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# Effective Investigations Successful Interventions

Session B

Frank Horner

From last session....

Reflections – to be discussed openly at start of next session

1. Review your company investigation process, what advice and support does it give you. Come ready to share and challenge the process at the start of the next session

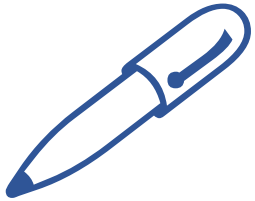
From last  
session....

Read the investigation fact sheets relating to investigation and specifically the material we have covered

Undertake the 'store robber' exercise – we shall discuss it next session

# Company investigation process

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What does your policy and guidance say?

Accidents have a high cost, both human and financial. They can affect a company's viability even!



Clapham Crash 1988



Paddington derailment 2019

# Signposts

Introduction to investigating

Understanding risk

Human Performance

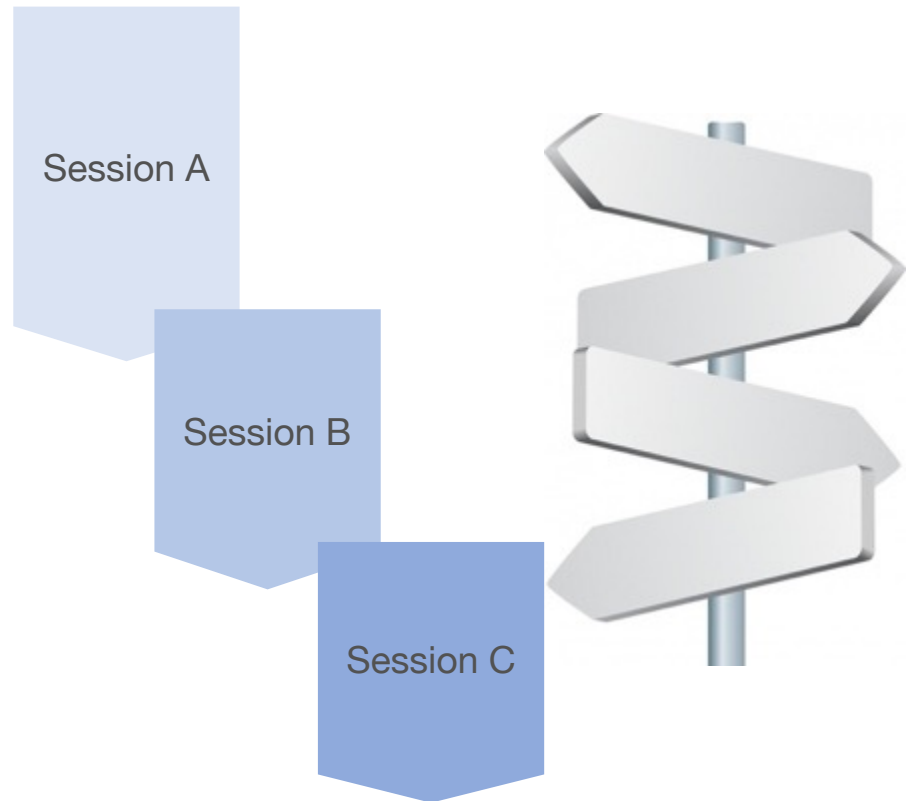
The investigation process

Gathering evidence

