

MAJOR INCIDENT RESPONSE AND INVESTIGATION & MAJOR INCIDENT POLICY AND PROCEDURE REVIEW

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INTRODUCTION

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Purpose

This procedure sets out HSE's corporate arrangements for responding to and investigating major incidents.

Scope

This procedure applies to incidents that are subject to an investigation by HSE under Section 14(2)(a) of the Health and Safety at Work etc Act 1974. It applies to an HSC direction to HSE to investigate an incident and also to incidents designated as "major" by the Executive.

Definition

A major incident is defined as a significant event, which demands a response beyond the routine, resulting from uncontrolled developments in the course of the operation of any establishment or transient work activity.

The event may either cause, or have the potential to cause, either:

multiple serious injuries, cases of ill health (either immediate or delayed), or loss of life, or
serious disruption or extensive damage to property, inside or outside the establishment

Events which, taken in isolation, may not warrant classification as major incidents, may do so when considered together.

Significance is determined by the severity of the incident, the degree of public concern and the nature and extent of HSE's previous involvement with the duty holder(s).

The nature and extent of HSE's previous involvement would not normally, on its own, result in an incident being declared as 'major'.

Policy

HSE's policy is to have an effective and efficient system for responding to major incidents, which is proportionate to the circumstances.

The requirements are:

- to provide an effective system for employers, employees, the public or emergency services to contact HSE in the event of a major incident

- to provide an effective communication system within HSE to enable a quick and appropriate response
- that there are in place appropriate arrangements to ensure that major incidents are notified promptly to Ministers, the Scottish and Welsh Executives (if appropriate), the Commission and the Executive
- that the responsibility for the control or mitigation of the effects of the incident rests with the emergency services in association with duty holders
- that each Directorate/Division produces written plans for local communications, access to facilities and equipment to enable the major incident response arrangements to be implemented
- that there are adequate resources for Directorates/Divisions to cater for the demands of major incident investigations
- that major incidents will be investigated with appropriate independence in each case; for those incidents subject to an HSWA Section 14(2)(a) investigation the HSC will usually appoint at least one person from outside HSE
- to conduct major incident investigations to deliver the core objectives in HSE's Investigation procedure and to contribute to HSE's knowledge of the causes of incidents
- to provide timely information to duty holders, other relevant enforcing agencies, other stakeholders and the public about the causes of incidents and any relevant health and safety findings from investigations

It is also HSE's policy to conduct major incident investigation policy and procedure reviews, independent of the major incident investigation, and to report on them to the extent necessary to:

- help HSE evaluate the effectiveness of intervention activity, including liaison with other enforcing authorities, use the intelligence gathered to inform and plan strategic enforcement policy
- identify any shortcomings in policy, legislation or guidance and to inform any consequential research

Any lessons to be learned from the policy & procedure review will be considered by the Executive and appropriate action taken to ensure any improvements to existing arrangements are implemented within a specified timescale.

HSE aims to set and maintain exemplary standards of health and safety performance to ensure the health and safety at work of all its employees, as stated in the Staff Handbook.

This means having in place effective management arrangements for staff health and safety implemented by all managers, team leaders and line managers for staff affected by the Major Incident investigation. Staff can be affected either directly in the investigation, following the investigation or affected as a result of their prior involvement, e.g. stress. Measures must be implemented that ensure the well being of staff and that best practice relevant to and proportionate to the risks HSE staff face are implemented.

Information about major incidents will be made available as far as the law prescribes.

Where improvements in health and safety would benefit from release of information the Executive, after advice from HSE's Legal Advisers, will authorise release of relevant anonymised information.

Where disclosure of information might prejudice an investigation or enforcement action (whether by HSE or another body), the risk of such prejudice will be balanced against the need for openness in deciding how much information can properly be disclosed and how soon.

When the incident is a civil contingencies event, HSE's initial response will be as a category 2 responder in accordance with its obligations under the Civil Contingencies Act 2004. If the major incident occurs at a site regulated by HSE then following the termination of the emergency response HSE will activate the investigation arrangements as appropriate.

Roles and responsibilities

For individual ease of use, roles & responsibilities are arranged on separate pages for the following:

- [HSE Executive & HSC](#)
- [Inspector line manager](#)
- [First officer at the scene](#)

- [Major incident investigation board \(MIIB\)](#)

- [Investigation manager](#)
- [Investigation team leader](#)
- [Investigation team](#)

- [Directors & heads of operating divisions](#)

- [HSE Secretariat](#)
- [Chief press officer](#)

- [Chief Executive of Health & Safety Laboratory](#)
- [Directors of Policy Group](#)
- [Head of Local Authority Unit](#)

- [Policy & procedure review team leader](#)
- [Policy & procedure review team](#)

- [Head of Operational Policy & Support division](#)
- [Major incident progress group \(MIPG\)](#)

- [Resources & Planning Division: Internal Audit](#)

Reports

Investigation report

The investigation report is prepared for the Executive by the Investigation Manager, or in the case of an HSWA Section 14(2)(a) investigation, for the HSC.

The report should be submitted to the Executive within 3 months of the completion of the investigation (this excludes waiting for the completion of enforcement action).

Publication of the report will be at the discretion of the Executive, following discussion with HSE's Legal Adviser.

Policy and procedure review report

The policy & procedure review report details the findings of the review.

The report will deal also with a broader examination of the adequacy of HSE's arrangements for dealing with duty holders of the type in question, if requested by the Executive.

The report should be submitted to the Executive within one month of the completing of the review, unless agreed otherwise after consultation with the Executive.

The policy and procedure review report will be made available to the public only after all legal action is complete, and the period of time for appeal (6 months) has passed.

Testing, monitoring, audit and review

Each Director/Head of Division will produce an annual programme for testing and monitoring their detailed plans to implement the corporate major incident response arrangements over the next work year. They will also report on the outcome of the previous year's testing programme with a view to sharing experiences & learning from them.

Both of these are to be sent to the Head of OPSD by 1 February each year.

Real incidents may be used as alternatives to the planned annual test providing performance is reviewed against established criteria.

Where Directorates/Divisions have no major operational responsibilities then they may, with the agreement of the Directorate/Division concerned, link their scenario tests with another Directorate/Division rather than organising an independent programme of their own.

The Head of OPSD, acting on behalf of the MIPG, will organise a scenario test of the HSE Major Incident Response Procedures.

The test is carried out annually or at intervals agreed by the Executive/Board. The test involves more than one Directorate/Division and may be incorporated within any Directorate/Division test as agreed with that Directorate/Division. A report of the results of the test is provided to the Deputy Director General (Operations).

All tests & reviews, carried out at whatever level, must meet a set of agreed [testing criteria](#).

The Executive monitors the implementation and effectiveness of the major incident response arrangements annually through the receipt of a paper produced by the MIPG, and as appropriate in the circumstances of each major incident investigation.

HSE's internal audit unit includes within their programme the audit of the HSE major incident response arrangements and Directorate/Division arrangements. It is the

responsibility of the relevant Director or Head of Division to implement the recommendations of the audit.

The Major Incident Response and Investigation procedure will be reviewed by the Executive every 3 years.

STAGE 1: RECEIVE INCIDENT DETAILS

- 1.1 [Determination of enforcing authority](#)
- 1.2 [Urgent upward notification](#)
- 1.3 [Confirmation of major incident](#)
- 1.4 [Immediate dissemination](#)

Step 1.1

For: Receiving Officer (including HSE duty officer)

Determination of enforcing authority

Ensure the incident is dealt with by the right enforcing authority by:

- ✓ checking, if necessary, the relevant enforcing authority guidance
- ✓ passing the incident to an appropriate officer in the correct part of HSE, or
- ✓ passing it to another relevant enforcing authority, as necessary

Step 1.2

For: Responsible Person

Urgent upward notification

Assess the incident and if it is:

- ✓ a potential [major incident](#)

Then:

✓ arrange for the incident details to be sent to HSE Secretariat and, afterwards, to the appropriate D/D secretariat as necessary

Performance standard

Assess the incident and notify the details to HSE secretariat within:

! 1 hour of being notified of a potential major incident

For guidance on this:

in HID please see:

- OSD Inspection manual – Incident investigation guidance – Early day reports
- OSD Incident response manual

and in NSD:

- NSD's fast stream reporting process

- Guidance: NSD's fast stream reporting process

Step1.3

For: Senior Line Manager

Confirmation of potential major incident

Reconsider the information available & if the incident is not a potential major incident:

- ✓ ensure the Investigation procedure is followed instead

go to step 1.5 Investigation procedure

- ✓ arrange for HSE Secretariat & the appropriate D/D secretariat to be informed of this decision

If considered to be potentially a major incident

- ✓ advise head of Directorate/Division of incident and advise of importance
- ✓ confirm with HSE secretariat
- ✓ confirm with DD secretariat

Performance standard:

Consider the incident and notify confirmation to HSE and DD secretariat within:

! 1 hour of the initial notification if potentially a major incident

! 1 hour of the initial notification if decided not to be a major incident

Step 1.4

For: HSE Secretariat

Immediate dissemination

Immediately upon receipt of a report of a potential major incident:

- ✓ notify a member of HSE Executive
- ✓ alert Press Office
- ✓ inform other internal & external stakeholders as appropriate
- ✓ brief the HSE Duty Officer if the incident continues after office hours

STAGE 2: DECISION ON INCIDENT

- 2.1 [Advice to Executive](#)
- 2.2 [Determination as 'major'](#)
- 2.3 [Dissemination of decision](#)
- 2.4 [Action in Division](#)

Step2.1

For: Head of Division/Directorate

Advice to Executive

Provide advice to the Executive, as appropriate, on:

- ✓ the significance of the potential major incident
- ✓ an incident, not initially categorised as 'major', which may subsequently warrant such classification in light of developments
- ✓ events which, taken in isolation, may not warrant classification as major incidents but may do so when considered together

Also advise the Executive on any specific legislation which:

- ✓ creates particular obligations
- ✓ gives powers to Ministers to direct the nature of investigations
- ✓ gives devolved administrations powers to use other legislation to hold investigations

Following the provision of this advice:

