

























OSDR Framework Diagram – Pre-appeal

 Responsible  Informed  Decision  Administered by										
Step	Day	Activity	Dutyholder/ Well Operator	Senior Oversight Board	Reviewer	Heads of HSE ED & DECC OGED	Operations Manager	IMT Team Leader	Safety Representative	Notes
1	1	Request a review of the decision made by OSDR								For certain decisions made by OSDR in which the dutyholder/well operator disagrees then an appeal can be made to the secretary of state. <a href="http://www.legislation.gov.uk/ukxi/2015/398/regulation/37/">http://www.legislation.gov.uk/ukxi/2015/398/regulation/37/</a> Prior to submission of an appeal every effort should be made, through discussion and agreement, to resolve the matter with OSDR using this process. Contact details OSDR : <a href="mailto:osdr.general@hse.gsi.gov.uk">osdr.general@hse.gsi.gov.uk</a>  Only the person directly affected by the decision can appeal against it
2	2	Delegate the functions of the review to an appropriate senior manager to act in capacity as reviewer. Advise relevant parties in writing								Person or body with sufficient independence of decision.
3	7	Seek, as relevant, written submissions from the Dutyholder/ Operator, OSDR and the safety representative								If requested parties to submit written submission to reviewer
4		Undertake Review								Technical specialist and Legal Advise may be sought if necessary. A meeting may be held with OSDR and the dutyholder/operator separately or together to establish if there is any scope for resolving the matter.
5	24 days	Notify in writing the findings of the review to the Senior Oversight Board								Include <ul style="list-style-type: none"> <li>• if decision in accordance with OSDR procedures/guidance</li> <li>• if the issues given rise to the decision were clearly described to the dutyholder/operator</li> <li>• if responses from Dutyholder/Operator were given due consideration</li> <li>• if there was any unfairness, bias or flaws in OSDRs reasoning.</li> </ul>
6	28 days	Give a written opinion with reasons to the relevant parties								The written correspondence must include reasons for the opinion formed. If the opinion formed is in favour of the duty holder/operator then appropriate action to be taken by OSDR Note : if Dutyholder/Well Operator still disagrees with outcome then the next stage is to follow the appeals process.
7	Within 5 work days after step 6	Arrange for any appropriate action to be taken and record of decisions made recorded.								Record of decision to be put on the most relevant system subject to what the appeal is in relation to (e.g. COIN/TRIM/Online Portal).

**OSDR Framework Diagram – Decision Appeal Process**

Before considering the appeal process every effort should be made by OSDR and the Appellant to reconcile the issue using the pre-appeal process (link).										
Step	Day	Activity	Appellant	Secretary of State	SOB	Appointed Person	Head of Division HSE/DECC	Operations Manager	IMT Manager	
1		Appeal to Secretary of State in writing  Prior to the appeal process consideration should be given to request OSDR to undertake a review of the decision (link)	█							Under the Offshore Installations (Safety Case) Regulations 2015 (SCR) Regulation 37 (1) any person who is aggrieved by a decision of the competent authority may appeal to the Secretary of State. Schedule 12 explains the process. ( <a href="http://www.legislation.gov.uk/uksi/2015/398/schedule/12/made">http://www.legislation.gov.uk/uksi/2015/398/schedule/12/made</a> ) Note : any decision made by the CA which is the subject of an appeal under these regulations is not suspended pending final determination of the appeal Address correspondence to DWP litigation division : <a href="mailto:ministers@dwpgsi.gov.uk">ministers@dwpgsi.gov.uk</a> Only the person directly affected by the decision can appeal against it
2		Select "appointed person" to undertake appeal process. Notify parties in writing of name of the appointed person.	○	█	○		○			
3		Ask relevant parties if they wish to appear and be heard.	○			█	○			Confirm in writing if you wish to appear at hearing. Appeal may be determined without a hearing if both parties express wish not to be heard
4	Not less than 28 days notice of date of hearing	Set up and notify in writing date/time & location of appeal hearing	○		○	█	○			Lesser period of notice may be given if agreed with the parties involved. If it is necessary to changes to date, time or place fixed for hearing the appointed person must give such notice of the variation as appears reasonable.
5		Seek from relevant parties information to assist in determination of validity of decision				█				Appoint if applicable relevant technical specialists. Any technical specialist appointed should not work for OSDR.
6	*21 Days prior to hearing date	Submit a written statement to the appellant and the appointed person  Make available to the appellant the opportunity to	○			○	█	○	○	Written Statement to include a list of all documents which OSDR intent to submit at the hearing (including photographs and plans)
7		If requested by the appointed person - submit a written statement to OSDR and the appointed person  Make available to OSDR the	█			○		○		Written Statement to include a list of all documents which OSDR intent to submit at the hearing (including photographs and plans)
8		At commencement of hearing explain the procedure to be adopted to relevant parties	○			█	○		○	Schedule 12 9.-(1) explains protocol to be followed at the hearing Schedule 12 10.-1 advises if additional evidence comes to light after hearing and it is considered of significance the appointed person may see fit to reopen the hearing. ( <a href="http://www.legislation.gov.uk/uksi/2015/398/schedule/12/made">http://www.legislation.gov.uk/uksi/2015/398/schedule/12/made</a> )
9		Notify the decision on the appeal, and the reasons for the decision, in writing to relevant parties, and to others who may have appeared at the hearing.	○	○	○	█	○		○	Include <ul style="list-style-type: none"> <li>if decision in accordance with OSDR procedures/guidance</li> <li>if the issues given rise to the decision were clearly described to the dutyholder/operator</li> <li>if responses from Dutyholder/Operator were given due consideration</li> <li>if there was any unfairness , bias or flaws in OSDRs reasoning.</li> </ul>
10	Within 5 work days after step 9	Arrange for any appropriate action to be taken and record of decisions made recorded					█			Record of decision to be put on the most relevant system subject to what the appeal is in relation to (e.g. COIN/TRIM/Online Portal).