

Health and Safety Executive Board Paper		HSE/04/064	
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HEALTH AND SAFETY EXECUTIVE

The HSE Board

Major Incident Response and Investigation Policy and Procedures

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Issue

1. As part of the review of the current HSE corporate instructions on Major Incident response and investigation policy and procedures (Doc G), it is apparent that the oversight and monitoring arrangements of an investigation are not readily understood at all levels of the organisation.
2. In addition experience has shown that some aspects of the procedures can be streamlined, explicit acknowledgement of this will clarify the flexibility already present in the document for the Executive to determine
 - o whether to appoint external members to HSE to the Major Investigation Inquiry Board (MIIB);
 - o if the Investigation manager and prior role review team leader should always come from outside the Directorate responsible for the major incident site;
 - o whether to hold a prior role inquiry, and
 - o to include incidents of ill health within scope.

Timing

3. Routine

Recommendation

4. The board is asked to:
 - Endorse the new simplified management arrangements of a major incident investigation by removing the Major Incident Group (MIG);

- Agree that the “inquisitorial” and lessons learnt objectives of prior role inquiries are of equal importance. This will be emphasised by changing their name to prior role reviews;
- Explicitly acknowledge that prior role reviews are not automatically implemented when the Executive implements a major incident investigation and that those that are implemented will be proportionate to the incident under investigation;
- Agree that the head of OPSD, as chair of the Major Incident Procedures Group (MIPG), is assigned responsibility for monitoring the implementation of recommendations from the major incident investigation for the Executive;
- Agree to the definition of a Major Incident explicitly covering health issues (including chronic as well as acute incidents), and
- Endorse the ability of the Executive to advise the HSC on the possible forms of a Major Incident inquiry available to them under Section 14(2) of HSWA.

Background

5. For Major Incidents not subject to HSWA 14 (2)(a) investigation, current arrangements place responsibility for declaring a Major Incident with the Executive. When a Major Incident is called, then the extent to which the full procedure is invoked and whether a prior role inquiry is initiated lies with the Executive.
6. When an incident is declared as major the current oversight arrangements invoke the major incident group (MIG) whose role is not defined. The MIG comprises
 - the Executive,
 - the relevant co Director of Policy Group,
 - the Director(s) of relevant operating Directorate and
 - the Major Incident Investigation Division (MIID), which includes
 - o the major incident office,
 - o the Major Incident Investigation Board (MIIB),
 - o the investigation team and prior role inquiry team.
7. The MIIB oversees the investigation team and prior role inquiry team and responsible through the investigation manager to the Executive. The members independent of HSE on the MIIB provide an independent view on the evidence and provide assurance to the Executive on the adequacy of investigations.
8. The current definition of Major Incident as a “significant event, which demands a response beyond the routine”, has been taken to relate to an unusual occurrence that happens in a short time frame. As such it does not cover incidents of ill health, the evidence for which may build over time.

Argument

9. The current management system of Major Incident Investigation Procedures is bureaucratic (annexe 1). The role of the MIG is unclear and the MIG has not been implemented for recent major incident investigations. Simplification of this

arrangement would aid transparency and monitoring of outcomes from major incidents with no loss of quality. It is proposed to simplify the management of major incident investigations with the MIG being removed (annexe 2).

10. Prior role inquiries were originally intended as aids in identifying lessons to be learnt to improve HSE effectiveness as well as investigating HSE prior involvement. The balance between these two aims is not clear and is out of kilter. As a consequence inspectors are viewing prior role inquiries with concern as mainly inquisitorial exercises. The corporate instructions will be amended to rename the inquiry as a review, provide guidance for introducing the review to staff, strengthening support to staff whose prior involvement at the site of the incident is under review and producing feedback to staff to reinforce the dual purpose of the review and remove uncertainty.
11. Not all incidents, even those with large number of fatalities e.g. Morecambe Bay, would be considered suitable for the complete application of the Major Incident procedures including a prior role review (inquiry). It is proposed to explicitly acknowledge that not all major incident investigations will require a prior role reviews.
12. The difficulty in identifying that recommendations from prior role inquiries have been implemented has been identified as an issue (Paper No B/04/065). It is proposed that the head of OPSD as chair of the major incident progress group be charged with reporting progress on and the sign off of recommendations to the Executive.
13. Incidents such as multiple cases of ill health have not traditionally been classified as Major Incidents under the current system. This is not in line with the current strategy on health issues.
14. The HSC has the power to direct the Executive to undertake an investigation under Section 14(2) HSWA. There is no procedure for the HSC to receive advice on what forms of investigation would be most productive. Acknowledging the ability of the Executive to provide suggestions to the HSC provides transparency and highlights the ability of the HSC to direct the form of any such investigation.