- ✓ arrange for the relevant policy division, HSE and DD Secretariat, Press Office and, as appropriate, the HSE Director (Scotland) or (Wales) to be briefed on the above

Performance standard

Consider the incident and brief the Executive within:

! 1 hour of being notified of a potential major incident

Step 2.2

For: HSE Executive

Determination as major

Following receipt of the initial information on the nature of the incident, and taking into account the [scope](#) of this procedure:

- ✓ consult with relevant head(s) of Division/Directorate, HSE Legal Advisor, the Chair of the HSC, the Commission and Ministers as appropriate
- ✓ decide if the incident should be categorised as 'major'

If the incident is determined to be 'major':

- ✓ decides what elements of the major incident response arrangements should be applied
- ✓ determine frequency of briefing updates and inform HSE secretariat

Step 2.3

For: Secretariat

Dissemination of decision

Immediately upon receiving the decision of the Executive to declare an incident a major incident:

- ✓ alert the HSE Press Office and other internal and external stakeholders as necessary
- ✓ keep a record of the information received using the Incident Contact Log
- ✓ obtain update information relating to the incident
- ✓ disseminate update information relating to the incident
- ✓ if the incident continues outside office hours, ensure the Duty Officer is adequately briefed on the incident and is aware of any action required of them
- ✓ provide briefings to the Executive according to the prescribed frequency

If the incident is not determined to be 'major' immediately:

- ✓ alert heads of Directorate/Division of decision for further dissemination in Directorate/Division
- ✓ alert the HSE Press Office and other internal and external stakeholders as necessary
- ✓ discuss and agree how updates and briefings will be provided

Step 2.4

For: Senior Line Manager

Action in Division

If informed the incident is declared a major incident:

- ✓ follow the instructions given by Executive for investigation arrangements

If informed incident is not declared a major incident:

- ✓ ensure the Investigation procedure is followed instead

go to step 1.5 Investigation procedure

- ✓ inform D/D secretariat and, if necessary, advise head of Directorate/Division of decision

STAGE 3: INITIAL RESPONSE

- 3.1 [Despatch of inspector](#)
- 3.2 [Emergency services](#)
- 3.3 [Initial actions](#)
- 3.4 [Confirmation of initial information](#)
- 3.5 [Notifications](#)
- 3.6 [Re-evaluation](#)

Step 3.1

For: Inspector line manager

Despatch of inspector

Decide timing of despatch of an inspector to the incident and to what purpose, by considering:

- ✓ whether [urgent HSE attendance](#) is appropriate
- ✓ whether there is sufficient information about the incident
- ✓ any initial health and safety issues/instructions with inspector
- ✓ HSC/E's policies on enforcement priorities
- ✓ the involvement of other enforcement/investigation agencies

For guidance on this, please see:

- Health & Safety at Work, etc Act 1974 section 3: enforcement, para 9
- Work-related road traffic incidents: an explanation of circumstances where HSE may have a role to play
- Gas safety procedure & enforcement advice
- Legal and Enforcement – Enforcement in HSE - Liaison arrangements, concordats & memoranda of understanding

And in HID:

- MoU between HSE & Environment Agency on the implementation of the Seveso II directive
- MoU between HSE & Scottish Environment Protection Agency on the implementation of the Seveso II directive

And in NSD:

- Memorandum of understanding: index

Discuss with the inspector:

- ✓ the initial objectives to be achieved

- ✓ the arrangements for reporting initial information

Meanwhile, inform:

- ✓ the originator of the initial notification of the proposed attendance and estimated time of arrival
- ✓ the emergency services of the intention to deploy an inspector

If the incident was a fatal:

- ✓ inform the Coroner/Fiscal whether or not HSE is involved in investigating the incident if practicable
- ✓ remind the Coroner that HSE should be informed when the inquest is to be held

For guidance on this, please see:

- Work-related Deaths: Liaison with the Police & Crown Prosecution Service
 - Work-related deaths: Investigators guide
 - Enforcement Guide – Work related deaths – Investigation
- or
- Enforcement Handbook (Scotland), chapter 9

Step 3.2

For: First inspector at scene

Emergency services

Immediately on arrival:

- ✓ make contact with officers in control of the emergency services present at the scene
- ✓ confirm the status of the incident with fire service
- ✓ determine whether the police have retained control of the site or that has been released to the occupier
- ✓ confirm that civil contingency plans are not being activated

If the incident is subsequently declared to be a civil contingency event:

- ✓ follow the instructions of Police Gold re evacuation
- ✓ notify appropriate FOD Divisional Director, HSE press office and line manager

Step 3.3

For: First inspector at scene

Initial actions

Take the following initial actions:

- ✓ start a written record in notebook
- ✓ start a written record of key decisions in key decision log
- ✓ make an initial risk assessment of personal health and safety and any PPE requirements
- ✓ assume interim control of the investigation until relieved by investigation team leader
- ✓ alert the site operator and other emergency service officers, if required, of the need to leave evidence undisturbed.
- ✓ collect latest information about the incident, including: precise location, using the [grid reference](#) if necessary, casualties (numbers, severity, deaths, injuries, persons trapped, etc); hazards (spillages, leaks, fire, safety of buildings, machinery, etc); type of incident (chemical release, explosion, fire, structure collapse, etc)
- ✓ determine whether and what specialist, technical or additional support required
- ✓ determine the health and safety requirements, e.g. PPE, for other HSE staff who will attend, identify safe routes of access, etc
- ✓ be prepared to make a [holding statement to the media](#) if required
- ✓ if [enforcement action against the emergency services](#) is a consideration, consult the line manager wherever practicable

For further guidance on this, please also see:

- Enforcement action against the police, fire brigade or MoD

Step 3.4

For: First inspector at scene

Confirmation of initial information

On site, confirm:

- ✓ that the information that triggered the designation of the incident as a potential major incident is correct

Step 3.5

For: First inspector at scene

Whether or not the initial information was correct, pass on details of the current situation, either directly or via line manager, to:

- ✓ press office 020 7717 6700, or out of hours 020 7928 8382 (who will inform the Secretariat)

- ✓ duty officer 0151 922 9235, if incident occurred out of hours
- ✓ FOD divisional director for region concerned, if civil contingency plans are activated whilst on site
- ✓ relevant section/area manager for establishment concerned
- ✓ relevant specialists, e.g. mechanical engineering, process safety, etc, if required
- ✓ DoT duty officer 0207 7944 5999 or duty press officer 0207 7944 4292, for incidents involving transport
- ✓ DTI duty officer/press officer 0207 215 3505/3234, for a civil nuclear emergency

Step 3.6

For: First inspector at scene

Re-evaluation of designation

If the information that triggered the designation of the incident as major is **not** substantially correct:

- ✓ provide updated information to enable re-evaluation of incident status to be made

go to step 1.3: [Confirmation of potential major incident](#)

STAGE 4: INVESTIGATION MANAGEMENT

- 4.1 [Terms of reference](#)
- 4.2 [Strategic liaison](#)
- 4.3 [Major incident room](#)
- 4.4 [Staff welfare](#)
- 4.5 [Tactical liaison](#)
- 4.6 [Investigation arrangements](#)
- 4.7 [Frontline liaison](#)

Step 4.1

For: Investigation Manager

Terms of reference

Agree with the Executive:

- ✓ the terms of reference for the investigation
- ✓ the terms of reference for the policy and procedure review, if held

Agree with the investigation team leader:

- ✓ the objectives of the investigation
- ✓ the objectives of the policy and procedure review

Step 4.2

For: Investigation Manager

Strategic liaison

Establish and utilise effective liaison arrangements:

- ✓ with emergency service Golds to co-ordinate activities

If practicable:

- ✓ intervene with emergency service Golds as an alternative to site enforcement action on the emergency services

Consider, on request of the Investigation Team leader:

- ✓ the [drafting of prohibition notices](#) or written reports under HSW section 25(3) that deal with significant risks to the Emergency services

For guidance on this, please see:

- Work-related deaths: liaison with the Police & Crown Prosecution Service

- Enforcement action against the police, fire brigade or MoD

Step 4.3

For: Investigation Manager

Major incident room

Determine if a HSE [major incident room](#) should be established/activated for investigation management, by considering whether:

- ✓ the police regional command centre or other emergency services facilities will be available for the likely duration of HSE investigation and can be used
- ✓ an on-site/local incident room using site occupier office accommodation (if offered and suitable) is available
- ✓ the hiring a local office is possible
- ✓ HSE information dissemination needs and press office support require separate office support
- ✓ requesting the HSE mobile major incident room will be necessary

Step 4.4

For: Investigation Manager

Staff welfare

Consider:

- ✓ the staff welfare arrangements of the investigation team, ensuring their health, safety and welfare in accordance with HSE's health and safety policies
- ✓ relevant staff travel and subsistence issues

For guidance on this, please see:

- HSE in action: Health, safety and welfare of staff in cross-directorate major investigations

Step 4.5

For: Investigation Team Leader

Tactical liaison

Ensure effective tactical liaison with emergency services by:

- ✓ briefing the Police Silver on the role of HSE and HSE staff with respect to joint working at the scene of a significant incident as necessary

- ✓ determining with the Fire and Rescue Silver, and where appropriate the police, a recovery strategy that, whilst ensuring the health and safety of all at risk, does not disturb critical evidence
- ✓ seeking to agree site access for HSE staff and those assisting HSE in the investigation
- ✓ considering with the police, the duty holder in charge of the site, other relevant agencies and the fire service, what criteria have to be fulfilled before the emergency response can be declared completed by the fire service and the emergency services stood down
- ✓ maintaining close liaison with other enforcing authorities, the police and emergency services
- ✓ arranging, if required, a joint investigation strategy, including which witnesses can be interviewed
- ✓ advising the emergency services, when requested, on matters of health and safety

Note: the investigation team leader should not assume responsibility for the health and safety of any but HSE staff, nor take control of the incident

For further guidance, please see:

- Work-related deaths: liaison with the Police & Crown Prosecution Service

Step 4.6

For: Investigation Team Leader

Investigation arrangements

In consultation with the investigation manager, as appropriate:

