

HITACHI
Inspire the Next

Effective Investigations Successful Interventions

Session C

Frank Horner

From last session....

Reflections – to be discussed openly at start of next session

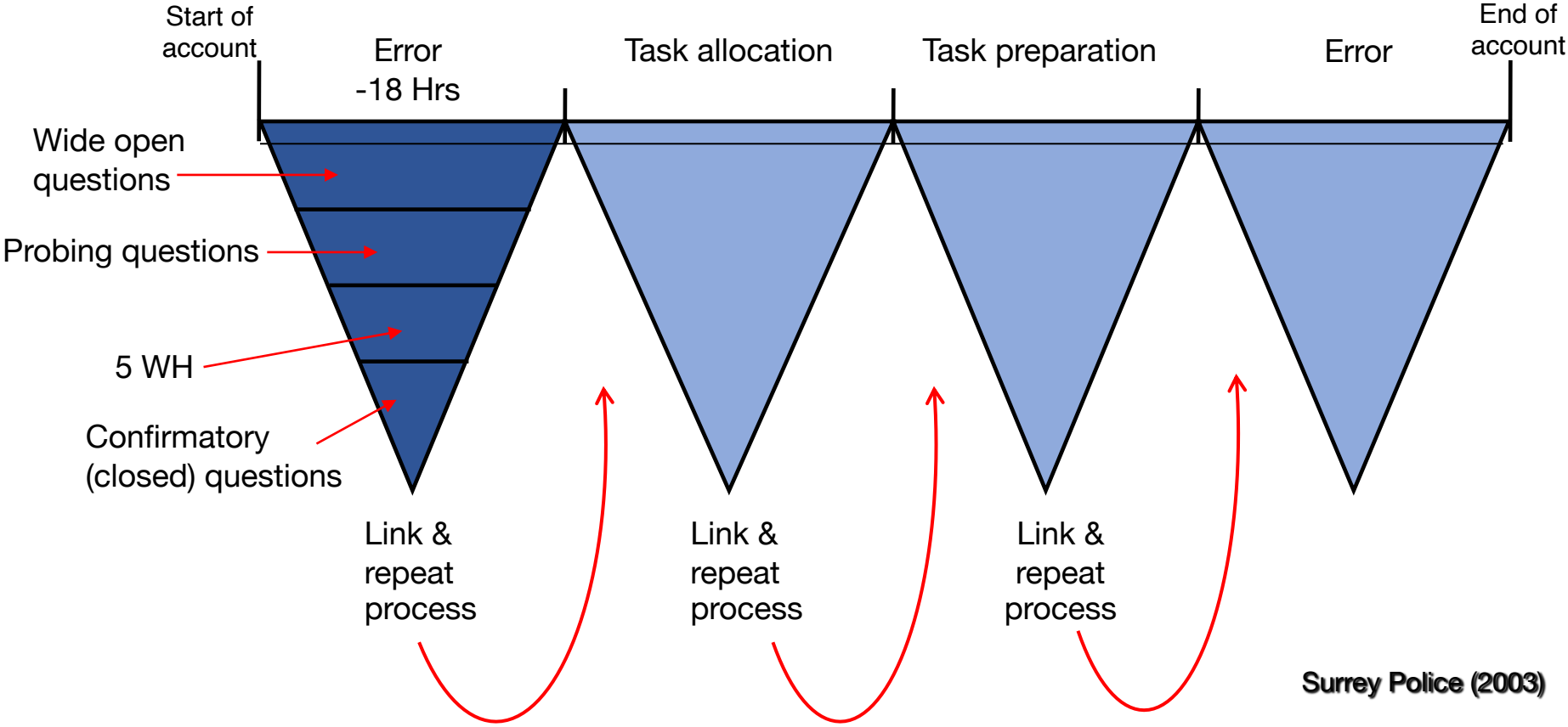
1. Practice wide funnelling techniques on some of your team or peers – it does have to be an investigation. Come ready to discuss how it went at the next session

From last
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

Funnelling Technique



Signposts

Introduction to investigating

Understanding risk

Human Performance

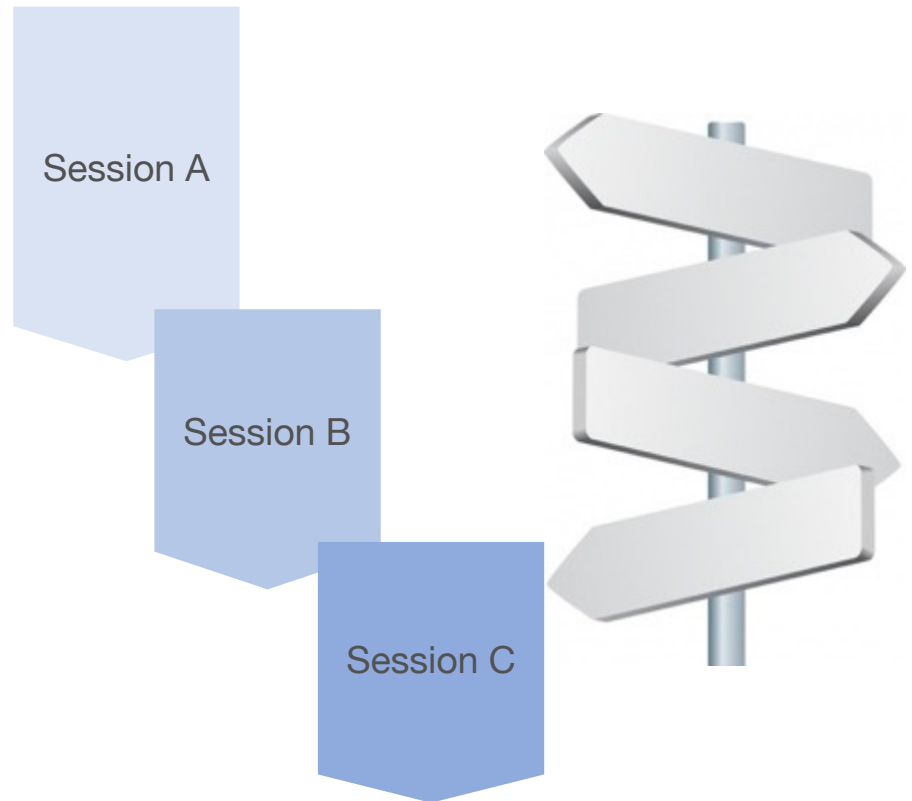
The investigation process

Gathering evidence

Analysis

Mitigation and control

The disciplinary investigation



(Recap) Sources of evidence

- ◆ Recall the 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.



