



## LEARNING THROUGH DUTY HOLDER REVIEWS

October 2016



## What will I be talking about?

- What happens when you notify WorkSafe?
- What are Duty Holder Reviews (DHR)?
  - Do I have to do a DHR?
  - What happens if I refuse?
- The Duty Holder Review process
  - What might get looked at within a DHR?
  - Supporting documents
  - Completing the DHR process
- Some key principles

## What happens when you notify?

- 0800 030 040 WorkSafe (refer section 56 HSWA)
  - Response Inspector will triage incident
    - Likely to contact you for more information
    - If DHR considered appropriate, will confirm participation
    - DHR file raised and forwarded to DHR queue to be assigned to a DHR Officer
  - DHR file created and assigned to a DHRO
    - DHRO receives file, makes background checks
    - DHRO will phone designated contact
      - DHR process explained and any questions answered
      - Due date for DHR report agreed ~ 1 to 2 weeks normally
      - Written confirmation emailed
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## So, what are Duty Holder Reviews?

- A DHR is essentially an in-house investigation into an incident, undertaken by the Duty Holder themselves, with a view to identifying;
    - What went wrong
    - Why it went wrong
    - What might be done to prevent it from happening again
  - The DHR process looks to include a root cause analysis, and a corrective action plan
  - The self-review *provides assurance to WorkSafe* that lessons have been learned and improvements made
  - Do not have to use the WorkSafe DHR template – can use your own
    - ICAM investigations welcome
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## Do I have to do a DHR?

- A DHR is focused upon engaging with a business to learn from an incident rather than on enforcing compliance.
    - It looks at wider systems within a business that may have influenced the incident
  - **The DHR process is voluntary**
  - A Duty Holder Review Officer will not impose compliance upon a business – the onus remains on the duty holder to meet their duties under law
  - A Duty Holder may withdraw from the DHR process at any stage
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## What happens if I refuse?

- When a notification is triaged, it may be assigned to 1 of 4 options:
    - Investigations
      - Potential for prosecution
    - Assessment Inspectorate for onsite visit by Inspector
    - Duty Holder Review (DHR)
      - Voluntary subject to buy-in and effective engagement
    - No Immediate Action (NIA)
  - If DHR is offered and refused;
    - Refusal will be recorded on the file and may affect future decisions by WorkSafe
    - Business may be referred to Assessment Inspectorate for on site visit
    - Repeated refusal to participate in DHR may see option removed, increasing potential for full Investigation of future incidents
  - DHRO may terminate DHR process at any time and refer it to an Assessment Inspector if it is believed that Duty Holder is not engaging effectively
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## What might be looked at within DHR?

- Details of the organisation
    - Name/address/Directors/Principal/Contractors
  - The people
    - Details of injured parties/witnesses/investigation team/nature of injury
  - The incident scene
    - Location/working conditions/weather/event description/photos
  - Direct causes
    - People/plant/substances/environment
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## What might be looked at within DHR?

- Causative factors
    - Training/Competence/Procedures/Supervision/Hazard identification/Hazard control/Monitor and review/Governance/H&S standards used
  - Direct cause(s)
    - Collate and summarise key points identified within report thus far
  - Root cause analysis
  - Corrective action plan
    - Utilise the hierarchy of controls to eliminate or minimise the hazard
  - Attach supporting documents, and sign-off report by Senior Management
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## Supporting documents

- Induction and training
  - Training records/certification/licences
  - Site sign-in/toolbox talks
- Hazard ID and risk management
  - JSA's/Hazard register/SSSP/Hazard reports/near miss reports
  - Relevant audits internal or external
- Policy and procedure
  - Traffic management policy
  - Contractor management policy
  - SOP
- Statements, interviews, debriefs
  - Signed and dated by the individuals involved
- Implementation of learning across business
  - Flash alerts
  - Management meeting minutes
  - Health and Safety Committee minutes

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## Completing the DHR process

- Once the DHR report is received by WorkSafe, we'll acknowledge having received it.
- The DHR will be reviewed, and depending upon the individual case, may result in one or more of the following;
  - Phone call to clarify any point(s)
  - Written feedback on your report, with follow-up questions/observations/feedback for your consideration
  - Notice of intent to close file
- You will be given the opportunity to respond in writing to any feedback sent by the DHRO
- The DHR process will be closed when:
  - WorkSafe gain assurance that lessons have been learned and likelihood of a future incident has been reduced
  - The DHRO believes the file can not progress further in any meaningful way
  - The Duty Holder withdraws from the process
    - May result in file being referred to Assessment Inspectorate for closer monitoring of business

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## Some key principles

- Treating the incident as catalyst for wider learning
- Building long term relationships – through Engagement and Education
- Spreading knowledge – internally and externally
- Visibility, Capability and Effectiveness
- Learning from feedback and willingness to change



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## Over to Sue

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AOTEAROA

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