- ✓ plan the investigation
- ✓ consider which analytical investigation method(s) will be used and arrange any [technical support](#) required, including through direct [contact with HSL](#)
- ✓ assemble an investigation team
- ✓ arrange, if required (e.g. not shared with police, etc), evidence logging and storage arrangements

If the issue arises:

- ✓ consider any requests for issuing a prohibition notice on the emergency services from HSE officers
- ✓ seek to resolve the issues with other emergency service Silvers
- ✓ in the event of failure, seek advice and assistance from the Investigation Manager

Continue to keep the Investigation Manager:

✓ appraised of developments on site, particularly of any developing issues that may need their intervention with the emergency services or other investigating agencies

Step 4.7

For: Investigating Officer

Frontline liaison

Liaise:

✓ with the emergency services and attending police forward control point as required

In the event of serious, unnecessary risk to human health and safety:

✓ encourage the emergency services to seek advice from their own health and safety advisors, otherwise

✓ bring to the attention of HSE Silver

In cases of imminent risk, as a last resort:

✓ [consider issuing a prohibition notice](#) against the emergency services (or if not an inspector, discuss the issuing of a PN)

✓ seek the advice of the Investigation Team Leader, wherever practicable

For guidance on this, please see

- Enforcement action against the police, fire brigade or MoD

STAGE 5: INVESTIGATION

- 5.1 [Investigation oversight](#)
- 5.2 [Review of receipt](#)
- 5.3 [Urgent issues](#)
- 5.4 [Investigation management](#)
- 5.5 [Upward briefing](#)
- 5.6 [Procedural review](#)
- 5.7 [Investigation conduct](#)

Step 5.1

For: Investigation Manager

Investigation oversight

As the investigation gets underway:

- ✓ call and chair the meetings of the Major Incident Investigation Board
- ✓ ensure investigation is conducted in accordance with the Investigation procedure, stages 3 & 4
- ✓ ensure all key decisions and reasons for those decisions are recorded in the key decision log maintained by the Investigation Team Leader

Note: it is mandatory that a key decision log be maintained in every major incident investigation

- ✓ provide briefing for the Director of the OD concerned with the site, the Executive, the Chair and HSC and, via the Secretariat, Ministers and Parliament
- ✓ formulate and co-ordinate HSE's media response with [Press Office & GNN](#) and the head of the Secretariat

Step 5.2

For: Investigation Manager

Review of receipt of incident

Once the investigation has begun:

- ✓ identify any deficiencies in the procedure of transmission of the notification of the potential major incident to the Executive, and other parties
- ✓ inform the chair of the Major Incident Progress Group of any deficiencies found
- ✓ identify any improvements to ensure performance standards for stage 1 of the procedure are met in future

Performance standard

The written notification to the head of OPSD as chair of MIPG:

! should detail the problems encountered and proposed solutions

Step 5.3

For: Investigation Manager

Urgent issues

If, during the course of the investigation, a health and safety issue affecting the industry and which requires urgent action by HSE is discovered:

- ✓ ensure an interim report is prepared as soon as practical
- ✓ provide an interim report to the Executive as soon as possible for a decision regarding the timing of publication and further work on developing options to address the issue
- ✓ provide briefing for the Director of the OD concerned with the site, the Executive, the Chair and HSC and, via the Secretariat, Ministers and Parliament if relevant

Note: the interim report of an urgent health and safety issue need only detail the nature and scale of the issue, the reasons for the urgency of the action and any information that might assist in the development of options to address the issue

Step 5.4

For: Investigation Team Leader

Investigation management

Implement local arrangements to manage the investigation, to ensure:

- ✓ day-to-day investigation activity in is accordance with stages 3 and 4 of the Investigation procedure
- ✓ key decisions, and the reasons for them, are recorded in a [key decision log](#)
- ✓ the health, safety and welfare of HSE staff involved in the investigation is in accordance with HSE's health and safety policies
- ✓ staff travel and subsistence is properly managed
- ✓ a log of time spent on investigation related matters is kept
- ✓ co-ordination with the Investigation Manager on the communication strategy, responses to the media and any need for HSE Press Office on-site assistance
- ✓ appropriate people are kept briefed on the conduct of the investigation

- ✓ all HSE staff and HSE contractor specialists on site are briefed particularly on observance of emergency service protocols on entry to scene of the incident and agreements made with other parties

For further guidance, please see:

- Independent legal oversight
- HSE in action: Health, safety and welfare of staff in cross-directorate major investigations

Step 5.5

For: Investigation Team Leader

Upward briefing

As the investigation progresses:

- ✓ brief the Major Incident Investigation Board on the progress of the investigation
- ✓ keep the Investigation Manager apprised of the progress of the investigation
- ✓ respond to the continuing strategic direction of the Investigation Manager.

Step 5.6

For: Investigation Team Leader

Procedure review

As the investigation progresses:

- ✓ identify any problems from following, or possible improvements to, this procedure
- ✓ raise all such issues in writing with the chair of the Major Incident Progress Group for consideration in a subsequent review of the procedure

Performance standard

Raise such issues with the chair of the MIPG:

! within 3 months of the completion of the investigation

Step 5.7

For: Investigating Officer

Investigation conduct

When it gets underway:

- ✓ undertake the investigation as directed by the Investigation Team Leader
- ✓ follow the relevant steps in the Investigation procedure, stages 3 & 4

- ✓ brief the Investigation Team Leader on progress with activities
- ✓ co-ordinate with Investigation Team Leader to ensure key decisions, & the reasons for them, are entered in the investigation key decision log

STAGE 6: INVESTIGATION REPORT

- 6.1 [Interim factual report](#)
- 6.2 [Draft report](#)
- 6.3 [Final report](#)
- 6.4 [Implementation of recommendations](#)

Step 6.1

For: Investigation Manager

Interim factual report

As soon as possible in the course of the investigation:

- ✓ present a report to the Executive and the chair of the MIPG on the full facts, as known, of the incident, and HSE's early response and liaison arrangements

Performance standard

Present the report:

! at the earliest opportunity but within one month of the incident occurring

Step 6.2

For: Investigation Team Leader

Draft investigation report

When the investigation is completed:

- ✓ prepare and submit a draft [investigation report](#) and recommendations on the outcome of the investigation to the Investigation Board

Step 6.3

For: Investigation Manager

Final report & recommendations

Finalise the investigation report and recommendations by:

- ✓ consulting MIIB on the draft report and recommendations
- ✓ consulting with the MIPG, through the chair, regarding the recommendations

Then:

- ✓ prepare the final investigation report for the Executive
- ✓ assign a unique identifying number to the report

- ✓ accurately describe and uniquely number any recommendations

Performance Standard

Present the report to the Executive:

! within three months of the completion of the investigation (excluding waiting for the completion of enforcement action)

Step 6.4

For: Chair MIPG

Implementation of recommendations

Following presentation of the final report to the Executive:

- ✓ consult with Executive and MIPG how the recommendations for improvement identified in the interim & final reports are to be implemented
- ✓ monitor implementation of the recommendations and report to Executive

Performance standard

Report progress on the implementation of recommendations to the Executive and the Board

! in the annual report

! or at a time determined by the Executive

MAJOR INCIDENT POLICY & PROCEDURE REVIEW

- Step 1 [Initiate review](#)
- Step 2 [Establish & oversee review](#)
- Step 3 [Ensure welfare of staff](#)
- Step 4 [Carry out review](#)
- Step 5 [Prepare report](#)
- Step 6 [Implement report](#)
- Step 7 [Disseminate findings](#)

Step1

For: Executive

Initiate review

When it is determined a policy & procedure review is warranted:

- ✓ determine the timing of the review, after consultation with relevant stakeholders
- ✓ set terms of reference and frequency of progress reports
- ✓ appoint a policy and procedure review leader
- ✓ appoint an investigation manager to manage policy and procedure review

Step2

For: Investigation Manager

Establish & oversee review

When a review has been initiated:

- ✓ direct the policy and procedure review leader on the terms of reference for the review
- ✓ determine if a review team is required and its composition
- ✓ ensure liaison between the policy and procedure review leader and the major incident investigation board takes place in respect of completion of the review
- ✓ provide periodic updates to the Executive on the progress of the review

Step 3

For: Investigation Manager

Ensure welfare of staff

Ensure the welfare of staff with prior involvement at the site by:

- ✓ addressing the issue of stress on the staff involved
- ✓ providing information updates on the review to staff, where possible, and in all cases at the end of the investigation
- ✓ conducting a formal debriefing session for all staff involved in the investigation, including those with prior involvement at the site

Where HSE staff are under investigation as part of a wider police investigation into the dutyholder's actions:

- ✓ seek advice from Legal Adviser's Office regarding the provision of legal representation

For further guidance on this, please see:

- HSE Staff handbook - Chapter 12: general information - Support for HSE staff

Step 4

For: Review Leader

Carry out review

In accordance with the terms of reference & in consultation with the investigation manager, as appropriate:

- ✓ plan the review
- ✓ assemble a review team, if required,
- ✓ communicate the terms of reference and the purpose of the review to the team
- ✓ communicate the terms of reference and the purpose of the review to the staff involved in regulating the site prior to the incident
- ✓ manage the day-to-day review activities
- ✓ brief the investigation manager on the progress of the review
- ✓ prepare a report on the outcome of the review for consideration by the major incident investigation board
- ✓ ensure the review report is given a unique number
- ✓ ensure any recommendations in the review report are accurately described and uniquely numbered

Step 5

For: Investigation Manager

Prepare report

In preparing the policy & procedure review report:

- ✓ consult with major incident investigation board
- ✓ consult with the major incident progress group, through the chair, regarding recommendations arising from the policy and procedure review
- ✓ follow the agreed [standard format](#)

When completed:

- ✓ forward review report to the Executive

Performance Standard

Present the report to the Executive:

! within one month of the completion of the review

! unless a different timescale has been agreed in consultation with the Executive.

