



## Investigation of an Accident – Insights from Steve Simmons-Jacobs, Safety Consultant

“If you think safety is expensive, try an accident” **Dr Trevor Kletz, OBE FRFeng FRSC FICChemE**

The UKMHA is not an authority on investigations carried out by enforcement agencies such as the HSE or the Police. Therefore, this paper is going to focus on internal company investigations into accidents only, why have them, how to go about them and how to make best use of them.

To help you gain a comprehensive understanding of this vital subject, we have sought expertise from Safety Consultant and former HSE Portfolio Holder for Industrial Trucks, Steve Simmons-Jacobs. With extensive experience in investigating MHE incidents, he offers informative insights into a range of topics, such as investigation criteria, the investigation process and collecting and assessing evidence.

In this document, Steve will provide answers to key questions regarding MHE accident investigations. If you want to know more about HSE investigations, there is some suggested reading at the end. The police are a bit cagier about giving out information about their investigation methods so don't put yourself in a position where you might want to know!

### Why have an investigation?

Let's say there has been a serious accident on your premises involving one or more employees and a lift truck, you want to find out what went wrong and make sure it doesn't happen again. All very laudable but rather too late for those employees and your company. If you are honest with yourself, is this accident quite similar to one or more near misses that were known to either yourself, your safety team or some of your employees beforehand? If so, shouldn't you have investigated after the near miss to determine the cause and then remove the hazards and associated risks to prevent a more serious accident?

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HSE statistics say that on average there are over 150,000 work-related incidents which result in serious injury or fatality every year. Nobody knows how many close calls or near misses occur in that same year. Every incident, no matter how big or small will result in costs to the company that would not have occurred otherwise. Repeat incidents will be even more expensive.

## More reasons to have an investigation

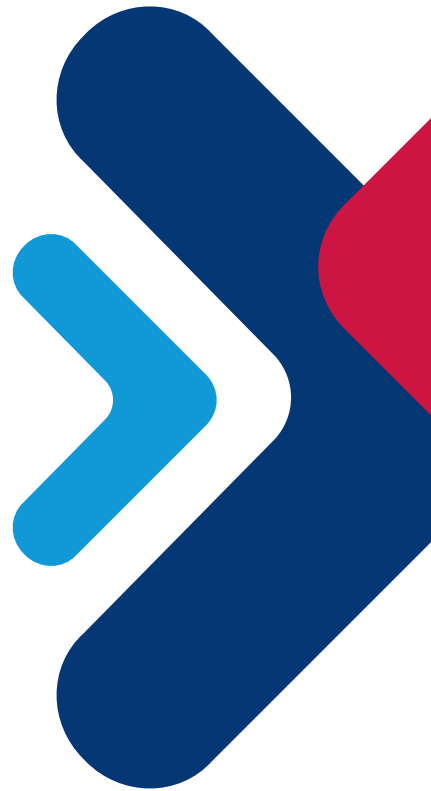
Employment law in the form of the Management of Health and Safety at Work Regulations: 1999 reg 5 requires employers to plan, organise, control, monitor and review their Health and Safety arrangements. An investigation is a critical part of 'monitor and review'.

Civil Law. If someone is taking an action against your company, you are required to 'make full disclosure of the circumstances surrounding the accident' to any claimants and their legal teams. If you can show that your investigation was thorough and led to actions that prevent similar accidents from happening again, it would demonstrate to the court that you have a positive attitude towards Health and Safety.

Your insurance company is going to have to pay out on a claim and they are going to want to know that you investigated properly to understand what happened, why it happened and that you have fully mitigated the risk of the same thing happening again.

## Investigation Criteria

Picture this scenario. There's been an accident involving an object that has fallen off a FLT during a lifting operation, and someone has suffered a sprained wrist as a result. On the assumption that the buck stops with you, you get to decide whether there should be an investigation or not. But let's think about this, it might only be a minor injury now but could it happen again? And if so, could the outcome be worse? You will be much safer finding out what happened, why and what can be done to make sure it doesn't happen again. So, let's investigate.





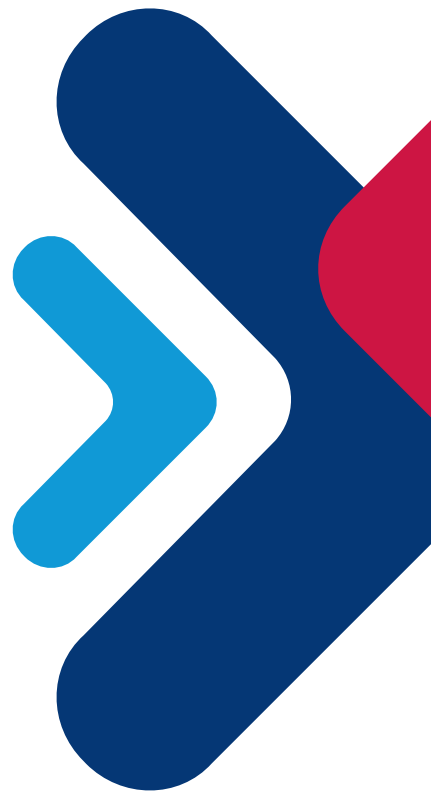
## The Investigation Process – Who investigates?

The answer very much depends on the size of the company. Whatever the size, the management and the workforce all have a vested interest in preventing the same thing from happening again. In a larger enterprise, the management may include line supervisors, managers and health and safety managers. The workforce may have union representation and/or employee representatives. They all bring different knowledge to the table and all will want to feel that their input is useful to the investigation. You will also need personnel with investigative skills otherwise you will have to pick those skills up quickly.