Analysis

Mitigation and control

The disciplinary investigation



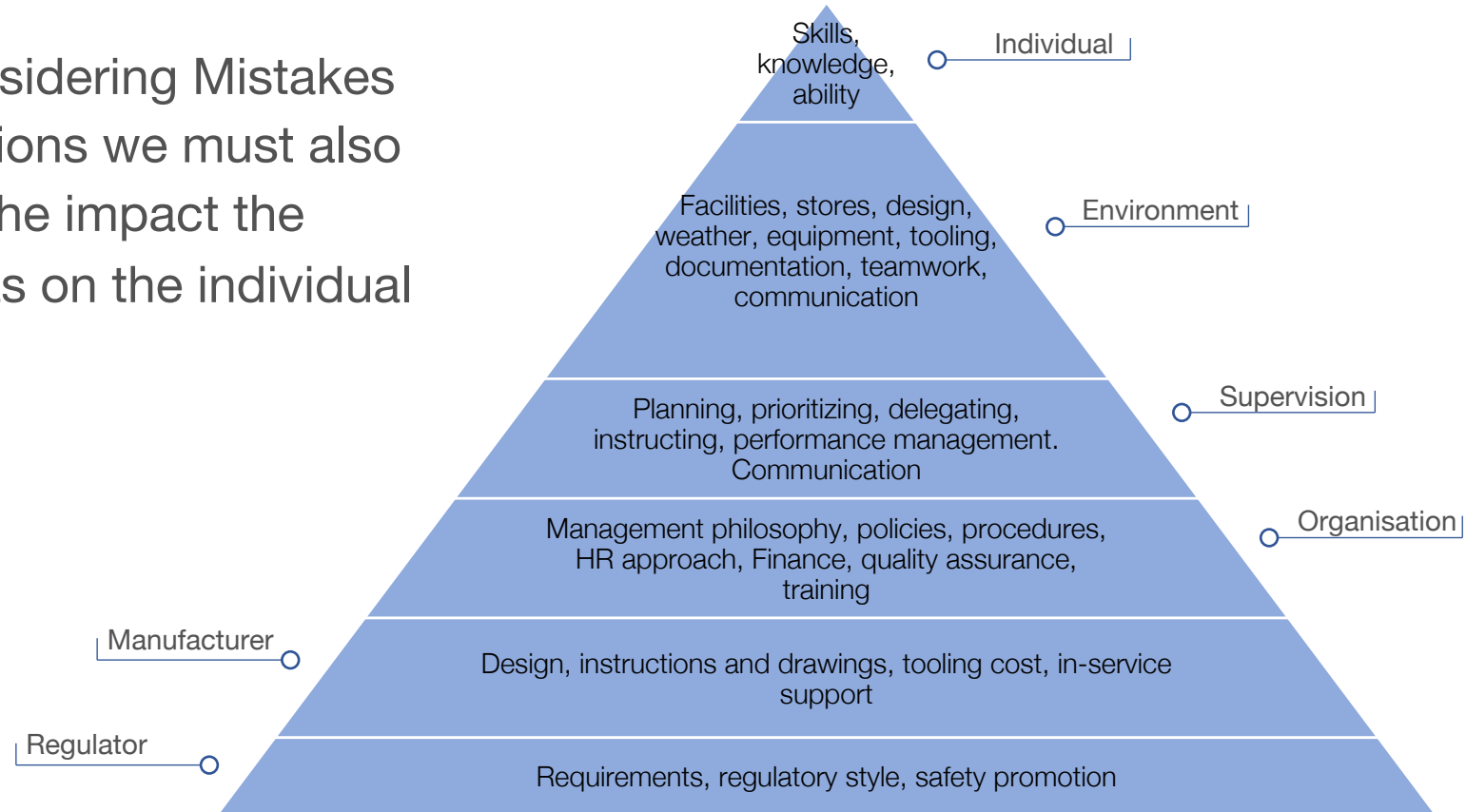
# (Recap) Types of incident / investigation



- ◆ Technical and Quality
- ◆ HSE
- ◆ Individual performance or misconduct

# (Recap) The System Influence

When considering Mistakes and Violations we must also consider the impact the system has on the individual



# (Recap) 4 key steps to any investigation

- ◆ Step 1 – Gather evidence
- ◆ Step 2 – Analyse
- ◆ Step 3 – Identify suitable risk controls
- ◆ Step 4 – Implement (and verify) risk controls

# Signposts

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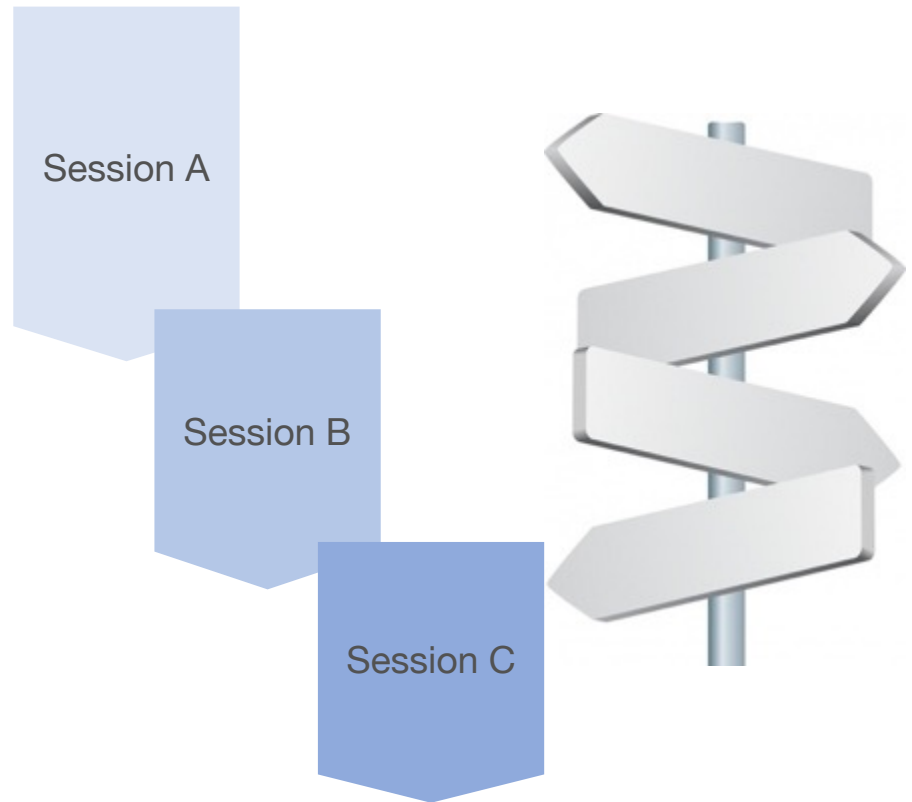
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# Fred

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There is a facility requirement to clean the tracks above the slider of the doors to the equipment bay. It was introduced following the door getting jammed one day several years ago. It is a facilities maintenance task performed by the facilities team. A simple task requiring no competence assessment.