Step 6

For: Executive

Implement report

After consideration of the report:

- ✓ determine which, if not all, recommendations are to be implemented
- ✓ instruct the relevant head(s) of Directorates/Divisions to implement the relevant changes to policies and procedures
- ✓ direct the chair of major incident progress group to monitor implementation of recommendations

Step 7

For: Investigation Manager

Disseminate findings

Following its acceptance by the Executive:

- ✓ communicate the conclusions of the review to the inspectors involved in regulating the site prior to the incident

Performance Standard

Brief the inspectors involved:

! within one month of the Executive accepting the report

ROLES AND RESPONSIBILITIES - DETAIL

HSE Executive & HSC

Roles

The Executive should advise the Commission on its proposals for management of incidents that are subject to an investigation under Section 14(2)(a) of the Health and Safety at Work etc Act 1974.

The final decision on the degree to which the full process contained in this document is applied rests with the Commission.

For major incidents that are not subject to a HSWA Section 14(2)(a) investigation, the decision to formally designate an incident as being "major" rests with the Executive.

The Executive decides which of the [major incident response management arrangements](#) are to be applied, as well as deciding whether or not a policy and procedure review should be held.

The Executive may appoint an investigation manager and after consultation with the investigation manager, may appoint the HSE members of a major incident investigation board (MIIB) drawn from HSE senior staff.

Where appropriate the MIIB may include at least one person independent of HSE. This person(s) is appointed by the Executive, and in the case of a Section 14(2)(a) investigation, in consultation with the Chair of HSC.

HSE Executive

Responsibilities

The Executive:

- ensures that a member of the Executive is available for out-of-hours notifications of major incidents
- decides if the incident should be categorised as 'major' by consulting with relevant head(s) of Division/Directorate, the Chair of the HSC, the Commission and Ministers, as appropriate, on the nature of the incident and the proposed action

When considering whether to declare a major incident, the Executive will consider the following points:

- the significance of the event
- any separate investigations by other regulatory bodies
- the involvement of other regulatory bodies in the investigation
- the effect of the investigation on HSE as a whole and the Directorate's/Division's programme of work
- the concerns of the Commission, ministers, other government departments, devolved administrations and regulatory bodies.

Once a major incident is declared, the Executive:

- agrees which of the major incident arrangements should be invoked for the investigation - in the case of a HSWA Section 14(2)(a) investigation, in conjunction with the HSC Chair
- decides the scope of the investigation appropriate to the scale and complexity of the incident
- determines whether a policy and procedure review should take place & its timing, in consultation with relevant stakeholders, and sets the terms of reference - in the case of a HSWA Section 14(2)(a) investigation, in conjunction with the HSC Chair
- ensures that contact with the Secretariat and all members of the Executive is maintained during the response to the major incident
- monitors and as necessary approves briefing for the Commission Chair, the Commission and Ministers
- oversees the investigation and any policy and procedure review process, altering the terms of reference of the investigation/review process if appropriate
- approves publication of the report following a major incident investigation and considers whether to publish interim technical reports if broader health and safety lessons emerge
- agrees decisions on the timing of the release of information to the public.
- considers the policy and procedure review report and ensures that any appropriate response to the recommendations is taken.

Inspector line manager

Responsibilities

The line manager of the first officer to be despatched to the scene:

- considers whether there is sufficient information about the incident
- informs the emergency services of the intention to deploy an inspector
- discusses any initial health and safety issues/instructions with inspector
- considers HSC/E's policy on enforcement priorities
- alerts the originator of the initial notification of the proposed attendance of an inspector and their likely estimated time of arrival.
- discusses with the inspector the initial objectives to be achieved & further information to be gathered
- identifies reporting arrangements

First officer at the scene

Responsibilities

The first officer to be despatched to the scene:

- calls the originator and gives them their estimated time of arrival.
- assesses their personal health and safety risks and PPE needs
- establishes contact with emergency services
- confirms the fire service has declared the incident over
- follows the Police Gold's instructions, if the incident is declared a civil contingency event
- determines whether the police retain control of the site or it has been released to the occupier
- prepares to make a holding statement for the media, if required

They also:

- start a written log
- survey & assess the incident
- assume interim control of the investigation
- assess the health & safety needs of other HSE staff who will attend

They notify:

- HSE Secretariat (020 7928 6917; out of hours: 020 7928 8382)
- duty officer (0151 922 9235) if required
- Area/Regional Director, especially if civil contingency plans are activated
- relevant head of section
- relevant specialist(s)
- DoT (0207 7944 5999), if necessary
- DTI (0207 215 3505), if necessary

Major Incident Investigation Board (MIIB)

Roles

The MIIB is formed when a major incident is declared & its composition is determined in response to the nature of the incident concerned.

The MIIB is responsible for advising the investigation manager and the Executive on the conduct of the investigation into the incident.

The MIIB is also responsible for monitoring the policy and procedure review, if one is undertaken and ensuring issues that have implications for HSE's policies and procedures are examined.

The independent member(s) provide a source of independent advice to the major incident investigation and policy and procedure review. They also provide independent assurance to the Commission (in the case of a HSW reg.14(2) investigation) and the Executive on the adequacy of the investigation and the conclusions drawn.

Responsibilities

The MIIB is responsible for:

- monitoring the course of the investigation by receiving regular reports from the investigation team leader on progress and outcomes and providing advice and support as necessary
- ensuring that the investigation identifies the immediate and underlying causes of the incident and examines the extent to which the duty holder(s) have complied with the law
- ensuring that the process of evidence collection and the conclusions drawn from the evidence are robust and will withstand scrutiny
- considering, in consultation with Legal Advisor's Office, whether to publish interim technical reports if broader health and safety lessons emerge
- agreeing the action to be taken by HSE as a result of the investigation, including enforcement action if appropriate in line with the HSC Enforcement Policy Statement.

Note: the Board Member(s) independent of HSE are **not** involved in enforcement action considerations

- endorsing the report on the outcome of the investigation.

The MIIB also:

- ensures that any issues emerging from the investigation which have implications with respect to HSE's policy and procedure are examined by the policy and procedure review team and that appropriate recommendations to improve effectiveness are made
- monitors progress of the policy and procedure review by way of regular reports from the review team leader, directing the course of the review as necessary and endorsing the report on the policy and procedure review

In addition to the above responsibilities, the Board Members independent of HSE are responsible for providing:

- an independent view on the interpretation of the evidence collected and the conclusions drawn and assurance to the Executive that the major incident investigation and policy and procedure review processes met their terms of reference

and in particular that:

- the performance of duty holders has been thoroughly examined, the immediate and underlying causes of the incident have been identified and remedial actions have been taken or are proposed
- the investigation and policy and procedure review have been properly conducted and the role of HSE, and where relevant the HSC, before the incident has been properly considered.

Investigation manager

Roles

The investigation manager is responsible to the Executive for the overall conduct of the investigation as well as any review into HSE's policy and procedure.

The investigation manager acts as [Gold command](#) should one be required for effective liaison with the emergency services.

S/he appoints the investigation team leader, in consultation with the head of the operational Directorate/Division that regulates the site of the major incident, and chairs the Major Incident Investigation Board.

S/he is responsible for the submission to the Executive of the investigation report and the policy & procedure review report, if a review is held.

Responsibilities

With respect to investigation management, the investigation manager:

- acts as HSE Gold, if so designated
- liaises with the emergency services' golds
- intervenes to avoid enforcement action on the emergency services
- decides on any enforcement action on the emergency services
- determines if HSE's major incident room is required
- considers staff welfare

With respect to the investigation itself, s/he:

- calls & chairs the MIIB
- briefs the operational Director, the Executive, HSC &, via Secretariat, ministers & MPs on progress
- co-ordinates HSE's communication strategy & helps formulate HSE's media response with Press Office
- notifies MIPG of any deficiencies in notification transmission
- notifies the Executive of urgent H&S actions identified in the investigation
- prepares a factual report on the incident & the final report & recommendations

With respect to any policy & procedure review, s/he:

- directs the review leader
- ensures liaison between the review leader & MIIB
- consults with the Head of OPSD as chair of MIPG
- forwards the report to the Executive, after consulting MIIB

Investigation team leader

Roles

The investigation team leader is accountable to the investigation manager and is responsible for managing day-to-day investigation activity.

The investigation team leader will liaise with the emergency services [Silver control](#) should this be required.

The investigation team leader is usually from the operational directorate that regulates the site, but has no responsibility for the routine oversight of inspection of the site or duty holders involved in the incident.

The investigation team leader has the primary role in managing staff health, safety and welfare.

S/he has to liaise with the Investigation Manager and keep them apprised of the progress of the investigation.

S/he also has to maintain communication and liaison arrangements with HSE officers and other emergency responders.

Where an investigation manager is not appointed by the Executive, s/he also completes the duties of the investigation manager.

Responsibilities

With respect to investigation management, the investigation team leader:

- acts as HSE Silver, if so designated
- also acts as HSE Gold until a Gold is appointed
- briefs the emergency services silvers on HSE's role, if necessary
- agrees with the police & other services a recovery strategy, which does not disturb critical evidence
- agrees site access for HSE staff & those assisting HSE
- considers the criteria to declare the incident closed
- liaises with the emergency services & other enforcing agencies, particularly if enforcement is considered
- arranges a joint investigation strategy with the police, if required
- keeps the investigation manager apprised
- establishes, if required, evidence logging & storage arrangements
- arranges a local incident room or requests the mobile incident room

With respect to the investigation itself, s/he:

- manages the investigation activity in accordance with the Investigation procedure, stages 3 & 4
- records key decisions in the key decision log
- manages staff welfare, e.g. stress & fatigue
- manages staff travel & subsistence & logs the time spent on the investigation

- co-ordinates with the investigation manager a communications strategy & media response
- briefs all HSE staff & HSE contractors on protocols
- briefs the MIIB
- keeps the investigation manager apprised of progress
- raises any problems with corporate procedures with the MIIB
- prepares & submits the draft investigation report to the MIIB

Investigation team

Roles

The investigation team, comprises any person delegated by the investigation team leader to have operational charge of any specific aspect of dealing with the investigation.

The team will include the necessary inspectors, specialists & administrative staff, drawn from HSE or HSL.

The investigation team members will liaise with the emergency services' [Bronzes](#) should this be required.

