

## Don't be caught out by the weather!

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**CATEGORY:**  
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The recent unseasonal weather conditions have had a chaotic effect, with thousands of people being affected by organisations' inability to predict and react in a timely and effective fashion to the consequences of unexpected events. As a result, organisations were caught completely unprepared, even though similar issues had arisen in analogous cases in the past, and had no plans in place to enable them to deal with the consequences.

This has put into question organisations' accident and incident investigation procedures and their ability to proactively assess incidents. Accident investigation protocols are the processes by which organisations review incidents after they have occurred, which enable them to learn from their mistakes and put in place structures to prevent such incidents from arising again in the future, or if they do, to minimise their effect.

Given the continuously increasing level of fines being imposed on organisations for breaches of health and safety laws, being able to show that a properly considered investigation protocol was followed following an incident (a) will show the courts that an organisation is well organised and takes health and safety issues seriously, (b) may keep fines lower by ensuring that losses are mitigated as a result of post incident actions and © may even avoid a prosecution being brought.

The HSE and other organisations that give guidance on risk management are keen to point out the importance of a properly formulated accident investigation plan and the need for organisations to examine all incidents, including near misses. The HSE's advice is that an effective investigation protocol requires a methodical approach to information gathering, collation and analysis.

Several key points that organisations need to bear in mind when preparing an accident investigation protocol include:

- Have proper plans formulated and be ready to implement them as soon as an accident/incident occurs;
- Consider testing the plans internally regularly as tests may reveal problems that had not been considered when formulating the plan;
- Investigate incidents as early as possible while evidence is available and events are fresh in people's minds;
- Get legal advisors instructed at the earliest opportunity to ensure that the investigation report is protected by litigation privilege. This is vital since instructing non-legal advisors to investigate may mean that the investigation report will not be privileged and will be disclosable;
- Encourage cooperation between management and workers in the planning process and investigation;
- Incorporate investigation protocols in the organisation's business continuity plans to ensure that unexpected events do not have a disastrous effect on key functions of the business.

In conclusion, an effective accident/incident investigation protocol ought to be regarded as an invaluable business tool not simply as a 'Health and Safety requirement'.