One day Fred was undertaking the cleaning task when.....



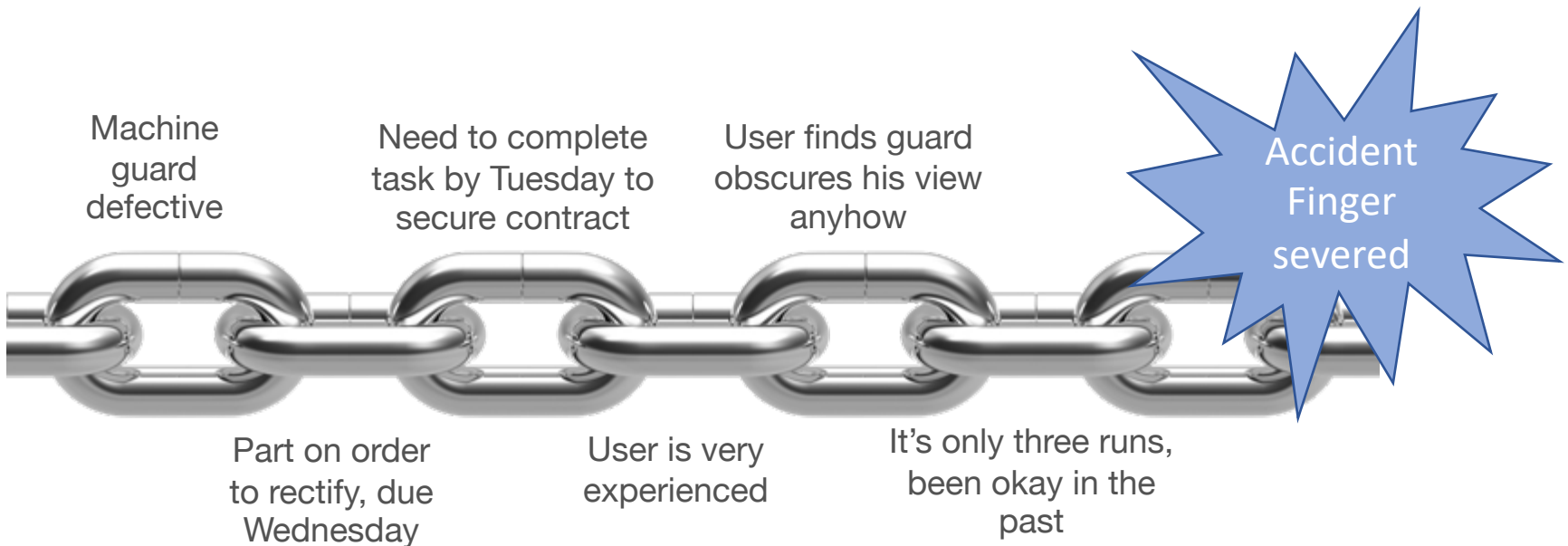
# Sources of evidence



- ❖ Jot down your thoughts on what sources of evidence you might have available?
  - ❖ Scene of the accident, images, CCTV, measurements, equipment, weather conditions, floor status etc.
  - ❖ Witness statements – interviews
  - ❖ Confirmations and/or confessions in interviews
  - ❖ Written evidence – documents, letters, emails, procedures, VMI, instructions, drawings etc.

# Chain of events

- ◆ Incidents are often a result of a chain of events, the investigation must uncover this chain to identify the best risk control measures



All evidence must be factually correct

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Individual exercise - The store robber



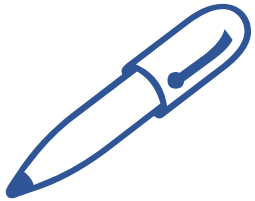
# Evidence preservation

## ❖ Collect it then....

- ❖ Document, date collected, location, witnesses
- ❖ Secure the evidence, protected drive, locked location etc.
- ❖ Photos are date stamped, use this feature
- ❖ Take wide shots and narrow shots, you need both detail and context
- ❖ Names of witnesses, get first hand account if possible
- ❖ Your rough notes need to be kept too as they could be evidence

# Unions, safety reps involved ....or not?

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Individually consider if you feel it valuable or not to have unions (and/or safety representatives) involved.