Recap - Interviews



Child telling a lie



Teenager telling a lie



Adult telling a lie



The collar pull



Fingers in mouth



The nose touch



The eye rub

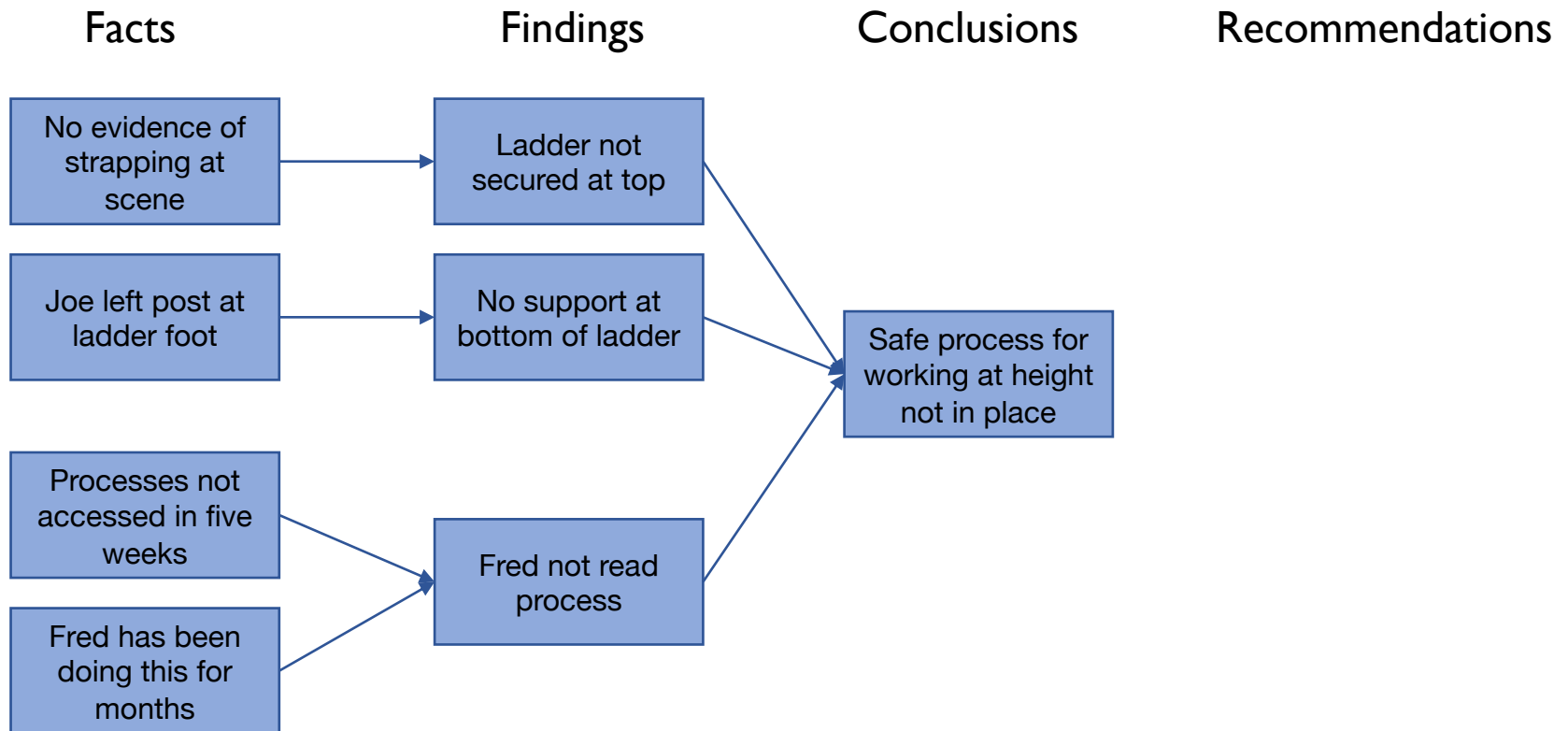


The ear rub



The neck scratch

(Recap) Build a picture – conclusions



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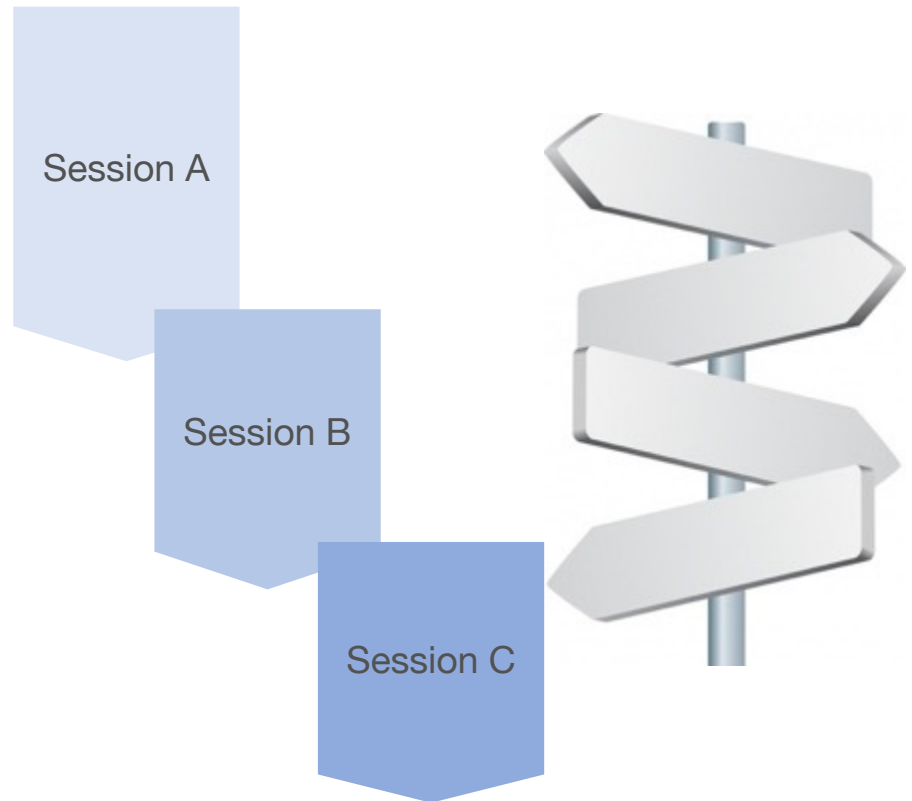
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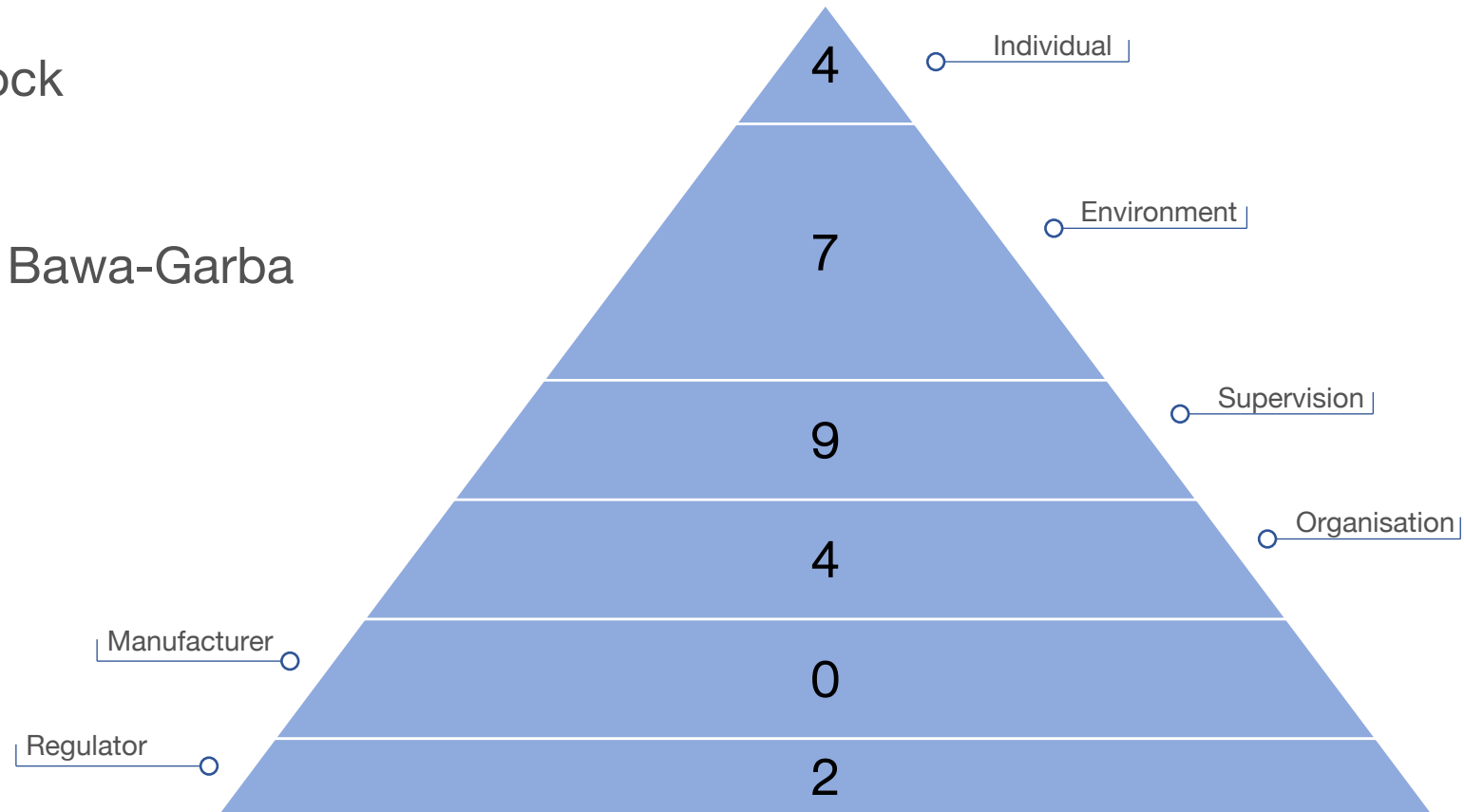
The System Influence Case study - Healthcare

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Jack Adcock

and

Dr Hadiza Bawa-Garba



Investigation summary

- ❖ If this is a misconduct or performance type investigation it may well conclude at this point and not go on to stages 3 and 4
- ❖ If so prepare your report:
 - ❖ The complaint/allegation
 - ❖ Decision prior to investigation
 - ❖ Outline of Investigation
 - ❖ Relevant legislation, Policy and Procedures
 - ❖ Conclusions and findings of the investigation
 - ❖ Recommendations

Reporting – ‘Business’ English

- ❖ It isn't a story but it must flow and allow the reader to engage the topic
- ❖ Write in the third person always
- ❖ Keep sentences short
- ❖ Use linking words such as however, therefore, for this reason – they help flow
- ❖ Be careful of punctuation and grammar useage
- ❖ Write the executive summary and table of contents last
- ❖ Focus on the objective
- ❖ Plan before you start
- ❖ Use a clear layout – or template if your company uses such
- ❖ Edit and proof read – several times