Responsibilities

The investigation team members:

- act as HSE Bronzes, if so designated
- liaise with the emergency services
- alert the investigation team leader (HSE Silver) to possible need for enforcement action, if required
- attend the police forward control point, as required
- brief the investigation team leader
- follow the instructions of the investigation team leader

Directors & heads of operating divisions

Roles

Directors & heads of operating divisions are responsible for ensuring that written detailed instructions are produced, maintained and subjected to periodic revision or amendment to implement major incident response arrangements.

The Director/Head of the Operational Directorate/Division with the prime responsibility for the operational response to the incident, must provide a report to the Deputy Director General (Operations) on HSE's response to, and the facts of, the incident, within one month of the major incident occurring.

The report must incorporate information provided by the other Directorates/Divisions involved.

Responsibilities

Heads of Directorates/Divisions should ensure that:

- effective local liaison arrangements with the police, emergency services and local authorities exist and that HSE's role, responsibilities and requirements are properly understood
- an up to date contact list for the relevant industry/sectors is provided for the duty officer system and that an effective communication system for out-of-hours contacts has been established
- D/D or local unit detailed instructions are prepared to implement the major incident response arrangements.

The instructions should adequately address:

- training for inspectors and staff on health and safety issues
- out of hours access to local unit offices
- provision of permanently available [incident response packs](#)
- arrangements to secure the site at an early stage and instructions given to those in control of the site to prevent injury and preserve essential evidence, using formal legal powers where necessary
- the need for appropriately experienced inspectors to attend the site at the earliest practical opportunity to begin the investigation
- the management of staff welfare and procedures for adequate allocation of staff to an investigation
- the provision of specialised services suppliers for demolition, security, storage, recovery, etc, who are competent to operate whilst preserving evidence - local units should be able to call these on in the event of a major incident
- agreed assistance from staff in other D/Ds
- consideration of training opportunities in the major incident response arrangements.

HSE Secretariat

Role

HSE Secretariat provides regular briefings on major incident investigations to the Executive, HSC, Communication Directorate (and if necessary the Central Office of Information (COI)), Department of Work and Pensions, Ministers (via the Health and Safety Sponsorship division), local MPs as necessary, other government departments and devolved administrations, if appropriate.

Responsibilities

Ensures that it has a written plan detailing effective arrangements for:

- communicating with the relevant Directorate(s)/Division(s), including policy directorates, which also provides for out-of-hours contacts
- liaising with other government departments, regulatory bodies, the Scottish and Welsh Executives and relevant Government News Network contacts
- actively seeking information on the incident to be able to prepare, in consultation with the Press Office, statements for the media, senior management, members of the Executive or Ministers, etc

Chief press officer

Roles

The chief press officer, in consultation with the investigation manager and HSE Secretariat, advises inspectors on communications with the media and deals with requests for information from the media.

S/he organises, where necessary, any HSE press conference(s) regarding the incident and HSE's role in the investigation.

Responsibilities

The chief press officer produces and maintains written detailed instructions to ensure that:

- there are effective communication links between Press Office, the Directorate/Division responding to the incident, and HSE Secretariat.
- GNN is alerted that the event has occurred
- a press officer attends the major incident site if requested by the investigation manager
- the availability of a duty press officer (who acts as deputy duty officer) to receive out-of-hours notifications and monitor reports from the media about major incidents

Chief Executive of Health & Safety Laboratory (HSL)

Role

The Chief Executive of HSL ensures that HSL has a plan and arrangements to respond to requests for assistance from Divisions/Directorates in the event of a major incident and an effective communication system for out-of-hours contacts

Directors of Policy group

Role

Directors of Policy group provide policy guidance, as appropriate, to the HSC Chair, Executive, and Directorates/Divisions for major incidents occurring both within and outside the HSE enforced industry sectors.

Responsibilities

The directors of Policy Group should produce and maintain written detailed instructions to ensure that an up to date contact list is provided for the Duty Officer system.

The instructions should consider the potential for cross Government departmental involvement, or cross border involvement in the case of incidents in Scotland or Wales.

Head of Local Authority unit

Role

The Head of Local Authority unit produces a policy for communicating to the Executive, the Commission, Ministers, devolved administrations and, where relevant, local authorities, reports of major incidents in Local Authority enforced premises.

Responsibilities

Issues and maintains a Local Authority Circular for Local Authorities describing HSE's Major Incident Response arrangements and provides LAU contacts for out-of-hours notifications to the duty officer.

Policy and procedure review team leader

Role

The policy and procedure review team leader is appointed by the Executive and reports to the investigation manager.

S/he is responsible for the policy and procedure review operating within the terms of reference established by the Executive.

S/he may be from a different directorate than that involved in inspecting the establishment where the incident occurred, although if the circumstances warrant, they may be from the directorate with prior involvement at the site of the incident.

Responsibilities

The policy & procedure review team leader:

- assembles a review team, if required, in consultation with investigation manager
- communicates the terms of reference (ToR) to the review team
- informs the inspectors with a prior role at the site on the review ToR
- liaises with the investigation manager on the issue of staff welfare for HSE staff with prior involvement with the site
- manages the review activity
- briefs the MIIB on the progress of review
- prepares a report on outcome of review for MIIB
- briefs the inspectors with prior role at site on review result

Policy procedure review team

Roles

The procedures for a policy & procedure review will be proportionate to the incident and in more serious or complex incidents it may be necessary to form a review team.

The team will be composed of appropriate people to undertake the fieldwork for the review.

In less complex incidents it may be appropriate for the review team leader to undertake the review alone.

Head of Operational Policy & Support Division (OPSD)

Roles

The Head of OPSD organises and chairs the major incident progress group (MIPG) and ensures that it meets annually or more frequently as required.

S/he supports the MIPG in the testing, monitoring and reviewing HSE's Major Incident Response arrangements

As chair of MIPG, s/he is responsible to the Executive for monitoring the implementation of recommendations from a major incident investigation & any policy & procedure review & reports to the Executive on the discharge of the recommendations

S/he revises and issues, as appropriate, HSE's published Major Incident Response arrangements on behalf of the HSE Executive/Board.

The Head of OPSD also ensures HSE's duty officer system operates effectively.

Responsibilities

The head of OPSD ensures that:

- an effective telephone contact system is in place to enable duty holders, members of the public and emergency services to contact HSE in the event of a major incident
- sufficient trained duty officers are available to receive out-of-hours notifications of major incidents in line with current instructions on HSE's duty officer system
- provides and maintains the duty officer manual which contains the Directorate/Divisional contacts and the senior officers list for major incident notifications and civil contingencies response
- incorporates sector specific guidance provided by Directorates/Divisions into the duty officer manual
- the out-of-hours telephone contact system is periodically tested, monitored and reviewed

Major incident progress group (MIPG)

Role

The MIPG monitors, maintains and reviews the Major Incident Response arrangements for HSE.

MIPG is chaired by the head of OPSD and meets annually or as required.

MIPG is composed of representatives from HSE Operational Divisions/ Directorates which are likely to be involved in HSE's response to a major incident as well as the Press Office, the Secretariat, HSL, LAU, Policy Directorates and Policy Unit, HSSD and DWP.

Responsibilities

MIPG:

- provides advice to the investigation manager on the operational implications of any proposed recommendations of a major incident investigation or policy & procedure review on request
- reports to the Deputy Director General (Operations) annually through the head of OPSD on the operation and adequacy of HSE's Major Incident Response Arrangements
- considers the experiences and lessons learnt from any monitoring, tests and audits of HSE's Major Incident Response arrangements and from real incidents, ensuring they are disseminated

Resources & Planning Division: Internal Audit

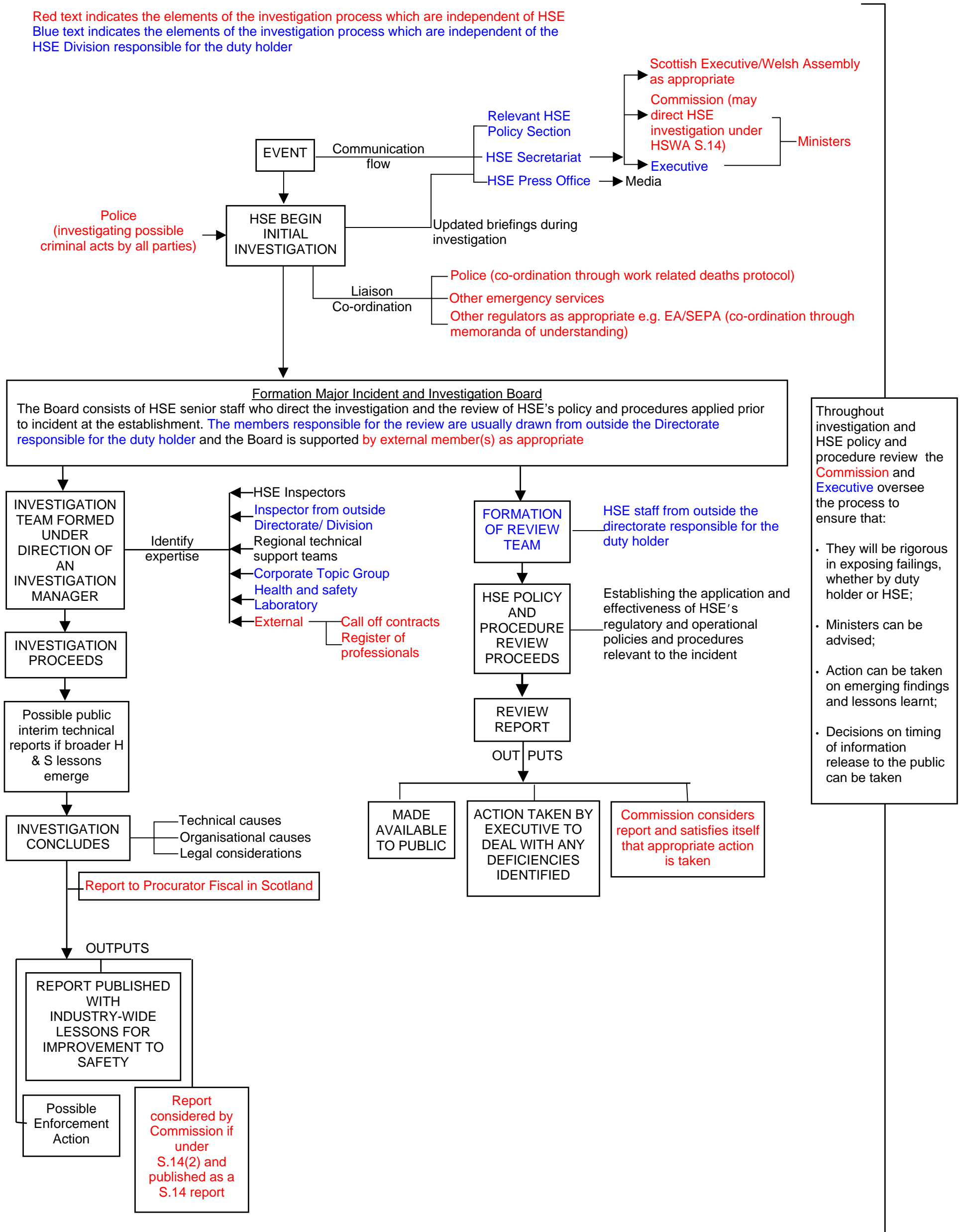
Role

Internal Audit audits HSE's Major Incident Response arrangements and the arrangements of individual directorates and divisions