.....discuss pros and cons of such



# Investigation Aide Memoire

- ❖ How did the adverse event happen?
- ❖ What other activities were happening at the time?
- ❖ Working and weather conditions?
- ❖ Procedure, available, intelligible, workable - followed?
- ❖ PIFs?
- ❖ Was the risk known and understood?
- ❖ Was there organisational influencing factors?
- ❖ Maintenance/cleaning sufficient?
- ❖ Competence?
- ❖ Workplace layout?
- ❖ Was safety equipment sufficient?
- ❖ What documentary evidence is available?
- ❖ Other conditions?



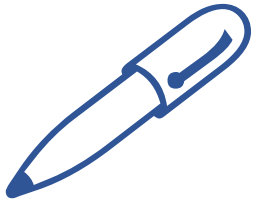
# Interviews

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# Interviews as evidence



Consider how effective interviews and witness statements are as evidence

Do you feel interview testimony is a strong evidence stream or weak

What are some of the challenges and opportunities?

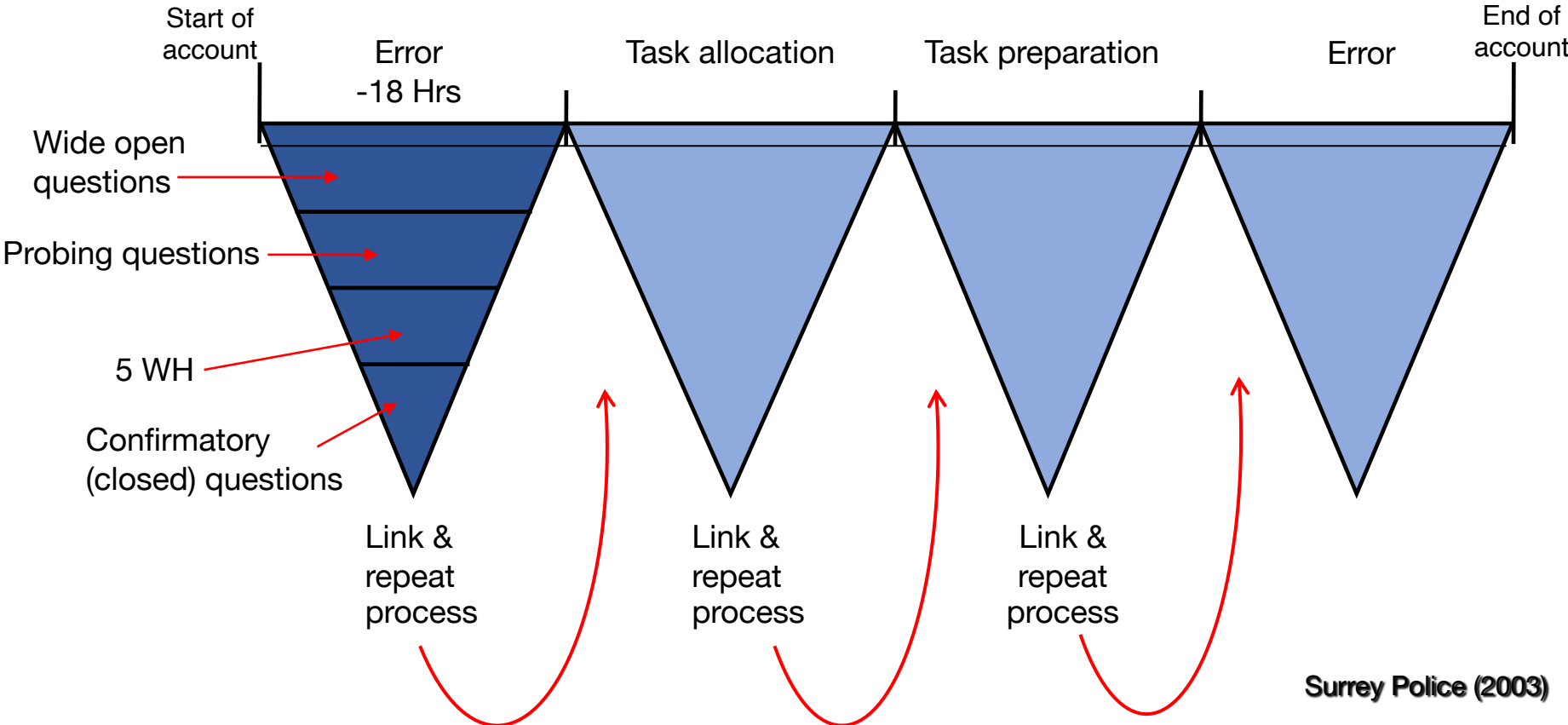
# Interviews - Preparation

- ❖ Interview in order – i.e. the defendant last (or later)
- ❖ Set up a suitable place to interview – neutral, quiet, undisturbed
- ❖ Ensure that investigation team understand the interview protocol – i.e. one person will be asking questions, the other acting as note taker
- ❖ Arrange appropriate time to interview – consider duration, no more than an hour before at least a break
- ❖ Have your interview ‘plan’ what topics do you want to cover, but use open questions
- ❖ Arrange to interview people separately
- ❖ Arrange the seating