The report

- ◆ Title page
- ◆ Preliminary case information – outline details of asset involved, investigator, outcomes, dates etc.
- ◆ Executive summary
- ◆ Factual information
 - ◆ Summary of incident
 - ◆ Sources of evidence
 - ◆ Recorded information OTMR etc
 - ◆ Interview reports
- ◆ Analysis
- ◆ Recommendations and Actions
- ◆ Appendices

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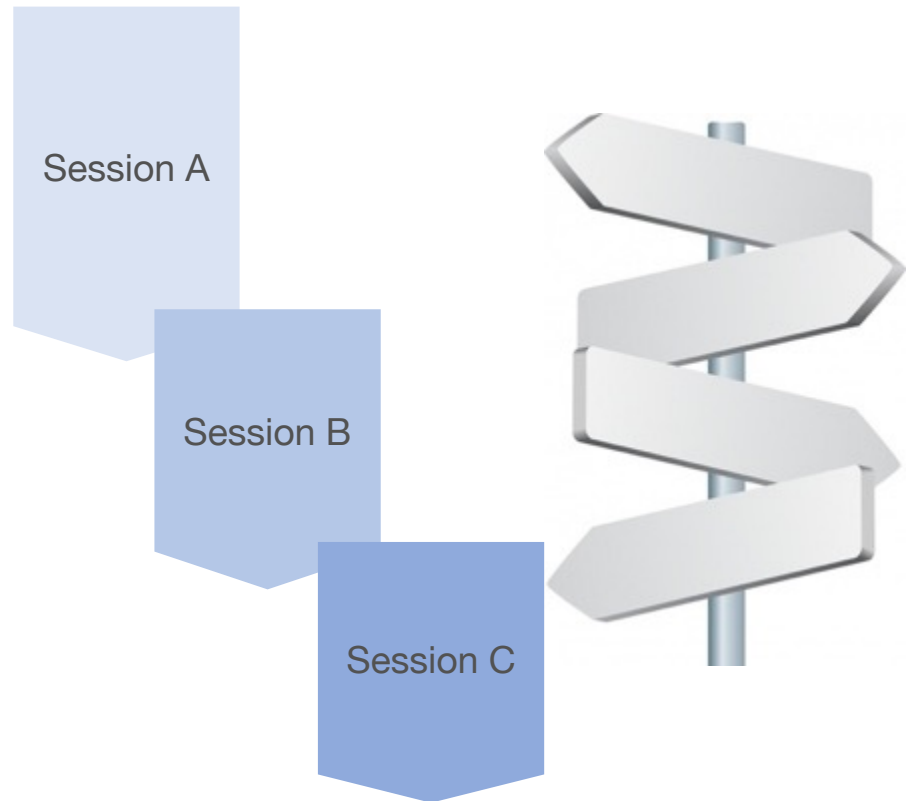
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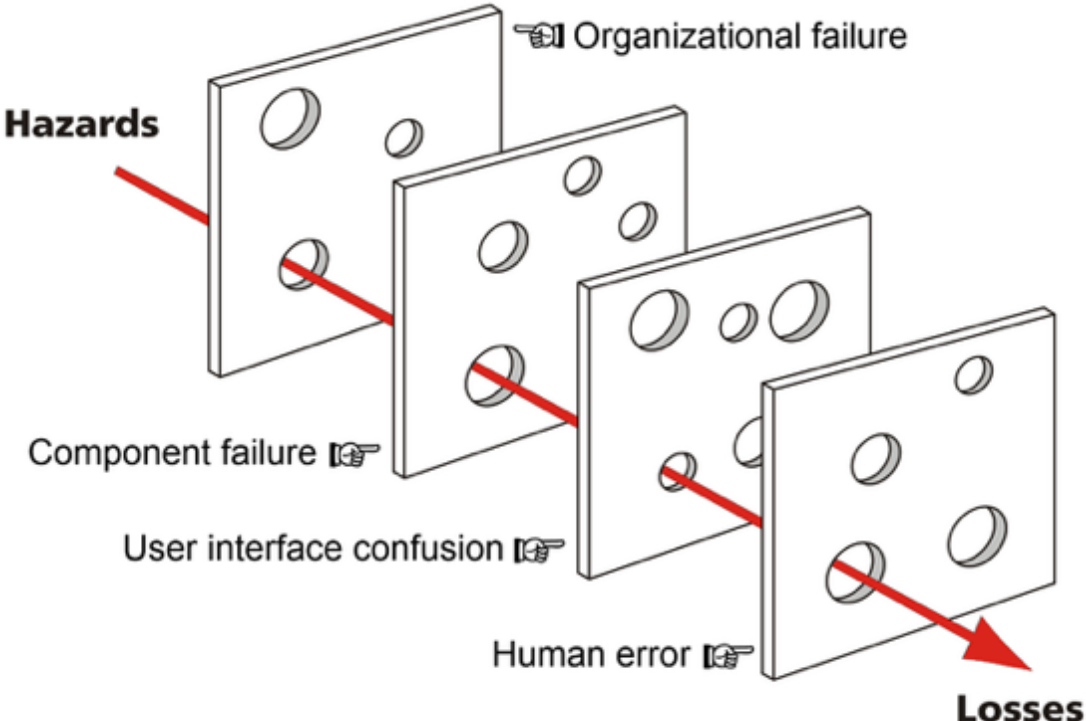


