Prohibition Notices (ENV-HSW-007)

Officers issuing Prohibition Notices will discuss with the duty holder the works to be undertaken. The officer will consider any alternative solutions put forward to remedy the contravention.

Officers will explain the rights of appeal against Prohibition Notices including the fact that the notice is not suspended pending an appeal.

The officer will monitor that the Prohibition Notice is being complied with.

The Officer will discuss with and advise the Lead Authority of the details of any notice and the outcome.

Where a business has entered into a Primary Authority Partnership the officer shall inform and consult with the Primary Authority as soon as practicable after serving the notice.

### **Notice of Taking Possession and Detaining**

Officers will use powers to take possession and detain articles or substances when there are reasonable grounds for suspecting that an article or substance is a cause of imminent danger or serious personal injury.

The Officer will discuss with and advise the Lead Authority of the details of any notice and the outcome.

### **12.5 Legal Proceedings**

We will consider instigating legal proceedings where -

- there is admissible, substantial and reliable evidence that an employer, self-employed person, or an individual has committed an offence,
- that there is a realistic prospect of conviction,
- prosecution would be in the public interest in that awareness may prevent other similar offences in the future.

Subject to the above, the following are circumstances, which may warrant legal proceedings or the recommendation of legal proceedings:

- a) Death was a result of a breach of the legislation;
- b) The gravity of an alleged offence, taken together with the seriousness of any actual or potential harm, or the general record and approach of the offender warrants it;
- c) There has been reckless disregard of health and safety requirements;
- d) There have been repeated breaches which give rise to significant risk, or persistent and significant poor compliance;
- e) Work has been carried out without or in serious non-compliance with an appropriate

- licence or safety case;
- f) A duty holder's standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk;
  - g) There has been a failure to comply with an improvement or prohibition notice; or
  - h) There has been a repetition of a breach that was subject to a formal caution;
  - i) False information has been supplied wilfully, or there has been an intent to deceive, in relation to a matter which gives rise to significant risk;
  - j) Officers have been intentionally obstructed in the lawful course of their duties.

Where officers have been intentionally assaulted, the council will seek police assistance, with a view to seeking the prosecution of offenders.

We will also consider legal proceedings, or consider recommending legal proceedings were one or more of the following circumstances apply:

- a) It is appropriate, in the circumstances, as a way of drawing general attention to the need for compliance with the law and the maintenance of standards required by law, especially where there would be a normal expectation that legal proceedings would be taken or where, through the conviction of offenders, others may be deterred from similar failures to comply with the law;
- b) A breach that gives rise to significant risk has continued despite relevant warnings from employees, or their representatives, or from others affected by a work activity.

Where a business has entered into a Primary Authority Partnership the officer shall consult with the Primary Authority and no proceedings shall be instituted until authorized to do so by that Authority.

## **Prosecution of Individuals**

Enforcement action may be taken against employees, including managers, company directors etc. under Health and Safety at Work etc. Act 1974, Section 7, 8, 36(1) and 37(1). In particular action against individual directors and managers will be considered where the inspection or investigation reveals that the offence was committed with their consent or connivance or to have been attributable to neglect on their part and where it would be appropriate to do so in accordance with this policy.

Where appropriate, we will seek disqualification of directors under the Company Directors Disqualification Act 1986.

Legal proceedings against an employee will be considered if the employee has received previous warnings from either the employing Company or an Enforcement Officer, or if the offence was a flagrant breach of the employing company policy and legislation.

Legal proceedings against persons injured as a result of an accident at work will be considered where a serious breach could have, or did, expose others to a serious risk to health and/or safety.

The Department may contact a Lead Authority local authority partner for information on a company. It may also contact other organisations which hold publicly accessible information to determine if any relevant information is held relating to previous offences etc.

Once the Officer is of the opinion that Legal Proceedings may be appropriate the case is considered using the matrix in Appendix 1, which determines whether or not legal proceedings are instigated. The matrix incorporates the criteria set down in the Code for Crown Prosecutors.

The officer will discuss with and advise the Lead Authority of the details of any proposed legal proceedings and the outcome.

## **13.0 TYPES OF LEGAL PROCEEDINGS**

There are two types of legal proceedings that can be considered if the matrix, referred to in Appendix 1, indicates that formal action is appropriate. These are Prosecution and the issuing of Formal Cautions. Having regard to, and completion of the matrix in Appendix 2 determines the appropriate method.

**Where a decision is taken to prosecute the Department's document 'Procedure for the Prosecution of Legal Infringements – ENV-COM-033-07' shall be followed.**

The Department will offer Formal Cautions as an alternative to prosecution in order to:

- deal quickly and simply with less serious offences;
- divert less serious offences away from the Courts; and
- reduce the chances of repeat offences.