# Interviews Introduction

- ❖ Make the person feel at ease – it is not a court martial!
- ❖ Establish the purpose and the boundaries of the interview i.e. not disciplinary – there to gather facts about specific event
- ❖ Determine their understanding of the investigation process and fill in the gaps if necessary
- ❖ Make sure they understand you are simply objectively collecting evidence
- ❖ Try to establish rapport – get them to feel comfortable with process. This can be difficult but is down to skill of interviewer
- ❖ Tell them who you are

# Funnelling Technique



# Wide open questions

- ❖ Interviewee asked to recount incident in fullest detail, missing nothing out, no matter how trivial
  - i.e. “I’d like you to tell me in fullest detail, leaving nothing out what happened to you today...starting from when you woke up”*
- ❖ Provides interviewer with event line which can be separated into sub areas for closer scrutiny
- ❖ Interviewer can decide which areas are more pertinent and need to be looked at in closer detail

# Probing open questions

- ❖ Interviewee asked to recall in detail first sub area of their account
- ❖ Interviewer must maintain control of the interview at this point to ensure that the interviewee concentrates on just the sub area and does not stray in their account
- ❖ Do not ask 'leading' questions...like the BBC News do
- ❖ Double check bias – use your note taker to help
- ❖ Check and challenge if collaboration has happened
- ❖ Use probing questions to test truths, watch for 'tells'

# Body Language – ‘tells’



Child telling a lie



Teenager telling a lie



Adult telling a lie



The collar pull



Fingers in mouth



The nose touch



The eye rub



The ear rub



The neck scratch

# 5WH

- ◆ What
- ◆ Where
- ◆ When
- ◆ Why
- ◆ Who
- ◆ How

Using these questions increases the amount of information that can be gathered by focusing on specifics



# Closed (confirmatory) questions

Are good for:

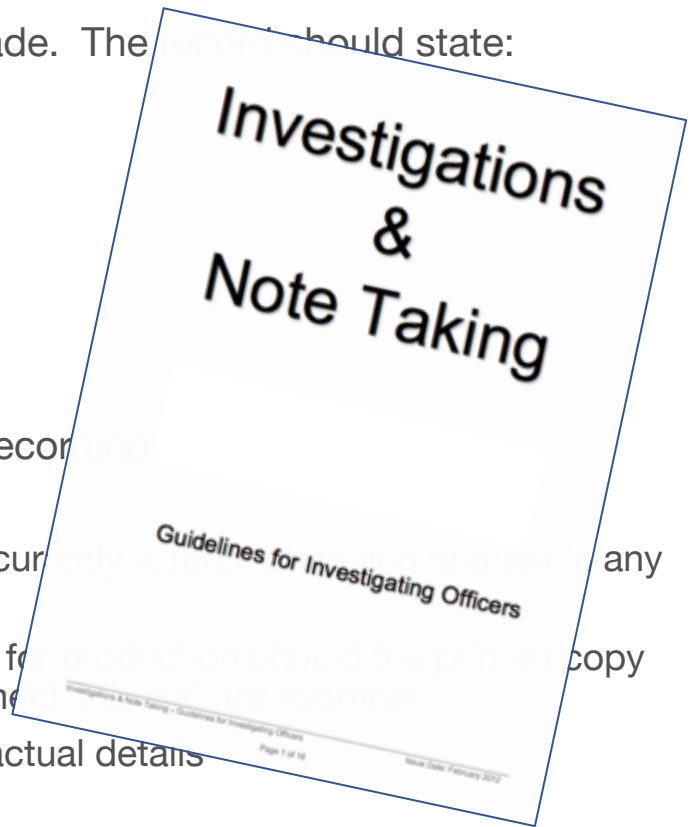
- ◆ Eliciting one word answers (yes or no), clarifying specific points and tying up loose ends
- ◆ Controlling the interview
- ◆ Providing direction

# Linking

- ❖ Interviewer should try to create a link between each sub area, I personally use summarising for this purpose as it gives a final 'bite at the apple'
- ❖ Indicates closure of one section and commencement of another
- ❖ A good technique is to say, "We are going to move on now, is there anything else you would like me to know about this area before we do?"