INTRODUCTION – ADDITIONAL GUIDANCE

Additional guidance - HSC/E arrangements for assuring independence in major incident investigation [from Introduction [Policy](#)]

Red text indicates the elements of the investigation process which are independent of HSE
 Blue text indicates the elements of the investigation process which are independent of the HSE Division responsible for the duty holder



Additional guidance - Criteria for testing major incident response arrangements [from Introduction - [Testing, monitoring, audit & review](#)]

Appropriate criteria have been established to enable the successful completion of a test of the corporate procedures to be determined.

Real incidents may be used as alternatives to scenario tests providing performance is reviewed against these established criteria.

MAJOR INCIDENT RESPONSE TEST & REVIEW CRITERIA

Type of test	Content	Criteria for success	Carried out by:
Simple data verification	Administrative check of the local information contained in D/D emergency plans Make amendments to the information as necessary.	The information for all D/D's is accurate and up to date	Relevant D/D staff
Detailed incident scenario	Planned scenario exercise with predetermined objectives The scale of the exercise depends on the regulatory framework: it may include involvement of stakeholders The exercise is reviewed and appropriate staff are informed of the results	Demonstration that staff are available to respond promptly and the communications network is operational Evidence that staff make decisions in accordance with the Major Incident Response Policy and D/Ds emergency plans The objectives set are achieved and performance standards met Any lessons learned are built into the system to improve future performance	Exercise planned and conducted by D/Ds Review of performance by D/D staff
Real incidents	A review of the response to the incident by the investigating team	The incident results in a response that puts into practice the major incident arrangements Demonstration that staff are available to respond promptly and the communications network is operational Evidence that staff made decisions in accordance with the Major Incident Response Policy and D/Ds emergency plans	The inspector managing the investigation or a person delegated for this function

		Any lessons learned are built into the system to improve future performance	
Corporate	<p>A planned scenario exercise with the objective to test the corporate arrangements</p> <p>The scenario involves more than one D/D</p>	<p>The arrangements to communicate between D/Ds and to a wider network up to the ministerial office are in place and operating to performance standards</p> <p>Demonstration that staff are available to respond promptly and the communications network is operational</p> <p>Evidence that staff make decisions in accordance with the Major Incident Response and Investigations Policy</p> <p>The objectives set are achieved</p> <p>Any lessons learned are incorporated to improve future performance</p>	<p>Head of Operational Policy Support Division and Directors/ Heads of D/Ds</p>

PROCEDURE – ADDITIONAL GUIDANCE

Additional guidance - Definition of a major incident [from Stage 1 – Receive incident details [step 1.2](#)]

A major incident is defined as a significant event, which demands a response beyond the routine, resulting from uncontrolled developments in the course of the operation of any establishment or transient work activity.

The event may either cause, or have the potential to cause, either:

- multiple serious injuries, cases of ill health (either immediate or delayed), or loss of life, or
- serious disruption or extensive damage to property, inside or outside the establishment

Events which, taken in isolation, may not warrant classification as major incidents, may do so when considered together.

Significance is determined by the severity of the incident, the degree of public concern and the nature and extent of HSE's previous involvement with the duty holder(s).

The nature and extent of HSE's previous involvement would not normally, on its own, result in an incident being declared as 'major'.

Additional guidance - Urgent HSE attendance [from Stage 3 – Initial response [step 3.1](#)]

HSE advice may be required where there are obvious continuing risks, including those arising from the effects of the incident, to the health or safety of those on site, or to the health or safety of others such as the emergency services.

Other relevant considerations include whether:

- the emergency situation is under sufficient control so as not to place HSE staff at risk from attendance
- action is needed to ensure the integrity of the site and the identification and preservation of evidence
- immediate action is, or maybe, required to prohibit any activity
- another agency may need to take action

Additional guidance Map grid references [from Stage 3: Initial response – [step 3.3](#)]

You may need to use grid references to get to the scene of a major incident yourself, or to be able to brief colleagues on where the police cordon entry point is located because of normal road access being closed off.

General

Ordnance Survey maps, scale 1:50 000 and 1:25 000 are used by the emergency services.

Method of determining a grid reference

Grid references are always given as “eastings” first, then “northings”. On the map read the numbers along the top or bottom of the map first and then along the side. This will give a reference to within 100 metres on the ground.

So, first quote EASTINGS.

Locate the first vertical grid line to the left of the point you want and read the large figures in blue along the top or bottom margin of the map or on the line itself (e.g. 04).

Then estimate the tenths from the grid line to the point you want. For example, half way across the grid square will be 5.

The grid reference for eastings will then be 045.

Then quote NORTHINGS.

Locate the first horizontal grid line below the point you want and read the large figures in blue at either the left or right margin of the map (e.g. 03).

Then estimate tenths from the grid line to the point you want (e.g. 8).

The grid reference for northings will be 038.

The grid reference for the location you have chosen will be 045038.

To give a unique number you should prefix the grid reference with the two-letter code found at the bottom of the map in blue.

Additional guidance – Holding statements for the media [from Stage 3: Initial response – [step 3.3](#)]

In a major incident it is likely that there will be considerable media interest.

The investigation manager should normally give any press briefings, however, the investigating inspectors on site may be requested to comment and should be prepared to give one of the following 'holding' statements:

If the emergency services are still in control of the site

"I'm an inspector with the Health and Safety Executive. We've been informed of a major incident here. Once the emergency services have dealt with the emergency situation, we will commence an investigation into the causes of the incident. We shall be looking to see whether there are any lessons to be learned for other companies in this industry. And we will also consider whether there have been any breaches of health and safety law, and whether we should be taking action in that respect. That's all I can say at the moment."

If the emergency services have cleared the site for access

"I'm an inspector with the Health and Safety Executive. We are investigating the cause of the incident. We shall be looking to see whether there are any lessons to be learned for other companies in this industry. And we will also consider whether there have been any breaches of health and safety law, and whether we should be taking action in that respect. That's all I can say at the moment."

Additional guidance - Use of prohibition notices against the emergency services [from Stage 3: Initial response – steps [3.3](#), [4.2](#), [4.7](#)]

There are a very small number of circumstances in which HSE inspectors should consider issuing PNs to the emergency services because significant risks of personal injury are not being addressed.

Moreover, inspectors, in forming an opinion, should remember that the emergency services are probably more used to making judgements, particularly in life threatening situations, than most HSE inspectors and due allowance should be given to their professional judgement.

Inspectors should remember that there should be no allowance for increased risk for activities where there no person is actually at risk or the task is the recovery of the dead.

If there is concern that the emergency services are putting themselves or the public at significant risk, then inspectors should ensure the emergency services have consulted their own safety advisers; their own dynamic or operational risk assessments and taken any expert advice that is readily obtainable e.g. from the duty holder.

If possible and if there is time, HSE Gold or Silver should be contacted to discuss the matter before resorting to a prohibition notice, or as soon as possible after issuing the PN.

**Additional guidance -Terms of reference: Policy & procedure review
[from Stage 4: Investigation management - [step 4.1](#)]**

The terms of reference will be set on a case-by-case basis. They will address as appropriate HSE's role in regulating the industry concerned prior to the incident. They may refer to:

- prior contact with the duty holder relevant to the circumstances of the incident: this will include information given during basic or preventative inspections, reactive inspections or investigations, any previous enforcement action taken and any relevant contact with other authorities regarding the duty holder
- all relevant contacts with the duty holder regarding the assessment of any safety report, safety management systems, maintenance of plant integrity relevant to the incident, the resourcing by HSE of these activities and the extent and nature of HSE contact and co-operation with other relevant stakeholders
- whether the relevant HSE guidance and standards applied to the industry, in the context of our wider knowledge of the relevant risks and appropriate control measures were clear and sufficient
- whether HSE policies, strategic approach, resources and internal instructions were adequate in respect of the risks presented by the industry
- what lessons may be learnt to improve intervention and effectiveness, in particular with respect to the industry sector concerned

Additional guidance - HSE major incident room [from Stage 4: Investigation management – [step 4.3](#)]

For most major incidents it will be necessary to set up an 'incident room' as an 'on-site' facility and an 'incident control' as an HSE base.

Use of occupier's premises

Normally occupiers of premises will allow HSE staff to use an allocation of their office accommodation for the purposes of managing an investigation.

This facility is usually offered to HSE on a goodwill basis, although it is underpinned by HSW Act s.20(1) and whilst inspectors may reasonably request the use of office facilities this should not be insisted upon in the event of major disruption. At such times inspectors should use their discretion in making such requests.

HSE's own arrangements

Inspectors should make their own local arrangements when an occupier refuses to provide facilities, it is impracticable for the occupier to do so, secure communications, document/evidence storage are required or the incident occurs in a remote location.

The options include:

- using the facilities of a local office, government or private; or
- hiring an on-site facility
- using the HSE mobile major incident room

Incident Control

The advantages of setting up an incident control office are:

- security of documentation
- availability of access to HSE's communications network
- flexibility in the facilities required
- control of costs and resources

The control office will need to make the best use of available facilities and could be set up in the HSE office conference room, a general office or an inspector's office. The requirements listed above can be provided at most HSE offices. OSD maintains facilities in the conference room at the Aberdeen office which may be available to staff. There is a similar arrangement at OSD's Norwich office.