The Department will only make the offer of a formal caution where:

- There is sufficient evidence of the offender's guilt for a realistic prospect of conviction;
- The offender admits the offence; and
- The offender clearly understands the significance of a formal caution and gives informed consent of being cautioned

Where the offender declines the offer of a formal caution the Council will prosecute.

The Department's document "Procedure for deciding whether to prosecute or issue or Formal Caution" (ENV-COM-006) offers more detailed guidance for officers.

#### **14.0 REPRESENTATIONS TO THE COURTS**

We will, when appropriate, draw to the court's attention all the factors that are relevant to the court's decision as to what sentence is appropriate on conviction.

In cases of sufficient seriousness, and when given the opportunity, the council will consider indicating to the magistrate that the offence is so serious that they may send it to be heard in the higher court where higher penalties can be imposed.

#### **15.0 DECISION MAKING**

All Officers who undertake the enforcement options outlined in this policy will have the necessary qualifications, training and competence to do so.

***Informal Action/Formal Letters***- the following officers are authorised to take informal action as detailed in this policy:

Technicians;

Technical Officers;  
Environmental Health Officers;  
Environmental Health Managers.

**Improvement Notices** - the following officers are authorised to serve Improvement Notices:  
Technical Officers, after discussion with the Environmental Health Manager  
Environmental Health Officers, after discussion with the Environmental Health Manager;  
Environmental Health Manager.

**Prohibition Notices** - the following officers are authorised to serve Prohibition Notices:  
Environmental Health Officers. They will take every reasonable step to consult with an Environmental Health Manager prior to service;  
Environmental Health Manager.

**Legal Proceedings** - the following officers may authorise legal proceedings:

The Director of Environmental Protection and Waste Management;  
Head of Service Environmental Health ;  
Principal Environmental Health Managers;

The following officers will be consulted as part of the decision making process:  
The Environmental Health Officer dealing with the case;  
Environmental Health Managers;

**Formal Cautions** - the following officers are authorised to issue formal cautions:  
The Director of Environmental Protection and Waste Management;  
Head of Service Environmental Health;  
Principal Environmental Health Managers.

The following officers will be consulted as part of the decision making process:  
The Environmental Health Officer dealing with the case;  
Environmental Health Managers.

## **16.0 DEATH AT WORK**

Where there has been a breach of the law leading to a work-related death, we will consider whether the circumstances of the case might justify a charge of manslaughter. In such cases we will liaise with the Police, Coroners, and the Crown Prosecution Service (CPS). We will also follow the guidance in *Work-related deaths: A protocol for liaison*. If the Police or the CPS decides not to prosecute then we will consider legal proceedings in line with this policy.

## **17.0 PUBLICITY**

This Department notifies HELA of all health and safety prosecutions. This information is published annually; the specialist Health and Safety Team hold a copy of the document. The information is also available on the LAU/HELA homepage of the HSE website ([www.hse.gov.uk/lau](http://www.hse.gov.uk/lau)).

We will consider drawing media attention to factual information about charges that have been laid before the courts. We will also consider publicising any conviction which could serve to draw attention to the need to comply with health and safety requirements, or deter anyone tempted to disregard their duties under health and safety law.

**CRITERIA FOR LEGAL PROCEEDINGS**

Appendix 1

Name and Address.....

Business Address.  
.....  
.....

Contravention .....

**Where one of the following applies complete the matrix:**

- A Death as a result of breach of legislation
- B Grave offence (including seriousness of actual or potential harm.)
- C Reckless disregard of health and safety
- D Repeated breaches giving rise to significant risk, or persistent and significant poor compliance
- E Not licensed to carry out work or in serious non-compliance with a licence
- F Duty holder’s standard of managing of H&S is poor and gives rise to significant risk
- G Failure to comply with Improvement or Prohibition Notice
- H Repetition of a breach that was subject to Formal Caution
- I False information supplied wilfully,
- J Intent to deceive, in relation to a matter giving rise to significant risk
- K Intentional obstruction of officer in the course of their duties
- L A breach giving rise to significant risk has continued despite warnings from employees, their representatives etc.
- M Prosecution is to be used as a way of drawing attention to the need for compliance with the law and to act as a deterrent to others.