# Note taking – Always have a note taker

- ◆ An accurate record of each interview should be made. The note taker should state:
  - ◆ the location of the interview
  - ◆ the date of the interview
  - ◆ the time it begins and ends
  - ◆ the time of any breaks in the interview
  - ◆ the names of all those present
- ◆ You should keep to the following principles when recording:
  - ◆ records should be accurate and typed
  - ◆ information should be recorded correctly and accurately in any way
  - ◆ written notes should be kept in a separate folder for any copy to be questioned or challenged later at an Employment Tribunal
  - ◆ be concise, do not embellish or exaggerate on factual details



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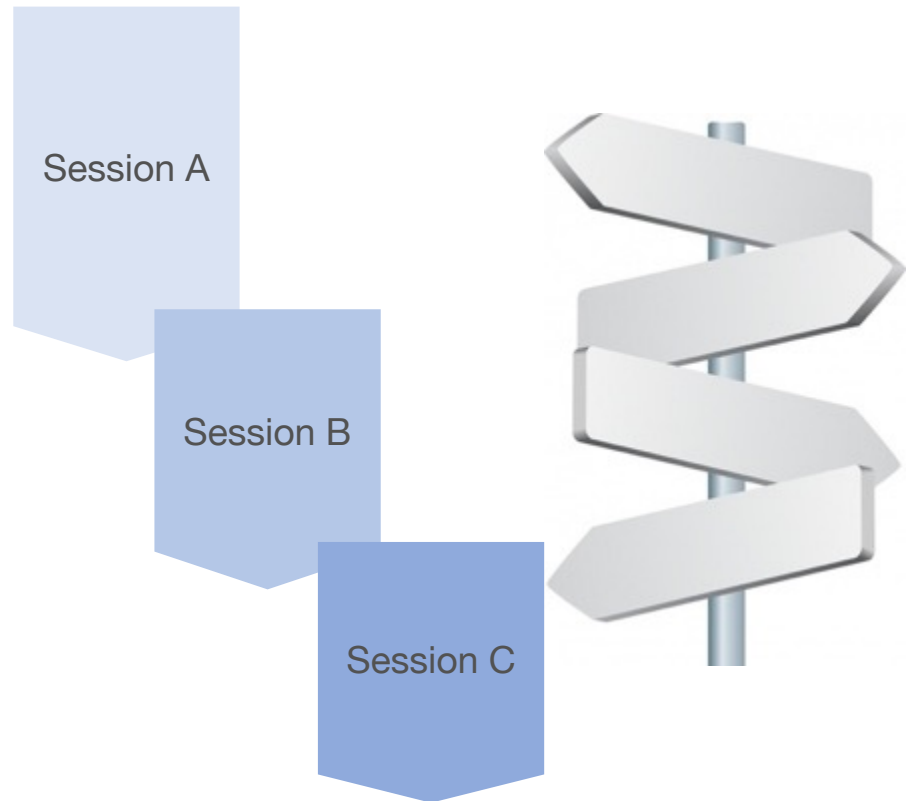
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# What happened and why?

- ◆ The first analysis is to build an accurate picture of what happened and why

“Fred fell off the ladder!”

WHY?

“The bottom of the ladder slipped.”

WHY?

“Joe was meant to be holding it, but had to take a call.”

WHY?

”His wife had gone into labour!!”