Defences

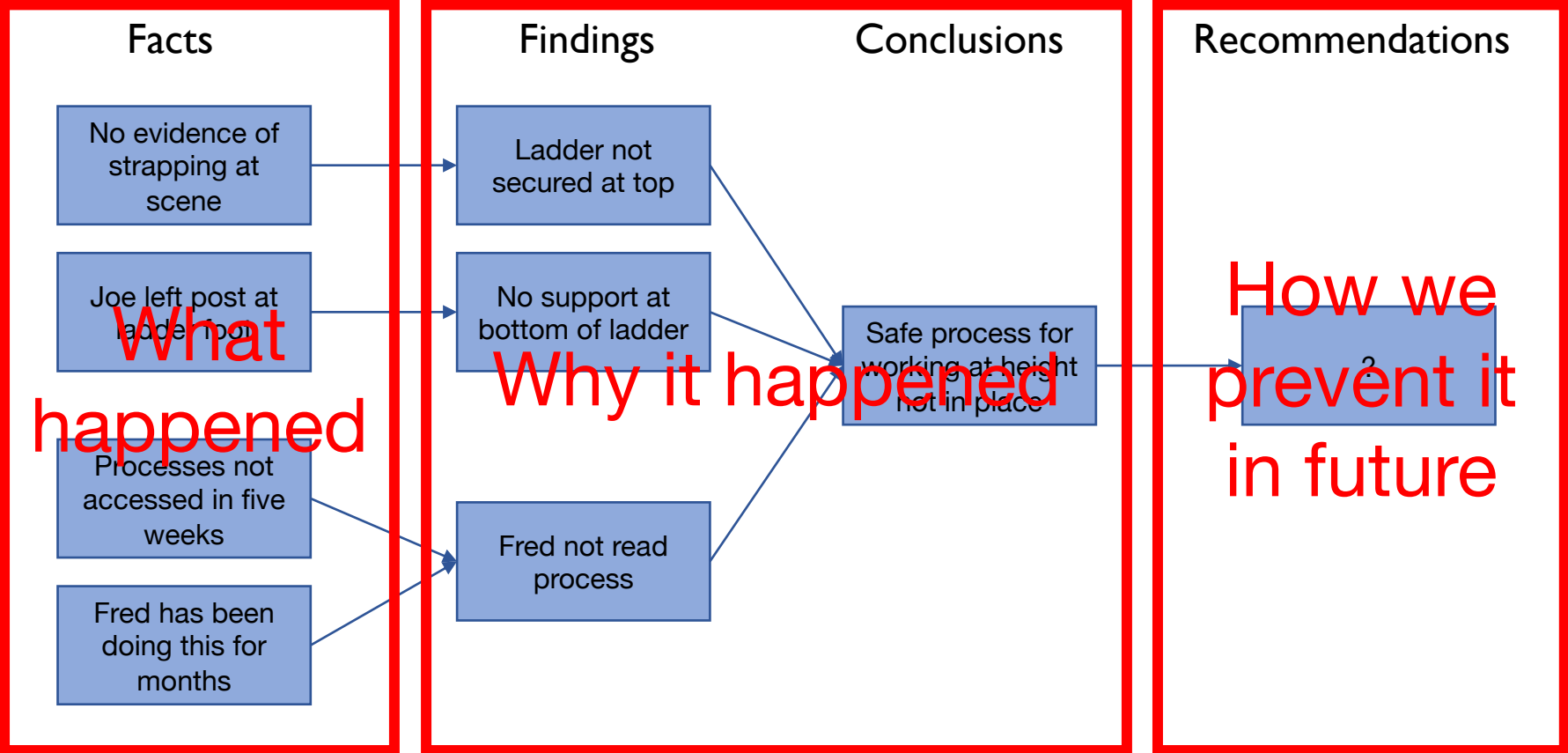
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Swiss Cheese model