Consultation

15. Representatives of HID, FOD, RIFOD, OSD, Solicitors Office and Communications Directorate.

Presentation

16. If the Board agrees then the changes will be reflected in a revised Document G Major Incident Response and Investigation Policy and Procedures.

Costs and Benefits

17. No additional costs are foreseen for HSE. HSE will benefit from the ability to more transparently investigate significant incidents, including those that are health related.

Financial/Resource Implications for HSE

18. N/A

Environmental Implications

19. N/A

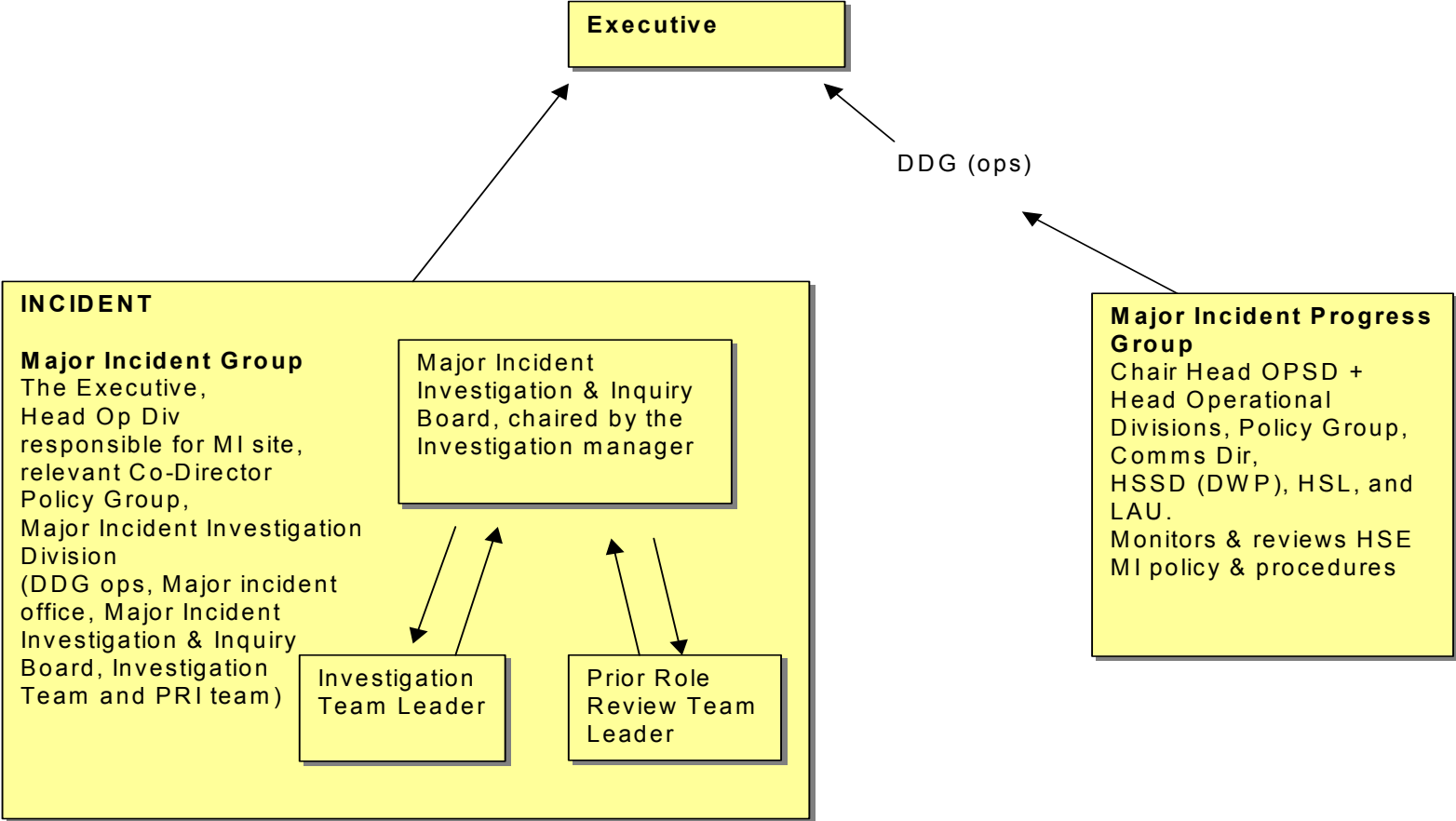
Other Implications

20. There is a business risk to HSE if any Major Incident investigation could be perceived to be incomplete or that sufficient