*The next why is pointless*

# Build a picture

## Facts

No evidence of strapping at scene

Joe left post at ladder foot

Processes not accessed in five weeks

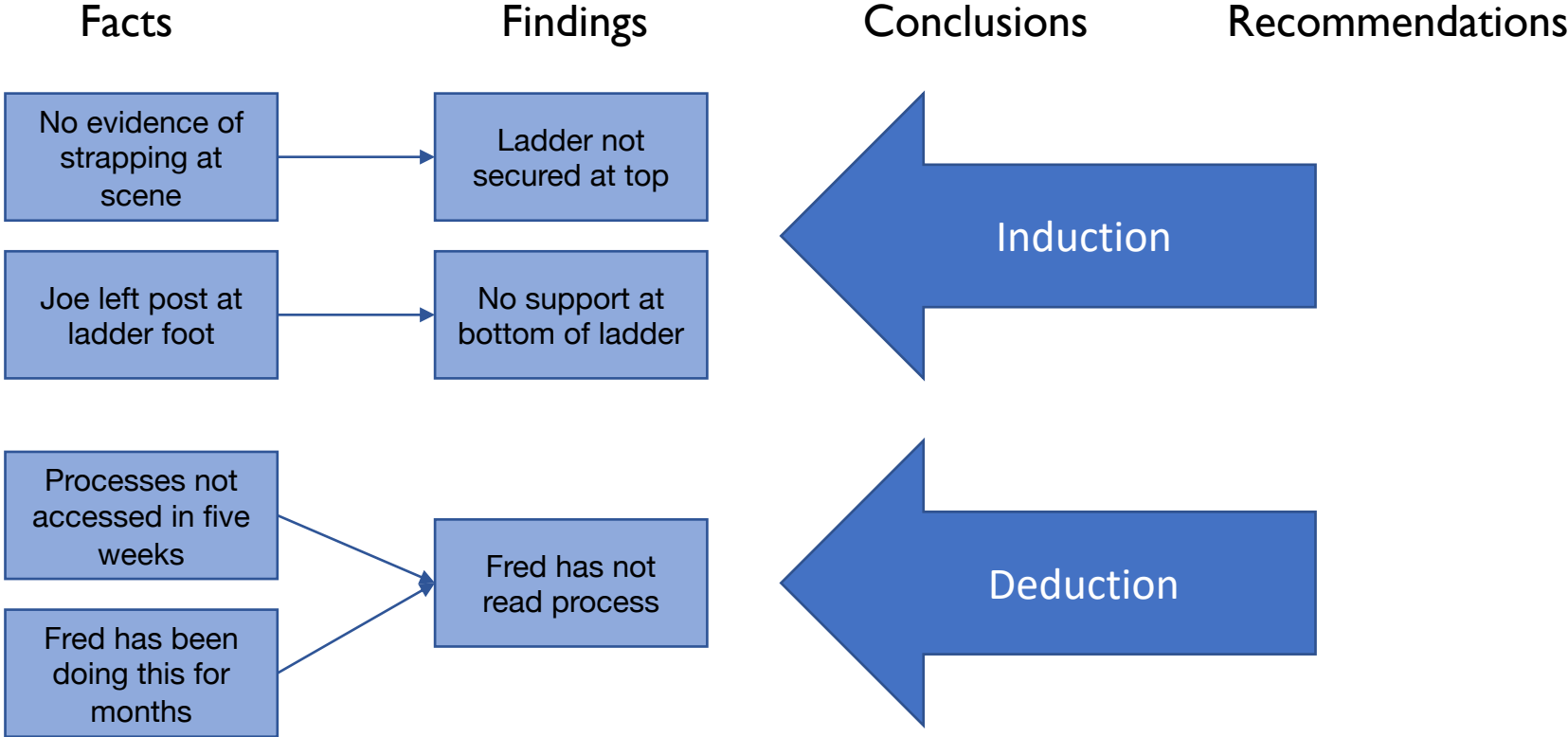
Fred has been doing this for months

## Findings

## Conclusions

## Recommendations

# Build a picture - findings



# Challenge your bias and preconceived ideas

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## Group exercise - The card trick

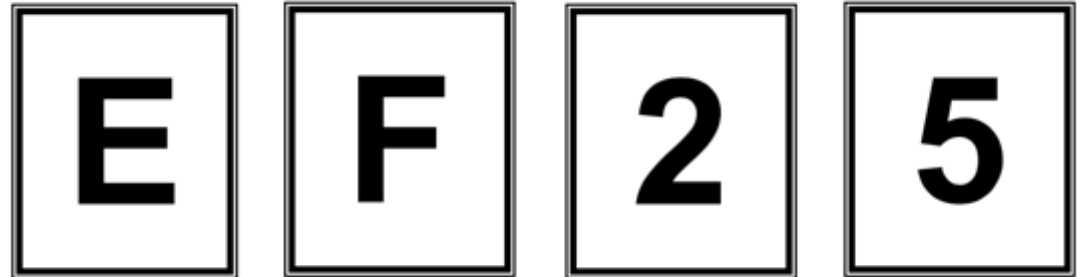




# Bias

What is the quickest way of establishing that the following hypothesis is true:

Of the four cards  
shown,  
.....those with vowels  
on one side have even  
numbers on the other.