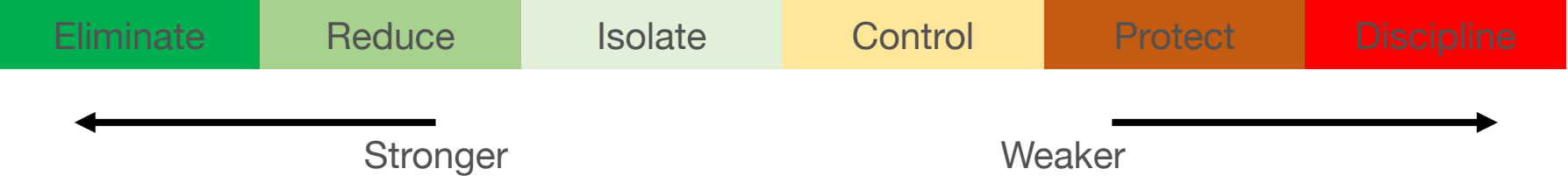
Back to our picture



Develop a list of possible defences



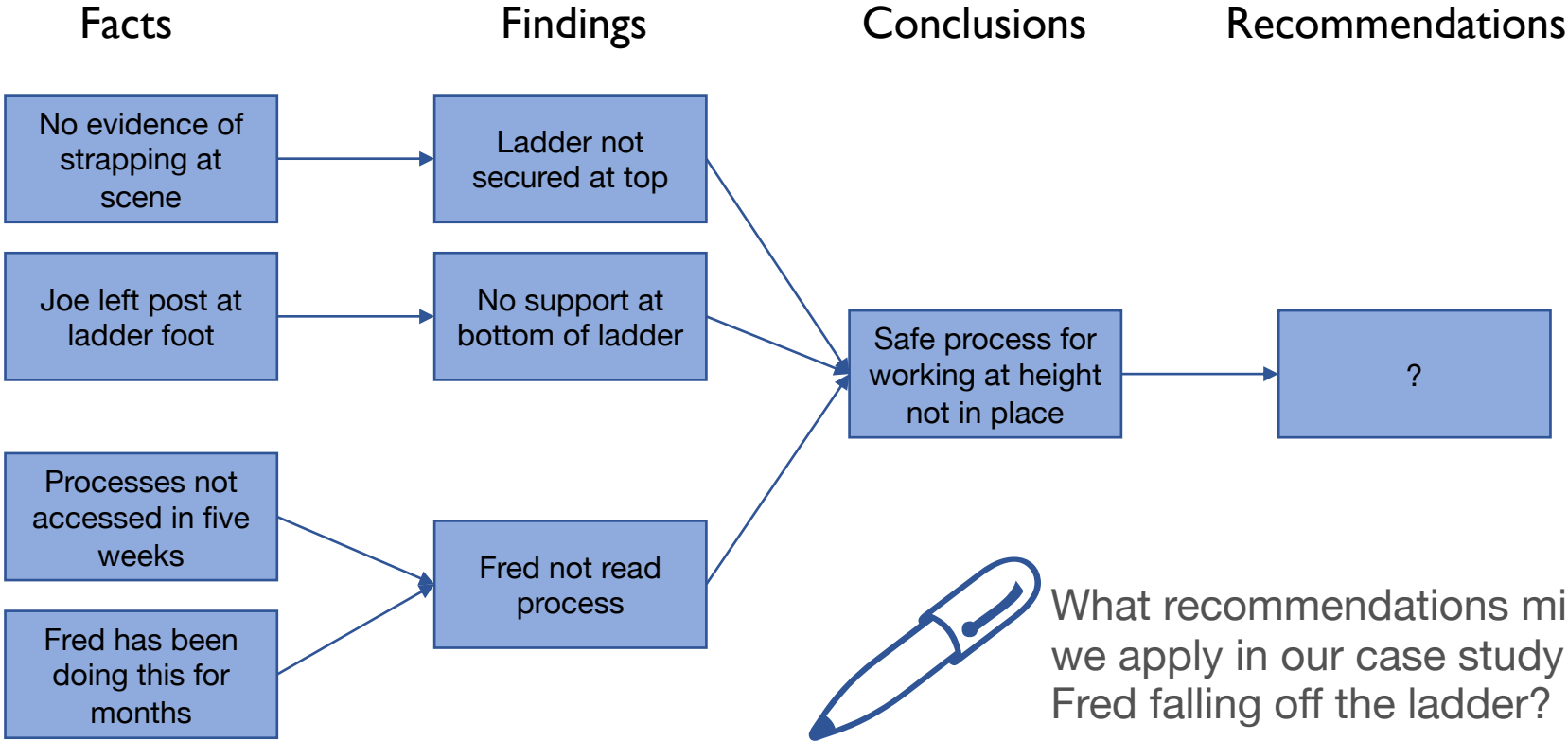
- ◆ Can you eliminate the hazard? E
- ◆ Measures that reduce risk, such as guards? RI
- ◆ Measures that control behaviour? CP (D)



Consider if similar hazards exist elsewhere
Similar events happened before?

Don't worry over cost or difficulty at this stage

Back to our picture

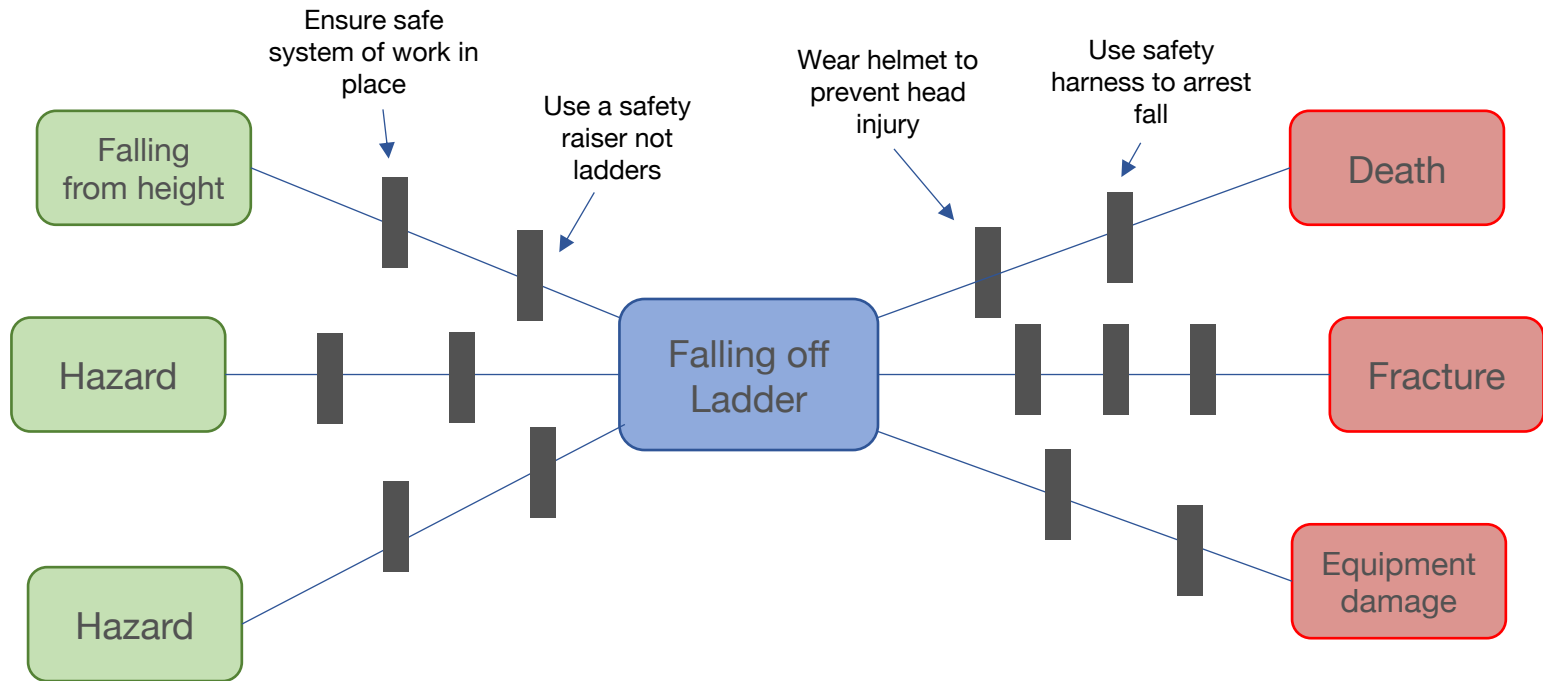


Bow tie approach

BOW-TIE MODEL



'Our' bowtie



Residual risks (5x5 matrix)

- ◆ We consider before and after mitigation
- ◆ Ensure post mitigation risks are acceptable
- ◆ Consider other instances
- ◆ Consider similar events
- ◆ Apply substitution test

Likelihood

	1	2	3	4	5
1	1	2	3	4	5
2	2	4	6	8	10
3	3	6	9	12	15
4	4	8	12	16	20
5	5	10	15	20	25

Severity

Cost benefit analysis

❖ ALARP (case law - **Edwards v. The National Coal Board**)

"... in every case, it is the risk that has to be weighed against the measures necessary to eliminate the risk. The greater the risk, no doubt, the less will be the weight to be given to the factor of cost."

