

Overview

This standard covers the skills and knowledge required to investigate work-related accidents, incidents, ill health reports and complaints for the purposes of health and safety regulation.

It covers

1. conducting investigations of work-related accidents, cases of ill-health, incidents and complaints about health, safety or welfare provisions for regulatory purposes
2. gathering and evaluating evidence in external organisations to determine ill-health/accident/incident/complaint causation
3. identifying deficiencies in health and safety policies, management arrangements, resources and provision, and determining appropriate enforcement and other action needed by the regulatory authority or duty holders
4. informing duty holders, employee/safety representatives and others, of the outcome of the investigation and actions proposed or required
5. securing appropriate reductions in risk in work activities and compliance with health and safety legislation in external organisations
6. producing effective investigation reports

The activities you are likely to be involved in:

1. conducting investigations of work-related accidents, cases of ill-health and incidents for regulatory purposes
2. conducting investigations of work-related health, safety or welfare complaints for regulatory purposes, often without revealing that a complaint has been made
3. identifying immediate and underlying causes of accidents, incidents, cases of ill-health and complaints
4. assessing how senior managers set up and use health and safety management structures and systems and associated resource allocation
5. evaluating health and safety policies and procedures within organisations
6. using evidence gathered to decide on actions you and the duty holder need to take, which may include formal enforcement
7. ensuring agreed actions are taken by the duty holder(s)
8. preparing reports, letters and other documentation about investigations, in line with the regulatory authority's requirements

Performance criteria

You must be able to:

1. consider severity of incidents or potential risk of matters complained of, to determine timing of response in line with the regulatory authority's instructions
2. identify relevant legal requirements, standards, guidance and policy to establish benchmarks
3. identify what information exists to aid investigations following standard operating procedures
4. decide on appropriate levels of research to decide what is relevant and important
5. establish aims and objectives for investigations and draw up appropriate plans following industry best practice
6. organise resources, equipment and people following standard operating procedures
7. gain access to sites, liaise with any emergency services/other regulators and establish the health and safety regulator's role following standard operating procedures
8. identify people in control of sites, duty holders and employee representatives, outline the purpose and scope of investigations and procedures followed and secure co-operation and maintain complainant anonymity following standard operating procedures
9. identify immediate actions necessary for preservation of evidence and instigate following standard operating procedures
10. identify promptly any continuing risks to health and safety and take immediate actions, accounting for any impact it may have on investigations, and taking account of the regulatory authority's safety policy
11. call on expert help to advise following standard operating procedures
12. inform duty holders and others of immediate actions taken and why following standard operating procedures
13. use resources available and organise any additional resources and expert help required following standard operating procedures
14. examine scenes of incidents or complaints without compromising potential evidence following standard operating procedures
15. decide who to interview, in what order, and use questioning and listening skills to obtain information following standard operating procedures

16. gather relevant evidence in accordance with rules of evidence, confirm continuity and admissibility and keep necessary records following standard operating procedures
17. identify possible immediate and underlying causes of incidents/ complaints and investigate all reasonable lines of enquiry following standard operating procedures
18. review decisions on causation as investigations proceed following standard operating procedures
19. analyse and review evidence against potential breaches of legislation following standard operating procedures
20. review initial and interim enforcement decisions as investigations proceed following standard operating procedures
21. identify when disproportionate efforts would be required to continue investigations and when it needs to, or can, be stopped, and evaluate consequences following standard operating procedures
22. identify options for intervention and enforcement which are appropriate to any breaches following standard operating procedures
23. assess effects that interventions and enforcements will have, and establish action following enforcement policy of the regulatory authority
24. communicate with duty holders, employee representatives and others during investigations following standard operating procedures
25. assess actions taken by duty holders following the events/accidents before investigations are complete
26. manage and conclude investigations following standard operating procedures
27. evaluate information to conclude immediate and underlying causes of incidents/complaints, considering supporting and contradictory evidence following standard operating procedures
28. prepare investigation reports and any other necessary records with all required information
29. communicate clearly and effectively with relevant stakeholders about outcomes of investigations and any further actions to be taken by the regulatory authority or duty holders
30. secure commitment from duty holders for improvements in compliance with legislation to an appropriate timetable

Knowledge and understanding

You need to know and understand:

1. how to identify and work within the aims, objectives and priorities of the regulatory authority
2. how to work with other authorities involved in investigation of work-related deaths including Police, Crown Prosecution Service and Coroner
3. how to identify and apply the regulatory organisation's policies and arrangements for selecting and conducting investigations
4. how to apply regulatory organisation's health and safety policy and procedures and ensure your own health and safety
5. how to identify and apply the regulatory authority's enforcement policies and priorities
6. how to select and use relevant health and safety standards, guidance and benchmarks
7. how to identify technical information and standards on processes being investigated
8. how to select and use appropriate sources of further information
9. resources available to you and how to make use of them
10. reports and records are needed and their formats
11. extent to which information can be given to various interested parties and forms of communication appropriate to each
12. how to identify types of duty holders and their responsibilities
13. how to identify and make use of statutory powers of the enforcing authority and inspectors
14. how to manage interfaces with other enforcing authorities
15. how to identify types of employee or safety representatives and their roles
16. how to identify accident and ill-health causation, including human factors
17. how to analyse accident and incident data
18. how to apply principles of hazard identification, risk assessment and risk controls
19. ways of evaluating information gathered against legal requirements, achieving consistency, transparency, proportionality and targeting in decisions
20. how to assess the impact of your decisions on the duty holder, employees, the industry concerned, and the broader health and safety implications

21. how to communicate effectively with a broad range of people, including duty holders, witnesses, employee/safety representatives, injured people, relatives of injured/deceased, other distressed or traumatised people, members of the public, pressure groups, the media and other enforcing bodies
22. how to use databases and other information sources
23. purpose of investigations
24. how to plan investigations
25. when and why other professionals may need to be involved
26. equipment and other resources needed to conduct investigations and how to obtain them
27. role of the regulator in investigations
28. how to take possession of articles
29. how to impose requirements to leave undisturbed
30. people involved and how – colleagues, duty holder, employees and their representatives, other enforcement authorities
31. investigation techniques
32. questioning, listening and interviewing skills
33. how to deal with distressed, anxious and unreliable people
34. how to evaluate information, including that which is apparently contradictory, and identify and test causation options
35. how to identify and apply appropriate legislation and approved codes of practice
36. rules of evidence, what constitutes evidence and proof and how different sorts of evidence should be collected and preserved
37. intervention and enforcement options available and implications of each
38. any organisational tools provided to assist in the decision-making process following evidence collection

PROHSR3

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