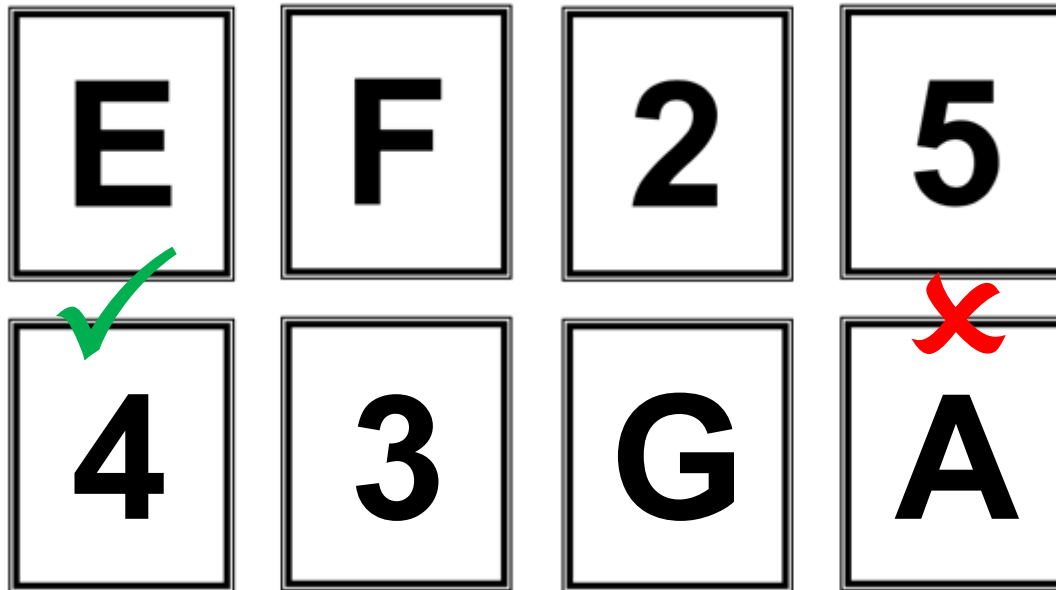


*Which cards do you need to turn over to establish that the hypothesis is true?*

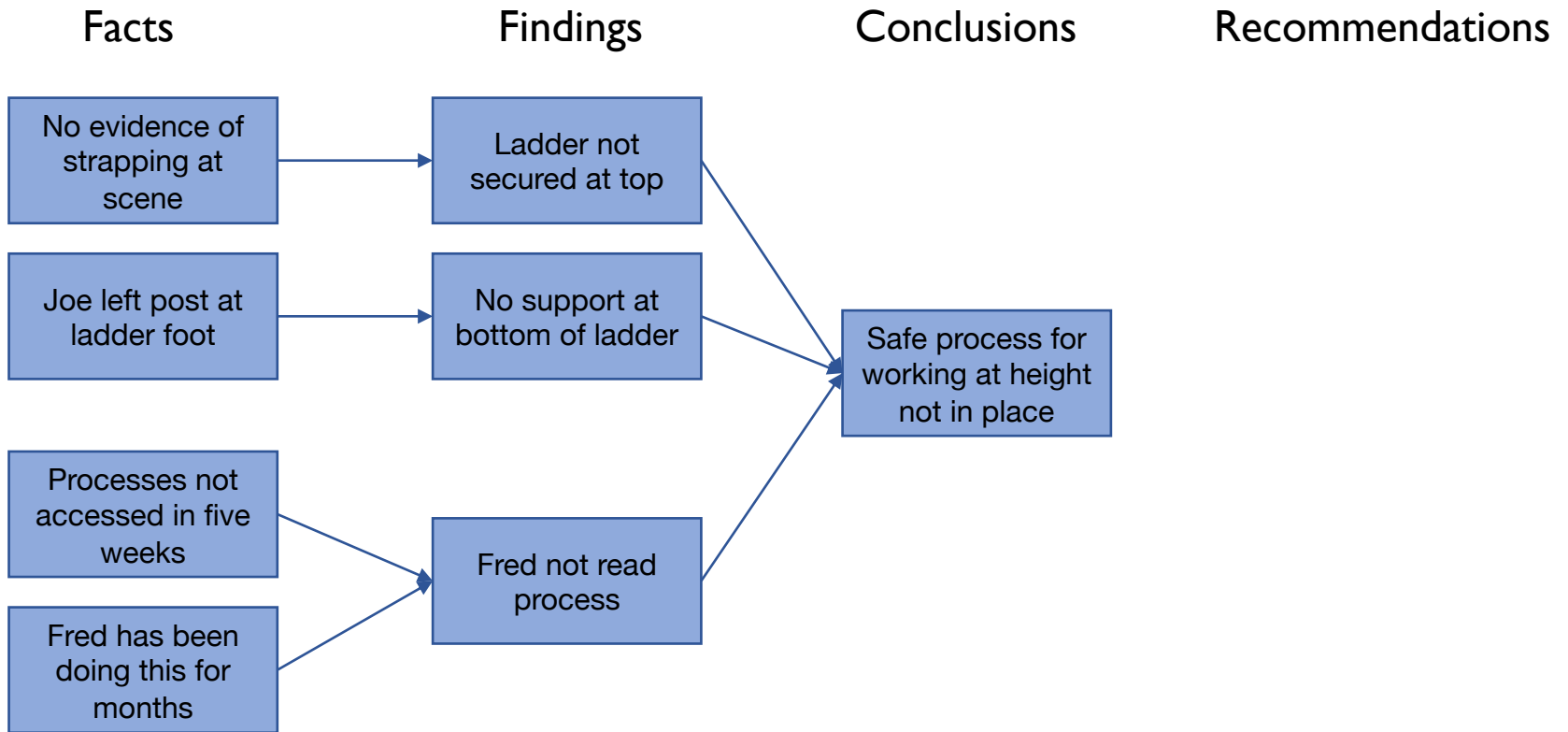
*Take a moment to think about it.*

Bias – we seek to prove things are true, not false

Of the four cards shown.....those with vowels on one side have even numbers on the other.



# Build a picture – conclusions



# Homework

Reflections – to be discussed openly at start of next session

1. Practice wide funnelling techniques on some of your team or peers – it does have to be an investigation. Come ready to discuss how it went at the next session

For next  
session

Read the Exercise system error, Jack Adcock case – we will use it next session

Also, consider what interventions might be needed in Fred's case