"'Reasonably practicable' is a narrower term than 'physically possible' and seems to me to imply that a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them - the risk being insignificant in relation to the sacrifice - the defendants discharge the onus on them."

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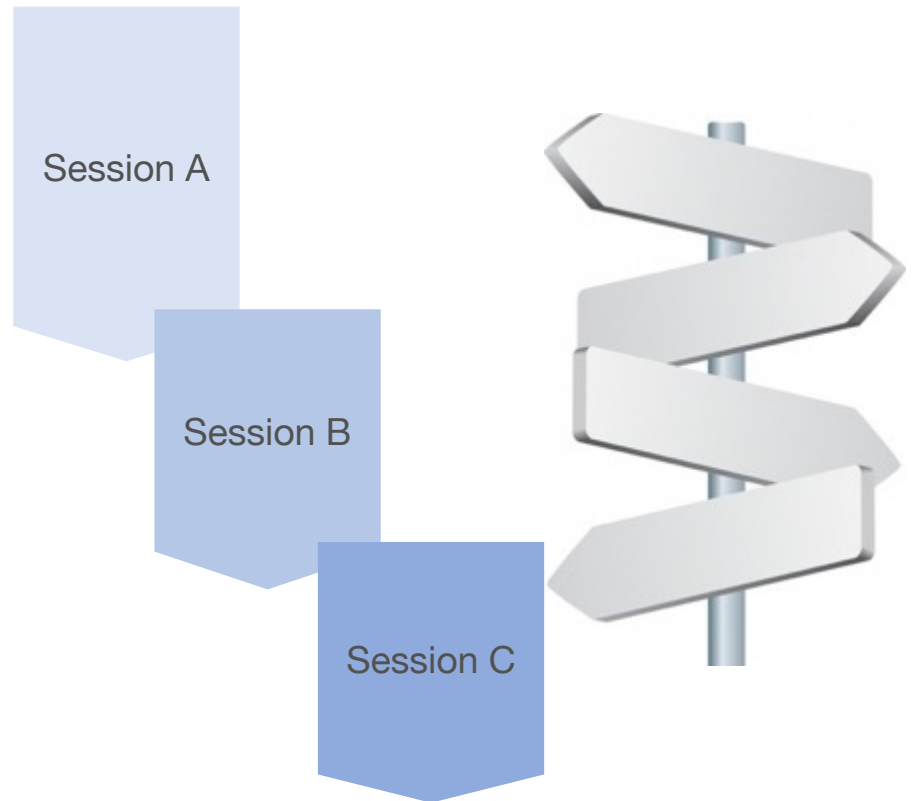
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Investigations and Discipline

- ❖ It is entirely possible that some form of sanction might be required
- ❖ Ensure investigation is independent – it should not cover discipline – that comes later
- ❖ Misconduct is the only exception

Three key words.....

