The Essentials of Incident Investigation
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Training Objectives

- Re-cap on health and safety legal framework
- Understand why/when to investigate accidents and who should conduct them
- Tips for conducting investigation interviews and writing investigation reports
- Important wider considerations...
H&S Legal Framework

Offences by Organisations

- Corporate Manslaughter
- Article 4 HSW(NI)
- Article 5 HSW(NI)
H&S Legal Framework

Offences by Individuals

Gross negligence manslaughter

Article 8 HSW(NI)

Article 34A HSW(NI)
Consequences?

What can happen when it all goes wrong:

• Death/serious injury
• Low morale
• Adverse publicity
• Enforcement action
• Criminal record/Imprisonment/Director Disqualification
• Fine/Costs/Civil Claim
The Internal Investigation...
WHY?

Legal reasons:

• To ensure current/future legal compliance

• Management of Health and Safety at Work Regulations (NI) 2000

• RIDDOR

• Civil claims
Legal reasons cont’d:

• HSG 245 “Investigating Accidents and Incidents”

“An effective investigation requires a methodical, structured approach to information gathering, collation and analysis. The findings of the investigation will form the basis of an action plan to prevent the accident or incident from happening again and for improving your overall management of risk. Your findings will also point to areas of your risk assessments that need to be reviewed. This link with risk assessment(s) is a legal duty.”
Why?

Moral reasons:

- Corporate responsibility - duty to protect
- Public image
- Commercial impact
- Expectation – customers/employees
- Improve employee morale/attitude to safety
WHY?

**Strategic reasons:**

- What went wrong? - assess your strengths/weaknesses
- Increase knowledge and preparedness
- Keep pace with external investigation
WHEN?

• Accident - obvious
• Near misses
• Anything else?

“An investigation is not an end in itself, but the first step in preventing future adverse events.”
### Levels of Investigation (HSG 245)

<table>
<thead>
<tr>
<th>Likelihood of recurrence</th>
<th>Potential worst consequence of adverse event</th>
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<tbody>
<tr>
<td></td>
<td>Minor</td>
</tr>
<tr>
<td>Certain</td>
<td>Yellow</td>
</tr>
<tr>
<td>Likely</td>
<td>Yellow</td>
</tr>
<tr>
<td>Possible</td>
<td>Yellow</td>
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<tr>
<td>Unlikely</td>
<td>Blue</td>
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<tr>
<td>Rare</td>
<td>Blue</td>
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## Levels of Investigation (HSG 245)

<table>
<thead>
<tr>
<th>Level</th>
<th>Who</th>
<th>What</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimal</td>
<td>Relevant supervisor</td>
<td>Lessons learned</td>
</tr>
<tr>
<td>Low</td>
<td>Relevant supervisor or line manager</td>
<td>Short investigation into immediate, underlying and root causes</td>
</tr>
<tr>
<td>Medium</td>
<td>Relevant supervisor or line manager, H&amp;S adviser and employee representatives</td>
<td>More detailed investigation into immediate, underlying and root causes</td>
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<tr>
<td>High</td>
<td>Supervisors or line managers, H&amp;S advisers and employee representatives supervised by senior managers/directors</td>
<td>Detailed team investigation into immediate, underlying and root causes</td>
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</table>
HSG 245 – Guidance

1. Gather information
2. Analyse
3. Identify control measures
4. Implementation
“To get rid of weeds you must dig up the root. If you only cut off the foliage, the weed will grow again.”
The Scenario...
Group work 1 - Investigation

Brainstorm:

• What first steps are you going to take towards conducting your investigation?

- Essential content of your report; documents for review; witnesses or relevant job holders you intend interview?
1. **Physical**: Capture the scene - walk around/photos/CCTV/cast list etc

2. **Verbal**: Arrange to conduct interviews

3. **Written**: Review key documentation
Witness Interviews – Why?

- Establish the Facts – fuller picture
- Capture evidence
- Contemporaneous record
- Remind the interviewee
Group work 2 - Interviews

Consider:

How would you structure your interviews and what type of questions might you ask?
Interview Structure

The Beginning

• Introductions
• Explain what you are doing and why
• Ensure a contemporaneous note is taken
• Confidentiality
Interview Structure

The Middle

• Allow sufficient time

• Ensure you are prepared with questions but able to react

• Allow witness to recall events

• Look for facts – not opinion or speculation

• Ensure your understanding and notes are absolutely clear
Interview Structure

**Questioning Techniques**

- Who, what, where, when, why?

Beware...

- Witness interference v preparation
- Speculation and opinion – leading questions
The End

• Ask if the witness has any questions
• Thank the witness for their assistance
• Provide details of how they can contact you
• Next steps?
The Statement

- Type notes up promptly
- Send them to the witness for careful review and amendment if necessary
- Ensure the statement is signed and dated
- Supplementary statements?
Group work 3 - Information

Consider:

1. How would you structure your report?

2. What supplementary information might you attach to your investigation report and why?
Summary / Feedback - Report

Suggested Report Structure:

- Executive Summary
- Relevant Background
- Findings
- Conclusions/Recommendations
- Timetable for action plan
- Appended Chronology of key dates and documentation
The Report

Consider:

• The importance of Language
  - (take care in what you write!)

• Implementation is key!
  - (take care in what you do with it!)
The aftermath...
Wider considerations?

- Business continuity
- Media interest (social media too!)
- Employee morale
- Formal/informal disciplinary action
- The external investigation
- Lessons Learned...
Future Monitoring

- New HSG 65 – Managing for Health and Safety
- Plan/Do/Check/Act
- Be proactive!
Legal Privilege!
Thank You & Keep in Touch!

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We do more. Better.