independence in the investigation process has been achieved. This risk will be addressed by the publication of the revised HSE corporate instructions on Major Incident response and investigation policy and procedures (Doc G). The Executive will give any further justification, on a case-by-case basis.

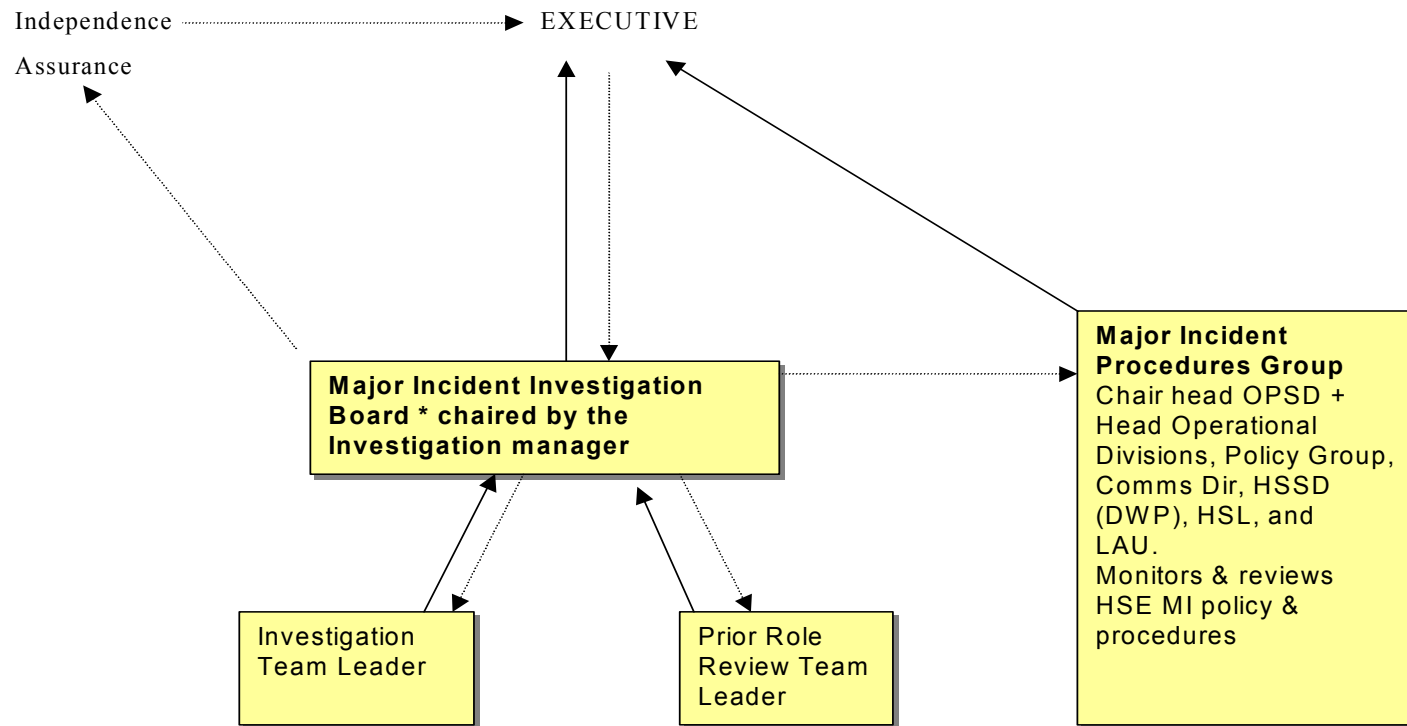
Action

21. That the board agree to the changes and endorse the clarifications proposed in par. 4.

Annex 1 Current Major Incident Procedures



Annex 2 Preferred Option



Key

- Information
- Reporting line

•Appointed by the Executive but may include Head Op Div responsible for MI site, the Major Incident Investigation Division and relevant Co-Director Policy Group if deemed appropriate.