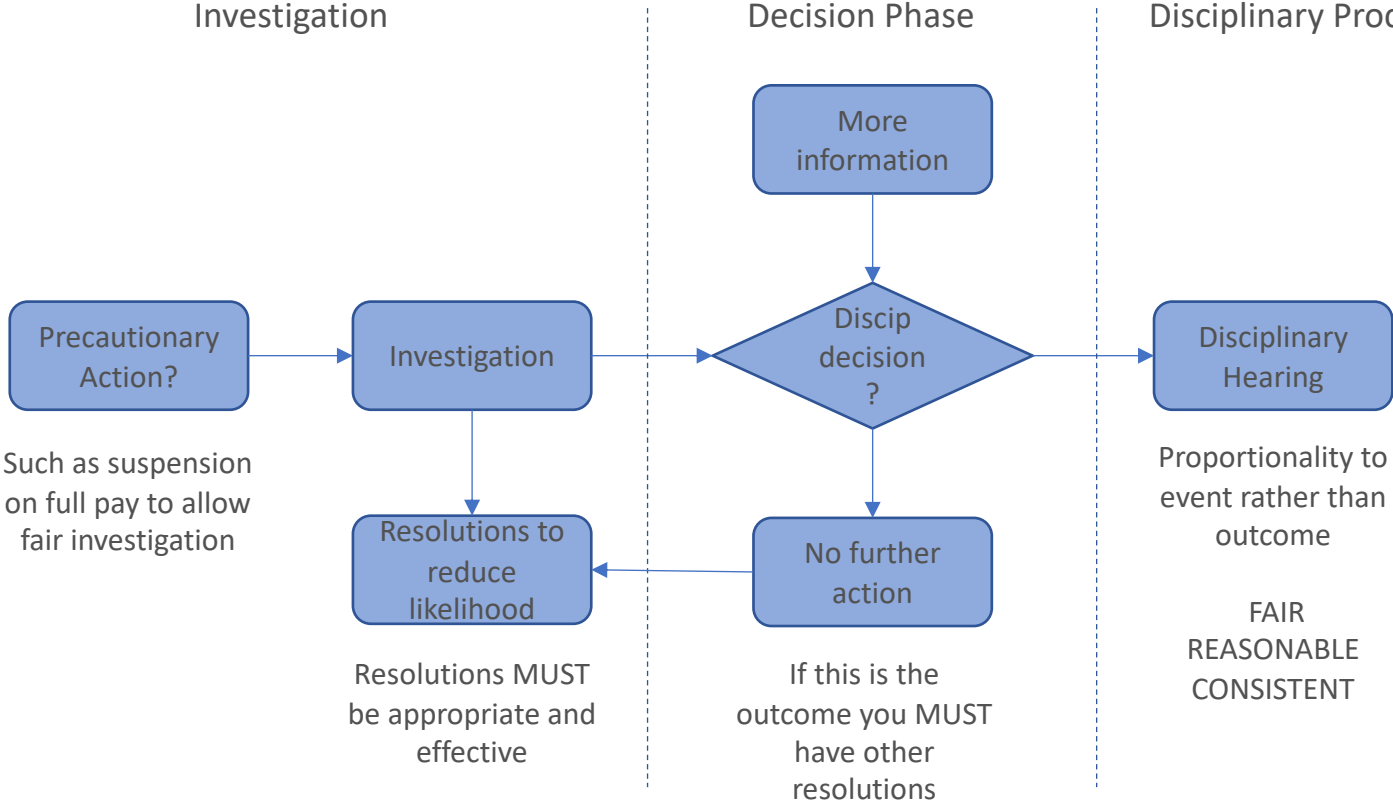
Fair | Reasonable | Consistent

Principle of Natural Justice

Basis for court decision making....and needs to be ours

- ◆ No bias (Actual, Imputed or Apparent)
- ◆ Fair hearing
 - ◆ Prior notice
 - ◆ Opportunity to be heard
 - ◆ Conduct of the hearing
 - ◆ Right to representation
 - ◆ The decision and reasons

Investigation flowchart



Culpability

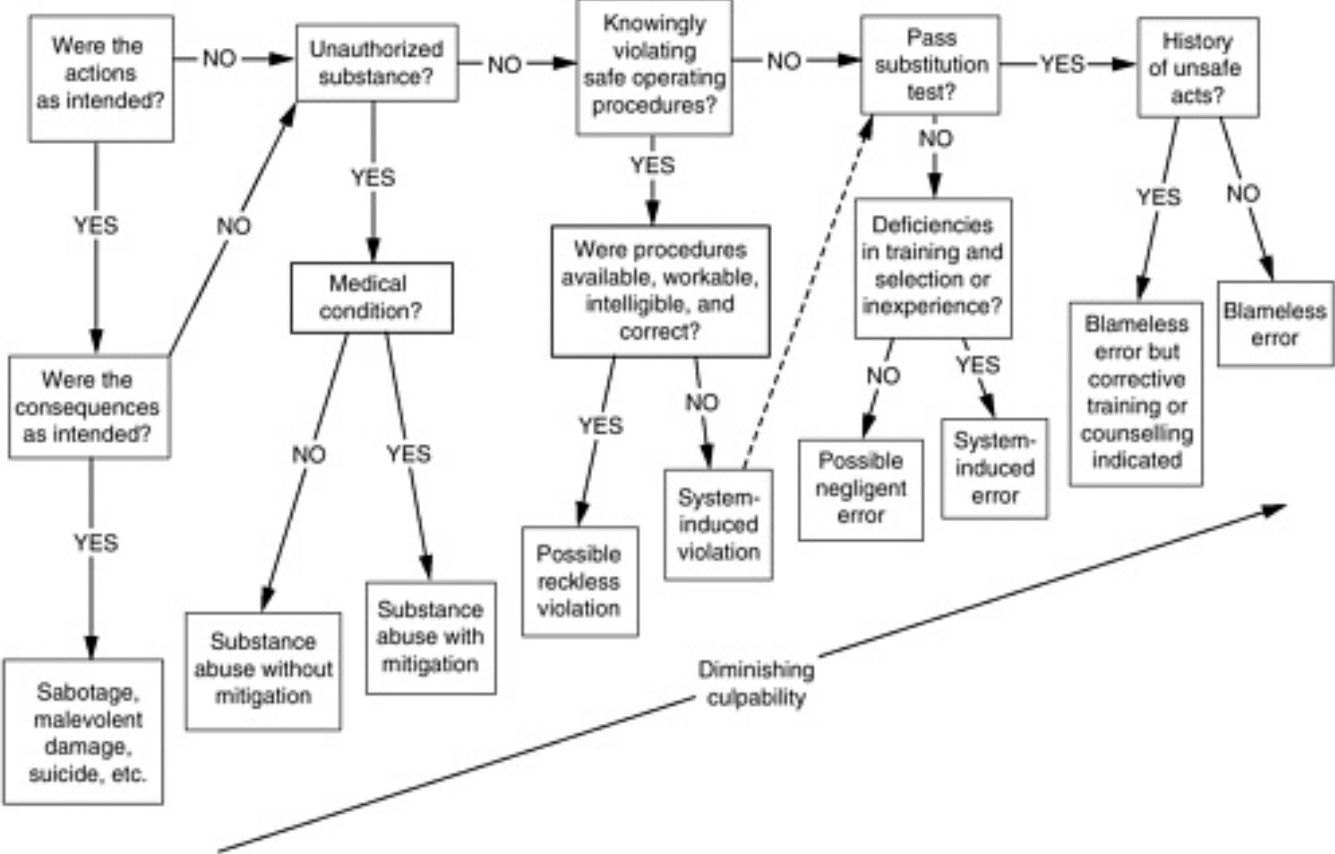


Consider individually

Any disciplinary sanction should be proportional to what?

Reason tree

Culpability



Case study – Fred

What sanction?



- ❖ Fred fell off the ladder, he hadn't tied the top, and admitted he had not read the safe working process for sometime.
- ❖ The instructions were in a book in the H&S office and not online.
- ❖ Joe mentioned he was leaving post and Fred acknowledged this.
- ❖ Fred broke his arm and is off work presently.
- ❖ No D&A implications.
- ❖ Fred has no other disciplinary actions on file and has been a good employee to date (7 years service)

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