## The Investigation Process – Evidence

There are two types of evidence, the first being physical evidence which can be recorded and/or retained. For example:

- CCTV [brilliant if you can watch the unfolding drama. Murphy's law says it will all happen just out of the camera's view].
- Hard evidence such as webbing straps that have broken.
- Where did the FLT and the load end up? Take photographs especially if the FLT did not have to be moved to extract the victim and not while the victim is still in situ!
- Take photographs of the surrounding area and the approach route of the FLT.
- Get the FLT checked out by a competent person to find out if there was a fault which contributed to the accident.
- Check the load, was it suitable for a FLT to lift and move?
- Check the driver's training records, had they been properly trained as required by the HSE guidance L117?
- Was there a banksman involved and, if so, did they have the correct training?
- Should there have been a pedestrian anywhere near the lifting operation and, if not, were there any barriers, to prevent access, which had either broken or been overcome?





- Was the operation covered by the company's generic lifting plan for lifting and moving loads with a forklift truck or was it a more complex lift that really should have had a separate lifting plan produced by a competent person as in Regulation 8 of LOLER?

Then there is witness evidence which might mean those people:

- who actually saw the incident?
- who noticed a change in circumstances which led up to the incident?
- who had planned or authorised the activity being carried out?
- who trained the injured person or other persons involved in the incident?

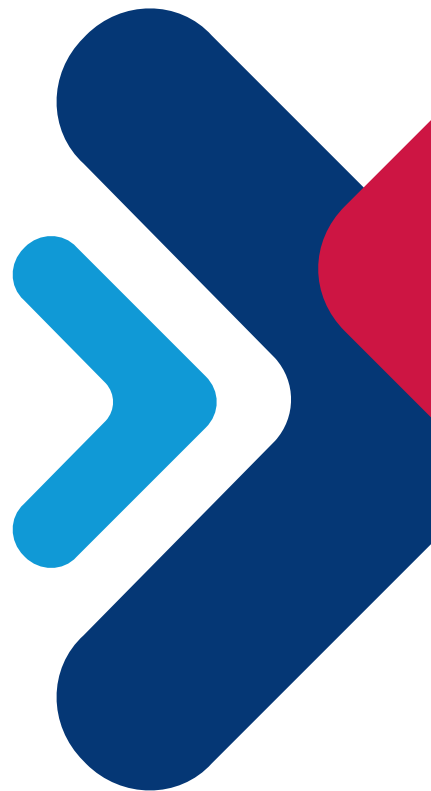
## **The Investigation process - Assessing the evidence**

To determine what caused the accident, you must study the evidence carefully and without preconceptions.

You will need to consider carefully how accurate each witness' statement is. If you have four eyewitnesses, it is quite possible each of them may have seen something different. Also, emphasise that you only want facts and not opinions especially, second-hand hearsay. Hearsay is legal jargon for a chain of misinterpretations.

Any consideration of evidence should be done by the whole team you have assembled. Consider the witness statements, can they be corroborated by the hard evidence? Do the majority of witness statements say the same thing? Can the investigation team follow a logical progression of the evidence to see how the incident came about?

It is safe to believe the investigation has been successful when the whole team is in agreement that one or more inactions led to a risk that was not mitigated and resulted in said risk materialising as an incident which turned into an accident because person 'A' was injured.



# NATIONAL **FORKLIFT** **SAFETY DAY**



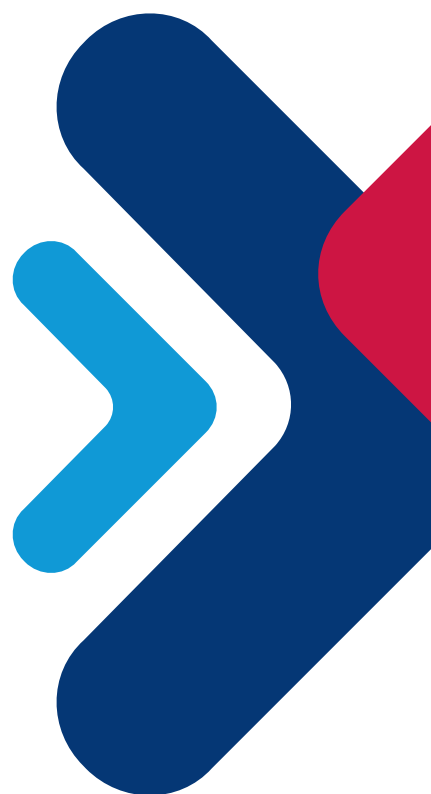
You now know that the I/P had used a FLT to lift a large steel frame off a machine tool and set it down on the ground. He then proceeded to attach the frame to the forks with webbing straps, secured with 'G' cramps before raising the frame slightly with a view to rotating the frame to then allow repositioning on the machine tool. Whilst rotating the frame by hand, one of the 'G' cramps slipped off a fork and the frame fell, causing the I/P to be knocked over and sustaining a sprained wrist.

The next stage is to make a report of your findings and consider how you are going to prevent the same thing from happening again. Watch this space!

## **Suggested Reading**

HSE Publication HSG 245 – Investigating Accidents and Incidents – link: [www.hse.gov.uk/pubns/hsg245.pdf](http://www.hse.gov.uk/pubns/hsg245.pdf)

Link to HSE website: [www.hse.gov.uk/involvement/accidents.htm](http://www.hse.gov.uk/involvement/accidents.htm)



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