

The investigation report

As the investigation draws to a close, the lead inspector will make arrangements to provide the close family with a private brief about the MAIB's findings. At this stage a copy of the draft report will be passed to the family, who will be invited to consider its contents and to provide feedback comments to the Branch. The Chief Inspector will carefully consider all comments, and the report will be amended as appropriate before it is made publicly available.

The consultation process can take up to 2 months, after which the report is sent to the Secretary of State for Transport and is published. All MAIB investigation reports are publicly available, free of charge, to anyone who has requested them, and they can be read and downloaded from the MAIB's website. MAIB reports may be presented at Coroners' inquests and fatal accident inquiries, but they are not admissible in Courts whose purpose is to apportion blame or liability.

Conclusion

The MAIB is acutely aware of the distress caused by the death of a close relative or friend in a marine accident. The Branch is committed to providing thorough, professional reports on the causes and circumstances of such accidents as expeditiously as possible, while keeping the close family fully informed at every stage of its investigation.

Data Protection

The MAIB carries out its work under the provisions of the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012. These Regulations, and Sections 259, 260 and 267 of the Merchant Shipping Act 1995 under which the Regulations were made, allow the MAIB to obtain any information that is necessary to carry out its investigation.

The MAIB's power to process personal data is compliant with the provisions of Article 6 1.(e) of the General Data Protection Regulation (GDPR) whereby "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller". This is explained in more detail in Section 8 of the Data Protection Act 2018.

The MAIB uses the personal information described above for the purposes of the efficient conduct of its investigations. This information is protected from release by section 259(12) of the Merchant Shipping Act 1995 and the provisions of the Merchant Shipping (Accident Reporting and Investigation) Regulations 2012 Regulation 13.

To read more on how GDPR affects the way we use and store your data go to: <https://www.gov.uk/government/organisations/marine-accident-investigation-branch/about/personal-information-charter>

Help and advice

The following organisations can offer advice and support to next of kin:

Organisation	Telephone number
Seafarer Support	+44 (0)800 121 4765
Fishermen's Mission	+44 (0)1489 566910
Mission to Seafarers	+44 (0)20 7248 5202
Shipwrecked Mariners' Society	+44 (0)1243 789329
Sailors' Society	+44 (0)23 8051 5950
Cruse Bereavement Care	+44 (0)808 808 1677
Stella Maris	+44 (0)20 7901 1931
International Seafarers' Welfare and Assistance Network	+44 (0)300 012 4279

For further information about the MAIB or for information about specific accidents, contact us:

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FATAL MARINE ACCIDENTS

INFORMATION FOR FAMILY

AND FRIENDS

Following a marine accident that has resulted in a loss of life, a number of official bodies will seek to establish what happened. The police, government officials, lawyers, insurance assessors and marine surveyors will all be asking similar questions, albeit from different perspectives. This can often appear confusing to family and friends.

This leaflet explains the role of the United Kingdom's Marine Accident Investigation Branch (MAIB) in investigating marine accidents, and sets out how during an investigation the Branch will liaise with the family and friends of those who have been lost. It also attempts to answer many frequently asked questions.

Marine Accident Investigation Branch

The MAIB was established following the *Herald of Free Enterprise* ro-ro ferry disaster in 1987, with the sole purpose of investigating marine accidents with the aim of improving marine safety. The Branch is an independent part of the Department for Transport and is based in Southampton.

The MAIB investigates all types of marine accidents, both to ships and to people on board them, to determine their causes and circumstances, and to make recommendations that will help reduce the likelihood of a recurrence. The Branch is obligated to investigate almost all commercial marine accidents that have resulted in a fatality, and the

Chief Inspector has the discretion to investigate non-commercial leisure accidents where it is considered there are important safety lessons to be learned.

The MAIB does not apportion blame or liability. It is **not** a regulatory or prosecuting authority and cannot enforce its recommendations.

When an accident occurs

Following an accident at sea, the vessel's owner along with the senior member of the vessel's crew is required to report it to the MAIB as quickly as possible, though first notification may come from the coastguard or local police.

The Preliminary Assessment

Sometimes the full extent of the accident is not clear from initial reports. In such circumstances the Branch may conduct a Preliminary Assessment to obtain further details and determine whether the criteria are met to warrant further investigation culminating in a publicly available report. Should the Chief Inspector decide not to continue with an investigation all involved parties will be notified. This usually occurs within 3 weeks of the accident.

The investigation

Once the decision has been made to investigate, a team of MAIB inspectors will be tasked to carry out the investigation. Inspectors are very well qualified and highly experienced individuals drawn from the nautical, marine engineering, naval architecture and fishing disciplines. While all are highly trained and competent to investigate marine accidents of any nature, they will also draw on industry experts' knowledge where necessary.

All accident investigations seek answers to four basic questions:

- ▶ *what happened?*
- ▶ *how did it happen?*
- ▶ *why did it happen?*
- ▶ *what can be done to prevent it happening again?*

No two investigations are ever the same, and the process may take several different forms. Inspectors will usually wish to see logbooks, charts and other documents and will invariably interview those who may be able to shed light on what happened. They are also likely to take photographs, test physical evidence, and examine computer records. If the vessel contains a Voyage Data Recorder ('black box'), the data will be removed and examined.

If a vessel is lost at sea, the MAIB's task is to attempt to find out why. Sometimes, missing or sunken vessels prove impossible to find. However, if the wreck has been located, and should the circumstances permit, the MAIB will arrange an underwater inspection to try and establish the reasons for the vessel's loss. The MAIB is not responsible for recovering bodies, or for the marking, raising or removal of the wreck, though in exceptional cases the decision might be taken to raise the wreck if this is necessary to progress the investigation. In such circumstances, the MAIB will liaise with the relevant authorities to effect the necessary recovery. Throughout any underwater operations, the lead inspector will endeavour to keep the family and friends informed before the Branch's intentions become public knowledge.

In very general terms, it takes between 7 months and a year to complete an investigation and publish a report. This may seem a long time, but it may be necessary to interview a wide range of individuals, cross-check evidence, examine equipment and consult with technical experts. Often the true cause of an accident turns out to be very different from the reasons identified in the immediate aftermath of a tragedy.

Liaison with the family and friends

Any accident at sea or in harbour involving loss of life results in pain and suffering. The survivors, the family and the community endure grief, loss and confusion. They will have many questions, and at some point will want to know "*what happened*" and "*why*".

The MAIB attaches the greatest importance to keeping the family and friends of the victims informed about the known facts of an investigation. Early in the investigation, the lead inspector will get in touch with the close family, either directly or via the police Family Liaison Officer, to establish a point of contact for passing information.

The lead inspector will normally arrange to visit the close family as soon as it is convenient, to brief them on the investigation. This briefing is usually an opportunity for a two-way flow of information, as it is often the case that the family have important information about the deceased or the circumstances of the accident that the inspectors need to take into account. Also, it is possible that the inspectors need to see important certificates or other professional documents which might have been kept at home. This will never be easy for either party, but the inspectors will always contact the family before visiting.

Thereafter, the lead investigator will keep the family updated on a regular basis, but families are always welcome to talk to those conducting the investigation at any time to learn of its progress.