Arrangements also exist with REFIT to provide mobile and temporary office services for control offices including additional PCs, printers, telephones and network connections.

Request to set up a temporary office

A request to set up a temporary office should be sent to BEU/REFIT to invoke the Temporary Office Service. The request should include:

- your contact details

- the requirements of the temporary office, i.e. number of PCs, telephones, etc, required

REFIT will provide:

- a request reference number
- a timescale for when you can expect the Temporary Office Service to be available

Once the Temporary Office Service has been invoked, HSE will provide and furnish a suitable office for the service.

The required desktop and communications services will then be installed and configured in the provided office, as per the agreed invocation requirements.

Once a service is no longer required, all equipment and services will be decommissioned accordingly.

Note: only HSE approved authorisers can invoke the Temporary Office Service.

Mobile Major Incident Room (MMIR) Information and Call Out Procedure

HSE, through the REFIT contract, have sole use of a mobile major incident room (MMIR) that can be used in the event of a major incident where a protracted site presence is expected and where significant numbers of staff may attend. The facility is designed for the use of six staff but it **may** be possible to provide extra offices on request through REFIT, but these will not arrive as quickly as the first unit. An extra charge will be levied for this.

A judgement will need to be made by HSE Investigation Team Leader whether the duty holder can provide the facilities that HSE needs in accordance with HSWA section 20(2)(l). In the event that this is not possible or suitable, then the HSE facility can be used. The investigation team may also use the facility to ensure privacy.

Description

The unit is a customised mobile office of approximately 10 by 3 metres. It weighs about 3.5 tonnes and is sited on levelling jacks. It is delivered to site by HGV. **It can only be located on hard surfaces.** The unit is free standing and self-supporting, with its own power supply, but subsequent mains electricity and telecom links can be plugged in.

Deployment is either by lorry-mounted crane lifting the unit off a 40-foot trailer or by sliding the unit off backwards from a low loader. The crane option requires the trailer to be parked at right angles to the sitting position to allow a 90-degree slew of the crane to unload. This option requires significant space to allow for vehicle manoeuvring.

It has three independent rooms, each serviced by a separate door to the outside. The main room has six desks in it and 14 power points. Except for the curtained windows, the walls are lined with white boards. The desks can be moved about. There is an air conditioning / heating unit driven from the 6.5 KVA petrol generator that is provided.

REFIT have provided 6 computers for the facility and as part of the call out procedure, a hardware engineer will also visit site to ensure they are working, in case staff are unfamiliar with the equipment provided.

Connections to HSE servers will be via mobile telephone calls unless a decision is made to arrange for BT landline/ISDN. There is a combined fax / photocopier / printer.

There are facilities fitted to allow a mains 415v plug-in connection to be arranged in the event that permanent power is required. The second room is a smaller room with a desk and chairs, more suited as a small meeting/interview room. It also contains the kitchen. The third room houses a chemical toilet and washbasin. The facility has janitor support.

Call Out Procedure for the MMIR

To invoke the service, call the Computacenter Disaster Recovery Team hotline on 0800 413290 (or 0208 750 6363 or 0208 750 6464). The hotline number is available 24 hours a day, 7 days a week.

You will be asked to provide the following information:

- Your name (HSE staff must be Band 3 or above to invoke this service)
- Your contact telephone number(s)
- The HSE Mobile Major Incident Room Security Code
- Your Warrant Number or Staff Number

Within 15 minutes of your call, the Computacenter Duty Manager will contact you to confirm the exact details of your requirements. You will be asked to provide the following information:

- The precise location for delivery of the unit, either by address or OS grid location.
- A brief description of the incident e.g. rail crash, chemical spill
- Any details regarding access to the incident area e.g. Is there a low bridge? If the area is cordoned off, where or to whom should the driver report in order to gain access?
- Name(s) and contact number(s) of the HSE Investigation Manager, or nominated coordinator, at the incident location.
- The preferred delivery time. The aim is to get the MMIR to site in the shortest time possible. The unit is housed at a depot in Milton Keynes, which should be taken into account when agreeing the ETA. The maximum time for delivery is 24 hours.

Following invocation, the Computacenter Duty Manager will maintain contact with the invoker regarding the ETA of the MMIR, and will act as the escalation point for any issues that may arise. The Duty Manager should be the first point of contact for any service or delivery queries you may have.

If circumstances change, and the MMIR Service is no longer required, please call the hotline number (as above) as soon as possible.

Additional guidance - Technical support [from Stage 4: Investigation management – [step 4.6](#)]

The investigation manager must ensure that where technical support is required, it is obtained from the most appropriate source.

The first option is to arrange for support from within the directorate. Technical specialists may also be called upon from MSDU (CD3), FOD SGs, HSL or other specialists via the Field Technical Support Agreements. In all these cases, the discipline specialist group is the initial contact.

HSL can provide forensic as well as technical support. It is essential that if work is to be done in hazardous areas as much information is provided about the expertise required and anticipated problems to enable the appropriate staff, equipment and protective clothing to be provided.

A telephone call is sufficient to engage HSL's services. Contractual matters can be dealt with retrospectively.

Additional guidance – Contacting HSL [from Stage 4: Investigation management – [step 4.6](#)]

During working hours

Contact HSL via their switchboard (telephone number: **01298 218000**) and explain to the switchboard operator why you are phoning. The switchboard operator should put you through to someone who will be able to competently discuss your request and identify the appropriate member of HSL staff.

or

Telephone the Scientist or Discipline Group/Section Head required. A list of HSL telephone numbers (by Discipline) has been attached and inspectors may telephone specific HSL staff direct on **01298 21** followed by the extension number

Out of working hours

Standing arrangements are in place (and tested regularly as part of HSL's Quality Management systems).

Telephone HSL switchboard on **01298 218000**. This will connect you to HSL Site Security, who will answer your call and liaise with the appropriate HSL staff. The security staff are contracted to provide this service, and hold a contact list with telephone numbers for all HSL disciplines.

You should specify to the Security Officer:

- who you want to speak to (where this is known)
- what type of support service you require
- a telephone number at which you can be contacted

The security officer will then contact that person immediately. The HSL member of staff should contact you directly on the telephone number you have specified.

If you are not sure whom you need to speak to in HSL, the security staff also hold a contact list for all HSL Group/Section Heads. Ask to speak to a Section Head, who should contact you and identify which discipline/scientist is relevant for your purposes.

Additional guidance - HSE Press Office & the Government News Network (GNN) [from Stage 5: Investigation – [step 5.1](#)]

Press Office will be informed of an incident by the operational directorate involved or by HSE's Duty Officer.

In the event of a major incident HSE Press Office will:

- alert the GNN that the event has occurred - the network can then involve HSE, other government departments' press offices, other regulators' press offices, the site operators, emergency services, and potentially No.10
- provide HSE inspectors with services and advice on what, when and how information should be given to the media and consider a Press Office presence at the scene.

Inspectors should consider requesting a Press Office presence at the scene of a major incident to assist with handling the media. The location of the incident will affect Press Office's response.

In the first few hours Press Office may ask the local GNN office to act on its behalf and in some cases GNN may continue to provide assistance for the duration of the event (as they did, e.g. following the Avonmouth gantry collapse & the Port Talbot furnace explosion).

[GNN](#) has offices around the country.

Additional guidance – Key decision log [from Stage 5: Investigation – [step 5.4](#)]

- [What is a key decision log?](#)
- [What to record](#)
- [How to record](#)
- [Use of Contacts & Index sections](#)
- [Format](#)
- [Maintenance, control & retention](#)
- [Background](#)

What is a key decision log?

A key decision log is a contemporaneous record of the **key decisions** that affect the course of an investigation and the **reasons** for those decisions.

A KDL is not a diary of the actions taken, nor is it meant to substitute for an investigation notebook, which should be maintained separately.

It is essential that only one key decision log be maintained per investigation to ensure a coordinated investigation strategy and overall management control

What to record

The KDL is not intended to capture every decision made during an investigation.

Key decisions are the decisions taken in the management of an investigation that materially affect the course of the investigation.

Routine investigation decisions and decisions that merely reflect the implementation of the Investigation procedure, for example, should not be recorded.

Key decisions are likely to be made on the following issues (this list is not exhaustive):

- liaison with emergency services or other enforcing authority on site
- liaison with site management/control
- primacy under work related death protocol
- involvement of specialist(s) and/or independent expert(s)
- media strategy
- instructions given to duty holder.
- health and safety implications e.g. immediate danger, prevention of further harm
- preservation of evidence
- resource allocation/withdrawal
- witness evidence, witness identification, vulnerable witnesses, interview strategy
- interpreters and translators
- suspect identification, unsolicited comments, interview strategy
- documentary and real [=physical?!] evidence
- prioritisation of actions
- contact with bereaved family

- issue of notices

It is equally important to record decisions and reasons for not doing something as for doing something and any changes or retractions of previous decisions.

The information received on initial notification of the incident should be recorded because this informs the initial investigation and visit strategy and helps to explain the decisions made very early on in the investigation.

How to record

- entries should be made as soon as possible after making the decision
- any significant delay between making the decision and recording it should be explained
- all recorded decisions must be dated and timed
- entries must be signed by the inspector in charge of the investigation and also by the person making the decision, if they are not the inspector in charge
- only one decision should be recorded on each page
- recording should be proportional to the incident under investigation
- the entry should not inadvertently suggest that opinion on culpability has been reached before reasonable lines of inquiry have been followed and relevant evidence has been considered
- wording is important: time should be taken to consider the entry so that it is an accurate, understandable record of the decision and reasons
- the record in the KDL should enable someone who is not directly involved in the conduct of the investigation to understand the thought processes of the investigator and the reasons for the course of the investigation - this is important for defending any challenges made against decisions and for any reviews of the investigation.

Use of Contacts and Index sections

These sections are optional.

The index will assist people not familiar with the log to locate decisions within the book when necessary, e.g. at review or when the course of the investigation changes or decision made earlier are changed.