**(circle appropriate criteria)**

Weighting to be used as a multiplier

\*

CRITERION	SCORE	WTG	TOT
<b><u>A. SERIOUSNESS OF ALLEGED OFFENCE</u></b>			
<b>A.1 Risk of serious injury/dangerous occurrence associated with the alleged offence or incident had serious or potentially serious consequences.</b>			
No	1	5	
Yes	2	5	
<b><u>B. PUBLIC CONCERN</u></b>			
<b>B.1 Contravention has caused serious public alarm . e.g. young or elderly person involved</b>			
No	1	5	
Yes	2	5	
<b><u>C. PREVALENCE OF OFFENCE</u></b>			
<b>C.1 Type of offence is prevalent in activity area</b>			
No	1	5	
Yes	2	5	
<b><u>D. PREVIOUS HISTORY OF INDIVIDUAL/COMPANY</u></b>			
<b>D.1. Individual/company has positive attitude to health and safety and is genuinely trying to comply with legal requirements</b>	1	4	
<b>D.2 Has only addressed health and safety issues on a piecemeal or reactive basis</b>	2	4	
<b>D.3 Management not structured/not willing to deal with health and safety. No Safety Policy or policy is silent on the issue</b>	3	4	
<b>D.4 Repeated serious breaches of health and safety legislation generally. Has not responded to previous enforcement/advice, or warning from employee or their representatives</b>	4	4	
<b><u>E. PROSECUTION WITNESSES</u></b>			
<b>E.1 Witnesses do not want to attend court and would probably be hostile/unreliable</b>	1	4	
<b>E.2 Witnesses would rather not attend court but might be persuaded and likely to be effective</b>	2	2	
<b>E.3 Witnesses willing to attend court but may not be effective under cross examination</b>	3	2	
<b>E.4 Witnesses willing to attend court and likely to be effective</b>	4	2	

<b><u>F. WILLINGNESS TO PREVENT RECURRENCE</u></b>			
<b>F.1 Steps already taken by individual/company to prevent recurrence. Confidence by officer that these will be effective.</b>	<b>1</b>	<b>4</b>	
<b>F.2 Steps taken to prevent recurrence. Doubt by officer that these will be maintained</b>	<b>2</b>	<b>4</b>	
<b>F.3 Steps promised to prevent recurrence. Doubts by officer that these will be implemented/maintained.</b>	<b>3</b>	<b>4</b>	
<b>F.4 No signs that individual/company has taken or intends to take steps to prevent occurrence.</b>	<b>4</b>	<b>4</b>	
<b><u>G. PROBABLE PUBLIC BENEFIT</u></b>			
<i>G.1 Penalty/publicity will have limited value</i>	<i>1</i>	<i>3</i>	
<i>G.2 Penalty/publicity may lead to improvement in the case in question</i>	<i>2</i>	<i>3</i>	
<i>G.3 Penalty/publicity will help to prevent other similar offences</i>	<i>3</i>	<i>3</i>	
<b><u>H. EXPLANATION OFFERED BY DEFENDANT</u></b>			
<b>H.1 Factors appear to be beyond control of defendant</b>	<b>1</b>	<b>3</b>	
<b>H.2 Prevention was possible but necessary steps had not been taken. (Control measures not implemented)</b>	<b>2</b>	<b>3</b>	
<b>H.3 Blatant failure to control circumstances leading to offences. (No control measures established)</b>	<b>3</b>	<b>3</b>	
<b>H.4 Wilful disregard of health and safety</b>	<b>4</b>	<b>3</b>	

N.B. A separate assessment should be completed for each offence and each proprietor.

N.B. In many cases the investigating officer may be the only witness, and this section should be scored accordingly.

Decision	Score
Informal Action	33-45
Formal Action	46-91

**Recommendation**

Health and Safety Enforcement and Prosecution Po  
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<p><b>Recommendation of Investigating Officer</b></p> <p>*Informal/Formal Action</p> <p>Signed.....</p> <p>Date:</p> <p><b>Agree/Disagree (EH Manager)</b></p> <p>Signed .....</p> <p>Date:</p>
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\*Informal/Formal Action

Signed.....

Date:

**Agree/Disagree (EH Manager)**

Signed .....

## APPENDIX 2

### Deciding whether to prosecute or offer a Formal Caution

The decision to prosecute or offer a Formal Caution should be made using the following table as a guide:

<b>Criterion</b>	<b>Prosecute</b>	<b>Offer Caution</b>
Is the offence serious?	Yes	No
Is the offender old or infirm?	No	Yes
Has the offender a previous history of offending?	Yes	No
Is the offender willing to prevent a recurrence of the problem?	No	Yes
Would a prosecution be in the public interest? (i.e. <i>Will it help to prevent other similar offences in the future</i> )	Yes	No
Is the case likely to establish a legal precedent?	Yes	No
Has the offender offered a reasonable explanation	No	Yes
<b>Total</b>		

Ring the appropriate response to each criterion and total the number of rings in each column. The total number of rings will influence the decision.

**Recommendation of Investigating Officer**  
**\* Formal Caution/Prosecution**

Signed ..... Date:

\* Agree/Disagree (EH Manager)

Signed ..... Date:

**Decision of Principal EH Manager**

\* Agree/Disagree

Signed ..... Date:

\* Delete as appropriate