Format

The key decision log is an A4 bound book with a unique serial number and individually numbered pages.

Supplies are held by HSE offices.

Printed in the KDL are guidelines on its use, together with an indication of the types of decisions that should be recorded.

Maintenance, control and retention

Inspectors likely to be responsible for an investigation should hold a blank KDL for rapid use.

The inspector in charge of the investigation (the investigation manager of a major incident or the investigating inspector) will usually make the key decisions and should keep the KDL in their possession.

Where decisions are made by others, for example the line manager during reviews, or another inspector involved in the investigation, the inspector in charge of the investigation should still enter and sign the key decision in the log. The person making the decision should also sign the entry.

For large investigations it is important to hold review meetings, for example end of day team meetings, to ensure that all key decisions with attendant reasons are accurately recorded. The log belongs to the investigation and is available to the investigation team but care should be taken regarding access where sensitive issues are dealt with.

At the completion of the investigation, the KDL must be scanned into COIN.

The paper copy should be retained with the other investigation papers for the minimum period required by the CPIA (England and Wales) and in accordance with HSE's retention schedule of 5 years for a minor file or 9 years for a major file before first review.

Background

HSE investigations, and those of other investigating authorities, are coming under increasing scrutiny from external organisations, including pressure groups. Decisions made during investigations are consequently being challenged more frequently.

The introduction of KDLs across operations group is important. KDLs will help HSE to demonstrate that key decisions made during the course of an investigation have been taken in accordance with relevant powers and duties and that all relevant matters have been considered at the time the decision was taken.

Recording of key decisions is required under the Work Related Death Protocol (the police have a well established system of using policy logs) and by OC 130/8 Prosecuting individuals. Prior to KDLs, there has been no means of recording this information in a consistent manner.

KDLs will help investigators to demonstrate that all reasonable lines of enquiry have been followed, and will provide justification for not following or for discontinuing lines of enquiry.

Whilst an investigation is ongoing, the KDL will assist in the management of the investigation by helping to structure the thoughts of the investigator and line manager, and will help in the monitoring and review of the investigation as required by the Investigation procedure.

The KDL should enhance communication with all those involved in the investigation, especially following staff changes, helping them to be clear about the direction and priorities of the investigation. They will assist the line manager and others to understand the thought processes of the investigator and to offer advice and support as appropriate.

After an investigation has been completed, the KDL can assist management review of the quality of an investigation by facilitating internal consideration and discussion of investigation decisions.

Recording the rationale behind decisions at the time they were made can explain why they were correct in the circumstances and on the basis of the information existing at the time, and without the benefit of hindsight. This will be helpful in explaining to third parties that a logical decision making process was followed, and why decisions were changed or the course of the investigation was changed in the light of developing information and events.

Decisions may be challenged several years after they were taken, for example during legal proceedings, such challenges can be difficult to defend without contemporaneous records of the reasons behind the decisions.

KDLs also provide accountability and transparency in justifying decisions, including those about resourcing of relative priorities, and of task allocation between investigators.

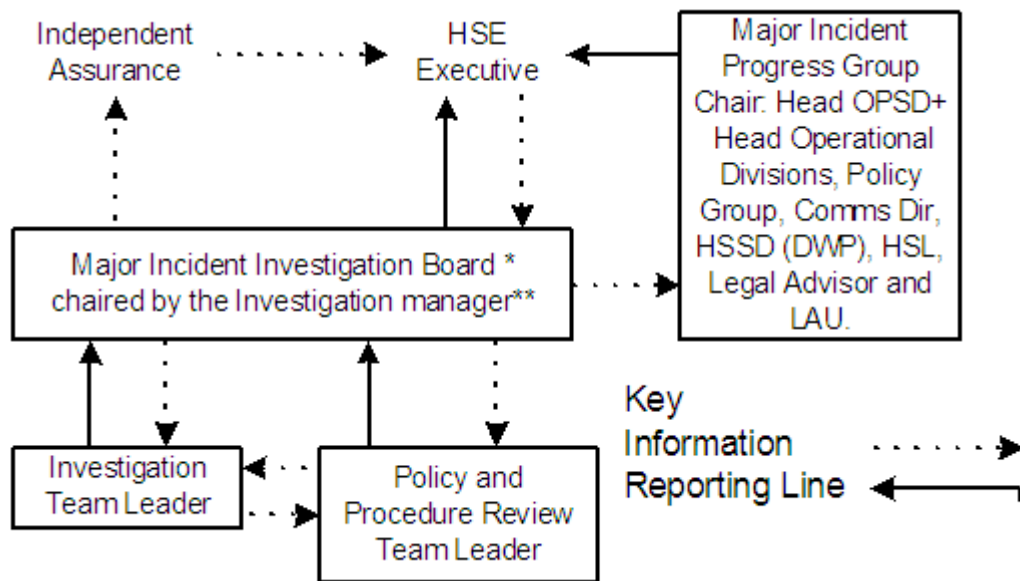
Additional guidance – Key decision log [from Stage 6: Investigation report - steps [6.2](#), [6.3](#)]

The report should describe the major incident response arrangements applied and provide details of the event: how it occurred, the duty holder(s) or other persons involved, the consequences and how injuries, ill health or damage arose.

The report should draw conclusions about immediate and underlying causes of the incident, and where relevant:

- demonstrate that all reasonable underlying causes have been considered
- identify where controls for risk were absent, inadequate or not properly implemented
- assess the effectiveness of the duty holder's emergency procedures mitigating the consequences
- examine the evidence concerning compliance with legal and other relevant standards, draw conclusions on where breaches have occurred and the extent of the breaches and whether the evidence is sufficient to support enforcement action
- examine if the duty holders performance at other sites is relevant; for example any outstanding enforcement action
- make proposals for prioritised action by HSE and duty holders necessary to prevent recurrence with timescales or detail actions already taken by the duty holders and HSE

Additional guidance - Management arrangements [from Roles & responsibilities: [HSE Executive & HSC](#)]



*Appointed by the Executive but may include the Head of the Operational Directorate/ Division responsible for MI site and relevant Co-Director Policy Group if deemed appropriate.

** The investigation Manager acts as liaison with HSE Civil Contingency Gold if the MI causes Civil Contingency plans to be activated.

Additional guidance - HSE Gold, Silver & Bronze [from Roles & responsibilities: [investigation manager](#) / [investigation team leader](#) / [investigation team](#)]

The terminology Gold, Silver and Bronze commands was developed by the emergency services.

Understanding the terminology and relating it to the appropriate liaison roles performed by HSE staff will facilitate mutual understanding of respective areas of responsibility.

Some services use “Strategic”, “Tactical” and “Operational” designations, which mirror Gold, Silver and Bronze respectively.

The Gold, Silver & Bronze command structures should be adopted where it will facilitate effective liaison with the emergency services.

The investigation manager liaises with the emergency services’ Golds if required.

HSE may appoint an officer to function as the HSE Gold for a Civil Contingency response, at least in the initial stages when a local emergency response may be required. If these arrangements overlap, then the major incident investigation manager should liaise with the HSE Gold.

The HSE investigation team leader will liaise with emergency services’ Silvers. They have to maintain communication and liaison arrangements with HSE officers and other emergency responders.

Any HSE person delegated by the investigation team leader to have operational charge of any specific aspect of dealing with the major incident investigation will, as necessary, liaise with emergency services’ Bronzes.

Additional guidance - Incident response pack [from Roles & responsibilities: [Heads of Directorates/Divisions](#)]

An incident response pack should be kept in each HSE office to enable inspectors to make a quick and complete decision about the equipment that is needed for a major incident investigation.

The pack, as a guide, should contain:

- copy of the Major Incident Response & Investigation procedure
- key decision log
- A list of local telephone numbers and any relevant local instructions for major incidents
- adequate supplies of relevant forms, viz:
 - LP2 - prohibition notices
 - LP3 - schedule for prohibition notice
 - LP6 - notice of taking possession
 - LP7 - statement forms (or equivalent in Scotland)
 - LP8 - continuation for LP7
 - LP12 - notice of direction to leave undisturbed
 - LP70 - statement forms when HSWA is not applicable
 - LP21 - authorisation to enter premises with an inspector

- notebook with supply of pens and pencils
- spare battery for camera and for pocket memo
- mobile phone and charger
- day glow or high visibility jacket
- 4 disposable boiler suits plus 4 pairs disposable gloves
- safety barrier tape with HSE logo
- torch and spare batteries
- 4x 9920 dust protection masks
- 30 sample bags (different sizes)
- 50 self adhesive labels
- 5 sample tins (4 small, 1 large)
- 10 seals for sample tins plus pliers
- roll PVC tape
- tape measure
- wet wipes

POLICY AND PROCEDURE REVIEW – ADDITIONAL GUIDANCE

Additional guidance - Prepare report [from Policy and Procedure Review – [Step 5](#)]

The review report should be drafted in accordance with the terms of reference for the review but is likely to cover:

- the legislation applicable at the site and with the duty holder in question, any relevant exemptions
- contact with other enforcing authorities, etc
- the degree of prior contact and advice given to the duty holder(s) involved in the incident, and in particular at the site of the incident, including information on planned routine and reactive visits, safety reports and the granting of licences and exemptions
- where there has been no previous contact with the site, whether such absence of contact was in line with inspection policies and procedures and if not how this situation arose
- whether the previous contacts, advice and enforcement activities were sufficient and effective
- the effectiveness of the HSE's arrangements for liaison with other enforcing authorities.

The review report should also identify any lessons to be learned including those relating to:

- the allocation of responsibilities within the Directorate and/or HSE
- the inspection policy, priorities and resources that are generally applied to duty holders of that type
- the extent and nature of contact between HSE and the duty holder and HSE's co-operation with other enforcing authorities
- the adequacy of existing relevant HSE/Directorate intervention strategies, procedures or instructions in relation to the incident/industry
- whether the absence of such intervention strategies, procedures or instructions at the time of the incident was significant
- changes to methods for contacting and influencing such duty holders
- other relevant issues, such as support training for inspectors, effectiveness of arrangements for liaison with other enforcing authorities, etc.